

# NEW JERSEY



# REGISTER

**STARTING IN THIS ISSUE  
THE COMBINED "REGISTER INDEX  
OF RULE PROPOSALS AND ADOPTIONS"**

**VOLUME 16 NUMBER 19**  
**October 1, 1984 Indexed 16 N.J.R. 2475-2708**  
(Includes rules filed through September 14, 1984)

PROPERTY OF  
NEW JERSEY STATE LIBRARY  
OCT 3 - 1984  
185 W. State St.  
Trenton, N.J.

*The New Jersey Register supplements the New Jersey Administrative Code. To complete your research of the latest State Agency rule changes, see the Register Index of Rule Proposals and Adoptions beginning on Page 2695 of this issue.*

## TABLE OF RULES IN THIS ISSUE

### RULE PROPOSALS

#### ENVIRONMENTAL PROTECTION

- Flood hazard area control: public hearing ..... 2476(a)
- Crab dredging in Atlantic Coast section ..... 2476(b)
- Spearfishing in Atlantic ..... 2478(a)
- Hazardous waste rules: permit application ..... 2478(b)
- Solid and hazardous waste industry licensing .... 2480(a)
- SIP: Ambient air quality standards for lead ..... 2482(a)

#### HEALTH

- Generic drug list additions ..... 2483(a)

#### HUMAN SERVICES

- Long-term care: readopt Cost and Rate Guideline  
rules ..... 2484(b)
- GAM: outpatient facility services ..... 2488(a)

#### LABOR

- Unemployment Compensation: contributions,  
records and reports ..... 2488(b)

#### LAW AND PUBLIC SAFETY

- New car inspection ..... 2500(a)
- Motor vehicles with modified chassis height ..... 2501(a)
- Motor vehicle race tracks ..... 2503(a)
- Readopt Dispensing of Contact Lenses rule ..... 2513(a)

#### TRANSPORTATION

- Parking on Routes 28 in Middlesex and 36 in Union  
Beach ..... 2513(b)
- Distribution and sale of construction plans and  
specifications ..... 2515(a)

### TREASURY-GENERAL

- Readopt Public Employees' Retirement System  
rules ..... 2515(b)

### OTHER AGENCIES

- TURNPIKE AUTHORITY  
Traffic control ..... 2517(a)

### RULE ADOPTIONS

#### ADMINISTRATIVE LAW

- Jurisdiction of OAL ..... 2518(a)
- Transcripts at public expense for use on appeal .. 2518(b)
- Correction: Standards for participation ..... 2518(c)

#### CIVIL SERVICE

- Awarding back pay ..... 2519(a)
- Working test period; seniority and promotions ... 2520(a)

#### COMMUNITY AFFAIRS

- UCC: engineer and architect licensure; fire  
service ..... 2520(b)
- Planned real estate full disclosure ..... 2522(a)

#### EDUCATION

- Readopted: Supplement to Standards for State  
Approval of Teacher Education ..... 2523(a)
- Correction: Tuition for private schools for  
handicapped ..... 2530(a)

#### ENVIRONMENTAL PROTECTION

- Worker and Community Right to Know: Trade  
Secrets ..... 2530(b)

(Continued on Back Cover)

# RULE PROPOSALS

## ENVIRONMENTAL PROTECTION

(a)

### DIVISION OF WATER RESOURCES

#### Flood Hazard Area Control

#### Proposed Amendments: N.J.A.C. 7:13-1.4, 4.7, 5.2, 5.4

DEP Docket No. 052-84-07.

Pursuant to a notice in the Register on August 30, 1984 (16 N.J.R. 2193(a)), the Department proposed to amend the Flood Hazard Area Control rules to allow for a variance for road and highway projects from the restrictions in those rules on the amount of fill which may be placed in the flood fringe. The amendment also reestablishes the effective date of the Flood Hazard Area Control rules from January 15, 1984 to May 21, 1984, the date upon which the adopted rules were published in the Register (see 16 N.J.R. 1201(a)).

By letter dated August 31, 1984, the New Jersey Department of the Public Advocate requested that the Department hold a public hearing on the proposed amendments, under N.J.S.A. 52:14B-4(a)(3).

A **public hearing** concerning this proposal will be held at the following time and location:

10:00 A.M.  
October 22, 1984  
Rutgers University Labor Education Center  
Ryders Lane  
New Brunswick, N.J.

**Interested persons** may submit writing, data, views or arguments relevant to the proposal on or before October 22, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

William Whipple, Assistant Director  
Water Supply and Watershed Management  
Administration  
Division of Water Resources  
CN 029  
Trenton, New Jersey 08625

(b)

### DIVISION OF FISH, GAME AND WILDLIFE

#### Bureau of Marine Fisheries Crab Dredging in the Atlantic Coast Section

#### Proposed New Rule: N.J.A.C. 7:25-7.13

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.  
Authority: N.J.S.A. 23:2B-6, 50:1-5, and 50:4-2.  
DEP Docket No. 06-84-08.

**Interested persons** may submit in writing data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Paul E. Hamer, Chief  
Bureau of Marine Fisheries  
Division of Fish, Game and Wildlife  
CN 400  
Trenton, NJ 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see: N.J.A.C.

## NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September 1969, and twice-monthly since November 1981.

Material published in the New Jersey Register is the property of the State of New Jersey. However, it may be copied, reproduced or republished by any person for any purpose whatsoever without permission, providing that no such reproduction or republication shall bear the title "New Jersey Register" or "Official Rules Publication" without the written permission of the Director, Office of Administrative Law.

The New Jersey Register (ISSN 0300-6069) is published the first and third Monday of each month by Administrative Publications of the Office of Administrative Law, CN 301, Trenton, New Jersey 08625. Telephone: (609) 292-6060. Subscriptions, payable in advance, are one year, \$50 (\$120 by First Class Mail); back issues when available, \$5.00 each. Make checks payable to Administrative Publications.

POSTMASTER: Send address changes to: New Jersey Register, CN 301, Trenton, New Jersey 08625. Second Class Postage paid in Trenton, New Jersey and additional mailing offices.

*The NEW JERSEY ADMINISTRATIVE CODE is published on a continuing basis by Administrative Publications of the Office of Administrative Law. Subscription rates for this 32-volume, regularly updated set of all State administrative rules are available on request. The Code is sold either in the full set or in one to three volumes depending on the Department coverage desired.*

## PROPOSALS

1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-525.

The agency proposal follows:

### Summary

N.J.A.C. 7:25-7.13 expired on March 13, 1984 pursuant to Executive Order No. 66(1978). Since the rule expired, the expired text is being proposed as a new rule but with amendments to that text. Although the text is being proposed as a new rule bracketing and underlining has been used to distinguish what amendments are being proposed to the expired text.

Previous proposed changes to the Crab Dredging Rules (N.J.A.C. 7:25-7.13) were published in the September 6, 1983 Register at 15 N.J.R. 1413(a) and adopted on November 2, 1983, effective with publication of the November 21, 1983 Register at 15 N.J.R. 1943(a). At their December 1983 meeting, the Marine Fisheries Council exercised its veto power rendering said adoption null and void. The reason for this action was their finding that the crab dredgers could not operate efficiently while using only two dredges. This action reinstated the previous crab dredging rule.

The proposed amendments in this proposal are based on comments made at a hearing held April 20, 1983 and subsequent meetings with representatives of the dredge industry and the Marine Fisheries Council held December 6, 1983 and January 25, 1984. The amendments change the number of dredges a vessel may use, and establish a "buffer zone" around leased grounds for the greater protection thereof. The amendments narrowly define the legal use of a crab dredge thereby closing a loophole in the existing rule whereby dredgers effectively doubled or tripled the size of the dredge they used. The proposal further provides for three distinct harvest areas on the Atlantic Coast where the dredging season will open on different dates to allow the dredging industry to meet their market demands.

### Social Impact

It is anticipated that the definition of gear and oyster beds, and the adjustment of the opening date of the dredge season, will benefit the crab dredging industry and have little or no effect on other segments of the public. Addition of a "buffer zone" should serve to minimize conflict between crab dredging and activities on clam and oyster leaseholds.

### Economic Impact

The major economic impact of the proposed amendments will be to allow dredgers in the coastal bays to operate more efficiently using four dredges instead of two as previously proposed. The addition of a "buffer zone" will reduce the possibility of dredgers accidentally infringing upon lease clam and oyster leases thereby reducing the economic effect on these leaseholds.

### Environmental Impact

Benefit to the crab resource is expected from the limitation on crab dredge size. Protection of oyster and clam grounds is expected to result from specific prohibition of crab dredge harvest in the buffer zone. The season openings set in this proposal will not cause any damage to the resource or habitat because, until the crabs have "bedded down," dredging is clearly a waste to time.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

## ENVIRONMENTAL PROTECTION

7:25-7.13 Crab dredging in the Atlantic Coast section

(a) No crabs may be caught or taken in the Atlantic Coast Section by dredges [operated by mechanical power or sail power] unless a **valid crab dredge license is aboard the vessel.** [such] **The crab dredges shall conform to the following specifications:**

1. (No change.)

2. The maximum weight of the dredge shall be 110 pounds in **Raritan and Sandy Hook Bays and 60 pounds in all other waters.**

3.-4. (No change.)

5. The collecting bag of a dredge, if material, shall have mesh not less than two inches bar measure or four inches stretched measure; **if wire, shall not be less than two inches bar mesh (inside measurement) or two and one-half inches inside diameter if circular;** if metal, the O-rings shall not be less than [2½] **two and one-half inches** inside diameter and be connected with no more than [six] **five "S" hooks** that measure not less than [2½] **two and one-half inches** in length as measured to the inside of the "S" configuration.

**6. Each dredge shall be independently and separately attached to the vessel by a single cable or tow line.**

**7. South of Route 36 (Highlands Bridge), no boat shall have more than four dredges working at the same time.**

(b) No person shall catch, take, or attempt to take crabs by **crab pot or crab dredge** from any of the **marked leased [lands] grounds** except the lessee or his employee; and no person shall **dredge or attempt to dredge crabs on any [of the] State oyster beds [and] or grounds as defined in N.J.A.C. 7:25-19.1** [except at such times and in such places as the division and the Commissioner of Environmental Protection may authorize]; **and no person shall dredge or attempt to dredge crabs within 50 yards of any marked leased shellfish grounds, except the lessee or his employee.**

(c) Any clams, oysters, scallops, mussels or other bivalve mollusks, or finfish which may be caught incidentally to the catching of the crabs **by dredge** shall be redeposited immediately [upon the land] **in the water** from which such [crabs] **clams, oysters, scallops, mussels or other bivalve mollusks, or finfish** are caught; nor shall any person, while engaged in the catching and taking of crabs **by dredge** [or the transportation thereof], have in his boat or possession any clams, oysters, scallops, mussels or other bivalve mollusks, or finfish obtained from any source.

1. The possession of clams, oysters, scallops, mussels or other bivalve mollusks, or finish and [crabs] dredges simultaneously in the boat of any person shall constitute prima facie evidence of the violation of this rule.

**2. Harvesting of oysters by dredging from leased shellfish ground by the lessee shall be exempt from this section.**

(d) No person shall catch, take, or attempt to catch or take crabs from any of the lands of the Atlantic Coast Section except from one-half hour after sunrise to one-half hour before sunset between November 1 and March 31 **north of Route 36 [below the] (Highlands Bridge), November 15 and March 31 south of Route 40 (Black Horse Pike), and December 1 and March 31 between Route 36 and Route 40,** nor at any time on Sunday except in Raritan and Sandy Hook Bays.

(e) The license fee for New Jersey residents for the catching and taking of crabs by means of any dredge or other implement which is operated by mechanical power shall be \$1.00 per gross vessel ton. The minimum license fee for New Jersey residents shall be \$15.00 and the maximum shall be \$50.00. The license fee for non-residents [shall be \$2.00 per gross vessel ton. The minimum license fee shall be \$25.00 and the maximum shall be \$75.00] **will be the same as that for a**

resident if a New Jersey fisherman can obtain a license to harvest crabs by dredge in the state of residence of the non-resident applicant for the same fee as a resident of that state. Otherwise, the non-resident license fee shall be \$5.00 per gross vessel ton, with a minimum license fee of \$75.00 and a maximum fee of \$250.00.

(f) Any person who violates any of the provisions of this regulation shall be subject to the penalties set forth in section 73 of P.L. 1979, c. 199 (N.J.S.A. 23:2B-14).

(g) All persons commercially licensed to take crabs by means of dredges in this State shall keep, on forms furnished by the Division of Fish, Game and Wildlife, accurate records which shall include the number of bushels of crabs, and the areas fished. These records will be filed monthly with the Division of Fish, Game and Wildlife. Failure to file on or before the tenth of the month following the month of record may lead to suspension of license by the Division of Fish, Game and Wildlife. A hearing shall be scheduled by the division and the violator notified of the date. Failure to appear at a scheduled hearing may result in suspension of license.

---

(a)

## DIVISION OF FISH, GAME AND WILDLIFE

### Bureau of Marine Fisheries Spearfishing in the Atlantic Ocean

#### Proposed New Rule: N.J.A.C. 7:25-18.4

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 23:2B-6.

DEP Docket No. 061-84-08.

**Interested persons** may submit in writing data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Paul E. Hamer, Chief  
Bureau of Marine Fisheries  
Division of Fish, Game and Wildlife  
CN 400  
Trenton, NJ 08625

The Department of Environmental Protection thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-527.

The agency proposal follows:

#### Summary

About 10,000 individuals skin or scuba dive in New Jersey. This sport supports in excess of 50 diving shops and approximately 40 charter boats in the State. A great many of these individuals have traditionally spearfished as an integral part of their sport.

The proposed new rule clarifies existing legislation by specifically permitting the use of spearguns for the taking of fish, while completely submerged in the waters of the Atlantic Ocean and adjacent inlets where skin or scuba diving is specifically permitted by other statute or code, such as N.J.S.A. 12:7-34.49 (N.J.A.C. 7:6-1.42).

The only current statute or regulation pertaining to the taking of fish by means of a spear is that relevant to the taking of striped bass (N.J.S.A. 23:5-44) in the Atlantic Ocean.

#### Social Impact

It is anticipated that the proposed new rule will have a positive effect on the skin and scuba diving community in reducing the legal uncertainties they face by clarifying that the use of spearguns underwater is permitted fishing.

#### Economic Impact

Although not many people participate in skin and scuba diving, the economic value of the sport is disproportionately large. Approximately 50 diving shops and 40 charter boats are supported by the sport. This rule is expected to have a positive economic impact on the skin and scuba diving support industries and little or no economic impact on other segments of the public.

#### Environmental Impact

The proposed new rule will explicitly permit the use of spearfishing for a wide variety of fish in the Atlantic Ocean and certain adjacent inlets. Notwithstanding this fact, because of the difficulty of taking most species of oceanic fish with a spear, the anticipated take of any species will have an insignificant effect on the population thereof.

**Full text** of the proposed new rule follows.

#### 7:25-18.4 Spearfishing

It shall be lawful to take, catch, or kill all species of fish by means of spearfishing, during the open season therefor, except for those species of fish specifically protected. For the purpose of this rule, spearfishing shall mean the taking of fish by means of a spear, harpoon, or other missile, while completely submerged, only in the waters of the Atlantic Ocean or in the waters of adjacent inlets where skin and/or scuba diving is explicitly permitted by other statute or code.

---

(b)

## DIVISION OF WASTE MANAGEMENT

### Hazardous Waste Rules Permit Application

#### Proposed Amendments: N.J.A.C. 7:26-12.2

Authorized By: Robert E. Hughey, Commissioner,  
Department of Environmental Protection.

Authority: N.J.S.A. 13:1B-3, 13:1E-6, and 58:10A-1 et seq.

DEP Docket No. 059-84-08.

**Interested persons** may submit in writing, data, views or arguments relevant to this proposal on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Patricia Skelly  
Office of Regulatory Services  
Department of Environmental  
Protection  
CN 402  
Trenton, New Jersey 08625

At the close of the period for comments, the Department of Environmental Protection thereafter may adopt this proposal with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-528.

The agency proposal follows:

**Summary**

The Department of Environmental Protection is proposing amendments to its hazardous waste rules to achieve equivalence with the Federal counterparts in order to obtain Federal authorization to regulate hazardous waste in New Jersey. To receive such authorization, the State's rules must be equivalent to or more stringent than their Federal counterparts. Although the majority of the State rules meet this standard, the Department has identified minor modifications that must be made in order for the Department's hazardous waste management program to be acceptable to the United States Environmental Protection Agency. A summary of the proposal follows:

The proposal amends N.J.A.C. 7:26-12.2(f) through (k) to include some additional information regarding groundwater protection among the required information to be submitted as part of a permit application for hazardous waste surface impoundments, land treatment units, landfills, underground storage tanks and all other hazardous waste facilities subject to groundwater monitoring requirements. See 40 CFR 270.14(c)(1) through (8).

Several of the provisions which were in N.J.A.C. 7:26-12.2(f)5 have been deleted because they are identical in content to provisions in new subsection (g).

The proposal also renumbers the current subsections N.J.A.C. 7:26-12.2(g) through (k) so that they become (h) through (l); no changes have been made in the text of these subsections.

**Social Impact**

Consistency between the Federal and State hazardous waste management programs will facilitate compliance with the State rules by removing the need for the regulated community to comply with two differing sets of regulations.

**Economic Impact**

The regulated community must presently meet the regulatory requirements contained in this proposal at the Federal level and, therefore, no further economic burden will result.

**Environmental Impact**

The proposed amendments will advance the protection of the environment by requiring that the regulated industry comply with all the requirements now contained in the Federal regulations.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

7:26-12.2 Permit application

(a)-(e) (No change.)

(f) The following additional information is required from an owner or operator of specific types of hazardous waste management facilities that are used or to be used for storage or treatment:

1.-4. (No change.)

5. For facilities that dispose of hazardous waste in a landfill, the owner or operator shall submit detailed plans and specifications accompanied by an engineering report which shall collectively include the information itemized in (f)5i through xi below. For new hazardous waste landfills, the plans and specifications shall be in sufficient detail to provide complete information to a contractor hired to build the facility even if the owner or operator intends to construct the facility without having a contractor. For existing hazardous waste landfills, comparable detail shall be provided, but the form or presentation need not assume contractor construction except to the extent that the facility will be modified.

i.-ix. (No change.)

[x. The following additional information regarding protection of groundwater is required from owners and operators of hazardous waste landfills:

(1) For existing hazardous waste landfills, a summary of the groundwater monitoring data obtained during the interim status period under N.J.A.C. 7:14A-6;

(2) For all hazardous waste landfills, identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate and the basis for such identification;

(3) For all hazardous waste landfills, on the topographic map required under (e)13, above, a delineation of the waste management area, the property boundary, and the proposed location of groundwater monitoring wells as required under N.J.A.C. 7:14A-6;]

[(4)]x. For existing hazardous waste landfills, documentation showing the performance of the primary liner throughout the operating life of the landfill. This should include, at a minimum, a record showing all instances where liquid was detected in the secondary collection system;

[(5) for existing hazardous waste landfills, a description of any plume of contamination that has entered the groundwater from the landfill at the time the application is submitted that:

(A) Delineates the extent of the plume on the topographic map required under (e)13, above; and

(B) Identifies the concentrations of the parameters in N.J.A.C. 7:14A-4.6(b) throughout the plume or identifies the maximum concentrations of the parameters in N.J.A.C. 7:14A-6.4(b).

(6) Detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of N.J.A.C. 7:14A-6 including the groundwater quality assessment program.]

xi. A statement regarding the need for a gas monitoring and gas venting system, including plans and specifications and any permit application required by N.J.A.C. 7:27-8, if appropriate.

**(g) The following additional information regarding protection of groundwater is required from owners and operators of all hazardous waste surface impoundments, land treatment units, landfills, underground storage tanks and all other hazardous facilities subject to groundwater monitoring requirements under N.J.A.C. 7:14A-6:**

1. For existing hazardous waste landfills, a summary of the groundwater monitoring data obtained during the interim status period under N.J.A.C. 7:14A-6;

2. Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including groundwater flow direction and rate, and the basis for such identification;

3. On the topographic map required under (e)13, above, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under N.J.A.C. 7:14A-6.15(a)1; the proposed location of groundwater monitoring wells as required under N.J.A.C. 7:14A-6.15(h); and, to the extent possible, the information required in 2 above.

4. A description of any plume of contamination that has entered the groundwater from the facility at the time that the application is submitted that:

i. Delineates the extent of the plume on the topographic map required under (e)13, above; and

ii. Identifies the concentrations of each hazardous constituent identified in N.J.A.C. 7:26-8.16 throughout the plume or identifies the maximum concentrations of each hazardous constituent identified in N.J.A.C. 7:26-8.16 in the plume.

5. Detailed plans and an engineering report describing the proposed groundwater monitoring program to be implemented to meet the requirements of N.J.A.C. 7:14A-6.15(h).

6. If the presence of hazardous constituents has not been detected in the groundwater at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of N.J.A.C. 7:14A-15(i). This submission must address the following items specified under N.J.A.C. 7:14A-6.15(i):

i. A proposal list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of hazardous constituents in the groundwater;

ii. A proposed groundwater monitoring system;

iii. Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

iv. A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.

7. If the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of N.J.A.C. 7:14A-6.15(j). The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of N.J.A.C. 7:14A-6.15(k). To demonstrate compliance with N.J.A.C. 7:14A-6.15(j), the owner or operator must address the following items:

i. A description of the wastes previously handled at the facility;

ii. A characterization of the contaminated groundwater, including concentrations of hazardous constituents;

iii. A list of hazardous constituents for which compliance monitoring will be undertaken in accordance with N.J.A.C. 7:14A-6.15(h) and 6.15(j);

iv. Proposed concentration limits for each hazardous constituent, based on the criteria set forth in N.J.A.C. 7:14A-6.15(e) including a justification for establishing any alternate concentration limits;

v. Detailed plans and an engineering report describing the proposed groundwater monitoring system, in accordance with the requirements of N.J.A.C. 7:14A-6.15(h); and

vi. A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating groundwater monitoring data.

8. If hazardous constituents have been measured in the groundwater which exceed the concentration limits established under N.J.A.C. 7:14A-6.15(e) Table 1, or if groundwater monitoring conducted at the time of permit application under N.J.A.C. 7:14A-6.3 to 6.6 at the waste boundary indicates the presence of hazardous constituents from the facility in groundwater over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of N.J.A.C. 7:14A-6.15(k). However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the Department that alternate concentration limits will protect human health and the environment after considering the criteria listed in N.J.A.C. 7:14A-6.15(d)2.i. An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of N.J.A.C. 7:14A-6.15(j) and 6 above. To demonstrate compliance with N.J.A.C. 7:14A-6.15(k), the owner or operator must address, at a minimum, the following items:

i. A characterization of the contaminated groundwater, including concentrations of hazardous constituents;

ii. The concentration limit for each hazardous constituent found in the groundwater as set forth in N.J.A.C. 7:14A-6.15(e);

iii. Detailed plans and an engineering report describing the corrective action to be taken; and

iv. A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action.  
(g)-(k) Renumbered (h)-(l) (No change in text.)

(a)

## DIVISION OF WASTE MANAGEMENT

### Solid and Hazardous Waste Rules Licensing of Transporters and Facilities: Filing of Disclosure Statements

### Proposed Amendments: N.J.A.C. 7:26-16.3, 16.6 and 16.13

Authorized By: Robert E. Hughey, Commissioner, Department of Environmental Protection.

Authority: N.J.S.A. 13:1D-9 and N.J.S.A. 13:1E-6 as supplemented by N.J.S.A. 13:1E-126 et seq.  
DEP Docket No. 060-84-08.

Interested persons may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Illse E. Goldfarb, Esq.  
Office of Regulatory Services  
Department of Environmental  
Protection  
CN 402  
Trenton, New Jersey 08625

At the close of the comment period, the Department of Environmental Protection (DEP) may thereafter adopt this proposal with any minor changes not in violation of the rulemaking procedures at N.J.S.A. 1:30-5. The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-526.

The agency proposal follows:

#### Summary

The Department of Environmental Protection is proposing minor changes in the procedures for filing disclosure statements and paying fees required under P.L. 1983, c.392, N.J.S.A. 13:1E-126. This law governs the licensing of businesses engaged in the collection, transportation, treatment, storage and disposal of solid and hazardous waste; the law is known to many people as "A. 901".

The changes proposed are: (1) A change in the address for filing disclosure statements and amendments, from the Division of State Police to the Division of Waste Management; (2) Reduction in the number of copies of disclosure statements to be filed, from three copies to one copy; and (3) consolidation of DEP and Attorney General's fee payments into one check, instead of two separate checks. DEP will handle the forwarding of the Attorney General's portion of the fee through interagency accounting procedures.

On June 15, 1984, Commissioner Robert E. Hughey and Attorney General Irwin I. Kimmelman adopted regulations implementing N.J.S.A. 13:1E-126 et seq. The main part of these regulations were codified as Subchapter 16 of Chapter 26 of Title 7 of the Administrative Code, N.J.A.C. 7:26-16, and became effective July 2, 1984 upon publication in the Register, see 16 N.J.R. 1766.

At the time of these regulations' adoption, details of the procedures for filing disclosure statements were still being worked out between the Division of Waste Management and the Division of State Police, the arm of the Attorney General's office which has been designated to conduct the background investigations of solid and hazardous waste operators required under N.J.S.A. 13:1E-126 et seq. Subsequent to the adoption, and too late to change the publication in the Register, the agencies determined that it would be preferable to have intake of the disclosure statements be done by DEP because of the need to make a check for completeness, that is, whether the statement appears to contain all the information required.

Shifting the filing location from the State Police to DEP raised an issue that industry representatives had brought to the Department's attention during meetings in June, 1984: if initial intake is done by DEP, how does an applicant for a new license know when its disclosure statement has gone to the State Police and started the 120-day "clock" running on the background investigation?

The Department proposes to take care of this concern by adding a new paragraph 3 to N.J.A.C. 7:26-16.3(b), requiring the Department to notify an applicant within 30 days if its disclosure statement is incomplete on its face and requires supplementation. If the statement is complete on its face, then the Department must transmit it to the Attorney General's

office (State Police) within the 30-day period, and notify the applicant when the transmittal has been made.

Two other procedural changes are included in this proposal, both intended to simplify the disclosure statement filing process and reduce paperwork burdens on both filers and the agencies.

The first is a reduction in the number of copies of disclosure statement forms to be filed. As adopted on June 15, 1984, N.J.A.C. 7:26-16.3(b) required the filing of an original and three conformed copies of all forms. This proposal reduces the requirement to an original and one copy.

The second is a change in N.J.A.C. 7:26-16.13 to allow the payment of fees owed to DEP and the Attorney General's office by a single check instead of two separate checks. DEP will forward the Attorney General's portion of the fee through interagency debit-and-credit procedures.

Other changes in N.J.A.C. 7:26-16.6 and 16.13 are designed to make the filing addresses for changes of information and fees consistent with the change to DEP as intake location.

#### Social Impact

The changes do not affect the substantive requirements of the licensing program under N.J.S.A. 13:1E-126 et seq. In theory, the step of filing the disclosure statement initially with DEP rather than directly with the Attorney General's office could add as much as 30 days to the process of obtaining a solid or hazardous waste license. However, this element of delay must be balanced against delays that would have occurred under the recently adopted procedure; with DEP informing the applicant of incompleteness after the State Police had commenced investigation, resulting in a return of the forms and the whole process starting again. On balance, the Department believes no additional delay will result.

#### Economic Impact

The reduction in the number of copies to be filed will save paper and money for companies filing disclosure statements, and for the State. Savings to filers will vary with the number of forms to be filed, but assuming photocopy expenses at five cents per page, the savings may amount to approximately \$2.00 for every Business Concern Disclosure Statement and Personal History Disclosure Form that must be filed. Additional savings will come from reduced postage or messenger service charges.

In the aggregate, assuming 3,000 Business Concern and 10,000 Personal History forms to be filed over the next two years, savings from reduced copying costs alone would be about \$26,000 for the industry as a whole.

At the State's end, the reduction of paper volume means a reduction of about 1,500 linear inches of filing cabinet space required, equivalent to about 8 four-drawer filing cabinets.

#### Environmental Impact

No impact beyond that of the basic solid/hazardous waste licensing program is expected.

**Full text** of the current rules may be found at 16 N.J.R. 1776, and in the New Jersey Administrative Code at N.J.A.C. 7:26-16.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

#### 7:26-16.3 Filing of disclosure statement

(a) Every applicant shall file a disclosure statement with the Department and the Attorney General at the time the application is filed, unless exempted under (d) below. Applicants for

siting under the Major Hazardous Waste Facilities Siting Act, N.J.S.A. 13:1E-49 et seq., shall file a disclosure statement at the time specified in N.J.A.C. 7:26-13A.6.

(b) Disclosure statements shall be filed by submitting an original and [three conformed copies] **one conformed copy** of all papers, including Personal History Disclosure Forms, to the [Division of State Police] **Department** at the following address:

[Division of State Police  
Division Headquarters  
P.O. Box 7068  
West Trenton, N.J. 08625  
Attn: Solid/Hazardous Waste  
Background Investigation Unit]

**Department of Environmental Protection  
Division of Waste Management  
Bureau of Field Operations (D.I.U.)  
CN 407  
Trenton, New Jersey 08625**

1. The [Division of State Police] **Department** will transmit copies to the [Department] **Attorney General for purposes of the investigative report.**

2. Additional conformed copies of disclosure statements, or any portions thereof, shall be supplied upon the request of the Department or the Attorney General.

3. **Within 30 days of receipt of a disclosure statement from an applicant, the Department shall advise the applicant if the disclosure statement is incomplete on its face, and shall specify what additional information is required. Otherwise the Department shall transmit the disclosure statement to the Attorney General, and shall notify the applicant of the date the transmittal is made.**

(c)-(e) (No change.)

7:26-16.6 Change of information on disclosure statement

(a)-(b) (No change.)

(c) Any other changes in the information contained in a licensee's disclosure statement currently on file with the Department and the Attorney General shall be reported on an annual update to be filed with the [Division of State Police] **Department** at the time of the licensee's annual renewal of its registration with the Department; provided, however, that amending or updating of Personal History Disclosure Forms, other than to report a judgement of liability of conviction or a criminal charge, is not required unless specifically requested by the Department or the Attorney General.

(d)-(e) (No change.)

(f) Changes of information shall be filed by submitting an original and [three conformed copies] **one conformed copy** to the [Division of State Police] **Department**, which shall transmit copies to the [Department] **Attorney General.**

(g)-(h) (No change.)

7:26-16.13 Fees charged by the Attorney General and the Department

Note: The fee for the Attorney General is adopted pursuant to Section 3.d of P.L. 1983, c.392, N.J.S.A. 13:1E-128d. The fee for the Department is adopted pursuant to N.J.S.A. 13:1E-18.

(a) (No change.)

(b) The applicant shall calculate the amount of each fee due and submit to the [Division of State Police] **Department** [separate checks for each] **a check for the total** fee amount, made payable to ["Treasurer, State of New Jersey."] **"New**

**Jersey Department of Environmental Protection."** The [Division of State Police] **Department** shall forward the [check for the] **Attorney General's fee to the Attorney General** [Department's fee to the Department]. An application or disclosure statement will not be accepted as complete for filing unless accompanied by the appropriate fee payment[s].

(c)-(f) (No change.)

(a)

**DIVISION OF ENVIRONMENTAL QUALITY**

**Ambient Air Quality Standards State Implementation Plan (SIP) for Attainment and Maintenance of National Ambient Air Quality Standards for Lead**

Authorized By: Robert E. Hughey, Commissioner, Department of Environment Protection  
Authority: N.J.S.A. 13:1D-5, and -9 and N.J.S.A. 26:2C-1 et seq.  
DEP Docket Number: 037-84-06.

The Department is seeking comments from the public on the revised Appendices V-14 and V-15 and the new Attachment V-2C of the repropoed SIP for Lead.

**Interested persons** may submit in writing data, views, or arguments relevant to Appendices V-14 and V-15 and Attachment V-2C of the repropoed SIP for Lead on or before October 31, 1984. Submissions of written testimony and any inquiries about submissions and responses should be addressed to:

Herbert Wortreich  
Assistant Director  
Division of Environmental Quality  
CN 027  
Trenton, New Jersey 08625  
609-292-6704

**Copies** of this notice, the repropoed State Implementation Plan (SIP) for Lead and appendices and proposed revisions thereto are being deposited and will be available for inspection, during normal office hours, until October 31, 1984 at:

New Jersey Bureau of Air Pollution Control  
Room 1109, Labor and Industry Building  
Trenton, New Jersey 08625

New Jersey State Library  
185 West State Street  
Trenton, New Jersey 08625

New Jersey Bureau of Air Pollution Control  
Metropolitan Regional Office  
1100 Raymond Boulevard, Room 510  
Newark, New Jersey 07102

New Jersey Bureau of Air Pollution Control  
Northern Regional Office  
1259 Route #46  
Parsippany-Troy Hills, New Jersey 07102

New Jersey Bureau of Air Pollution Control  
Central Regional Office  
65 Prospect Street  
Trenton, New Jersey 08625

New Jersey Bureau of Air Pollution Control  
Southern Regional Office  
100 Larwin Road  
Cherry Hill, New Jersey 08034

Newark Public Library  
5 Washington Street  
Newark, New Jersey 07102

New Brunswick Free Public Library  
60 Livingston Avenue  
New Brunswick, New Jersey 08901

Woodbridge Public Library  
George Frederick Plaza  
Woodbridge, New Jersey 07095

**Summary**

The Department is proposing amendments to the re-proposed State Implementation Plan for Attainment and Maintenance of the National Ambient Air Quality Standard (NAAQS) for Lead (hereinafter referred to as the SIP for Lead). Specifically, the Department is proposing amendments to parts-of the re-proposed SIP for Lead by amending Appendices V-14 and 15, and adding Attachment V-2C. Appendices V-14 and V-15 contain study plans to determine strategies to eliminate violations of the NAAQS for Lead in the vicinity of a plant of the Delco Remy Division of General Motors in New Brunswick and of a plant of Heubach, Inc. in Newark, respectively. Attachment V-2C is an amended administrative consent order entered into by the Department and the U.S. Metals Refining Company, Division of AMAX Copper, Inc. (USMRC) for its plants in Carteret.

Notice of public hearing on the proposed SIP for Lead was published in the Register on January 17, 1984 (see 16 N.J.R. 161). A public hearing was held on February 22, 1984 in Trenton and the record of comments closed on February 28, 1984 (See Appendix VI-2 for Department responses to comments. Copies are available from the Department).

After the SIP for Lead had been proposed, the Department located two manufacturing plants as possible sources of violations of the National Ambient Air Quality Standards (NAAQS) for lead. Sampling in the vicinity of the Delco Remy Division of General Motors in New Brunswick showed a violation of the NAAQS for lead in the last quarter of 1983 and first quarter of 1984. Modeling, including the results of stack tests conducted in January 1984, showed no expected violations.

On February 14, 1984, the Department inspected the Heubach, Inc. plant in Newark. Based on data gathered at the inspection, the Department determined that the level of fugitive emissions would likely be high enough to place this plant in the category requiring modeling under the United States Environmental Protection Agency (USEPA) guidelines for the SIP for lead. Subsequent modeling by the Department showed a potential for violation of the NAAQS for lead.

The Department re-proposed the SIP for lead with substantive changes, including study programs for the Delco Remy

and Heubach plants (Appendices V-14 and V-15 respectively). Notice of the public hearing on the re-proposed SIP for lead was published in the Register on July 2, 1984 (See 16 N.J.R. 1669). The hearing was held on August 2, 1984 in Trenton and the hearing record closed August 17, 1984. The Department is now proposing to amend Appendices V-14 and V-15.

The re-proposed SIP for lead also includes an administrative consent order dated March 16, 1983, entered into by the Department and USMRC. An amended administrative consent order was subsequently negotiated and became effective on August 14, 1984 (Attachment V-2C). The Department is proposing to include the amended consent order in the SIP for lead. The amended order extended the date for installation of the agglomeration equipment from June 23, 1984 to December 31, 1984 and the final compliance date from August 25, 1984 to June 14, 1985 to allow time for reasonable stack testing of the new equipment. A notice of the draft amended administrative consent order was published in the News Tribune of Woodbridge, New Jersey on July 14, 1984 providing an opportunity for the public to submit written comments within 30 days and requests for a public hearing within 20 days. None were received. The Department is now seeking comments on the relevance of the consent order to the attainment and maintenance of the NAAQS for Lead.

**Interested persons** will have an additional opportunity to comment on the SIP for lead when the USEPA notice of approval or disapproval is published in the Federal Register.

**HEALTH**

**(a)**

**DRUG UTILIZATION REVIEW COUNCIL**

**Interchangeable Drug Products**

**Proposed Amendments: N.J.A.C. 8:71**

Authorized By: Drug Utilization Review Council, Robert Kowalski, Acting Chairman.

Authority: N.J.S.A. 24:6E-6b.

A **public hearing** concerning this proposal will be held on October 23, 1984, at 10:00 A.M. at:

Auditorium  
First Floor  
Health-Agriculture Building  
John Fitch Plaza  
Trenton, NJ 08625

**Interested persons** may submit, in writing, data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Thomas T. Culkin, PharmD, MPH  
Drug Utilization Review Council  
N.J. State Department of Health  
120 S. Stockton Street  
CN 364  
Trenton, NJ 08625  
(609) 984-1304

The Drug Utilization Review Council thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-520.

The agency proposal follows:

**Summary**

The List of Interchangeable Drug Products is a generic formulary, or list of acceptable generic drugs which pharmacists must use in place of brand-name prescription medicines, passing on the resultant savings to consumers.

For example, the proposed product Erythromycin ethylsuccinate tablets could then be used as a less expensive substitute for E.E.S., a branded prescription medicine. Similarly, the proposed product Clomiphene could be substituted for the more expensive branded product, Clomid.

The Drug Utilization Review Council is mandated by law to ascertain whether these proposed medications can be expected to perform as well as the branded products for which they are to be substituted. Without such assurance of "therapeutic equivalency", any savings would accrue at a risk to the consumer's health. After receiving full information on these proposed generic products, including the negative comments of the manufacturers of the branded products, the advice of the Council's own technical experts, and data from the generics' manufacturers, the Council will decide whether any of these proposed generics will work just as well as the branded prescription medicines.

Every proposed manufacturer must attest that they meet all Federal and State standards, as well as having been inspected and found in compliance with the United States Food and Drug Administration's regulations.

Of the 46 proposed medicines, only 11 (indicated by asterisks) are not already currently listed in the List of Interchangeable Drug Products. The remaining 35 proposed products would only add additional manufacturers to the List.

**Social Impact**

The Social Impact of these proposed changes would primarily affect pharmacists, who would need to either place in their stock, or be prepared to order, those products ultimately found acceptable.

Those additional manufacturers proposed for medications already listed in the formulary simply expand the pharmacist's choice of options.

Physicians and patients are not adversely affected by these additions to the list because the statute (N.J.S.A. 24:6E-6 et seq.) allows either the physician or the patient to disallow substitution, thus refusing the generic substitute and paying full price for the branded product.

**Economic Impact**

The proposal will expand the opportunity for consumers to save money on prescriptions by accepting generic substitutes in place of branded prescriptions. The full extent of the savings to consumers cannot be quantified because pharmacies vary in their prices.

Some of the economies occasioned by this proposal accrue to the State of New Jersey through its Medicaid, Pharmaceutical Assistance to the Aged and Disabled Program, and prescription plan for employees. These savings also cannot be totalled accurately.

Full text of the proposed additions follows (additions indicated in boldface thus).

*Acetaminophen/Codeine caps 30, 60 mg	Lemmon
Acetaminophen/Codeine tabs 15, 30, 60 mg	Lemmon
Aminophylline tabs 100, 200 mg	Barr
Amitriptyline HCL tabs 10, 25, 50, 75, 100, 150 mg	Copley
Bethanechol CL tabs 10, 25 mg	Sidmak
Butabarbital sodium tabs 15, 30 mg	Lemmon
Chlordiazepoxide HCL caps 5, 10, 25 mg	Lemmon
*Chlorothiazide 250, 500/Reserpine 0.125 tabs	West-Ward
Chlorpheniramine comp. syrup (Naldecon formula)	Naska
*Chlorpheniramine ped. comp. syrup (Naldecon ped. formula)	Naska
*Chlorpromazine HCL concentrate 30 mg/ml, 100 mg/ml	Cord
Chlorpropamide tabs 100, 250 mg	Danbury, Mylan
Chlorpropamide tabs 100, 250 mg	Duramed
*Clomiphene citrate tabs 50 mg	Ikapharm
Cyproheptadine HCL tabs 4 mg	Sidmak
Dicyclomine HCL 10, 20 mg	Lemmon
Diphenhydramine HCL caps 25, 50 mg	Lemmon
Doxycycline Hyclate caps 100 mg	West-Ward, Lemmon
*Erythromycin ethylsuccinate tabs 400 mg	Barr
Fluocinolone acetonide cream 0.01%, 0.025%	NMC
*Fluocinolone cream 0.05%	K-Line
Furosemide tabs 40 mg	Barr
Gentamicin sulfate cream, oint. 0.1%	NMC
Gramicidin, Neomycin, Polymyxin B sulfate ophth. sol'n	Solopak
Hydralazine HCL tabs 25, 50 mg	Sidmak, Lemmon
Hydrochlorothiazide tabs 25, 50 mg	Lemmon
Hydrochlorothiazide tabs 50 mg	Quantum
*Hydrochlorothiazide 50/Reserpine 0.125 tabs	West-Ward
Hydroxyzine HCL tabs 10 mg	Barr
Hydroxyzine HCL tabs 10, 25, 50 mg	Lemmon
Isoxsuprine HCL tabs 10, 20 mg	Sidmak
Metronidazole tabs 250 mg	Lemmon
Metronidazole tabs 250, 500 mg	Chelsea
Nystatin oral tabs 500,000 u.	Lemmon
Nystatin vaginal tabs 100,000 u.	Lemmon
Pilocarpine HCL ophth. sol'n 0.5, 1, 2, 3, 4, 5, 6%	Solopak
Prednisone tabs 50 mg	West-Ward
Probenecid tabs 500 mg	Zenith
Propoxyphene HCL caps 65 mg	Lemmon
Sulfacetamide sodium ophth. sol'n 10%, 15%, 30%	Solopak
Sulfamethoxazole/Trimethoprim tabs 400/80, 800/160	Lemmon
Sulfasalazine tabs 0.5 g	VIP
*Theophylline 150/Guaifenesin 90 caps	Banner
Theophylline/Potassium iodide syrup	Naska
*Thioridazine HCL tabs 100 mg	Danbury
*Thioridazine HCL tabs 10, 15, 25, 50, 100 mg	Barr

**HUMAN SERVICES**

(a)

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Long Term Care Services Manual Cost Study, Rate Review Guidelines and Reporting System for Long Term Care Facilities**

**Proposed Readoption: N.J.A.C. 10:63-3.3, 3.7, 3.11, 3.14 through 3.16 and 3.18 through 3.20**

**Proposed Readoption with Concurrent Amendments: N.J.A.C. 10:63-3.1, 3.2, 3.4 through 3.6, 3.8 through 3.10, 3.12, 3.13 and 3.17**

## PROPOSALS

Authorized By: George J. Albanese, Commissioner,  
Department of Human Services.

Authority: N.J.S.A. 30:4D-6a(4)(a), b(13)(14), 7 and  
7b.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions and responses, should be addressed to:

Henry W. Hardy, Esq.  
Administrative Practice Officer  
Division of Medical Assistance  
and Health Services  
CN 712  
Trenton, NJ 08625

At the close of the period for comments, the Department of Human Services may adopt this proposal, with any minor changes not in violation of the rule-making procedures at N.J.A.C. 1:30-3.5. Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on January 1, 1985. The readoption of the existing rules becomes effective upon filing with the Office of Administrative Law of the notice of the readoption. The concurrent amendments to the existing rules become effective upon publication in the Register of a notice of its adoption.

This proposal is known as PRN 1984-524.

The agency proposal follows:

### Summary

This proposal is designed to readopt Subchapter Three of the Long Term Care Services Manual, N.J.A.C. 10:63-3. This subchapter contains the CARE (Cost Accounting and Rate Evaluation) Guidelines which are the basis for determining reimbursement for long term care facilities (LTCFs) that participate in the New Jersey Medicaid Program. The general purpose of the CARE Guidelines is to establish a per diem rate for an LTCF based on costs incurred by that LTCF. The subchapter describes the various components that may be used to establish a rate, and the test of "reasonableness" that said components are subject to. Reasonableness limits are developed from the reported costs and statistics of certain LTCFs designated by the Division. Reimbursement rates established by the Division represent the lower of actual costs or the reasonableness limits for each component.

An administrative review has been conducted, and a determination made that the rule should be continued. The subchapter is necessary, adequate, reasonable, understandable and responsive for the purpose for which it was created, that is, the development of a standardized system of reimbursing LTCFs as required by Federal regulations (42 CFR 447.250). LTCFs that wish to contest the applicability of the various components to their facility can utilize the appeal procedures set forth in N.J.A.C. 10:63-3.20.

The subchapter has been amended several times. Cost components identified on reporting Schedule A, and corresponding reasonableness limits pertaining thereto, were adopted January 1, 1980 (R.1979 d.482 at 12 N.J.R. 42(b)). N.J.A.C. 10:63-3.1, entitled "Timing", was amended twice. Penalties were established for cost reports that were not filed timely (R.1980 d.211 at 12 N.J.R. 323(b)). The second amendment to this section indicates that prospective per diem reimbursement rates would commence six months after the end of the base period (R.1982 d.87 at 13 N.J.R. 227(a)). An amendment excluding lease costs incurred as the result of related party

## HUMAN SERVICES

transactions was adopted as R.1983 d.74 at 15 N.J.R. 442(b). The reasonableness screen for nursing care was established at 115 percent of the median industry cost (R.1981 d.326 at 13 N.J.R. 579 (e)). The effect of financing through a governmental authority on the CFA (Capital Facilities Allowance) rate was clarified (R.1983 d.73 at 15 N.J.R. 443(a)). The section on the appeals process (10:63-3.20) was amended to indicate a Level II appeal must be filed with the Office of Administrative Law (R.1983 d.11 at 15 N.J.R. 156(a)).

The subchapter is being amended on readoption. N.J.A.C. 10:63-3.1 entitled Timing, cites the Federal regulation that prospectively determines payment rates will be determined at least annually. Also, penalties are not recoverable as was indicated in the original proposal (12 N.J.R. 84(b); adopted as R.1980 d.211 at 12 N.J.R. 323(b)). N.J.A.C. 10:63-3.2, entitled Rate Components, is being amended to delete the reference to amortization of special expenditures which are not included in Schedule A. Clarification of the credit provision for raw food costs appears in N.J.A.C. 10:63-3.4. N.J.A.C. 10:63-3.5, entitled General Service Expenses, now describes regression analysis in more detail and reasonableness limits are defined in more detail. N.J.A.C. 10:63-3.8, entitled Routine Patient Care Expenses, and 3.10, entitled Buildings, are being amended to define reasonableness limits in more detail. The limits for these categories are set forth in the text of the proposal.

The reference to organization expenses is being deleted from N.J.A.C. 10:63-3.9, entitled Property-Capital Costs, because it is not an allowable cost and should not be listed as a rate component. There is also an amendment to N.J.A.C. 10:63-3.17, entitled Adjustments to Base Period Data. The reference to legal and management changes that are approved, but remain unspent, as being recovered from the LTCF will be deleted. Since the CARE methodology is based on prospective reimbursement, these adjustments will be handled through future cost reporting.

### Social Impact

Although the subchapter's primary impact is economic, it does have societal impact because the subchapter concerns reimbursement guidelines which affect persons who require services provided by long-term care facilities (LTCF). These affected persons have some type of physical and/or mental dysfunction requiring either minimal or substantial assistance with personal care needs on a daily basis. At present there are approximately 20,000 Medicaid patients in approximately 240 long-term care facilities which may benefit from these services. The readoption of this subchapter is necessary to maintain continued reimbursement.

### Economic Impact

The subchapter has an economic impact on LTCFs, because it is the basis for establishing the Medicaid per diem reimbursement rate. An individual rate is established for each LTCF based on the cost study submitted by the LTCF.

The cost to the Division of long term care services was approximately 302 million dollars (Federal State Share combined) in Fiscal year 1984.

Medicaid patients are required to contribute toward the cost of long term care from their available income.

The subchapter should be continued to insure continued receipt of Federal matching funds for this service.

**Full text** of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 10:63-3.

Full text of the proposed amendments to the reoption follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

10:63-3.1 Timing

(a) Commencing with fiscal years ending with November 30, 1977, LTCFs' are to furnish required cost studies to the Department of Health, Health Economics Services within 90 days of the close of each fiscal year. For rate review purposes, the period for which these actual data are reported will constitute the "base period" for establishing prospective per diem reimbursement rates commencing six months after the end of the base period. These rates will not be subject to routine retroactive adjustments except for matters as specified in the Guidelines. **At required by Federal Regulations at 42 CFR 447.304, prospectively determined payment rates will be re-determined at least annually.**

(b) (No change.)

(c) Penalties will remain in force until such time that a cost report and other required documents, completed in accordance with "Care" guidelines, have been received. Penalties are not [coverable] **recoverable and are not allowable costs.**

(d)-(e) (No change.)

10:63-3.2 Rate components

(a) The prospective rates will be established at the lower of actual historical costs per day plus a return on net equity (except for voluntary and governmental facilities) after adjustments to the Management, Administrator, Assistant Administrator, and Legal Fees cost areas as explained in N.J.A.C. 10:63-3.5(b)2, 3, 4, or "screened" rates per day calculated by applying standards and reasonableness criteria ("screens") to the following [six] **five** rate components as identified on reporting Schedule A:

1. Raw food costs;
2. General service expenses;
3. Property-operating costs;
- [4. Amortization of special expenditures;]
- [5.] **4.** Patient care expenses;
- [6.] **5.** Property-capital costs (including return on investment).

(b)-(d) (No change.)

10:63-3.4 Raw food costs

(a)-(b) (No change.)

(c) For LTCF's above that limit actual raw food costs will be added to other general service expenses and subjected to a screen of the combined total. **Accordingly, a credit may be entered if non-food general service costs are entered if non-food general service costs are below the reasonable limit where an excess raw food cost is indicated. Any such credit is limited to amount of raw food cost excess.**

10:63-3.5 General service expenses

(a) (No change.)

(b) The bases for screen development and reported costs subject to applicable screens, are as follows:

1. Food: As indicated in N.J.A.C. 10:63-3.4.
2. Administrator: Reasonable compensation of unrelated administrators as determined by the regression analysis formula utilized by the Division of Health Economics Services.

**i. The regression will utilize as variables: fringed salaries of unrelated administrators and facility bed size. The constants resulting from the regression formula will then be used in the following formula to produce reasonableness limits for each long term care provider.**

$$\left[ x + \left( \frac{y}{\text{Median Days Per Bed}} \times \frac{\text{LTC Patient Days}}{\text{Patient Days}} \right) \right] \times 1.1 = \text{Limit}$$

x = Salary constant from regression

y = Per bed salary constant from regression

1.1 = 10 percent Uniqueness factor

Re-number i.-iii. as ii.-iv.

3. Assistant Administrator: Limited to 125 percent of median unrelated assistant administrator compensation.

i. This cost category will apply only to facilities which exceed 99 licensed long-term care beds.

4. Other general services/legal fees. This category will consist of the following cost elements:

- i. Other Administrative;
- ii. Dietary;
- iii. Laundry and linen;
- iv. Housekeeping;
- v. [Other] **Miscellaneous** general services

5. Reasonableness limits for [this category will be established at a statistically reliable percentage of median costs as reported by proprietary and voluntary facilities which had over 20 percent Medicaid patient days.] **the other general services category will be established at 105 percent of median costs as reported by proprietary and voluntary facilities which had over 20 percent Medicaid patient days.**

6. [A level of reasonableness will also be established for legal fees consistent with the method employed for the other general services cost category.] **The level of reasonableness for legal fees will be established at 250 percent of median costs of proprietary and voluntary facilities which had over 20 percent Medicaid patient days or that per diem value which recognizes no greater than 80 percent of reporting proprietary and voluntary long term care facilities which had over 20 percent Medicaid days.**

7. Reasonableness tests will exclude from rate calculations the greater of excess other general services or legal fee costs.

8. The following examples illustrate this procedure assuming reasonableness limits are established at \$100,000, and \$5,000 for other general services and legal fees respectively:

	Reported costs	Excess
Case No. 1		
Other general services	\$110,000	\$10,000
Legal fees	\$ 7,000	
Case No. 2		
Other general services	\$ 98,000	[\$2,000]
Legal fees	\$ 7,000	\$ 2,000
Case No. 3		
Other general services	\$ 99,000	-0-
Legal fees	\$ 4,500	

Historical, unscreened rates (after management, Administrator, Assistant Administrator adjustments) would reflect eliminations in the Legal fee area \$2,000, \$2,000 and zero in the above example.

10:63-3.6 Property-operating expenses

(a) Property-operating expenses include property taxes and utilities.

1.-6. (No change.)

## PROPOSALS

## HUMAN SERVICES

7. After making any adjustments per (a)6 above, taxes based upon land appraisals in excess of 140 percent of the median appraisal value of five acres, rural and two acres, urban of all LTCF's in the [country,] county will also be considered unreasonable. In the case of counties with fewer than five LTCF's neighboring counties may be combined in determining the median value to be used.

8. (No change.)

(b)-(c) (No change.)

### 10:63-3.8 Routine patient care expenses

(a)-(b) (No change.)

[(c) Reasonableness limits for patient care services other than nursing will be those established from time to time by the State Division of Medical Assistance and Health Services. Moneys provided for these services in LTCF's base period rates but not spent by them will be recovered from those LTCF's.]

**(c) Reasonableness limits for medical supplies and patient activities will be established at 150 percent of the median per diem cost of all proprietary and voluntary LTCF's which had over 20 percent Medicaid days in the base period.**

**(d) Reasonableness limits for patient care services other than nursing, medical supplies and patient activities will be established at 110 percent of the median per diem cost of all proprietary and voluntary LTCF's which had over 20 percent Medicaid days in the base period.**

Recodify (d) as (e) (No change in text.)

### 10:63-3.9 Property-capital costs

(a) Included in this category are the following rate components:

1. Depreciation (except autos);
2. Maintenance and replacement of plant and equipment;
3. Rentals of building and equipment (except autos);
4. Interest on all indebtedness;
5. Amortization of leasehold improvement;
6. Return on equity (or fund balances in the care of non-propriety homes);
7. Property insurance costs;
- [8. Organization expenses;]

[9.] **8. Fees and other expenses incurred in connection with the construction, purchase, alteration or leasing of land, buildings, and fixed equipment; and**

[10.] **9. Fees and other expenses incurred in the financing or refinancing of the LTCF itself or any of its assets.**

(b)-(d) (No change.)

### 10:63-3.10 Buildings

(a)-(d) (No change.)

**(e) The reasonable limits as described above will be combined to allow for square feet in excess of that established limit where value per square foot is less than that limit.**

Recodify (e)-(o) as (f)-(p).

### 10:63-3.12 Movable equipment

(a)-(b) (No change.)

(c) Inasmuch as this allowance will be based upon the current replacement cost of new equipment, it will be deemed to provide for unusually large expenditures for maintaining old equipment (the departments consider it to be purely a management prerogative as to when to replace, rather than repair, old equipment). A provision for ongoing routine equipment maintenance and replacements will be included in the mainte-

nance and replacements allowance as described in N.J.A.C. [10:63-3.10.] **10:63-3.13.**

### 10:63-3.13 Maintenance and replacements

(a) An allowance for the maintenance of land, land improvements, buildings and equipment and for the replacement of equipment will be developed for each LTCF as follows:

1. [Expenditures for this purpose in the base period by voluntary and proprietary LTCF's with over 20 percent Medicaid days in the base period will be adjusted to mid-1976 price levels through the application of the inflation factor to reported costs for fiscal years ending prior to December.] **Expenditures for this purpose in the base period by voluntary and proprietary LTCF's with over 20 percent Medicaid days in the base period will be adjusted to price levels at the midpoint of the base period through the inflation factor to reported costs for fiscal years ending prior to December.**

2.-6. (No change.)

7. Base period expenditures in excess of this maximum allowance may [not] be carried forward and applied in future years in which expenditures are below their respective maximum allowances.

i. (No change.)

### 10:63-3.17 Adjustments to base period data

(a) As described in previous sections of these guidelines, with the exception of capital items, rates will be based substantially upon reasonable actual base period costs. This section provides for adjustments to reasonable base period costs in establishing prospective rates.

1. Appropriate adjustments will be made to reasonable base period costs for the effect of changes between the base period and the prospective rate period in:

- i. State or Federal standards of care;
- ii. Definitions of "routine patient care services" reimbursable in Medicaid per diems;
- iii. Limitations on total or per diem amounts of special patient care services reimbursable in Medicaid per diems.

2. LTCF's may also request that costs in addition to base period expenditures be included in the prospective rates owing to:

i. Actions mandated by governmental authorities and/or approved by same in the certificate of need process ("legal" charges);

ii. Desires to increase the quality of care above that attainable at base period cost levels ("management" changes).

3. With respect to requests for management changes, the departments will take the position that it is not a prerogative of a rate setting body to unilaterally make or amend social policies, especially with respect to the appropriateness of current allocations of State resources to the care of indigent LTCF patients. Accordingly, in the absence of other compelling reasons, management changes will be approved only in areas where quality has been found to be marginal by health facilities inspection and actual costs are commensurately low.

[4. Where legal and management changes have been approved and the approved costs are not expended in the prospective rate period, the unspent amount will be recovered from the LTCF.]

[5.] **4.** In the case of significant items, the department may exclude the effects of legal and management changes from rates until the change is effected, and if necessary, new appraisals made.

(a)

**DIVISION OF PUBLIC WELFARE****General Assistance Manual  
Outpatient Facility Services****Proposed Amendment: N.J.A.C. 10:85-5.3**

Authorized By: George J. Albanese, Commissioner,  
Department of Human Services.

Authority: N.J.S.A. 44:8-111(d).

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Audrey Harris, Director  
Division of Public Welfare  
CN 716  
Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-529.

The agency proposal follows:

**Summary**

The Office of the Attorney General has advised that under the terms of N.J.S.A. 26:2H-18b, the only agency authorized by law to establish payment rates by public agencies to hospitals is the New Jersey Department of Health. The dollar limits established in the General Assistance Program are therefore without statutory support and must be deleted. This proposal is designed to accomplish that. Because hospital clinics and independent clinics have been covered in the same text of the regulation, revision of wording on independent clinics is also necessary. Payment for hospital-based facilities will be "as charged", allowing for Department of Health jurisdiction in the amount of the charge. Payment to independent clinics will be at the Medicaid or lesser rate if such has been negotiated between a clinic and municipal welfare department.

**Social Impact**

Because hospital outpatient departments have not been declining services to General Assistance recipients, it is unlikely that any change in the quantity or quality of service will result from this amendment.

**Economic Impact**

An internal review and study of rates of utilization of hospital emergency rooms and clinics by General Assistance recipients indicates that additional costs will accrue to the General Assistance Program at the rate of \$660,000 per year. That sum will be divided between the State and the various municipalities at an approximate ratio of 3:1. The change from \$12.00 to the Medicaid rate for independent clinics is not expected to produce any economic impact because visits to independent clinics are essentially visits to physicians which are paid at the Medicaid rate anyway. The Medicaid rate for most such visits is less than the \$12.00.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

10:85-5.3 Other medical payments

(a)-(b) (No change.)

(c) Outpatient facility services are as follows:

1. Hospital emergency room: The director of welfare shall authorize payment [of an all-inclusive rate not to exceed the authorized Medicaid allowance for emergency room use or \$35.00, whichever is less. The rate covers all supplies and services including physician's services but does not include X-ray, diagnostic studies and laboratory fees, payment for which may be authorized in accordance with (c)2i below.] **at the rate regularly charged by the hospital or a lesser rate if such has been negotiated between the MWD and the hospital.**

[2. Hospital and independent clinics: The director of welfare shall authorize payment of an all-inclusive charge (except for X-ray diagnostic study and laboratory fees) not to exceed \$12.00.

i. X-ray, diagnostic study and laboratory fees: A fixed fee, which shall be the maximum payment allowed by Medicaid when such service is provided by a private radiologist, physician specialist or independent laboratory, may be authorized. The MWD may contact the DPW/BMA for such information.]

2. Hospital clinics: **The director of welfare shall authorize payment at the rate regularly charged by the hospital or a lesser rate if such has been negotiated between the MWD and the hospital.**

3. Independent clinics: **The director of welfare shall authorize payment for physician services and other professional provider services, X-ray (diagnostic therapeutic, and so forth) and laboratory services, at the Medicaid rate or at a lesser rate if such has been negotiated between the clinic and the MWD.**

[3.] 4. (No change in text.)

(d)-(i) (No change.)

**LABOR**

(b)

**THE COMMISSIONER****Contributions, Records and Reports**

**Proposed Amendments: N.J.A.C. 12:15-1.1**

**Proposed Repeal: N.J.A.C. 12:16-1.1  
through 9.2 and 11.1 through 15.3 and  
12:19-1.1 through 2.1**

**Proposed New Rule: N.J.A.C. 12:16-1.1  
through 9.3 and 12:16-11.1 through 19.2**

Authorized By: William G. Van Note, Jr., Acting Commissioner, Department of Labor.

Authority: N.J.S.A. 43:21-1 et seq. (Chapter 24, L. 1984).

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

George M. Krause, Assistant Commissioner  
for Finance and Controller  
Labor Building—Room 1204  
John Fitch Plaza  
Trenton, New Jersey 08625

The Department of Labor thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-519.

The agency proposal follows:

#### Summary

The proposal reflects various changes in the New Jersey Unemployment Compensation Law, N.J.S.A. 43:21-1 et seq., enacted since 1972.

The entire contents of N.J.A.C. 12:16 have either been moved or changed to reflect the various changes. N.J.A.C. 12:19 has been incorporated into N.J.A.C. 12:16.

The following is a summary of the changes set forth in the proposal:

1. "Contributions by one employing unit on behalf of another", previously codified at N.J.A.C. 12:16-3.1, has been deleted.

2. "Coverage of Multi-State Workers", previously codified at N.J.A.C. 12:16-14, has been deleted.

3. N.J.A.C. 12:16-1 "Identification of Covered Workers", was previously codified at N.J.A.C. 12:16-7.

4. N.J.A.C. 12:16-2 "Records", was previously codified at N.J.A.C. 12:16-5. The second sentence concerning machine sensible equipment, has been added.

5. N.J.A.C. 12:16-3 "Power of Attorney", has been added.

6. N.J.A.C. 12:16-4 "Remuneration", has been added. Subsection 8 reflects a change from cash and money values to a percentage of taxable wages from specific amounts per week. (See previous chapter 19).

7. N.J.A.C. 12:16-5 "Contributions by employers", was previously codified at Subchapter 1.

8. N.J.A.C. 12:16-6 "Reimbursement for Non-Profit Organizations", is a new Subchapter and concerns the application, financing, termination and liability of the reimbursement option for non-profit organizations.

9. N.J.A.C. 12:16-7 "Contributory Option for Governmental Employers" is a new Subchapter and concerns the application of financing, termination and liability of the contributory option for Governmental employers.

10. N.J.A.C. 12:16-8 "Group Accounts" is a new section and sets Controller's Administration of group accounts.

11. N.J.A.C. 12:16-9 "Contributions by Workers" was previously codified at Subchapter 2.

12. N.J.A.C. 12:16-11 "Exam Worker Deductions" was previously codified at Subchapter 15 under the title "Excess Refunds".

A change was made at N.J.A.C. 12:16-11.2 in which the employee's refund is now set off against his New Jersey State Income Tax. Previously, the employee applied directly to the Controller for a refund.

13. N.J.A.C. 12:16-12 "Concurrent Employment by Related Employers" has been added to 12:16-12.2. "Common Paymaster" prohibits the formation of a new company cre-

ated solely in order to pay the employee's of the parent company.

14. N.J.A.C. 12:16-13 "Reports" previously codified at Subchapter 4.

N.J.A.C. 12:16-13.7 now requires employers to report wage and separation information on a quarterly basis to the Controller. Penalties for failing to report are also set forth. Responsibility for administration of the reporting system has been assumed from the Division of Taxation by the Controller. N.J.A.C. 16:13-9 has been added in the transfer of a business. The responsibility of notifying the Controller of the change in ownership rests with the acquiring party.

15. N.J.A.C. 12:16-14 "Election Coverage" was previously codified at N.J.A.C. 12:16-6.

16. N.J.A.C. 12:16-15 "Joint Accounts" was previously codified at N.J.A.C. 12:16-11.

17. N.J.A.C. 12:16-16 "Notice to Workers" was previously codified at N.J.A.C. 12:16-8.

18. N.J.A.C. 12:16-17 "Witness fees and Mileage Allowances" was previously codified at 12:16-9; specific monetary accounts are now to be determined by the Controller.

19. N.J.A.C. 12:16-18 "Transfer of Employment Experience" was previously codified at N.J.A.C. 12:16-12.

20. N.J.A.C. 12:16-19 "Benefit Charges" was previously codified at N.J.A.C. 12:16-13.

#### Social Impact

The proposed revisions to the existing rules and the proposed adoption of other rules dealing with non-profit and governmental employers will enable the Department to conduct its activities with a more informed public. Since the last revision of these rules occurred in 1972, the various law changes enacted since that time have affected Department policies and were not adequately publicized to insure that the public has adequate knowledge of these changes. The change to wage reporting from wage request will permit more prompt and accurate service to claimants.

#### Economic Impact

The Department foresees no increase in cost to the employers in the State since the wage reporting function previously administered by the Department of Treasury has been transferred to the Department of Labor. The cost to the Department is minimal due to the fact that Forms BC-2, Request for Wage and Separation Information, will no longer be mailed to Employers after a claim is filed, but instead the Department will access its computer data files to secure the necessary wage information. It is anticipated that there will be an increase in the amount of taxes collected, since an employer will be required to report wages by individual employees instead of a single gross wage amount.

**Full text** of the proposed amendment follows (deletions indicated in brackets [thus]).

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 12:15-1.1 Purpose and scope of rules and regulations

(a) Under the Unemployment Compensation Law and the Temporary Disability Benefits Law, benefits financed from taxes, contributions or direct reimbursement are paid workers who become unemployed, generally because of lack of work or disability.

(b) The unemployment benefits are paid from contributions to a State fund, and temporary disability benefits from contributions to a State fund or from private plans approved

by the Division and established by employers for such purposes.

(c) The rules and regulations contained in this subchapter are agency statements of general applicability, and are intended to assist in the implementation [of the basic provisions] of the laws pertaining to unemployment compensation and temporary disability benefits.

**Full text** of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 12:16 and 12:19.

**Full text** of the proposed new rule follows.

#### SUBCHAPTER 1. IDENTIFICATION OF COVERED WORKERS

##### 12:16-1.1 Ascertainment of worker's Social Security account number

Each employer shall ascertain the Social Security account number of each worker employed by him in employment subject to the Unemployment Compensation Law and list such number on the employer's records.

##### 12:16-1.2 Reporting of worker's Social Security account number

Each employer shall report a worker's Social Security account number in making any report required by the Department with respect to such worker.

##### 12:16-1.3 Evidence of application for Social Security account number

(a) If an employer has in his employ a worker engaged in employment who does not have a Social Security account number, he shall request the worker to show him a receipt issued by an office of the Social Security Administration indicating that the worker has filed an application for an account number.

(b) The receipt shall be retained by the worker, but a copy or facsimile shall be retained by the employer.

##### 12:16-1.4 Employer to inform worker without Social Security account number

An employer shall inform each worker who has not secured a Social Security account number that such number must be filed on or before the seventh day after the date on which the worker first performs services in employment, except that the application shall be filed on or before the date the employment is terminated if such date precedes such seventh day.

##### 12:16-1.5 Employer to inform worker in certain cases

An employer shall inform his worker that he should apply at any Social Security district office or branch office with respect to replacement of a lost Social Security account number card, change of name because of marriage or otherwise, or correction of any inaccurate information given when applying for a Social Security account number.

#### SUBCHAPTER 2. RECORDS

##### 12:16-2.1 Payroll records

(a) Every employing unit having workers in employment, regardless of whether such unit is or is not an "employer" as defined in the Unemployment Compensation Law, shall keep payroll records which shall show, for each pay period:

1. The beginning and ending dates;

2. The full name of each employee and the day or days in each calendar week on which he performs services for remuneration;

3. The total amount of remuneration paid to each employee showing separately cash, including commissions and bonuses; the cash value of all compensation in any medium other than cash; gratuities received regularly in the course of employment if reported by the employee, or if not so reported, the minimum wage rate prescribed under applicable laws of this State or of the United States or the amount of remuneration actually received by the employee from his employing unit, whichever is the higher; and service charges collected by the employer and distributed to workers in lieu of gratuities and tips;

4. The total amount of all remuneration paid to all employees;
5. The number of weeks worked.

##### 12:16-2.2 Individual worker records

(a) Each employing unit shall maintain a record for each worker engaged in employment containing:

1. His full name, address, and Social Security account number;

2. His total remuneration paid in each pay period showing separately cash, including commissions and bonuses; the cash value of all compensation in any medium other than cash; gratuities received regularly in the course of employment if reported by the employee, or if not so reported, the minimum wage rate prescribed under applicable laws of this State or of the United States, or the amount of remuneration actually received by the employee from his employing unit, whichever is the higher, and service charges collected by the employer and distributed to workers in lieu of gratuities and tips;

3. A recordation under the heading "special payments" the amount of any special payments such as bonuses and gifts which have been paid during the pay period but which relate to employment in a prior period. The following shall be showed separately under this heading: cash payments, cash value of other remuneration, the nature of such payments, the period during which the services were performed for which special payments were payable;

4. The date on which he was hired, rehired or returned to work after temporary layoff. The date he was separated from employment and the reason for such separation;

5. Such information as may be necessary to determine his remuneration on a calendar week basis.

6. The number of base weeks (see N.J.S.A. 43:21-19 (t)) and wages.

##### 12:16-2.3 Records defined

Records are defined as all books of original entry plus any summarizations or other media used to post to a general ledger or its equivalent as well as all Federal and State tax returns. Records shall also include machine sensible data media used for recording, consolidating, and summarizing accounting transactions within an employing unit's automatic data processing system.

##### 12:16-2.4 Records Retention

All records required by these regulations shall be kept safe and readily accessible at the New Jersey place of business of the employing unit, unless it has been shown to the satisfaction of the Department that this would create an undue hardship. Such records shall at all reasonable times be open for inspection by authorized representatives of the Department

and shall be retained for the current calendar year and for the four preceding calendar years.

**SUBCHAPTER 3. POWER OF ATTORNEY**

**12:16-3.1 Power of attorney: requirements**

(a) An employer may grant power of attorney to another person to represent the employer before the Employment Security Agency in all matters affecting quarterly contribution reports, experience rating, tax liability, and claims for benefits.

(b) The power of attorney document must contain the following:

1. The corporate seal unless the employer is an individual or a partnership;
2. The signature of the employer(s) or duly authorized corporate officer;
3. Specific mention of the Employment Security Agency as the entity before whom representation will be made on behalf of the employer;
4. The signature of a notary public and the expiration date of his commission;
5. The signature of the representative and a statement acknowledging power of attorney authorization.

(c) If the address of record for the employer is changed to that of the representative on the status (tax) file, the benefit file, or both, the representative must accept all reports, notices, billings, and correspondence pertinent to the particular file on which the address had been changed.

**SUBCHAPTER 4. REMUNERATION**

**12:16-4.1 Remuneration defined**

(a) The New Jersey Unemployment Compensation Law, at N.J.S.A. 43:21-19(p), states that "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash.

(b) The following remuneration issues are discussed in N.J.A.C. 12:16-4.2 thru 4.8:

1. Sick leave payments;
2. Fringe benefit payments;
3. Section 401(k) plans;
4. Push payments;
5. Officer's remuneration
6. Back pay awards;
7. Back pay, residuals, non-residents aliens;
8. Other remuneration.

**12:16-4.2 Sick leave payments**

(a) Sick leave payments (also known as continuation pay) made by employers to employees for periods of disability are wages within the meaning of the Unemployment Compensation and Temporary Disability Benefits laws for both tax and benefit entitlement purposes.

(b) Those types of sick leave payments deemed wages and therefore taxable are:

1. Continuation of pay during periods of sickness or injury;
2. Payment of the difference between temporary disability benefits paid under the State Plan or an approved Private Plan and full salary;
3. Payment of the difference between Workers' Compensation benefits and full salary;
4. Payment of unused sick leave made to an employee while still in employment.

(c) Those types of sick leave payments deemed benefits and therefore not taxable are:

1. Benefits paid from the State Plan for temporary disability insurance;
2. Benefits paid by an insurance carrier under an approved Private Plan;
3. Benefits paid by a union under an approved Private Plan;
4. Benefits paid by the employer under an approved self-insured Private Plan;
5. Benefits paid for work related injury under Workers' Compensation;
6. Benefits paid to employees in the public sector for work related illness under Sick Leave Injury (SLI);
7. Payment of sick leave made after retirement or separation from employment.

**12:16-4.3 Fringe benefit payments**

(a) Fringe benefit payments which result in a direct benefit to the employee are generally taxable. Fringe benefit payments which take the form of a reimbursement or a health benefit are usually nontaxable.

(b) Taxable fringe benefits may include:

1. Vacation pay (both before and after dismissal);
2. Separation pay (if made under a contractual obligation or by custom);
3. Guaranteed annual wage payments;
4. Difference between regular salary and jury duty pay;
5. Employer payments to employees' IRA;
6. Draw against future earnings (taxable when paid) unless the employer takes legal steps to recoup the over-payments;
7. Payment of employee's portion of Federal or State income tax unemployment/disability insurance taxes, or social security tax.

(c) Non-taxable fringe benefits may include:

1. Employer payments to retirement plans including, SEP-IRA plans (See (d) below);
2. Payments to hospitalization and medical/dental plans, and payments made under such plans;
3. Payments to union welfare funds;
4. Life insurance premiums;
5. Tuition reimbursements and payments.

(d) In general, the entire gross remuneration for services rendered by an employee is taxable up to the maximum yearly wage base including amounts deducted for payment into a deferred savings program that lets the employee set aside money for his or her retirement.

**12:16-4.4 Section 401(k) Plans**

Effective January 1, 1984, employer contributions to cash or deferred arrangements under Section 401(k) of the Internal Revenue Code will be taxable to the extent that the employee could have elected to receive cash in lieu of making the contribution. In addition, employer contributions to an annuity contract covered under Section 403(b) of the Internal Revenue Code are taxable.

**12:16-4.5 Push payments**

(a) Push payments are commission or bonus type payments made by a manufacturer to sales persons for "pushing" a certain product or product lines. These may also be referred to as push money, premiums, or incentive payments. Push payments take differing formats and are made in varying manners.

1. Push payments made directly by a manufacturer to its own salespersons are taxable.

2. Payments made by one entity to employees of another are taxable remuneration to the actual employer when made pursuant to a contractual obligation, written or oral, expressed or implied.

#### 12:16-4.6 Officer's remuneration

(a) For the purpose of the Unemployment Compensation and Temporary Disability Benefits Laws, each officer of a corporation receiving remuneration for any personal services performed for that corporation shall be considered to be in its employ, and such payments shall be taxable.

(b) An election to report under the Small Business Corporation provisions of Title 26 of the Internal Revenue Code whereby corporate profits may be distributed as dividends to shareholders, commonly referred to as Subchapter S or 1120S corporations, shall not affect (a) above. Remuneration paid to officers of corporations having made such an election shall be considered wages for benefit and contribution purposes if the officers perform any services.

#### 12:16-4.7 Back pay, residuals, non-resident aliens

(a) Back pay awards are taxable remuneration where the discharge from employment was held invalid and reinstatement of the job ordered. Back pay is not taxable if considered damages for an illegal act without job reinstatement.

(b) Residual payments made to entertainers for reuse of commercial recordings are taxable if the original services were performed in this State.

(c) Under Regulation 31.3306(c)(18)-1 of the Federal Unemployment Tax Act, services performed by non-resident aliens while they are in the United States on a temporary basis as non-immigrant students generally are not permitted to work for a wage or salary while they are in the United States. This type of service would be employment if the individual was hired to replace a regular employee; perform the same type of work, or if they were under any obligation to perform any service other than those incidental to training either during or after the training program.

#### 12:16-4.8 Other remuneration

(a) Payments in kind such as board, lodging or any other payment in kind received by a worker from his employing unit in addition to or in lieu of (rather than as a deduction from) money wages shall be deemed to be remuneration paid by his employing unit.

(b) The Assistant Commissioner for Finance and Controller of the New Jersey Department of Labor (hereinafter, cited as the Controller), shall determine or approve the cash value of such payments in kind, and such cash value shall be used in determining the wages payable or paid to such worker and in computing contributions due under the law.

(c) Money value for board and room meals and lodging shall be treated as follows:

1. Where a money value for board and room, meals and lodging, or for any of such items, furnished a worker is agreed upon in a contract of hire, the amount so agreed upon shall, if more than the rates specially determined by the Controller or the rates prescribed herein, be deemed the cash value of such item or items.

2. Unless and until rates in a given case are determined by the Controller, board and room, meals and lodging, or any of such items, furnished in addition to, or in lieu of, money wages, shall be deemed to have not less than the following values:

i. Full board and room: 35 percent of the current taxable wage base

ii. Meals: 20 percent of the current taxable wage base  
iii. Lodging: 15 percent of the current taxable wage base

### SUBCHAPTER 5. CONTRIBUTIONS BY EMPLOYERS

#### 12:16-5.1 Accrual as remuneration earned

(a) Employers' contributions shall accrue as remuneration is earned by workers in covered employment, but will not become due until payment or payment in kind is actually or constructively made.

(b) Payment of employers' contributions shall be made as prescribed within this Chapter.

#### 12:16-5.2 Due dates

(a) Employers' contributions shall be paid and contribution reports filed on a quarterly basis as follows:

Quarter Ending	Due Date
March 31	April 30
June 30	July 31
September 30	October 31
December 31	January 31

(b) Notwithstanding (a) above, the Controller is authorized to require an employer or employers to file contribution reports and pay contributions on a monthly or other basis when, in his discretion, he considers it necessary to do so.

(c) If the due date of any quarterly report falls on a Saturday, or Sunday, or legal holiday, the due date will be the next succeeding day which is not a Saturday, Sunday, or legal holiday.

#### 12:16-5.3 Bases of contribution payments

(a) The payment for each reporting period shall include contributions computed with respect to wages paid for employment in all work periods (weekly, biweekly, semi-monthly, monthly) ended within the reporting period.

(b) In computing and paying employer contributions to the Unemployment Compensation Fund or the State Disability Benefits Fund, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

#### 12:16-5.4 First contributions of newly subject employer

(a) Except as to liability by election as provided in N.J.A.C. 12:3 (Election of Coverage), the first contribution payment of an employer who becomes newly liable in any calendar year shall be payable on or before the due date of the reporting period in which the subject status occurs.

(b) The first payment of such an employer becoming liable in the course of a calendar year shall include his own contributions with respect to all wages paid for employment from the first day of subjectivity in the calendar year. Subjectivity is defined as the employer's contribution date as determined by the Controller. (See N.J.A.C. 12:16-5.2 with respect to due dates).

#### 12:16-5.5 Installment payments

The Controller may permit the payment of liability in installments, but if any installment is not paid on or before the due date, the total amount of the unpaid liability shall become payable upon notice and demand by the Controller.

#### 12:16-5.6 Voluntary payment of additional contributions

(a) A voluntary payment of an additional contribution must be made within 30 days after the date of mailing of the Notice of Employer Contribution Rate unless, for good cause, the date of payment has been extended by the Control-

ler for not more than an additional 60 days or October 28, whichever is earlier. A request for an extension for good cause must be made in writing to the Controller within the initial 30 day period.

(b) No payment forwarded as an additional contribution will be applied to the recomputation of an employer's rate for the current tax year (July 1-June 30) if the employer has any reporting or payment delinquency as to any period prior to the current tax year. In such case, the remittance will be first applied to the past indebtedness and the balance, if any, will be considered as an additional contribution.

(c) Any adjustment resulting from the payment of an additional contribution shall be made only in the form of a credit against accrued or future contributions.

(d) The voluntary payment of additional contributions will not affect employers having one of the following:

1. The basic rate which is assigned where an employer has not been subject to the Law during some period in each of the last three consecutive calendar years.

2. An assigned or special rate, determined by the employer's reserve balance and the unemployment trust fund reserve ratio, which rate is assigned where during the past three calendar years, there has been, at least, one calendar year with respect to which no contributions were paid.

(e) The determination of the amount of an additional contribution is the sole responsibility of the employer.

**12:16-5.7 Payment in guaranteed funds**

The Controller may require payment in guaranteed funds of any amount required to be paid under the Unemployment Compensation Law of New Jersey, the Temporary Disability Benefits Law of New Jersey or rules or regulations promulgated thereunder, in any case in which he considers such type of payment necessary or desirable.

**12:16-5.8 Seamen's wages**

(a) For the purpose of this section, the term "work period" means the period of a voyage or engagement of the crew of a vessel under "Articles of Agreement" pursuant to Title 46 of the United States Code.

(b) Notwithstanding any other provisions of N.J.A.C. 12:16-5.2 (Due dates) and 12:16-5.3 (Bases of contribution payments), if a work period as defined in (a) above began in one calendar quarter and ended in another calendar quarter, the total amount of wages for such work period may be reported for the calendar quarter in which such work period terminated, and contributions with respect to wages so earned paid accordingly.

**12:16-5.9 Special fringe benefit agent accounts**

(a) Special fringe benefit agents accounts may be approved by the Controller for the purpose of reporting payments such as vacation and holiday payments which have been negotiated in union-management contracts. Approval will only be given when it is shown that to do otherwise would create a hardship on the employer.

(b) The agent is assigned the basic rates for a new employer and is responsible for:

1. The timely submission of quarterly reports with payment of all contributions attributed to special fringe benefit payments; and

2. The submission of a quarterly benefit payment allocation schedule listing the employers it represents and their corresponding taxable wages.

(c) The primary employer will maintain his own individual rates based on his own employment experience and is responsible for:

1. The submission of quarterly reports timely with payment of all contributions due exclusive of the reporting of the agent account; and

2. The annual submission of a request for refund of excess employer contributions together with a listing which outlines in detail names of employees, Social Security numbers, taxable wages by the employer, taxable wages by the agent, unemployment contributions deducted by the agent.

(d) Upon auditing and verifying the claim, the Controller will make proper transfers of taxable wages and payments to the primary employer's account and issue a refund of any net credits outstanding. The refund is to be computed at the unemployment rate of the employer or the basic rate whichever is the lesser.

**SUBCHAPTER 6. REIMBURSEMENT OPTION FOR NON-PROFIT ORGANIZATIONS**

**12:16-6.1 Application**

(a) Any non-profit organization, as described in Section 501(c)(3) of the Internal Revenue Code and which is exempt from income tax under Section 501(a) of the Internal Revenue Code, may elect to reimburse the Unemployment Trust Fund for benefits paid to its former employees by filing a written notice of its intention not later than 120 days immediately following the date of its subjectivity defined at N.J.A.C. 12:16-5.4(b), or not later than 30 days after the organization has been notified of its subjectivity, whichever is later.

(b) Any non-profit organization, as described in N.J.A.C. (a) above which has been paying contributions under the Unemployment Compensation Law and wishes to make such an election may do so by filing a written notice of its intention no later than February 1 of any calendar year.

(c) For good cause, the period within which a notice of election must be filed may be extended and a retroactive election may be permitted.

(d) Upon an employer's written notice of its intention to elect the reimbursement option, the Controller shall supply the form on which the employer will request the reimbursement option, and the form shall be completed and returned to the Controller within 30 days from the date of mailing.

(e) The employer shall be advised as to the disposition of its request and, if approved, such approval shall be conditioned upon the employer's meeting the security requirement as defined in N.J.A.C. 12:16-6.2(a) below.

(f) Other than the date of subjectivity defined in N.J.A.C. 12:16-5.4(b), an election for reimbursement in lieu of contributions shall be effective only as of the first day of January of any calendar year.

**12:16-6.2 Financial security requirements**

(a) A non-profit organization electing coverage under the reimbursement option may be required to file with the Controller, within 30 days after the effective date of its election, a surety bond or to deposit with the Controller monies or securities in an amount as determined by the Controller. This amount shall not be less than the organization's taxable wages for the preceding calendar year or the estimated taxable wages for the current calendar year, whichever is the greater, multiplied by the maximum employment insurance contribution rate in effect at the beginning of the calendar year.

1. If the surety requirement is not met within the prescribed time limits, the previously issued conditional approval shall be withdrawn retroactively to its effective date, and the employer shall be liable for contributions as if such approval had not been issued.

2. The Controller may make a periodic review of the adequacy of the security furnished by the non-profit reimbursable employer to determine if any adjustment is necessary.

3. The Controller may deduct from any monies deposited under (a) above by a non-profit organization, or may sell the securities so deposited to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest or penalties.

4. The **Controller** may extend for good cause the applicable filing, deposit or adjustment period by not more than 90 days.

#### 12:16-6.3 Termination

(a) If any non-profit employer fails to meet the security requirements as set forth in N.J.A.C. 12:16-6.2(a) the Controller may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for no less than 24 calendar months beginning with the first quarter in which such termination becomes effective.

(b) Any non-profit organization which has been making payments in lieu of contributions for a minimum of two calendar years and wishes to change to the contribution method of payment may do so by filing a written notice of its intentions no later than February 1 of any calendar year.

(c) When an election to make payments in lieu of contributions is terminated, and the non-profit organization begins or resumes payments under the contribution method, it may not revert to the reimbursement option for at least two full calendar years after such termination.

#### 12:16-6.4 Liability

(a) If a non-profit organization's election to make payments in lieu of contributions is terminated by the Controller, the non-profit organization shall remain liable for payments in lieu of contributions with respect to all benefits paid based on base year wages earned during the effective period of the election.

(b) As of the effective date of the termination of an election to make payments in lieu of contributions, a non-profit organization shall become liable to pay unemployment contributions on taxable wages paid to its employees.

### SUBCHAPTER 7. CONTRIBUTORY OPTION FOR GOVERNMENTAL EMPLOYERS

#### 12:16-7.1 Application

(a) Any governmental entity or instrumentality which is or becomes subject to the Unemployment Compensation Law and wishes to elect to pay contributions rather than to reimburse the Unemployment Trust Fund for benefits paid may do so by filing a written notice of its intention not later than 120 days immediately following the date of its (defined as N.J.A.C. 12:16-5.4(b)) subjectivity or not later than 30 days from the date such entity or instrumentality is notified of its subjectivity, whichever is the later.

(b) Any governmental entity or instrumentality which has been reimbursing the Unemployment Trust Fund and wishes to change its method of financing by electing to pay contributions as of January 1 of any year, may do so by filing a written notice of its intention no later than February 1 of such calendar year.

(c) The employer shall furnish the Controller with a copy of the ordinance, minutes, resolutions, or other substantiating document which confirms the election of the contributory option.

#### 12:16-7.2 Finance

(a) On or before September 1 of each year, the Controller shall review the composite benefit cost experience of all governmental entities and instrumentalities electing to pay contributions and shall recommend a contribution rate for the following calendar year to the Commissioner.

(b) The Commissioner of Labor shall establish the contribution rate for the following calendar year after considering the recommendation of the Controller.

(c) Any covered governmental entity or instrumentality electing to pay contributions shall appropriate each year, out of its general funds, monies to pay the projected costs of benefits at the rate determined under (b) above. These funds are to be held in a trust fund by the governmental entity strictly for this purpose. Any surplus in the fund shall be retained in reserve for payment of benefits costs for subsequent years either by contributions or payments in lieu of contributions.

#### 12:16-7.3 Termination

(a) Any governmental employer which has been paying contributions for a minimum of two calendar years and wishes to change to making payments in lieu of contributions may do so by filing a written notice of its intention no later than February 1 of any calendar year.

(b) When an election to pay contributions is terminated and the governmental employer resumes making payments in lieu of contributions, it may not revert to the contributory option for at least two full calendar years after such termination.

#### 12:16-7.4 Liability

(a) The change of financing options shall have no effect upon the liability incurred under the prior financing option.

(b) If the governmental employer's election to pay contribution is terminated, the governmental employer shall remain liable for all contributions incurred during the period of its election to pay contributions.

(c) As of the effective date of the termination of an election to pay contribution, a governmental employer shall become liable to make payments in lieu of contributions.

### SUBCHAPTER 8. GROUP ACCOUNTS

#### 12:16-8.1 Establishment

(a) Two or more employers liable for payments in lieu of contributions may apply for the establishment of a group account for the purpose of sharing the risk of unemployment benefit costs.

(b) The group account will be established as of the first day of any calendar quarter and will remain in effect for not less than two calendar years unless otherwise determined by the Controller.

(c) The request for establishment of a group account shall be filed by the designated group agent listing the names and New Jersey registration numbers assigned by the Controller to the employers seeking group membership. The request shall be accompanied by consent documents executed by each applicant for membership authorizing the group agent to act in its behalf for the group account. The employers shall furnish the Controller with a copy of the ordinance, minutes, resolutions, or other substantiating document which confirms the intent of the employer to become a member of the group.

(d) In establishing the group account, the Controller may modify or waive the security required of any of the group

members and in lieu thereof the Controller may establish a security requirement of the group as a whole.

**12:16-8.2 Participation**

(a) New members may be added to an established group at the request of the group. The request for the addition of a new member will require the filing of a consent document executed by the new applicant for membership authorizing the group agent to act in its behalf for the group account.

(b) No employer may become a member of a group if it has any reporting or payment delinquency.

(c) No employer may be a member of more than one group at a time.

**12:16-8.3 Termination**

(a) Group membership will be terminated for any employer upon the cancellation of its reimbursement payment option as of the effective date of the cancellation.

(b) With the approval of the Controller, membership in the group will be terminated for any member at the request of that member or at the request of the group agent. The membership will be terminated at the end of the calendar quarter in which the request for termination is received.

**12:16-8.4 Liability**

(a) The group account will provide risk sharing for its members only with respect to unemployment benefits liability and interest attributable thereto.

(b) Membership in the group will not relieve any member of any liability charged to its account.

(c) The group will be liable for payment of reimbursable unemployment benefits charged to its members' accounts during their period of membership in the group; plus the reimbursable unemployment benefits charged to any terminated member through the next two complete calendar quarters following the date of its membership termination.

(d) Amounts received in payment of liability payable through the group account will be applied against the outstanding liability of the group as a whole in each quarterly period, beginning with the outstanding liability in the earliest quarterly period.

**12:16-8.5 Dissolution**

(a) Request for dissolution of a group account will require the consent of two-thirds of its active members. The effective date of dissolution will be determined by the Controller.

(b) The group agent must advise the Controller of the ratio of each member's liability to the local liability of the group, if there is any group liability outstanding at the time of dissolution. Such liability will be due immediately from each employer in accordance with the balance of group liability remaining in its individual account as determined by the group agent.

(c) A group account may be dissolved by the Controller for reporting or payment delinquency, failure to post required bond or other security, or similar good cause.

(d) Except as required herein, the Controller is not a party to any agreement between the group, the group agent or any of its members.

**SUBCHAPTER 9. CONTRIBUTIONS BY WORKERS**

**12:16-9.1 Workers' contribution-trust fund**

(a) Every employer shall withhold workers' contributions from their wages at each time of payment of such wages.

(b) In withholding workers' contributions from their wages and in paying any contributions to the Unemployment Compensation Fund and the State Disability Benefits Fund, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(c) The moneys so withheld, while in the possession of the employer, shall constitute a trust fund and shall be accounted for apart from employer's contributions.

(d) Such account shall be kept posted up to date by the employer so as to show at all times the amount withheld from workers, the amount of each remittance to the Controller, and the amount of workers' contributions withheld but not remitted to the Controller.

**12:16-9.2 Evidence of amounts withheld furnished workers**

(a) Every employer, at the time of making each payment of wages, shall furnish to each of his workers a statement showing clearly the total amount deducted for contributions for the Unemployment Compensation Fund and the State Disability Benefits Fund.

(b) The statement shall be such as can be delivered to each worker in order to enable him to determine for himself whether the total amount of his contribution is correctly computed.

(c) A notation on a paycheck or a pay envelope showing the total wages and, as a separate item, the amount deducted for contribution to the Controller for the said funds will constitute compliance with the provisions of this section.

**12:16-9.3 Reporting and paying workers' contributions**

(a) Every employer shall include on his contribution report the amount of contributions due and payable of behalf of his workers.

(b) Every contribution report shall be accompanied by a remittance for the amount of both the employer contributions and the contributions payable by the employer on behalf of his workers.

**SUBCHAPTER 10. HEARINGS (See Notice of Proposal at 16 N.J.R. 2240(a)).**

**SUBCHAPTER 11. EXCESS WORKER DEDUCTIONS**

**12:16-11.1 Excess disability deductions**

(a) If a worker receives wages from more than one employer, and:

1. The sum of the contributions required and deducted from his wages and deposited in the State Disability Benefits Fund, plus the contributions, if any, required and deducted from his wages, toward the costs of benefits under one or more plans approved under N.J.S.A. 43:21-33, or

2. The sum of all contributions required and deducted from his wages toward the costs of benefits under two or more such private plans, if covered only by said plans, exceeds an amount equal to one-half of one percent of the taxable wage base in any calendar year, the worker shall be entitled to a credit in the amount of the excess thereof against his New Jersey State Gross Income Tax, if the individual establishes his right to such credit and makes claim therefor within two calendar years after the end of the calendar year in which the wages were received.

**12:16-11.2 Excess unemployment deductions**

If a worker receives wages from more than one employer and the sum of the contributions required from his wages and

deposited in the State Unemployment Compensation Fund or in a trust fund for the purpose of repaying benefits, exceeds one-half of one percent of the taxable wage base in periods prior to July 1, 1986 or five eighths of one percent for periods thereafter, the worker shall be entitled to a credit in the amount of the excess thereof against his New Jersey State Gross Income Tax, if he makes a claim therefor within two calendar years after the end of the calendar year in which the wages were received.

#### 12:16-11.3 Wage deduction statements

(a) Employers shall furnish to workers the following information on Form W-2:

1. The employer registration number assigned by the Controller;
2. The private plan number, if any, assigned by the Division;
3. The amount deducted for State unemployment insurance;
4. The amount deducted for State disability insurance or for the costs of benefits under an approved private plan.

(b) The refund of any deductions in excess of the legal maximum made from a worker's wages by an individual employer is the responsibility of the employer who made such excess deductions.

#### 12:16-11.4 Refund of excess deductions

Any worker who meets the requirements of N.J.A.C. 12:16-11.1 and 12:16-11.2 but is not required to file a New Jersey Gross Income Tax return, may apply to the Controller for a refund of any excess unemployment and disability insurance made from his wages.

#### 12:16-11.5 Assessment for governmental reimbursable employers

(a) All governmental entities who repay benefits in lieu of contributions shall be notified of the applicable portion to be repaid to the Controller from their trust funds for the amounts of any excess unemployment insurance deductions either refunded to their employees or credited to their employees' New Jersey State Gross Income Tax.

(b) Payment to the Controller shall be made within 30 days of the date of mailing of the notice. Payments received after the 30 day period shall be liable to the assessment of interest as specified in N.J.S.A. 43:21-14(b).

### SUBCHAPTER 12. CONCURRENT EMPLOYMENT BY RELATED EMPLOYERS

#### 12:16-12.1 Separate accounts

Each employer, for each calendar year in which it is subject to the Unemployment Compensation and Temporary Disability Benefits Law, is separately and distinctly liable for contributions, up to the yearly maximum taxable wage, based upon remuneration paid to each of its employees regardless of whether or not any such employees are common to other employing units which are jointly owned or controlled by the same interests.

#### 12:16-12.2 Common paymaster

(a) If two or more related entities concurrently employ the same individual and compensate that individual through a common paymaster that is one of the related entities, each entity will be considered to have paid the individual the amounts that it actually dispersed.

(b) If one of the related entities actually dispersed all the wages as agent for the rest, but such wage payments were

charged back to the individual entities for record keeping, income tax or other purposes, the individual related entities shall be considered to be the employer for purposes of the Unemployment Compensation and the Temporary Disability Benefits Laws.

### SUBCHAPTER 13. REPORTS

#### 12:16-13.1 Reports required

Every employer shall file such contribution and statistical reports, and reports of wages paid to individual workers as may be required by the Controller, and every employing unit shall file such reports as may be required by the Controller with respect to employment as shall be necessary to determine its status under the law.

#### 12:16-13.2 Force and effect of instructions relating to reports

The employer shall follow and comply with all departmental instructions relating to any report or report form required or provided by the department.

#### 12:16-13.3 Penalty for failure to file reports

(a) The penalty prescribed by N.J.S.A. 43:21-14(a) for delinquency in filing reports (except for such reports as may be required under N.J.S.A. 43:21-6(b) (2) of the Unemployment Compensation Law) shall be computed for each report from and including the day after such report is due through the post mark date on the envelope in which the report is received by the Controller.

(b) If an employer or employing unit who has been granted an extension of time fails to file his report on or before the termination of the period of the extension for the filing thereof, the penalty for failure to file shall be payable from the original due date as if no extension had been granted.

#### 12:16-13.4 Penalty abatement

(a) The Controller may remit or abate unpaid penalties for good cause if the employer fulfills the following requirements:

1. The employer makes a written request for penalty abatement consideration;
2. The employer submits an affidavit or other acceptable documentation providing a valid reason why the report(s) for the period(s) in question were not filed by the due date(s);
3. All contribution reports have been filed;
4. All liability, other than the penalty for which abatement is being requested, has been paid.

#### 12:16-13.5 Wages paid reported currently

(a) The Controller may require any employer to report wages paid to every worker in his employ within seven days from the date of payment thereof, if the Controller deems it necessary for the effective administration of the Unemployment Compensation Law and the Temporary Disability Benefits Law. Failure to comply will subject such employer or employing unit to the penalties prescribed in N.J.S.A. 43:21-16(b)(2).

(b) Any employer or employing unit required to comply with N.J.A.C. 12:16-13.1 (Reports required) will be duly notified by the Department.

#### 12:16-13.6 Reporting wages, remuneration and other information

(a) Any employer or employing unit shall furnish the record of wages and remuneration paid to a worker, and such other information as may be required under the provisions of N.J.S.A. 43:21-6(b).

(b) Failure to comply with (a) above will subject such employer or employing unit to the penalties prescribed in N.J.S.A. 43:21-16(b)(2).

**12:16-13.7 Wage reporting**

(a) For the calendar quarter commencing July 1, 1984 and each quarter thereafter, each employer shall file a report with the Controller within 30 days after the end of each quarter in a form and manner prescribed by the Controller listing the name, social security number and wages paid to each employee and the number of base weeks worked by the employee during the calendar quarter.

(b) Any employer who fails, without reasonable cause, to comply with the reporting requirements of this section shall be liable for a penalty in the following amount for each employee who is not included in the report or for whom the required information is not accurately reported:

1. For the first failure for one quarter, in any eight consecutive quarters, \$5.00 for each employee;
2. For the second failure for any quarter, in any eight consecutive quarters, \$10.00 for each employee; and
3. For the third failure for any quarter, in any eight consecutive quarters, and for any failure in any eight consecutive quarters which failure is subsequent to the third failure, \$25.00 for each employee.

**12:16-13.8 Suspension of business**

(a) Where a suspension of the business operations of any employer occurs in this State, such employer shall give advance notice thereof to the Controller. In the event that it is impracticable to give such advance notice, the employer shall notify the Controller within 48 hours after such suspension.

(b) Such notice shall be filed with the controller and shall contain the following information:

1. The name and address of the employer;
2. The expected date or date of suspension of business operations;
3. The reason(s) for such action;
4. Whether such suspension of operations is permanent or temporary;
5. Whether wage and separation information will be available for a period of one year from date of suspension of business operations;
6. The name and address of the person or organization from whom such information will be obtainable.

(c) Upon receipt and examination of the notice required in (a) and (b) above, the Department shall determine whether or not the employer shall be required to furnish wage and separation reports.

**12:16-13.9 Transfer of business**

(a) When a transfer, in whole or in part, of the business operations of any employer occurs in this State it shall be the responsibility of the acquiring unit to notify the Controller of such acquisition within 30 days of the transfer.

(b) The successor shall supply the Controller with the name, address and, if possible, the registration number of the acquired unit.

(c) This notification, if possible, should be made on the Controller's Form UC-1; otherwise, a letter will be acceptable.

**SUBCHAPTER 14. ELECTION OF COVERAGE**

**12:16-14.1 Application for election**

(a) An employing unit desiring to elect to become subject to the Unemployment Compensation and Temporary Disability Benefits Laws may request from the Controller forms for voluntary election to become an employer, or to extend its coverage to individuals performing services which do not constitute employment.

(b) The forms for voluntary election to become an employer under the Unemployment Compensation and Temporary Disability Benefits Laws or to extend coverage shall be prescribed by the Controller.

(c) The employing unit making application for voluntary election of subject status must, at the time of making such application, be exempt and have at least one individual, not a member of his immediate family, in employment who would be affected by the voluntary election.

**12:16-14.2 Date of filing**

The date of filing a voluntary election shall be deemed to be the date on which the written election, signed by a legally authorized individual, is received by the Controller.

**12:16-14.3 Effective date of election**

In cases where claims for benefits against an employing unit are known to be pending, no retroactive voluntary election shall be approved for an effective date prior to the first day of the calendar quarter in which such claims were filed, unless contributions were actually paid for prior quarter(s) before the date(s) of claim for benefits.

**12:16-14.4 Election subject to Controller's approval**

(a) Any written election for a period prior to the date of filing shall become binding upon approval by the Controller, and notification of the approval shall be forwarded to the employer.

(b) If for any reason the Controller does not approve such voluntary election, the employing unit shall be notified of the reasons why such approval was withheld.

**12:16-14.5 Effect of election approval**

(a) Each approval of an election shall state the date upon which the approval becomes effective.

(b) The first contribution payment, of any employing unit which elects to become an employer, shall become due and shall be paid on or before the due date (see N.J.A.C. 12:16-5.2) of the reporting period during which the conditions of becoming an employer by election are satisfied, and shall include employer contributions with respect to all wages paid on and after the date stated in such approval.

(c) Such first payment shall also include workers' contributions with respect to all wages paid for employment occurring after the date when the employing unit satisfied all the conditions of becoming an employer by election.

**SUBCHAPTER 15. JOINT ACCOUNTS**

**12:16-15.1 Application**

(a) Two or more employers desiring to have their accounts joined for the purpose of N.J.S.A. 43:21-7 of the Unemploy-

ment Compensation Law may request from the Controller forms for making application therefor.

(b) Such forms shall be completed and filed jointly by all the employers desiring to have their accounts joined into one account.

(c) The form of application for the establishment of a joint account shall be prescribed by the Controller.

(d) This rule is not to be construed to make available joint accounts for Temporary Disability Insurance contributions.

#### 12:16-15.2 Eligibility

(a) A joint account shall be established only after it has been shown to the satisfaction of the Controller that the following conditions have been met:

1. The employers desiring to have their accounts joined shall have filed with the Controller Form UC-38 Application For Establishment of a Joint Account not later than May 31 of such calendar year;

2. At the time of application, all the employers requesting such joint account have employment covered by the New Jersey Unemployment Compensation Law and are owned or controlled directly or indirectly by the same interests;

3. None of such employers was participating in another joint account throughout the preceding calendar year;

4. The requirements of paragraphs (3) and (4) of N.J.S.A. 43:21-7(c) of the Unemployment Compensation Law have been met by all such employers;

5. Such employers intend to maintain the common ownership or control for at least three calendar years and will notify the Controller promptly of any change in such ownership or control;

6. All contributions, interest, penalties and assessments which have become due from such employers on or before the date of application have been paid.

#### 12:16-15.3 Effective date; duration

(a) A joint account shall be established only as of the first day of any calendar year and shall become effective after approval by the Controller.

(b) The joint account so established shall remain in force for not less than three full calendar years, subject to the provisions of N.J.A.C. 12:16-15.5 (Modifications) and 12:16-15.6 (Dissolution).

(c) Contribution rates based on such joint accounts shall become effective for the fiscal year which begins on the first day of July of each calendar year following the approval of the application.

#### 12:16-15.4 Maintenance

(a) Separate accounts shall be maintained for each employer participating in a joint account.

(b) At the beginning of each calendar year the separate accounts shall be combined for the purpose of computing a joint contribution rate.

(c) Such joint rate shall be the contribution rate for each employer participating in the joint account.

#### 12:16-15.5 Modification

(a) Another employer may be added to an existing joint account if all the employers involved jointly make application for a new joint account and comply with the requirements of this subchapter.

(b) If during any calendar year an employing unit participating in a joint account ceases to be an employer under the

New Jersey Unemployment Compensation Law, or ceases to be owned or controlled by the same interests, such employing unit shall be separated from the joint accounts as of the first day of such calendar year, but shall continue for the current fiscal year with the contribution rate computed under the joint account.

#### 12:16-15.6 Dissolution

(a) Joint accounts may be dissolved as of January 1 of any calendar year under any one of the conditions set forth below:

1. If at any time the Controller finds that with respect to such calendar year any one of the eligibility conditions set forth in N.J.A.C. 12:16-15.2 (Eligibility) with respect to employment, contributions, interest, penalties and assessments, and ownership or control, no longer exists and that it would not be in the best interest of the State to continue the joint account.

2. Upon written application of one or more of the employers whose accounts have been joined, if such application is filed with the Controller on or before January 31 of such calendar year and the Controller finds that the joint account has been in existence for at least three calendar years. The form of application for dissolution of a joint account shall be prescribed by the Controller.

### SUBCHAPTER 16. NOTICE TO WORKERS

#### 12:16-16.1 Unemployment compensation coverage

(a) Every employer subject to the provisions of the Unemployment Compensation Law of New Jersey (including every employer who has elected to become subject pursuant to N.J.S.A. 43:21-8) shall post and maintain printed notices to his employees informing them that he is covered by the Unemployment Compensation Law of New Jersey, and has been so registered by the Controller.

(b) Such notices shall be of such design and in such numbers, and shall be posted at such places as the Controller may determine to be necessary to so inform employees.

(c) No such notice shall be posted by any person, employing unit or employer who has not complied with the provisions of the Unemployment Compensation Law and to whom an unemployment compensation registration number has not been assigned by the Controller, or who, in accordance with the provisions of the law, has ceased to be an employer as defined in the law.

#### 12:16-16.2 Termination of subject status

Every employing unit which has ceased to be a subject employer, pursuant to the provisions of N.J.S.A. 43:21-8 of the Unemployment Compensation Law, shall post and maintain notice of such fact on forms supplied by the Controller, in order to inform its workers that they are not in covered employment and are not liable for contributions to the Unemployment Compensation Fund.

### SUBCHAPTER 17. WITNESS FEES AND MILEAGE ALLOWANCES

#### 12:16-17.1 Subpoena ad testificandum

(a) There shall be allowed witness fees for each day of attendance at a hearing in response to a subpoena ad testificandum and mileage from the residence of the witness to the place of hearing and return.

(b) The fees and mileage shall be determined by the Controller.

**SUBCHAPTER 18. TRANSFER OF EMPLOYMENT EXPERIENCE**

**12:16-18.1 Transfer of predecessor's whole experience**

(a) Upon receipt of notification that a predecessor employer has transferred his organization, trade or business, or substantially all his assets to a successor in interest, the Controller shall transfer the employment experience of the predecessor employer to the successor in interest if the employment experience of the predecessor with respect to the organization, trade or business, or assets may be considered indicative of the anticipated employment experience of the successor in interest. The basis for this determination shall be the examination of the files and records in the Department's possession, unless the successor provides evidence to the contrary, which would be subject to confirmation by the Controller.

(b) Unless the predecessor employer was owned or controlled, directly or indirectly, by the successor in interest, or the predecessor employer and the successor in interest were owned or controlled directly or indirectly, by the same interest or interests, the transfer of the employment experience of the predecessor shall not be effective if such successor in interest, within four months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, files a written notice protesting the transfer of the employment experience of the predecessor employer.

**12:16-18.2 Transfer of part of predecessor's experience by application**

(a) A predecessor employer and successor in interest may jointly make application, on Form UC-47 (Joint Application for Transfer of Employment Experience), for transfer of that portion of the employment experience relating to that part of the organization, trade, assets or business acquired by the successor in interest. The employment experience will be transferred if the following conditions are met:

1. Either the predecessor or successor in interest shall report the transfer and acquisition and its intention to apply for a partial transfer of the employment experience within four calendar months after the date of transfer and acquisition.

2. Both the predecessor and successor in interest complete and file Form UC-47 within 30 days from the date of mailing thereof.

3. The employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business to be transferred may be considered indicative of the future employment experience of the successor in interest. The basis for this determination shall be the examination of the files and records in the Department's possession, unless the successor provides evidence to the contrary, which would be subject to confirmation by the Controller.

4. The part of the business transferred is a distinguishable and identifiable part to which may be allocated a definite portion of the predecessor's contributions, annual payrolls and benefit charges.

5. That the predecessor and/or successor in interest have furnished the information covering contributions, annual payrolls, benefit charges and other data necessary to make the transfer on the records of the Controller.

**12:16-18.3 Rate following acquisition**

The employment experience transferred shall be used in determining the employer contribution rate of the successor in interest for the fiscal year beginning July 1 following the date of the acquisition.

**12:16-18.4 Assignment of contribution rates for interim periods**

(a) Any employer who acquires the organization, trade, assets or business, in whole or in part, of another employer, shall continue to pay contributions at the rate currently assigned to him for the period from the date of acquisition to the following July 1.

1. When, however, the employment experience of the predecessor employer, with respect to the organization, trade, assets or business, which has been transferred, represents substantially all the employment experience of the successor-in-interest and may be considered indicative of the future employment experience of the successor-in-interest, the contribution rate of the successor-in-interest shall be determined by combining the transferred employment experience and the employment experience of the successor-in-interest as they appeared in the records of the Controller at the close of the calendar year preceding the current fiscal year. Such rate shall be effective for the period from the date of acquisition to the following July 1.

2. A predecessor employer who continues to operate a part of his business shall continue to pay contributions at its current rate for the period from the date of transfer to the following July 1, unless the contribution rate of the successor-in-interest has been recomputed as aforementioned. In the latter event, the contribution rate of the predecessor employer shall be recomputed on the basis of his employment experience which remains on the records of the Controller at the close of the calendar year preceding the current fiscal year, after giving effect to the transfer, and such rate shall be effective from the date of transfer to July 1 following.

(b) Any employing unit which becomes a subject employer by virtue of acquiring the organization, trade, assets or business of an employer shall be assigned the contribution rate of the predecessor for the period from the date of acquisition to July 1 following.

(c) Any employing unit which becomes a subject employer by virtue of acquiring part of the organization, trade, assets or business of an employer shall be assigned the basic rate of a new employer for the period from the date of the acquisition to the following July 1, unless the employment experience acquired is indicative of future employment.

(d) Any employing unit which becomes a subject employer by virtue of acquiring the organization, trade, assets or business of two or more employers shall be assigned the rate of the predecessors, if they have the same rate; or, if they do not have the same rate, they shall be assigned a contribution rate based upon the combined record of the predecessors at the close of the calendar year preceding the current fiscal year.

**SUBCHAPTER 19. BENEFIT CHARGES**

**12:16-19.1 Employer's account charged; notice**

Benefits paid shall be entered and charged against the account of the employer to whom such determination relates and when the benefit payment is made some form of notification shall be promptly send to the employer against whose account the benefits are to be charged.

**12:16-19.2 Annual summary statement**

Each employer shall be furnished an annual summary statement of benefits charged to his account.

# LAW AND PUBLIC SAFETY

(a)

## DIVISION OF MOTOR VEHICLES

### Enforcement Service

### Inspection of New Passenger Vehicles and New Motorcycles

### Proposed Amendments: N.J.A.C. 13:20-28

Authorized By: Clifford W. Snedeker, Director.  
Authority: N.J.S.A. 39:8-2.

**Interested persons** may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director  
Division of Motor Vehicles  
25 So. Montgomery Street  
Trenton, New Jersey 08666

The Division of Motor Vehicles thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-530.

The agency proposal follows:

#### Summary

Pursuant to N.J.A.C. 13:20-28.1 et seq. new car dealers and new motorcycle dealers are required to inspect new passenger vehicles and motorcycles prior to delivery to a purchaser in New Jersey. Safety devices are required to be inspected and serviced, if necessary, so that the vehicle conforms to the equipment specifications established by the manufacturer, the United States Department of Transportation and the State of New Jersey. Presently, new passenger vehicles and motorcycles which have been inspected by dealers pursuant to this subchapter are not required to be inspected by the State inspection system for at least two years from the date of initial registration. The proposed amendment restricts the State inspection exemption to one year.

Additionally, the proposed amendment extends the application of the subchapter to "new motor vehicles" including trucks. Presently, trucks registered at a gross weight in excess of 6,000 pounds are subject to self-inspection pursuant to N.J.A.C. 13:20-26.1 et seq. The self-inspection regulations are being amended by a separate proposal which will exclude trucks from the self-inspection provisions. Trucks will be required to be inspected by the State inspection system as of January 1, 1985. Dealers of new trucks will therefore be required to inspect new trucks prior to delivery to a purchaser in New Jersey. Inspections performed by dealers will exempt new trucks from State inspection for one year from the date of initial registration.

#### Social Impact

The proposed amendment will have a beneficial impact as it will result in increased highway safety and improved air quality for the citizens of this State.

#### Economic Impact

There is an economic impact on the State in funding the Division's Bureau of Vehicle Inspection which will be required to inspect a larger number of vehicles. There is no economic impact on the general public.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

### SUBCHAPTER 28. INSPECTION OF NEW [PASSENGER] MOTOR VEHICLES [AND NEW MOTORCYCLES]

#### 13:20-28.1 Purpose

(a) The purpose of this subchapter is to effect increased equipment and vehicular safety by requiring new [car dealers to inspect new passenger vehicles and approved new motorcycle dealers to inspect new motorcycles] **motor vehicle dealers to inspect new motor vehicles** prior to delivery to an ultimate purchaser in New Jersey.

(b) (No change.)

#### 13:20-28.2 Applicability

The provisions of this subchapter shall be applicable to all new [car] **motor vehicle** dealers [and new motorcycle dealers] licensed by the Director.

#### 13:20-28.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise. (Note: Any other term used in this subchapter and not defined within this section shall have the meaning as defined in N.J.A.C. 39:1-1 et seq.)

...

"New [car dealer" or "new motorcycle] **motor vehicle dealer**" means a dealer licensed pursuant to N.J.S.A. 39:10-19, to sell new [passenger] **motor** vehicles [or new motorcycles], his employees and/or agents.

["New passenger vehicle" means every new vehicle, regardless of registration class, used and designed for the transportation of passengers, except motorcycles, omnibuses, school buses and vehicles that run upon rails or tracks.]

"Pre-delivery check list" means a list of items and procedures which a new [car] **motor vehicle** dealer [or new motorcycle dealer] is required or recommended by a manufacturer to check or follow prior to delivery of a new vehicle to a purchaser.

...

#### 13:20-28.4 Manufacturers' new vehicle inspection procedure

(a) Every new [car] **motor vehicle** dealer shall [and every new motorcycle dealer may], prior to delivery to an ultimate purchaser of any new [passenger] **motor** vehicle [or new motorcycle], inspect the safety devices on such vehicle and perform such services as may be necessary so that such vehicle conforms to certain specifications established by the manufacturer and contained in its pre-delivery check list.

(b)-(c) (No change.)

#### 13:20-28.5 United States Transportation Department standards

(a) All new [passenger] **motor** vehicles [and new motorcycles] subject to inspection shall meet the standards now or hereafter prescribed by the manufacturer or by statute or by regulation of the Director or by the standards prescribed by the U.S. Department of Transportation.

(b) (No change.)

13:20-28.6 Decal

(a) Every new [car] **motor vehicle** dealer [or new motorcycle dealer] shall, after satisfactory completion of inspection, affix a decal or other indication of successful inspection as the Director may prescribe, upon such vehicle.

(b) Any new [passenger] **motor vehicle** [or new motorcycle] receiving a decal or other indication of successful inspection shall next be inspected [two years] **one year** from the date of initial registration of that vehicle [except that motorcycles shall be inspected in the second calendar year following the date of initial registration. Said inspection shall occur during the period between January 1 and June 30 of that second calendar year].

(c) In the event that the ultimate purchaser of any new [passenger] **motor vehicle** [or new motorcycle] transfers registration from a previously owned vehicle registered in his name to a new [passenger] **motor vehicle** [or motorcycle], the new [car] **motor vehicle** dealer [or new motorcycle dealer] shall affix a decal or other indication of inspection to such vehicle, which shall indicate that such vehicle shall next be inspected at the conclusion of the period represented by the unexpired period of time of the transferred registration plus [two years] **one year**.

(d) In the event that the ultimate purchaser of any new [passenger] **motor vehicle** [or new motorcycle] registers that vehicle with a fixed registration expiration date, the [new] dealer [or new motorcycle dealer] shall affix a decal or other indication of inspection to such vehicle, which shall indicate that such vehicle shall next be inspected at the conclusion of the period represented by the expiration date of the registration plus [two years] **one year**.

13:20-28.7 Compliance

No new [car] **motor vehicle** dealer [or new motorcycle dealer] may deliver a new [passenger] vehicle to an ultimate purchaser until such vehicle has been found to be in safe operating condition as determined by compliance with the inspection standards established by the provisions of this subchapter.

13:20-28.8 Evidence of compliance

(a) Completion by a new [car] **motor vehicle** dealer [or new motorcycle dealer] of a manufacturer's pre-delivery check list or report shall be evidence of compliance with the provisions of this subchapter.

(b) Such pre-delivery check list or report shall be retained by the new [car] **motor vehicle** dealer [or new motorcycle dealer] for a period of at least three years from the date of inspection.

13:20-28.9 Recommended practices and forms

The pre-delivery check list used by a new [car] **motor vehicle** dealer [or new motorcycle dealer] shall indicate the place and date of inspection, the person or persons performing such inspection, and compliance with the standards of safety established by this subchapter.

13:20-28.10 Additional inspection

Nothing in this subchapter shall be construed to limit or deny the Director to require any additional inspection, including an inspection to assure the proper functioning of emission control devices or systems of new [passenger] **motor vehicles**, nor shall this subchapter be construed to abridge any code, rule or regulation now or hereafter promulgated pursuant to Title 26, Chapter 2C of the New Jersey Statutes Annotated, "Air Pollution Control Act of 1954".

13:20-28.11 Determination of compliance by Director

The Director or any of his designees may enter upon the premises of any new [car] **motor vehicle** dealer [or new motorcycle dealer] to determine compliance with any section of this subchapter.

13:20-28.12 Violation

Any new **motor vehicle** dealer [or new motorcycle dealer electing to inspect new motorcycles], who violates any provision of this subchapter shall be subject, after notice and hearing, to the suspension or revocation of his New Jersey dealer license.

(a)

**DIVISION OF MOTOR VEHICLES**

**Enforcement Service  
Standards for Motor Vehicles with Modified  
Chassis Height**

**Proposed New Rule: N.J.A.C. 13:20-37**

Authorized By: Clifford W. Snedeker, Director.  
Authority: N.J.S.A. 39:3-43, 39:8-2 and 39:10-4.

**Interested persons** may submit in writing, data, views, or arguments relevant to the proposed rule on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Clifford W. Snedeker, Director  
Division of Motor Vehicles  
25 So. Montgomery Street  
Trenton, New Jersey 08666

The Division of Motor Vehicles thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The adopted rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-522.

The agency proposed follows:

**Summary**

The proposed new rule prohibits the operation of a vehicle which has been modified as to height unless prior approval of the Director of the Division of Motor Vehicles has been granted. The rules specify equipment standards relating to suspension modifications, tires, steering, exhaust and engine protection, light standards, bumpers and lights, among others, which the motor vehicle must comply with in order for approval to be granted. The proposal also establishes approval requirements which include the submission of the vehicle to a test to determine whether the vehicle shows a tendency to roll over. This "Geometric Stability" test is currently used by the State of Connecticut and has been previously used by the University of Michigan to conduct studies of four-wheel drive utility vehicles. It determines, based on the vehicles width, weight and height, whether an unacceptable center of gravity shift has occurred by modifying the vehicles' suspension. This center of gravity shift could result in a vehicle

rolling over. Studies by the University of Michigan have determined that stock four-wheel drive utility vehicles are six to eleven times more likely to roll over than stock passenger type vehicles. Raised vehicles pose an even greater risk since they have a center of gravity higher than stock vehicles.

If it is determined that a vehicle conforms to the proposed regulation, the Division will issue a certificate of approval stating that the vehicle may be operated on the highways of the State.

The testing will be conducted by the Division of Motor Vehicles at sites to be announced at a later date.

#### Social Impact

The proposed new rule promotes highway safety by setting approval standards for motor vehicles with modified chassis height. The standards insure that these motor vehicles will be in compliance with applicable standards for equipment. The testing standards will also insure that the center of gravity will not be raised to such a height as to cause the vehicle to be unstable while being operated on the public highways.

#### Economic Impact

There is an economic impact on persons who have modified or propose to modify the height of a motor vehicle. These persons will be responsible for having the vehicle tested and put in compliance with the regulation.

Full text of the proposed new rule follows.

### SUBCHAPTER 37. STANDARDS FOR MOTOR VEHICLES WITH MODIFIED CHASSIS HEIGHT

#### 13:20-37.1 Modification of height of motor vehicle restricted; approval of the director

(a) No person shall operate on any highway of this State any motor vehicle whose height has been altered, modified or changed by elevating or lowering the chassis or body from the manufacturer's specifications by use of "shackle lift kits" for leaf springs or by use of lift kits for coil springs or blocks or any other device without the prior written approval of the director.

#### 13:20-37.2 Requirements for motor vehicle approval

(a) To be approved, a vehicle shall meet the following standards:

1. The suspension system shall consist of the basic elements originally provided by the manufacturer and be geometrically arranged in accordance with the manufacturer's specifications. No suspension system component shall be replaced unless the replacement component meets or exceeds the quality and performance standards established by the vehicle manufacturer. The vehicle shall have a suspension system that allows movement between the unsprung axles and wheels and the chassis body and shall be equipped with a shock-absorbing device at each wheel location. The suspension system shall be capable of providing a minimum relative motion of plus and minus two inches. When any corner of the vehicle is depressed and released, the damping device shall stop vertical body motion within two cycles. The use of spacer blocks between the front axle and leaf springs is prohibited.

2. The steering wheel shall move not less than two turns nor more than six turns, and shall remain unobstructed when turning from stop to stop. The number of turns to right stop shall be equal to the number of turns to left stop. A tolerance of one-quarter turn is permitted.

3. Headlights shall be no lower than 24 inches nor higher than 54 inches from the ground to the center of the lamp. Taillights shall be no lower than 15 inches nor more than 72 inches from the ground to the center line of the lamp. All lighting equipment must meet the standards of the Society of Automotive Engineers.

4. License plates shall be no lower than 12 inches nor higher than 48 inches from the ground. N.J.S.A. 39:3-33.

5. Brake lines and hoses shall conform to 49 C.F.R. 571.106 and shall be protected from excessive heat and vibration and be installed so as to prevent chafing.

6. Where the vehicle was originally equipped by the manufacturer with bumpers, all bumpers must be securely mounted, extend across the full width of the vehicle and be horizontal load bearing bumpers attached to the vehicle frame to effectively transfer impact when engaged. Bumpers shall not have sharp edges or dangerous configurations. Bumpers shall be mounted to be no lower than 16 inches from the ground to the bottom of the bumper.

7. All tires on the same axle or on axles less than six feet apart shall be of the same tire size with respect to diameter and width. Each tire shall have a load carrying capacity specified by the tire manufacturer in excess of the intended maximum axle load divided by the number of tires on the axle. Each front tire shall measure a minimum of 60 percent of the tread width of the rear tires. Tires shall have a minimum four inch vertical clearance and two inch horizontal clearance so as not to rub on the chassis, body, suspension or other part of the vehicle while being operated.

8. Fenders shall extend the full width of the tires or the vehicle must be equipped with suitable metal protectors or substantial flexible flaps so as to prevent the throwing of dirt, water or other debris on following vehicles. The metal protectors or flexible flaps shall be of such standard type or design and installed in such manner as shall be approved by the director and shall conform substantially to any requirement of the Interstate Commerce Commission governing similar subject matter.

9. Fuel tanks which have become exposed as a result of raising the vehicle shall be protected against damage from collision by some means of encasement.

10. All moving parts or exhaust system components which have become exposed as a result of raising the vehicle shall be shielded to prevent injury to persons making contact with these parts.

11. Any ballast material used for the purpose of adding weight to the vehicle must be permanently attached to the vehicle must be permanently attached to the vehicle structure. No liquid or loose ballast is permitted.

12. Release of the steering wheel while the vehicle is in a sharp turn at a speed of between five to ten miles per hour will result in a distinct tendency for the vehicle to increase its turning radius.

13. The weight distribution between the two sides of an empty vehicle on level ground shall not exceed 45 percent/55 percent.

#### 13:20-37.3 Standards for vehicles with modified height

(a) If a motor vehicle has been raised more than four inches beyond the manufacturer's specifications, it must be tested to verify that it can withstand the lateral standard established by the Director of the Division of Motor Vehicles.

(b) For testing passenger or utility type vehicles the standard is 1.1 gravitational force or more.

(c) For testing pickup trucks the standard is 1.1 gravitational force or more.

(d) Vehicles that have not been raised more than four inches may be approved provided they comply with the standards set forth at **N.J.A.C. 13:20-37.2**.

**13:20-37.4 Testing**

Tests shall be conducted by the Division of Motor Vehicles at sites to be designated by the Director using the procedures and equation set forth at **N.J.A.C. 13:20-37.5**.

**13:20-37.5 Procedure for testing modified vehicles**

(a) The track width of the front and rear axles shall be measured from the centers of the tread of the outermost tires on the same axle. The front track width shall be added to the rear track width and the sum shall be divided by two to give the average track width.

(b) The side to side weight distribution shall be calculated with the vehicle empty on level ground. The distribution shall not exceed 45 percent/55 percent as set forth in **N.J.A.C. 13:20-37.2**.

(c) One side of the vehicle should be raised to a static relative angle of 15 degrees  $\pm$  1/2 degrees from horizontal.

(d) The weight of the vehicle shall be measured on the unraised side.

(e) The maximum permissible weight on the unraised side is 62.4 percent of the total vehicle weight multiplied by twice the unraised side's weight percentage as determined in (b) above.

**13:20-37.6 Certificate of approval**

The director may issue a certificate of approval upon the motor vehicle's compliance with the requirements set forth in this subchapter.

**13:20-37.7 Denied or revocation of approval**

Upon notice and an opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1 et seq., the director shall deny any application for a certificate of approval or revoke or suspend any certificate of approval issued under this subchapter for any failure to comply with or failure to continuously remain in compliance with any of the standards or requirements set forth in this subchapter.

**(a)**

**DIVISION OF STATE POLICE**

**Motor Vehicle Race Track Rules**

**Proposed Repeal: N.J.A.C. 13:22**

**Proposed New Rule: N.J.A.C. 13:22**

Authorized By: Colonel Clinton L. Pagano, Superintendent, Division of State Police.

Authority: N.J.S.A. 5:7-8 et seq. specifically 5:7-14 and Executive Directive 1982-2 of Attorney General Kimmelman dated December 3, 1982.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 31,

1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Colonel Clinton L. Pagano, Superintendent  
New Jersey State Police  
State Police Headquarters  
P.O. Box 7068  
West Trenton, New Jersey 08625

At the close of the period for comments, the Division of State Police may adopt this proposal, with any minor changes not in violation of the rule-making procedures of N.J.A.C. 1:30-3.5. The adoption becomes effective upon publication in the Register of a Notice of Adoption.

This proposal is known as PRN 1984-531.

The agency proposal follows:

**Summary**

In accordance with Executive Directive 1982-2 (Dec. 3, 1982) of Attorney General Irwin I. Kimmelman, the regulation of the motor vehicle race track industry in the State of New Jersey has been transferred from the Enforcement Bureau of the Division of Motor Vehicles to the Superintendent of the Division of State Police. As a result of this directive, all provisions of the motor vehicle racing laws, including licensing, are presently being administered and performed by the Superintendent or his designees. The proposed new rules, N.J.A.C. 13:22, properly designate the Superintendent of the Division of State Police as the State official with all appropriate regulatory powers and duties to regulate the motor vehicle race track industry in New Jersey.

The proposed new rules, in addition to designating the Superintendent of the Division of State Police with the authority to regulate the motor vehicle race track industry, also make several changes in the existing rules as well as proposing certain new requirements with the view being an updating of safety and licensing requirements. The Superintendent of the Division of State Police has determined that the new rules are necessary, reasonable and responsive to the purpose set forth in N.J.S.A. 5:7-8 et seq. A summary of the proposal follows:

N.J.A.C. 13:22-1 defines words and terms used in the regulations

N.J.A.C. 13:22-2 sets forth the requirement for obtaining a motor vehicle race track license and the licensee responsibilities

N.J.A.C. 13:22-3 prescribes standards for construction of a race track

N.J.A.C. 13:22-4 prescribes general safety requirements for race vehicles and drivers of race vehicles

N.J.A.C. 13:22-5 prescribes safety requirements for open cockpit race vehicles and drivers of open cockpit race vehicles

N.J.A.C. 13:22-6 outlines requirements for conducting acceleration and performance tests

N.J.A.C. 13:22-7 prescribes safety requirements for motorcycle events

N.J.A.C. 13:22-8 prescribes safety requirements for snowmobile events

N.J.A.C. 13:22-9 outlines requirements for the construction of a go-cart track and safety requirements for go-carts

N.J.A.C. 13:22-10 sets forth certain age and insurance requirements for certain types of racing events

N.J.A.C. 13:22-11 sets forth the procedure for appeals of Administrative action

**Social Impact**

The proposed new rules will assist the Division of State Police in their responsibilities in administering the statutory

and regulatory provisions for the operation of a motor vehicle race track in the State of New Jersey. The new rules are in accordance with the legislative intent of N.J.S.A. 5:7-8 et seq. The social impact due to this revision is to clarify certain rules for the benefit of license holders, participants and the public at large. It is also anticipated that the social impact will be one of providing both participants and spectators with better protection and safety prior to and during a motor vehicle race or exhibition.

#### **Economic Impact**

The proposed new rules will present a minimal cost, if any, to license holders, race vehicle owners and operators. This minimal economic impact is anticipated as the proposed rules governing safety regulations are, for the most part, presently being adhered to by participants in the race track industry. Furthermore, it is anticipated that the updating of the safety requirements and clarification of present rules will assist in minimizing the possibility of injury to participants and spectators during a motor vehicle race or exhibition.

**Full text** of the proposed repeal appears in the New Jersey Administrative Code at N.J.A.C. 13:22.

**Full text** of the proposed new rule follows.

### CHAPTER 22 MOTOR VEHICLE RACE TRACK RULES

#### SUBCHAPTER 1. DEFINITIONS

##### 13:22-1.1 Words and phrases defined

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Acceleration and performance test” means a straightaway race against time or another vehicle, including acceleration and deceleration.

“Ambulance” means a motor vehicle certified to provide emergency medical services pursuant to the New Jersey Highway Safety Act of 1971 (N.J.S.A. 27:5F-1 et seq.).

“Go-cart” means a small four-wheeled vehicle consisting of a frame, seat, one or more engines mounted to the rear of the driver’s seat, steering mechanism and a braking system, and having no spring suspension system.

“Go-cart racing event” means a race involving vehicles commonly known as go-carts as defined in this chapter, either on a circular or oval track or on a road course involving curves, chicanes or other track characteristics designed to simulate varied road conditions.

“Motorcycle special events” include motorcrosses, scrambles and other events utilizing open road courses.

“Pit area” means that portion of a racing location where vehicles are serviced, repaired or refueled during a racing event.

“Racing event” means a motor vehicle race or exhibition of driving skill, including that time period proper to the actual race or exhibition, as well as the time period during the race or exhibition and until the conclusion of the race or exhibition wherein all competing vehicles have been removed from the racing surface.

“Reaction powered vehicles” means vehicles powered by jet or rocket engines.

“Snowmobile” means an engine driven motor vehicle designed primarily over ice or snow of a type that uses sled type

runners, skis, continuous belt tread, cleats or any combination of these similar means of contact with the surface upon which it is operated.

“Snowmobile racing event” means a race involving vehicles commonly known as snowmobiles as defined in this chapter on a circular or oval track, a road course involving curves, chicanes, or a straightaway race against time or other snowmobiles.

“The Superintendent” means the Superintendent of the Division of State Police.

“Thrill shows” means events specifically designed to demonstrate driving skill including, but not limited to ramp jumps and events requiring the intentional crashing of participating vehicles.

“Trained first aid attendant” means a person certified to provide emergency medical services pursuant to the “New Jersey Highway Safety Act” (N.J.S.A. 27:5F-1, et seq.).

#### SUBCHAPTER 2. MOTOR VEHICLE RACE TRACK LICENSE REQUIREMENTS AND LICENSEE RESPONSIBILITIES

##### 13:22-2.1 License application procedure

(a) The application for a motor vehicle race track license must be submitted at least 90 days prior to the first day of racing or exhibition. An application for renewal of a license must be submitted within 60 days of the expiration date of the license and is to be accompanied by:

1. Insurance certificate;

2. Duplicate of the insurance policy;

i. The policy must be issued by a company approved by the Superintendent;

ii. The policy and the certificate are to contain a statement to the effect that they are noncancellable except upon 30 days prior written notice to the Superintendent;

3. A certified check or postal money order in the amount prescribed by law as the license fee;

4. A certification from the building inspector of the municipality where the track is located to the effect that he has inspected the spectator seats and found them safe for use. Where the municipality does not have a building inspector, or a building code, a certification from a New Jersey State licensed structural engineer may be accepted. The approval of the building inspector, or other recognized authority, must be delivered to the office of the Superintendent of the Division of State Police, Division Headquarters, P.O. Box 7068, West Trenton, New Jersey 08625, anytime up to 24 hours before the first race is to run.

5. A sketch or sketches of the track and associated areas, as near to scale as practicable, indicating the location of required safety features such as hub rails, fences, light or flagman positions, spectator seating, entrances and exits, pit facility locations and other physical factors affecting the safety of spectators and participants. This requirement shall not apply to locations licensed prior to January 1, 1963, unless alterations are made to the track and associated areas on or after January 1, 1963.

##### 13:22-2.2 Licensee’s responsibility

The licensee is responsible for any violations of N.J.S.A. 5:7-8 et seq. or any of the provisions of this chapter.

##### 13:22-2.3 Restrictions upon licensee

(a) The Superintendent may impose reasonable restrictions upon any licensee.

(b) The restrictions may include, but shall not be limited to:

1. Requirements for special protective devices for the participants in, or spectators attending, any race or exhibition;
2. Limitations concerning spectator areas;
3. Limitations concerning types of events and classes of vehicles;
4. Requirements for the protection of participants and spectators.

(c) The licensee will comply with any special restriction imposed by the Superintendent after receiving written notice thereof from the Superintendent.

(d) In addition to the restrictions specified in (b) above, the use of the following types of vehicles and/or events are prohibited, unless approved in writing by the Superintendent:

1. Reaction powered vehicles;
2. Thrill shows.

**13:22-2.4 Rule modification**

(a) When modification of a rule is warranted to meet the needs of a particular event, the Superintendent may temporarily modify a rule provided:

1. The modification will not adversely affect the safety of the public or participants at a racing event.
2. Request for a modification must be made in writing to the Superintendent at least 20 days prior to the racing event.
3. The request must contain a sufficient description of the event and the specific rule which the licensee is requesting to be modified.
4. The Superintendent shall notify the licensee of his determination prior to the racing event.

**13:22-2.5 Infield pit areas; inspection**

(a) Tracks having the pit area in the infield of a substantially circular or oval track will be subject to special inspection to determine whether arrangements are sufficient to provide reasonable protection for pit area personnel.

(b) Such inspection will be made following application to the Superintendent which shall be filed in conjunction with the application for the race track license.

**13:22-2.6 Alcoholic beverages and drugs**

(a) No alcoholic beverages, nor narcotic, hallucinogenic or habit producing drugs will be permitted on the race track proper, the pit area, or any other area having unrestricted access to the race track proper. No person who has partaken of any alcoholic beverage or narcotic, hallucinogenic or habit producing drug in any amount whatsoever shall participate in any race or exhibition of driving skill, or perform any duties in the pit or pit area.

(b) Any vehicle containing alcoholic beverages or narcotic, hallucinogenic or habit producing drugs, and any person found to have partaken of alcoholic beverages or narcotic, hallucinogenic or habit producing drugs shall be removed from the pit area as soon as is practicable.

(c) No person who has been convicted of the use or possession or a "controlled dangerous substance," as provided in N.J.S.A. 24:21-20, shall be permitted to enter into a pit area for a period of one year from the date of conviction.

**13:22-2.7 Pit credentials**

(a) The track management shall be responsible for the issuance of pit credentials and only those credentials issued by the track management shall be recognized as valid.

(b) Only persons holding pit credentials shall be admitted to the pit area or racing area.

(c) The issuance of pit credentials shall be limited to:

1. Mechanics assigned to race cars with a maximum of four to each car;
2. Drivers having cars entered in one of the events in the race;
3. Members of the track staff having business in the pit areas;
4. Race officials; and
5. Accredited photographers and reporters of the working press.

(d) The track management shall be responsible for the checking of credentials of persons entering the pit area to determine that no person shall enter the pit area or engage in a race or exhibition unless such person shall produce credentials showing his age to be at least 18 years.

(e) The licensee or the Superintendent may require a person to produce satisfactory evidence attesting to said person's physical and mental well-being as a prerequisite to obtaining permission to enter the pit area. Such evidence shall be on a form signed by a New Jersey licensed physician.

**13:22-2.8 Announcements**

(a) It shall be the responsibility of the licensee to make a suitable announcement over the public address system in the pit area, advising the public and pit personnel of the following:

1. The minimum age of persons permitted in the pit area;
2. The prohibition against smoking in the area where fuel is stored or refueling of vehicles takes place;
3. The prohibition against the use of alcoholic beverages in the pit area; and
4. The prohibition against the use of narcotic, hallucinogenic or habit producing drugs in the pit area.

(b) Such announcement is to be made approximately 15 minutes before the start of the day's program and periodically during the program.

(c) A sign shall be posted at all entrances to the pit area advising authorized persons in the pit area of the prohibition against the possession or use of alcoholic beverages or narcotic, hallucinogenic or habit producing drugs in the pit area, of the prohibition against smoking in areas where fuel is stored or refueling of vehicles takes place, and of the minimum age of persons permitted in the pit area.

**13:22-2.9 Monthly reports**

The licensee shall file with the Superintendent a monthly report on the form approved and provided by the Superintendent. This report shall include the date of racing events held in the reported month, the type of event, the attendance, the number of vehicles entered, and an account of accidents resulting in personal injury or property damage, as well as an account of any other unusual incidents occurring at the track during the reporting period.

**13:22-2.10 Accident reports and impounding of certain vehicles**

(a) Accidents involving injury or death must be reported to the office of the Superintendent, by telephone, no later than 9:00 A.M. of the first business day following the accident.

(b) Such a report must be followed within 48 hours by a complete written report of the accident.

(c) Any vehicle which is involved in a crash resulting in serious or fatal injuries to a driver or spectators thereof shall be impounded by the licensee and detailed until such time as an inspection of the vehicle may be made by a representative of the Superintendent.

## 13:22-2.11 Report of deaths to local police

In addition to the reports to the Superintendent, the licensee shall report any accident resulting in a fatality to the police agency having jurisdiction by the quickest means available.

## SUBCHAPTER 3. CONSTRUCTION REQUIREMENTS

## 13:22-3.1 Hubrails

(a) Hubrail construction must comply in all respects with the provisions of N.J.S.A. 5:7-14, or in the alternative, the owner or operator must have written authority for any changes from the Superintendent.

(b) Hubrails must be provided and maintained on the outer circumference of the track and around the entire circumference thereof and where spectators are allowed in the infield or within the inner circumference of the track, a hubrail, as described in this section, will be required around the inner circumference of the track.

(c) The hubrail must consist of at least two planks of hard wood or other suitable material, at least ten inches in width by three inches in thickness.

(d) The hubrail shall be supported by posts of similar material of at least six inches in width and six inches in diameter, or round post not less than seven inches in diameter, which are set in the ground at least four feet and shall extend above the ground at least two feet. The post shall be no higher than the hubrail planking and shall be spaced no more than six feet apart.

(e) The hubrail shall be mounted on the side of the post facing the track and running horizontally and parallel to each other.

(f) On the opposite side of the posts, not more than eight inches from the top thereof, there shall be a three-quarter inch steel cable running around the circumference of the track and securely fastened to the post with eye bolts.

(g) The hubrail entrance and exit gates to the pit area must be closed while vehicles are in motion on the track, unless alternate arrangements have been made by the installation of barriers of a type which will prevent cars out of control from leaving the track and entering the immediate pit working area.

(h) Where the licensee wishes to use methods other than gates, an inspection of such installations by a representative of the Superintendent will be required.

(i) The hubrail opening for vehicles shall be so located that a vehicle leaving the track must turn 90 degrees before entering the pit area.

(j) At locations using methods other than gates between the pit area and track, a guard will be required to prevent unauthorized persons from entering the track area.

(k) The use of baled hay or straw or any similar material as a protective device between participating vehicles and spectators is specifically prohibited.

## 13:22-3.2 Fences

All fences installed for the purpose of limiting spectator areas shall be constructed of welded wire fabric or chain link and shall be at least six feet in height and so constructed as not to be easily lifted, climbed over or moved aside except at motorcross events the fence shall be of the same construction but at least five feet in height.

## 13:22-3.3 Red and amber lights

(a) Each track used for automotive racing, except those used for acceleration and performance tests, must be

equipped with a system of at least four red lights and four amber lights so arranged that at least one light of each color will be visible to the drivers as they enter each turn.

(b) Strips used for acceleration and performance tests need be equipped with only one red light.

(c) The lights shall be so arranged as to be controlled by a single switch and a responsible person must be assigned to be on duty, and to operate such switch during the entire time of each race.

(d) When the red lights are illuminated, all racing vehicles on the track will be required to stop as soon as possible and to remain stopped until such time as the red lights are turned out.

(e) When the amber lights are illuminated, all racing vehicles on the track will be required to slow down and maintain their position unless otherwise directed to change position by a track official.

## 13:22-3.4 Flagmen

(a) Tracks over one mile in length may use flagmen in lieu of the red and amber lights, provided the assistant flagman in the starter's stand is in constant two-way radio or telephone communication with all flagmen.

(b) Where flags are used, the display of the red flag will cause all racing vehicles to stop as soon as possible and to remain stopped until such time as the red flag is removed from display.

(c) Where flags are used, the display of the amber flag will cause all racing vehicles to slow down and maintain their position.

## 13:22-3.5 Starters

All circular or oval tracks, road courses and other locations utilizing the services of flagmen to control the event shall also have an assistant flagman in the starter's stand. The assistant flagman used to control or start a race shall be in the starter's stand when starting and during the race.

## 13:22-3.6 Maximum protection

(a) All hubrails, fences, stands and buildings must be constructed and maintained so as to afford maximum protection for spectators.

(b) Any spectator stand erected or relocated on or after April 1, 1960, must be located at least 25 feet from the hubrail.

## SUBCHAPTER 4. SAFETY REQUIREMENTS FOR VEHICLES AND PERSONNEL

## 13:22-4.1 Safety belts

(a) A quick release type of safety belt, shoulder harness and crotch belt in good condition shall be compulsory on all vehicles other than motorcycles.

(b) Both ends of the safety belt and crotch belt must be fastened to the frame of the vehicle. Both ends of the shoulder harness shall be fastened to the frame of the vehicle and come over a round bar at the driver's shoulder height.

(c) All fittings and connections on the safety belt, shoulder harness and crotch belt must be metal. Belts and harnesses with cloth or plastic fittings or connections may not be used.

(d) The belts and shoulder harness must be in use during the entire time the vehicle is being driven in a race.

(e) All safety belts and shoulder harnesses must bear the date of manufacture and may not be in use for more than five years, except that vehicles of the stock, pure stock and super

## PROPOSALS

## LAW AND PUBLIC SAFETY

stock classes, used in acceleration and performance tests, are exempt from this subsection.

### 13:22-4.2 Inspection of vehicles

(a) Vehicles which are to be used in automobile races or exhibitions of driving skill are subject to inspection and approval at any time by the Superintendent.

(b) The licensee shall arrange for the inspection of each participating vehicle prior to the event, to determine that it meets the requirements of this chapter. Vehicles not meeting the requirements of this chapter are to be barred from participation or practice.

### 13:22-4.3 Number of persons in vehicle

No vehicle shall carry more than one person at any time during a race or warmup, except that during a bona fide training period an instructor may accompany the trainee.

### 13:22-4.4 Seats

All seats shall be attached to the frame of the vehicle, the frame of the roll cage or to a substantial metal plate attached to the frame or roll cage with at least six, three line, five-sixteenths inch bolts. Four five-sixteenths inch bolts shall be installed in the base of the seat not more than three inches from the outside edge of the seat at the four most practical, widely spaced points; two bolts shall be installed at the two most practical, widely spaced points at the top of the seat back. A metal strap at least two inches in width and at least one-eighth inch thick shall connect every two bolts.

### 13:22-4.5 Bumpers

(a) Stock cars shall be equipped with bumpers on the front and rear.

1. The minimum height of the bumpers shall be three inches.

2. The rear bumper, or combination of rear bumper and nerf bar, shall cover the full width of the rear of the vehicle to at least the center of the rear tires.

3. The rear bumper shall be centered at the height of the rear wheel hub.

4. The front bumper shall be mounted at the same height as the rear bumper and cover the width of the chassis.

5. Stock bumpers shall be acceptable if mounted at a height common to all competitors in a race.

6. The bumper height of all competing vehicles in a race shall meet the specifications of this section and be of common height.

### 13:22-4.6 Doors

Race cars equipped with bodies having permanent tops shall have doors on the driver's side secured by welding, metal straps or "U" bolts installed with the nuts on the outside of the body, or other arrangement approved by the Superintendent. Where "U" bolts are used, nuts on the "U" bolts must be of the wing-nut type with free-running standard threads.

### 13:22-4.7 Roll-over bars

(a) All race cars shall be equipped with roll-over bars of a design, construction and quality approved by the Superintendent and maintained with a view toward affording the driver maximum protection against injury.

1. Roll-over bars installed in race cars must be a minimum of three inches above, and six inches behind the driver's head.

2. Roll-over bars must be bolted or welded to the frame of the car.

3. Roll-over bars welded, bolted or otherwise fastened to the floor of the car will not be permitted.

4. All roll-over bars must be plainly visible so as to be readily inspected, with the exception that built-in or integral roll-over bars will be accepted; provided, that the Superintendent is furnished with a manufacturer's detailed drawing showing the existence, dimensions and material of the integral roll-over bar.

### 13:22-4.8 Nerfing bars

(a) Race cars of the so-called "midget" and "stock" type shall be equipped with auxiliary bumpers, sometimes known as "nerfing bars", of a construction and design approved by the Superintendent.

(b) "Nerfing bars" shall extend within two inches of, but not beyond, the outside edge of the tire.

(c) All stock cars shall be equipped with "nerfing bars" unless the vehicle body is of such a design so as to preclude the need for "nerfing bars" as a safety device.

### 13:22-4.9 Exhaust system

(a) The outlet for the exhaust system shall be outside the vehicle and shall extend at least to the rear of the front fire wall on closed racing cars.

(b) The exhaust system shall be so constructed as to prevent the escape of exhaust gases except at the outlet.

### 13:22-4.10 Fire wall and flooring

(a) All vehicles participating in races shall have suitable metal flooring and a metal fire wall between the fuel supply and the driver and between the engine and the driver.

(b) Any vehicle equipped with an automatic transmission shall have a steel safety mat, plate, or blanket installed over the transmission so as to protect the driver from injury caused by fragmentation of the automatic transmission upon explosion.

(c) The drive shaft of any vehicle shall be enclosed or secured, front and rear, by a steel strap one-quarter inch by one inch, a one-half inch steel rod, or one inch steel tubing with .06 wall thickness.

### 13:22-4.11 Fuel lines and fuel pumps

(a) No fuel line or fuel pump will be permitted in the driver's compartment unless shielded properly to prevent leakage in the event the line or pump is damaged or broken.

(b) Fuel lines must be more than three inches from the headers or, if closer than three inches, be shielded by metal.

### 13:22-4.12 Batteries

Wet cell batteries, if located in the driver compartment, shall be shielded to prevent leakage in the event of damage or turnover.

### 13:22-4.13 Braking system and pedal reserve

(a) A representative of the track licensee will be required to test and approve each race car for brake pedal reserve before the car leaves the pit area to enter the track.

(b) No vehicle shall be permitted to participate in any race or exhibition if the braking system includes the direct application of pressure to any of the tires.

### 13:22-4.14 Fuel tanks

(a) All stock cars must have a fuel tank located within the frame of the vehicle.

(b) A reinforcing member of the same kind and size material as that used in the roll cage or chassis shall be installed to

the rear of the fuel tank joining the rearmost portion of the chassis.

(c) Fuel tanks must be secured by at least three steel straps. Each strap shall be a minimum of one inch wide and one-eighth inch thickness. Each strap shall be bolted with at least two five-sixteenths inch three line bolts. Rubber protection shall be placed between the strap and the tank for all tanks other than fuel cells.

#### 13:22-4.15 Tires

(a) No vehicle will be permitted to participate in any race or acceleration and performance test if the tires are equipped or fitted with any studs, hobs or other projections.

(b) This section is not intended to prohibit the use of rubber knobbed tires normally used on dirt race tracks.

#### 13:22-4.16 Ignition switch

All vehicles participating in races shall have an ignition switch which is easily accessible within the driver's compartment. The ignition switch shall be conspicuously labeled.

#### 13:22-4.17 Fuel supply shut-off valve

(a) All vehicles participating in races shall be equipped with a fuel shut-off valve which is easily accessible within the driver's compartment.

(b) The fuel shut-off valve shall be conspicuously labeled with a brightly colored paint.

#### 13:22-4.18 Repairs

No repairs may be made on any vehicle during the course of a race unless the vehicle is removed to the pit area.

#### 13:22-4.19 Drivers

(a) No driver shall compete in any event with his head or arm extended outside of the doors or windows of a race car.

(b) Drivers competing in oval or road course type racing, with the exception of go-cart and field trial events, are required to wear fire resistant underwear and one-piece fire resistant clothing covering their body, legs and arms. The material used in the manufacture of this clothing must be approved by the Superintendent before use in any racing event.

(c) Drivers competing in oval or road course type racing, with the exception of go-cart racing, motorcycle events and field trial events, are required to wear gloves of a fire resistant material approved by the Superintendent.

#### 13:22-4.20 Helmets and head cushions

(a) All drivers, except drivers of stock diesel truck tractors competing in acceleration and performance tests, participating in races and exhibitions of driving skill must wear a safety helmet which meets or exceeds the American National Standard Institute (A.N.S.I.) Z-90.1 testing standard and is approved by the Superintendent.

(b) All closed cockpit vehicles used in oval racing shall be equipped with a head cushion attached to the roll bar or to the back portion of a one-piece seat. The cushion shall be mounted so that it shall be at the approximate height of the center of the driver's helmet.

(c) The head cushion shall be a minimum of sixteen square inches in area with at least two inch thick padding. The minimum length of any side of the head cushion shall be four inches.

#### 13:22-4.21 Goggles or face shield

(a) Windproof, shatterproof goggles or a face shield of the type specified in N.J.A.C. 13:20-24.3 and 13:20-24.6 must be worn by drivers of all vehicles not equipped with windshields.

(b) Stock cars without complete windshields shall have the rear of the hood sealed or shall be equipped with a deflector so as to prevent hot liquids from entering the driver's compartment.

#### 13:22-4.22 Window nets; arm restraints

(a) All closed cockpit vehicles used in competition on an oval or road course track shall be equipped with an approved window net.

(b) Drivers competing in vehicles wherein the seat is located in the middle of the vehicle may use arm restraints or such other device as approved by the Superintendent in lieu of the window net.

#### 13:22-4.23 Ambulances; first aid attendant

No race or exhibition of driving skill shall be conducted unless there is available for immediate use at the licensed location at least one vehicle suitable for ambulance purposes, together with one trained first aid attendant.

#### 13:22-4.24 Fire fighting equipment

(a) No race or exhibition of driving skill shall be conducted unless there is available at suitable locations around the track Class B Underwriter labeled approved fire extinguishers.

(b) All extinguishers shall be fully charged at the beginning of each day's activities.

(c) All extinguishers shall be checked at least once a year and carry a label to show the date of inspection.

(d) In addition there shall be a reserve consisting of a recognized paid or voluntary fire company with their equipment or at least 150 points of dry chemical available to move to the scene of any major fire.

#### 13:22-4.25 Wreckers

(a) Only authorized personnel shall be permitted to ride on any wrecker.

(b) No person shall be permitted to ride outside the cab of any wrecker.

(c) Wreckers shall be operated with due care and circumspection.

#### 13:22-4.26 Refueling

(a) In all instances where refueling is permitted with the engine running, it is required that a member of the pit crew equipped with an approved type fire extinguisher be in close proximity to the fill pipe of the fuel tank.

(b) Smoking shall not be permitted in any area where fuel is being transferred or stored.

(c) The use of welding and acetylene torches are not permitted in any area where fuel is being transferred or stored unless a fully charged fire extinguisher is in close proximity.

#### 13:22-4.27 Water overflow tanks

Water overflow tanks or reservoirs shall not be installed inside the driver compartment. Tanks or reservoirs mounted in the roll cage must be fully shielded to protect the driver.

#### 13:22-4.28 Security personnel

(a) The licensee shall furnish sufficient security protection to maintain peace and good order.

## PROPOSALS

(b) Guard personnel will be furnished by the licensee at each unlocked gateway between the spectator areas and the track and/or pit areas.

(c) Guard personnel will be furnished by the licensee at each unlocked gateway between the pit area and the track area.

### SUBCHAPTER 5. SAFETY REQUIREMENTS FOR VEHICLES AND PERSONNEL: OPEN COCKPIT

#### 13:22-5.1 Safety belts, shoulder harness and crotch belt

(a) A quick release type of safety belt, shoulder harness and crotch belt in good condition shall be compulsory on all vehicles.

(b) Both ends of the safety belt, shoulder harness and crotch belt must be fastened to the frame of the vehicle.

(c) All fittings and connections of the safety belt, shoulder harness and crotch belt must be metal.

(d) The belt and shoulder harness must be in use during the entire time the vehicle is being driven in a race.

(e) All safety belts and shoulder harnesses must bear the date of manufacture and may not be used for more than five years from that date.

(f) The shoulder harness shall be secured to the frame of the vehicle and come over a round bar at the driver's shoulder height.

#### 13:22-5.2 Inspection of vehicles

Vehicles which are used in automobile races or exhibitions of driving skill are subject to inspection and approval at any time by the Superintendent.

#### 13:22-5.3 Number of persons in vehicle

No vehicle shall carry more than one person at any time during a race or warm-up.

#### 13:22-5.4 Seats

A molded metal or fiberglass seat with openings which allow a seat belt bolted to the frame to come through, shall be attached to the frame with at least four three line five-sixteenth inch bolts. Two bolts shall be installed at the bottom of the seat not more than three inches from the outside edge and two bolts shall be installed at the two most practical widely spaced points at the top of the seat back. A metal strap at least two inches in width and at least one-eighth inch thick shall connect each two bolts.

#### 13:22-5.5 Bumpers

(a) All vehicles shall be equipped with bumpers on the rear.

(b) The bumper shall be fastened to the frame or structural component of the car.

(c) The width of the bumper must be as high as the center of the wheel and at least two inches in height.

#### 13:22-5.6 Roll-over bars

(a) All vehicles shall be equipped with a roll-over bar of a design, construction and quality approved by the Superintendent and maintained with a view toward affording the driver maximum protection against injury.

(b) Roll-over bars must be a minimum of three inches above the driver's head.

## LAW AND PUBLIC SAFETY

(c) Roll-over bars must be bolted or welded to the frame of the car.

#### 13:22-5.7 Nerfing bars

(a) All vehicles shall be equipped with auxiliary bumpers, also known as nerfing bars, of a construction and design approved by the Superintendent.

(b) Nerfing bars shall extend within two inches of, but not beyond, the outside edge of the tire.

#### 13:22-5.8 Exhaust system

(a) The outlet for the exhaust system shall be outside of the vehicle and extend at least to the rear of the front firewall.

(b) The exhaust system shall be designed and constructed so as to direct the exhaust flow out and away from the driver.

#### 13:22-5.9 Firewall and flooring

(a) All vehicles shall have suitable metal flooring from the front firewall to the center of the driver's seat.

(b) All vehicles shall have a permanent firewall between the fuel supply and driver, unless the fuel supply consists of a shell with an inner rubber bladder in which case the firewall is not required.

#### 13:22-5.10 Fuel lines and fuel pumps

(a) No fuel line or fuel pump will be permitted in the driver's compartment unless shielded properly to prevent leakage in the event the line or pump is damaged or broken.

(b) Fuel lines must be more than three inches from the headers, or if closer than three inches, be shielded by metal.

#### 13:22-5.11 Batteries

Wet cell batteries, if located in the driver compartment, shall be shielded to prevent leakage in the event of damage or turnover.

#### 13:22-5.12 Braking system and pedal reserve

(a) A representative of the track licensee will be required to test and approve each race car for pedal reserve before the car leaves the pit area to enter the track.

(b) No vehicle shall be permitted to participate in any race or exhibition if the braking system includes the direct application of pressure to any of the tires.

#### 13:22-5.13 Fuel tanks

(a) Vehicles using a self-contained unit with an inner rubber bladder must be bolted to the frame of the vehicle with at least three five-sixteenths-inch three line bolts.

(b) If the unit is not bolted to the frame, a one inch metal strap, two-eighths inch thick, bolted to the frame of the vehicle by at least two three-eighths inch three line bolts and angled in such a manner so as to apply maximum pressure against the tank to the frame, is required.

(c) A conventional type tank must be bolted within the frame of the vehicle.

(d) A reinforcing member of the same kind and size material as that used in the roll cage or chassis shall be installed to the rear of the fuel tank joining the rear most portion of the chassis.

(e) A vehicle utilizing a fuel tank mounted to the front of the front firewall shall have a reinforcing member of the same kind of material as that used in the roll cage or chassis,

installed in such a manner as to afford maximum protection to the tank.

#### 13:22-5.14 Tires

(a) No vehicle will be permitted to participate in any race if the tires are equipped or fitted with any studs, hobs, or other projections.

(b) This section is not intended to prohibit the use of rubber knobbed tires normally used on dirt race tracks.

#### 13:22-5.15 Ignition switch

All vehicles shall have an ignition switch which is easily accessible within the driver compartment. The switch shall be conspicuously labeled.

#### 13:22-5.16 Fuel supply shut-off valve

(a) All vehicles shall be equipped with a fuel shut-off valve or switch which is easily accessible within the driver's compartment.

(b) The fuel shut-off valve or switch shall be conspicuously labeled with a brightly colored paint.

#### 13:22-5.17 Repairs

No repairs may be made on any vehicle during the course of a race unless the vehicle is removed to the pit area.

#### 13:22-5.18 Drivers

(a) All drivers are required to wear fire resistant underwear and one-piece fire resistant clothing covering their body, legs, and arms. The material used in the manufacture of this clothing must be approved by the Superintendent.

(b) All drivers are required to wear gloves of a fire resistant material approved by the Superintendent.

#### 13:22-5.19 Helmets and head cushions

(a) All drivers must wear a safety helmet of the type approved by the Superintendent.

(b) All vehicles shall be equipped with a head cushion attached to the roll-bar or to the back portion of a one-piece seat. The cushion shall be mounted so that it shall be at the approximate height of the center of the driver's helmet.

(c) The head cushion shall be a minimum of sixteen square inches in area with at least two inch padding. The minimum length of any side of the head cushion shall be four inches.

#### 13:22-5.20 Goggles or face shield

Windproof, shatterproof goggles or a face shield of the type specified in N.J.A.C. 13:20-24.3 and 13:20-24.6, and approved by the Superintendent must be worn by the driver of all vehicles not equipped with windshields.

#### 13:22-5.21 Arm restraints

All drivers are required to use arm restraints or such other devices as approved by the Superintendent.

#### 13:22-5.22 Automatic transmission safety mats

Any vehicle equipped with an automatic transmission shall have a steel safety mat, plate, or blanket installed over the transmission so as to protect the driver from injury caused by the fragmentation of the automatic transmission upon explosion.

#### 13:22-5.23 Enclosed drive shaft

The drive shaft of a vehicle shall be enclosed or secured, front and rear, by a steel strap one-quarter inch by one inch, a

one-half inch steel rod, or one inch steel tubing with .06 wall thickness.

#### 13:22-5.24 Water overflow tank

Water overflow reservoirs shall not be installed inside the driver compartment. Tanks or reservoirs mounted in the roll cage must be fully shielded to protect the driver.

#### 13:22-5.25 Refueling

(a) In all instances where refueling is permitted with the engine running, it is required that a member of the pit crew, equipped with an approved fire extinguisher be in close proximity to the fill pipe of the fuel tank.

(b) Smoking shall not be permitted in any area where fuel is being transferred or stored.

(c) The driver compartment shall not be occupied when the vehicle is being refueled if the fill pipe is located within 24 inches of the cockpit, except that the driver compartment may be occupied when the vehicle is being refueled from gravity fed fuel containers.

(d) The use of welding and acetylene torches is not permitted in any area where fuel is being transferred or stored unless a fully charged fire extinguisher is in close proximity.

### SUBCHAPTER 6. ACCELERATION AND PERFORMANCE TESTS

#### 13:22-6.1 Location

(a) A location approved for acceleration and performance tests shall provide for a stopping distance at least equal to the acceleration and timing distance.

(b) The acceleration area shall not exceed 1,386 feet.

(c) The entire racing strip including the deceleration area must be paved.

(d) The end of the acceleration area may be marked by an overhead banner; provided, the supports are of such construction that they will not present a hazard to the vehicles.

(e) The height of the banner shall be at least ten feet above the surface of the strip.

#### 13:22-6.2 Vehicle equipment

(a) All of the safety devices and precautions specified in N.J.A.C. 13:22-4 (Safety requirements for vehicles and personnel) for other types of automobile racing will be required for this type event with the exception that on a temporary basis only, cars need not have roll-over bars or door fastening; provided, there has been no modification of either body or engine.

(b) Exhaust systems shall be designed and constructed so as to direct the exhaust flow out and away from the driver.

(c) All vehicles equipped with parachutes shall have a red streamer attached to the safety pin. The safety pin must be removed from the parachute before the starting lights are activated.

(d) All vehicles utilizing two or more parachutes shall have at least two anchoring points for the parachute, each point separate from the other.

#### 13:22-6.3 Spectator protection

Spectator protection is to be provided by a standard hubrail and six-foot high welded wire fabric or chain link fence so constructed as not to be easily lifted, climbed over or moved aside.

**13:22-6.4 Pit area fences**

The pit area, if located behind the starting line, shall be separated from the track by a six-foot high welded wire fabric or chain link fence so constructed as not to be easily lifted, climbed over or moved aside.

**13:22-6.5 Vehicle positioning**

Racing Vehicles may line up behind the starting line; provided, that only drivers and officials may be permitted in this area.

**13:22-6.6 "Burnouts"**

No "burnouts" shall be made unless the driver is secured in the vehicle and the doors are firmly closed.

**SUBCHAPTER 7. MOTORCYCLE EVENTS**

**13:22-7.1 Hubrail construction**

(a) Hubrail construction must comply in all respects with the provisions of N.J.S.A. 5:7-14, or, in the alternative, the licensee must have written authority for any changes from the Superintendent.

(b) Hubrail posts must be no higher than the hubrail plank-ing.

(c) When required, hubrails constructed for use on motorcycle tracks shall consist of safety rails two feet high, constructed of two two-inch by 12-inch planks, on four-inch by four-inch stanchions spaced not more than six feet apart, and so embedded in the ground that they will not pull out if struck.

(d) As an alternative to the two-inch by 12-inch planks, two planks made of marine plywood, three-quarter inches thick and 12 inches wide may be used on motorcycle tracks. These rails must be backed up either by a wire cable similar to the wire cable used on automobile hubrails, except that it need not exceed one-half inch in diameter, or in the alternative, a mound of packed earth shall be constructed in the back of the safety rail at least 18 inches high, and tapering to the ground level between the rail and the spectators.

**13:22-7.2 Flagmen**

(a) In motorcycle events, flagmen may be used in lieu of the red and amber lights provided for in N.J.A.C. 13:22-3 (Construction requirements). Flagmen shall be positioned so as to be visible to drivers entering each turn on the track or course.

(b) If flagmen are used, the display of a red flag by the flagmen will mean that all racing vehicles on the track will be required to come to a stop as soon as possible, and to remain stopped until such time as the red flag is removed from display.

(c) If flagmen are used, the display of an amber flag by the flagmen will mean that all racing vehicles on the track will be required to slow down and maintain their position.

**13:22-7.3 Braking systems**

(a) A representative of the track licensee will be required to test each brake pedal reserve before the vehicle leaves the area to enter the track.

(b) This section is not to be construed to require brakes on racing motorcycles with a compression ratio higher than ten to one or with a compression ratio which, in the opinion of the Superintendent, is sufficiently high to bring the motorcycle to a stop when the ignition is cut off.

**13:22-7.4 Shutoff device**

(a) A "shutoff" device must be affixed to the handlebars on all competing motorcycles.

(b) The "shutoff" device must be of a type which is designed, constructed and maintained to stop the motor of the motorcycle immediately upon releasing or pressing the said device.

**13:22-7.5 Minimum age requirements**

(a) No person will be permitted to participate in a race or to enter the pit area while an exhibition or race is in progress unless that person shall have reached 18 years of age and shall have documentary evidence to the effect that he has had one full year of experience in the operation of a motorcycle.

(b) A motorcycle driver's license bearing appropriate date of issuance will be accepted as proof that the holder has had the requisite driving experience.

**SUBCHAPTER 8. SNOWMOBILE EVENTS**

**13:22-8.1 Track construction**

Construction of hubrails, fences and other safety devices for snowmobile events must comply in all respects with the provisions of N.J.S.A. 5:7-14 or in the alternative the licensee must have written authority for any changes from the Superintendent.

**13:22-8.2 Safety requirements; vehicles and personnel**

(a) All participants in a snowmobile race must wear a safety helmet which meets or exceeds the American National Standard Institute (ANSI) Z-90.1 testing standard and is approved by the Superintendent.

(b) All participants in a snowmobile race must wear wind-proof, shatterproof goggles or face shields approved by the Superintendent and meeting the specifications in N.J.A.C. 13:20-24.3 and 13:20-24.6.

**13:22-8.3 Exhaust system**

All exhaust systems shall be directed out of the cowl area and away from the operator.

**13:22-8.4 Snow flaps**

All snowmobiles shall be equipped with a rear snow flap designed and maintained to contain snow, water, mud and the like at all speeds.

**13:22-8.5 Shutoff device**

A "shutoff" device must be affixed to the handlebars near the hand position. This device must be of the type which is designed, constructed, and maintained to stop the motor immediately upon releasing or pressing of said device.

**13:22-8.6 Engine and transmission shielding**

All snowmobiles shall have engine and transmission shields designed and constructed to protect the driver or bystander from fragments in the event of disintegration.

**SUBCHAPTER 9. GO-CART EVENTS**

**13:22-9.1 Track construction**

(a) Construction of hubrails, fences and other safety devices for go-cart events must comply in all respects with provisions of N.J.S.A. 5:7-14 or in the alternative, the licensee

must have written authority for any changes from the Superintendent.

(b) The hubrail construction for go-cart events may be the same as the hubrail construction used for motorcycle events in that planks made of marine plywood three-quarter inches thick and 12 inches wide may be used.

(c) The licensee shall erect along any part of the track where spectators are permitted, whether outside of the track or in the infield, in addition to the hubrail, a fence of a type approved by the Superintendent six feet in height and located not less than four feet from the edge of the track.

#### 13:22-9.2 Safety requirements

(a) Go-carts and personnel participating in races or exhibitions of driving skill on any track or facility licensed by the Superintendent shall comply with the following requirements:

1. No person under 18 years of age may operate a go-cart in any race or exhibition of driving skill, nor shall any such person be permitted in the pit area during any such race or exhibition of driving skill.

2. Go-carts participating in races or exhibition of driving skill shall have a wheelbase of not less than 40 inches nor greater than 50 inches measured from the center of the axle.

3. Go-carts participating in races or exhibitions of driving skill shall be of a length not exceeding 72 inches.

4. Go-carts participating in races or exhibitions of driving skill shall be of a width at least two-thirds of the wheelbases as measured from the center of the tread of the front tires.

5. Go-carts participating in races or exhibitions of driving skill shall be of a height not exceeding 26 inches as measured from the top of the driver's seat.

6. The frame of all go-carts shall be of metal construction.

7. All go-carts shall contain a metal firewall between the driver and engine with no openings between engine and driver. The firewall shall be so constructed as to not present any sharp edges.

8. All go-carts shall contain a floor pan of metal construction with no openings between the driver and the ground.

9. Steering must be direct with all linkage bolts and nuts cotter-keyed or safety-wired. All rod ends must have universal type swivel joints.

10. No go-cart will be permitted to participate in any race or exhibition of driving skill unless it is equipped with a braking system which is operated by a foot pedal. No go-cart will be permitted to participate if the braking system includes direct application of pressure to any of the tires.

11. The exhaust system must be designed and constructed so that exhaust gases are carried away from and to the rear of the driver.

12. All go-carts shall be equipped with a foot-operated throttle.

13. The fuel and lubrication system on all go-carts must be designed so as to prevent leakage or spillage during competition.

14. No go-cart may be equipped with a transmission, gearbox or other device which permits a change of gear or sprocket ratios while the vehicle is in motion.

15. All go-carts must be equipped with a suitable chain guard or guards.

16. The driver's compartment shall be equipped with side rails, side plates or such other device as to afford the driver lateral support and protection.

17. Every go-cart must be equipped with a quick release type of seat belt in good condition. The seat belt must be fastened to the frame of the cart at both ends. The seat belt

must be in use during the entire time the vehicle is being driven in a race. All fittings and connections on the safety belt must be metal. Safety belts with cloth or plastic fittings on connections may not be used. All safety belts must bear the date of manufacture and may not be in use for more than five years.

18. Every go-cart shall be equipped with a roll-over bar mounted so as to be a minimum of three inches above and six inches behind the driver's head designed and constructed so as to provide maximum protection for the driver.

19. Every go-cart must be equipped with auxiliary bumpers, sometimes known as "nerfing bars", or a construction and design approved by the Superintendent.

20. Windproof, shatterproof goggles must be worn by all drivers of go-carts in any race or exhibition of driving skill.

21. No repairs may be made on any go-cart during the course of a race unless the vehicle is removed to the pit area.

22. A starting apron shall be provided where the go-carts are to be started. Persons shall not enter the race course to push a go-cart. A go-cart which has not been started on the starting apron may not be pushed onto the track proper but must be returned to the pit area or to the rear of the starting apron. No person may enter the race course for the purpose of starting a stalled car while any race or exhibition is in progress.

### SUBCHAPTER 10. SPECIAL AGE PROVISIONS

#### 13:22-10.1 Participant requirements

(a) Notwithstanding any other provision of this chapter to the contrary, a person between the ages of 14 and 18 years of age may be permitted to participate in go-cart, snowmobile and motorcycle events providing the following conditions are met:

1. The participant between the ages of 14 and 18 is covered by accidental death and dismemberment insurance in an amount of not less than \$10,000 for accidental death and \$3,000 for dismemberment.

2. The participant between the ages of 14 and 18 shall be required to furnish proof of successful completion of an operational and safety course for the particular vehicle which he desires to operate. This course must be one approved by the Superintendent.

#### 13:22-10.2 Licensee responsibilities

(a) It shall be the responsibility of the licensee to insure that the conditions in N.J.A.C. 13:22-10.1 (Participant requirements) are met prior to permitting an individual to participate in any event.

(b) It shall further be the responsibility of the licensee to insure that the operation of vehicles covered by this subchapter by persons between the ages of 14 and 18 shall be restricted to the confines of an approved race or exhibition area and adjoining pit area.

(c) It shall further be the responsibility of the licensee to insure that individuals permitted to participate in go-cart, snowmobile and motorcycle events under this subchapter do not under any circumstances participate in any events in which the participants are 18 years of age or older.

### SUBCHAPTER 11. APPEALS OF ADMINISTRATIVE ACTION

#### 13:22-11.1 Hearings

(a) In the case of the suspension, denial or refusal to renew a license the Superintendent shall notify the applicant or li-

## PROPOSALS

censee in writing of such action and the reasons for the action shall be stated in the notice.

(b) Upon such notification the Superintendent shall afford the applicant or licensee an opportunity for a hearing to appeal the action of the Superintendent. A request for a hearing of the Superintendent's action shall be made in writing to the Superintendent within 15 days from the receipt of the notice.

(c) If a request for a hearing is timely received, the Superintendent shall take the appropriate action in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1 et seq.

---

### (a)

## DIVISION OF CONSUMER AFFAIRS

### Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians Contact Lenses

#### Proposed Readoption: N.J.A.C. 13:33-4.1

Authorized By: State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, J. Leo Kymer, President.

Authority: N.J.S.A. 52:17B-41.13.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

J. Leo Kymer, President  
Board of Examiners of Ophthalmic Dispensers and  
Ophthalmic Technicians  
1100 Raymond Boulevard  
Room 503  
Newark, New Jersey 07102

The Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on November 26, 1984. The readoption becomes effective upon acceptance for filing of a notice of readoption by the Office of Administrative Law.

This proposal is known as PRN 1984-523.

#### Summary

The regulation prohibiting an optician from dispensing contact lenses directly to a patient has been in effect since 1979. The rule requires that the lenses be dispensed to an ophthalmologist or optometrist designated by the patient. Through an internal review, the Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians recently reconsidered the need for this regulation as it benefits the public. The Board determined the regulation should be readopted without change.

## TRANSPORTATION

### Social Impact

The regulation has affected the public to the extent that a consumer is unable to receive contact lenses directly from an optician, despite the fact that the lenses may be purchased from the optician. In other words, the rule necessitates the intervention of an optometrist or ophthalmologist before a consumer may receive contact lenses. However, such intervention appears justifiable in view of the need for expert fitting and follow-up procedures which opticians do not currently provide.

The Board has not in its experiences found this extra step overly onerous for consumers because in most instances, recipients of contact lenses have already been dealing with either an optometrist or ophthalmologist prior to ordering the lenses, and that they understand that they must return to receive them as well as for follow-up examinations.

The impact upon licensees will remain as it has been, that is, allowing them to participate in the making of contact lenses, without allowing them to deliver the product directly to the ultimate wearer.

### Economic Impact

The economic impact which the Board attributes to this regulation is in the form of savings to consumers who, although may not now be dispensed contact lenses by opticians, are, nevertheless, able to purchase them from opticians, often-times at a lower cost than through an optometrist or ophthalmologist.

**Full text** of the proposed readoption follows.

13:33-4.1 Dispensing; contact lenses

Contact lenses shall not be dispensed directly to the patient; they shall be dispensed only to an ophthalmologist or optometrist designated by the patient.

---

## TRANSPORTATION

### (b)

## TRANSPORTATION OPERATIONS

### Restricted Parking and Stopping Routes 28 in Middlesex and 36 in Union Beach

#### Proposed Amendments: N.J.A.C. 16:28A-1.19 and 1.26

Authorized By: John P. Sheridan Jr., Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

**Interested persons** may submit in writing data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers  
 Administrative Practice Officer  
 Department of Transportation  
 1035 Parkway Avenue  
 CN 600  
 Trenton, New Jersey 08625

At the close of the period for comments the Department of Transportation may adopt this proposal with minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of this rule, a notice shall be published in the Register. The adopted rule shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-518.

The agency proposal follows:

**Summary**

The proposed amendments will establish "no parking" bus stop zones along Routes 28 in Middlesex County and 36 in Union Beach Borough, Monmouth County, for the safe and efficient flow of traffic and the safe on/off loading passengers at designated bus stops.

Based upon requests from local officials the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations at the specified designations. The traffic investigations proved that the imposition of "no parking" bus stop zones were warranted.

The Department therefore proposes to amend N.J.A.C. 16:28A-1.19 and 16:28A-1.26 in compliance with the requests from local officials and the traffic investigations. Additionally, minor inconsequential changes are being made in the rules codification.

**Social Impact**

The proposed amendments will establish "no parking" bus stop zones along Routes 28 in Middlesex Borough, Middlesex County, and 36 in Union Beach Borough, Monmouth County for the safe and efficient flow of traffic, the safe on/off loading of passengers at established bus stops and the enhancement of traffic safety along the highway System. Appropriate signs will be installed to advise the motoring public.

**Economic Impact**

The Department and local officials will incur direct and indirect costs for its workforce for mileage, personnel and equipment requirements. The local officials will bear the costs for the installation of signs. Motorists who violate the rules will be assessed the appropriate fine.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

16:28A-1.19 Route 28

(a) (No change.)

(b) The certain parts of State highway Route 28 described in this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following bus stops:

1. [Along Route 28 (Bound Brook Road), in Middlesex Borough, Middlesex County) westbound on the northerly side thereof at:] **Along Bound Brook Road, westbound on the northerly side thereof in Middlesex Borough, Middlesex County:**

**i. Near side bus stops:**

[i.] (1) John F. Kennedy Drive: [(near side):] beginning at the easterly curb line of John F. Kennedy Drive and extending 105 feet easterly therefrom.

(2) Sheperd Avenue (105 feet).

(3) Greenbrook Road (105 feet).

(4) North Lincoln Avenue (105 feet).

**ii. Far side bus stop:**

(1) Grove Street (100 feet).

2. Along [Route 28] Bound Brook Road, eastbound on the southerly side thereof [at:] **in Middlesex Borough, Middlesex County:**

**i. Near side bus stops:**

[i.] (1) Mountain Avenue: [(near side:)] beginning at the westerly curb line of Mountain Avenue and extending 105 feet westerly therefrom.

[ii.] (2) Clay Avenue: [(near side):] beginning at the westerly curb line of Clay Avenue and extending 105 feet westerly therefrom.

[iii.] (3) Garden Place: [(near side):] beginning at the prolongation of the westerly curb line of Garden Place extended and extending 105 feet westerly therefrom.

(4) Grove Street (105 feet).

(5) Smalley Avenue (105 feet).

**ii. Far side bus stops:**

[iv.] (1) Raritan Avenue [, (far side)]: [B]beginning at the easterly curb line of Raritan Avenue and extending 100 feet easterly therefrom.

[v.] (2) Harris Avenue [, (far side)]: [B]beginning at the easterly curb line of Harris Avenue and extending 100 feet easterly therefrom.

(3) Marlborough Avenue (100 feet).

(4) Pond Avenue (100 feet).

(5) **South Lincoln Avenue beginning at the easterly curb line of South Lincoln Avenue and extending 100 feet easterly therefrom.**

**iii. Mid-block bus stops:**

[vi.] (1) Orchard Road [, (midblock)]: [B]beginning at a point 110 feet east of the easterly curb line of Orchard Road, extended, to a point 135 feet easterly therefrom.

[vii. South Lincoln Avenue, (far side); Beginning at the easterly curb line of South Lincoln Avenue and extending 100 feet easterly therefrom.]

3.-8. (No change.)

(c)-(d) (No change.)

16:28A-1.26 Route 36

(a) (No change.)

(b) The certain parts of State highway Route 36 described in [(b) of] this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

1.-2. (No change.)

3. Along the eastbound (southerly) side in Middletown Township, Monmouth County:

i.-iii. (No change.)

iii. Mid-block bus stops:

(1)-(2) (No change.)

[(3)] 4. Along the westbound (northerly) side in Middletown Township, Monmouth County[.]:

i.-iii. (No change.)

5. **Along the westbound (northerly) side in Union Beach Borough, Monmouth County:**

**i. Near side bus stops:**

- (1) Rose Lane — beginning at the easterly curb line of Rose Lane and extending 105 feet easterly therefrom.
- (2) Harris Avenue — beginning at the easterly curb line of Harris Avenue and extending 115 feet easterly therefrom.
- (3) Union Avenue — beginning at the easterly curb line of Union Avenue and extending 105 feet easterly therefrom.
- (4) Seagate Avenue — beginning at the easterly curb line of Seagate Avenue and extending 105 feet easterly therefrom.

**(a)**

**CONSTRUCTION AND MAINTENANCE**

**Contract Administration  
Distribution and Sale of Construction Plans  
and Supplementary Specifications;  
Requirements**

**Proposed Amendment: N.J.A.C. 16:44-3.2**

Authorized By: John P. Sheridan Jr., Commissioner,  
Department of Transportation.  
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:2-1,  
14A:1-1.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
CN 600  
Trenton, New Jersey 08625

At the close of the period for comments the Department of Transportation may adopt this proposal with minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of this rule, a notice shall be published in the Register. The adopted rule shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-516.

The agency proposal follows:

**Summary**

The proposed amendment will delete superfluous language and the requirement for a minimum fee of \$3.00 for copying charges and align present procedure with current practices. The amendment was a result of an ongoing study to effect a more efficient operation involving the distribution of plans and specifications within the Bureau of Contract Administration.

**Social Impact**

The proposed amendment will have no significant social impact because there has not been any changes in the normal

operations. The amendments will simply change the current rule to conform with current practice.

**Economic Impact**

The amendment will have no economic impact because there has not been any increase in the cost of plans and specifications or operations. The amendments will neither increase or decrease the costs but simply amend the rule to reflect current charges assessed.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

16:44-3.2 Requirements

(a)-(d) (No change.)

(e) Requests from outside the NJDOT for distribution of [a set or sets of] plans, or for any portion thereof, or for any individual sheet or sheets therefrom, shall be honored during the advertised period. However, distribution under such requests will only be made after one of the following:

- 1. The Department cashier has furnished a receipt indicating that the proper remittance (\$.60 per sheet not to exceed the scheduled price for a complete set of [blank] **black** line prints) has been submitted; [and] or
- 2.-3. (No change.)

[(f) A minimum fee of \$3.00 shall apply for all material which must be billed, however, this minimum fee may be applied toward the copying charges. For example, one through five sheets cost \$3.00, six sheets cost \$3.60, seven sheets cost \$4.20, etc.]

**TREASURY—GENERAL**

**(b)**

**DIVISION OF PENSIONS**

**Public Employees' Retirement System  
Administrative Rules**

**Proposed Readoption: N.J.A.C. 17:2**

Authorized By: Regina Trauner, Acting Secretary,  
Public Employees' Retirement System.  
Authority: N.J.S.A. 43:15A-17.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions, and any inquiries about submissions or responses, should be addressed to:

Peter J. Gorman, Esquire  
Administrative Practice Officer  
Division of Pensions  
20 West Front Street  
CN 295  
Trenton, NJ 08625

The Public Employees' Retirement System may thereafter adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). The readoption becomes effective upon acceptance for filing with the Office of Administrative Law.

The proposal is known as PRN 1984-521.

The agency proposal follows:

#### Summary

Chapter 2 of Title 17 in the New Jersey Administrative Code contains the administrative rules governing the Public Employees' Retirement System (PERS). Such rules clarify and expand the mandates set forth in N.J.S.A. 43:15A-1 et seq. concerning the benefits, requirements, related programs, etc. for members of the PERS.

Chapter 2 contains seven subchapters dealing with administration, enrollment, insurance and death benefits, membership, purchases, and eligible service, retirement and transfers within the Public Employees' Retirement System. Eligible employees of the State, counties or municipalities who are not enrolled in another State-administered retirement system or local pension fund are required to enroll in PERS as a condition of employment.

As of June 30, 1983, there were over 223,000 persons enrolled in the PERS with approximately 45,000 retirants and beneficiaries. During the year ending June 30, 1983, there were approximately 27,000 enrollments, 6,000 retirements and 750 deaths of PERS members. More than \$30 million was paid in death benefits to active and retired PERS members and more than 40,000 loans to PERS members processed.

Obviously in any such substantial financial operation, the statutes cannot possibly consider all of the possible issues as may arise in the administration of the program and in proper consideration of the monies appropriate to the coverages provided under the plan. In such cases regulations are required to do equity whenever the statute is silent or when the statute only generally supplies the specifics and is often subject to interpretation by the courts and the opinions of the Attorney General's office. Thus rules are required and will always be required to provide equity, uniformity of treatment, and administrative efficiency.

With every opinion of the Attorney General's office, an interpretation by the courts, or a change in the statute, the rules are reviewed for the purpose of determining their continued applicability. All of the regulations are reviewed at least annually to determine compliance with the latest court and Attorney General opinions, to improve upon the language, to clarify any issues which may have arisen in the course of the previous 12 months and to ensure the implementation of such rules in the day-to-day activities of the several bureaus of the Division of Pensions.

The Division of Pensions appreciates the significance of Executive Order Number 66(1978) and its review of the regulations has always been with the view of curtailing any which are no longer necessary because of changes in the statutes which may have implemented what had previously been only regulation, or where the courts have disposed of the issue, or where it was disposed by opinions of the Attorney General, so that the regulation was deemed to be unnecessary. The most recent review of these rules indicates that they are still necessary, adequate, reasonable, efficient, understandable, and responsible to the purposes for which they were promulgated. As the rules are adopted, or amended for readoption, public comment and review are received. The Division is satisfied that such comments have been properly considered in the language of the current regulations to be readopted.

#### Social Impact

With respect to the social impact, the rules in Chapter 2, as are the rules of all programs administered by the Division of Pensions, are pertinent to past and present participants in the Public Employees' Retirement System.

As a large financial undertaking involving the receipt of cash, the proper consideration of claims and the audited review of disbursements, are all within the prescriptions of the regulations which have been adopted, explaining or interpreting the provisions of law, or providing for the proper administration of the program where the law is silent. Certainly in terms of the large amounts of money and the very large numbers of people involved, every effort must be made to assure that there is a lack of discrimination in the performance of the program and that it services the beneficiaries equitably and uniformly. Proof is largely in the payments made to participants or their survivors. In the Annual Report for fiscal year 1983, more than \$210 million was paid in monthly retirement and survivor benefits to nearly 45,000 pensioners and beneficiaries.

#### Economic Impact

With respect to the economic impact, the Public Employees' Retirement System is established on an actuarially determined basis so that the proper employer contributions are made long before the money is needed to provide the benefits which have been promised. As a result, the money that is required to be established is much smaller than if there were no prefunding, because the monies are invested and such earnings meet the contingencies required of the program.

About 60 percent of the pensioners remain in New Jersey from whence they receive their pensions and most of them continue the coverage as pensioners or beneficiaries. As such, the program has an influence in the economic viability of the communities in which they reside. Absent this program these individuals would lack the means to support themselves and their families or would have to continue working beyond the mandatory retirement age.

If the rules contained in Chapter 2 were not readopted, then chaos would follow because the Division could not cite such rules in clarifying the policy of the board of trustees among the host of issues which the rules are designed to cover. Where proposed amendments have not yet been adopted, the program is continued by legislation, and, in fact, there is an average of at least several amendments to the statute or one amendment to other statutes which bear on this program each year. This is perhaps one of the reasons why there is so much activity in the rule making imposed upon the Division of Pensions. As a result, the opportunity for designing the best possible program requires changes and this leads to periodic alteration in the regulations which have been adopted. Without their readoption it would be difficult to maintain a fair, equitable, and cost effective administration of the program. The Division would find itself in court concerning disputes dealing with inequitable treatment and it would be involved with substantially increased cost of administration.

Full text of the proposed readoption appears in the New Jersey Administrative Code at N.J.A.C. 17:2, as supplemented by amendments in the New Jersey Register.

# OTHER AGENCIES

## (a)

### NEW JERSEY TURNPIKE AUTHORITY

#### Traffic Control on the New Jersey Turnpike Limitations on Use of Turnpike

#### Proposed Amendment: N.J.A.C. 19:9-1.9

Authorized By: New Jersey Turnpike Authority,  
William J. Flanagan, Executive Director.  
Authority: N.J.S.A. 27:23-29.

**Interested persons** may submit in writing, data, views or arguments relevant to the proposal on or before October 31, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

William J. Flanagan, Executive Director  
New Jersey Turnpike Authority  
New Brunswick, New Jersey 08903

The New Jersey Turnpike Authority thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). The adoption becomes effective upon publication in the Register on a notice of adoption.

This proposal is known as PRN 1984-532.

The agency proposal follows.

#### Summary

The current rule, N.J.A.C. 19:9-1.9(a)19, states that vehicles that create a probable hazard to other vehicles or to persons are prohibited from use of the New Jersey Turnpike. The rule also states that a red rejection sticker issued by the New Jersey Division of Motor Vehicles upon any vehicle shall be evidence of its unsafe condition and of its probable hazard to other vehicles or to persons. Since, however, the Division of Motor Vehicles also issues a red rejection sticker for failure of a vehicle to possess a vehicle registration or insurance card, the fact that a vehicle has a red rejection sticker does not necessarily indicate that the vehicle is unsafe or is a hazard to other vehicles or to persons. The New Jersey Turnpike Au-

thority has therefore determined that the current text of N.J.A.C. 19:9-1.9(a)19 is potentially misleading and proposes to delete the text which discusses red rejection stickers issued by the Division of Motor Vehicles. The Authority believes that the first sentence of the regulation as it remains is sufficiently broad to encompass the purpose of the regulation and will continue to effectively ban those vehicles from use of the Turnpike which are deemed a possible hazard to other vehicles or persons using the Turnpike.

#### Social Impact

The proposed amendment will affect all vehicles which have been issued a red rejection sticker by the New Jersey Division of Motor Vehicles in that they will not be automatically prohibited from use of the New Jersey Turnpike simply because of the issuance of a rejection sticker. Vehicles possessing a rejection sticker will be permitted to continue to use the Turnpike as long as the operation of the vehicle does not create a hazard to other vehicles or persons.

#### Economic Impact

The proposed amendment will have no economic impact on the citizens of the State of New Jersey since it merely deletes a misleading provision.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

19:9-1.9 Limitations on use of turnpike

(a) Use of the New Jersey Turnpike and entry thereon by the following is prohibited:

1.-18. (No change.)

19. Vehicles not otherwise specified in this section in such condition as to create a probable hazard to other vehicles or to persons[.]; [A red inspection rejection sticker issued by the New Jersey Division of Motor Vehicles upon any vehicle shall be evidence of its unsafe condition, and of its probable hazard to other vehicles or to persons;]

20.-26. (No change.)

(b) (No change.)

\_\_\_\_\_

# RULE ADOPTIONS

## ADMINISTRATIVE LAW

### (a)

#### OFFICE OF ADMINISTRATIVE LAW

#### Uniform Administrative Procedure Rules of Practice Jurisdiction of the Office of Administrative Law

#### Adopted Amendment: N.J.A.C. 1:1-2.2

Proposed: July 2, 1984 at 16 N.J.R. 1636(a).  
Adopted: August 29, 1984 by Ronald I. Parker, Acting Director, Office of Administrative Law.  
Filed: September 17, 1984 as R.1984 d.445 **without change.**

Authority: N.J.S.A. 52:14F-5e, f and g.

Effective Date: October 1, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978): June 19, 1985.

#### Summary of Public Comments and Agency Responses:

One comment was received from an attorney who supported the proposed amendment. No changes were made in the proposed amendment

Full text of the adoption follows.

1:1-2.2 Jurisdiction of the Office of Administrative Law  
(a)-(c) (No change.)  
(d) (Deleted.)

### (b)

#### OFFICE OF ADMINISTRATIVE LAW

#### Uniform Administrative Procedure Rules of Practice Verbatim Record of Proceedings; Sound and Stenographic Recordings; Requesting Transcript; Cost

#### Adopted Amendment: N.J.A.C. 1:1-3.3

Proposed: July 16, 1984 at 16 N.J.R. 1834(a).  
Adopted: August 29, 1984 by Ronald I. Parker, Acting Director, Office of Administrative Law.  
Filed: September 17, 1984 as R.1984 d.446, **without change.**

Authority: N.J.S.A. 52:14F-5e, f and g.

Effective Date: October 1, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978): June 19, 1985.

#### Summary of Public Comments and Agency Responses: No comments received.

Full text of the adoption follows.

#### SUBCHAPTER 3. CONDUCT OF CONTESTED CASES GENERALLY

1:1-3.3 Verbatim record of proceedings; sound and stenographic recordings; requesting transcript; cost  
(a)-(d) (No change.)  
(e) Any party or person entitled by Federal statute or regulation to copy and inspect the verbatim transcript may arrange with the Clerk to review any transcript filed under (b) or (d) above and shall also be permitted to hear and receive a copy of any sound recorded proceeding pursuant to (c) above. All applications to obtain a transcript of any proceeding at public expense for use on appeal shall be made to the Appellate Court pursuant to New Jersey Court Rule 2:5-3 or in case of Federal appeals pursuant to applicable Federal Court Rules.  
(f) (No change.)

### (c)

#### OFFICE OF ADMINISTRATIVE LAW

#### Uniform Administrative Procedure Rules of Practice Intervention and Participation; Standards for Participation

#### Notice of Correction: N.J.A.C. 1:1-12.6

Authorized By: Ronald I. Parker, Acting Director, Office of Administrative Law.

The purpose of this notice of correction is to delete that portion of the section heading which refers to the preclusion of agency head review formerly contained within N.J.A.C. 1:1-12.6(d). The heading should have been amended when N.J.A.C. 1:1-12.6(d) was deleted at 14 N.J.R. 335(a). This technical change will conform the heading to the current text of the rule.

The correction follows (deletion shown in brackets [thus]).

1:1-12.6 Participation; standards for participation [; no agency review]  
(a)-(c) (No change.)

## CIVIL SERVICE

### (a)

#### CIVIL SERVICE COMMISSION

#### Commission Review and Appeals Awarding Back Pay

#### Adopted Amendment: N.J.A.C. 4:1-5.5

Proposed: January 17, 1984, at 16 N.J.R. 97(a).  
Adopted: September 5, 1984 by the Civil Service Commission, Eugene J. McCaffrey, Sr., President.  
Filed: September 13, 1984 as R.1984, d.435, **with substantive and technical changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 11:1-7a, 11:5-1a, 11:5-1d, 11:15-6, 11:22-38.

Effective Date: October 1, 1984.  
Expiration Date pursuant to Executive Order 66(1978):  
September 15, 1988.

#### Summary of Public Comments and Agency Response:

The Communication Workers of America ("CWA") commented that the proposal which would preclude all interest awards was inconsistent with the unpublished decision in *Kramedjian v. Town of Irvington*, A-2989-80T3 (App. Div. Nov. 15, 1983). That decision was issued subsequent to the rule proposal being submitted for comment and thus the proposal did not reflect the ruling. The Court in *Kramedjian* generally found that the Commission may after "particular circumstances"

in a given case award interest on equitable grounds. The Commission agrees with CWA's comments that the prohibition on interest be removed from the rule, thus allowing the Commission to consider individual cases in this area.

Additionally, in order for the rule to be more easily understood, the provisions found in paragraphs c and f are being incorporated in paragraph a.

**Full text** of the adoption follows (additions shown in bold-face with asterisks **\*thus\***; deletions shown in brackets with asterisks **\*[thus]\***).

#### SUBCHAPTER 5. COMMISSION REVIEW AND APPEALS

##### 4:1-5.5 Awarding back pay

(a) The Civil Service Commission may award back pay **\*or restitution of a fine [for] to\*** persons who have been improperly removed, suspended, laid off\*, [or]\* demoted\* **or fined.** [and are restored to employment by order of the Commission or may order restitution of a fine to persons who have been improperly fined.] **An award of back pay shall include unpaid salary, including regular wages, increments and across the board adjustments, that the employee would have received if not for the adverse action. An award of back pay would not include items such as overtime pay, overlap shift time, holiday bonus pay and uniform allowance. The employee does not accrue vacation, sick, or any other leave dependent upon actual service in employment during the separation period.\***

(b) Unless otherwise ordered, an award of back pay shall be calculated from the effective date of the appointing authority's improper action to the date of the employee's actual reinstatement to the payroll.

**\*[(c)]** An award of back pay shall include but not be limited to unpaid salary, including regular wages and cost of living increments, that the employee would have received if not for the adverse action.]\*

**\*[(d)](c)\*** The award of back pay may be reduced by the amount of taxes, social security payments, dues, pension payments, and any other sums normally withheld.

**\*[(e)](d)\*** The award of back pay shall be reduced by the amount of money which was actually earned or could have been earned during the separation.

1. If an employee also held other employment at the time of the adverse action, the earnings from such other employment would not be subtracted from the back pay award. However, if the employee increased his or her work hours at the other employment during the back-pay period, earnings from such additional hours would be subtracted from the back pay award.

2. Funds that must be repaid by the employee shall not be considered when calculating back pay.

**\*[(f)]** An award of back pay shall not include items such as interest, overtime pay, overlap shift time and uniform allowance. The employee shall also not be awarded allowances for vacation time, holiday time and administrative leave which would have normally accrued during the separation period.]\*

**\*[(g)](e)\*** When the Commission awards back pay, determination of the actual amount shall be settled by the parties whenever possible.

**\*[(h)](f)\*** If settlement on an amount cannot be reached either party may request, in writing, Commission review of the back pay issue. In a Commission review:

1. The appointing authority shall submit information on the salary the employee was earning at the time of the adverse action plus across the board adjustments and increments that the employee would have received during the separation period; and

2. The employee shall submit an affidavit delineating all income received during the separation except as excluded in \*[(e)] (d)\* 2 above.

(a)

CIVIL SERVICE COMMISSION

Working Test Period  
Seniority and Promotions

Adopted New Rules: N.J.A.C. 4:1-13.9 and 13.10

Adopted Amendment: N.J.A.C. 4:1-10.2

Adopted Repeal: N.J.A.C. 4:2-8.1 and 4:3-8.3

Proposed: June 4, 1984, at 16 N.J.R. 1296(a)  
Adopted: September 5, 1984 by the Civil Service Commission, Eugene J. McCaffrey, Sr., President  
Filed: September 13, 1984 as R.1984, d.433  
without change.

Authority: N.J.S.A. 11:1-7a, 11:5-1a, 11:12-1; 11:21-9.

Effective Date: October 1, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978): December 7, 1986.

Summary of Public Comments and Agency Responses:  
No comments received.

Full text of the adoption follows.

SUBCHAPTER 13. WORKING TEST PERIOD

...

4:1-13.9 Promotion

A probationary employee is not eligible for a promotional examination from the probationary title during the working test period for that title. See N.J.A.C. 4:1-8.4 for qualifications for promotional examinations.

4:1-13.10 Permanent status in another title

A probationary employee with permanent status in a title at the same or lower salary range shall continue to accrue seniority in his or her permanent title for the duration of the work-

ing test period. Upon successful completion of the working test period, the seniority accrued during the working test period shall be applied to the new title.

SUBCHAPTER 10. NONCOMPETITIVE AND LABOR TITLES

...

4:1-10.2 Appointments and promotions

(a) The President of the Civil Service Commission may authorize an appointing authority to appoint a qualified applicant to a title in the labor or noncompetitive division without examination.

(b) The President of the Civil Service Commission may order that a noncompetitive examination be held to determine the qualification of applicants for noncompetitive and labor division titles. Such examinations may be held after due notice. Public advertising shall not be required.

(c) Eligible lists shall not be ranked and any eligible may be appointed. Formal certification shall not be necessary.

(d) The duration, extension and termination of noncompetitive and labor eligible lists shall be governed by the same rules as those applying to open competitive examinations.

(e) At the discretion of the President of the Civil Service Commission, an employee may be promoted from the labor or noncompetitive division to a related entry level title in the competitive division through normal promotional examination procedures provided that he or she meets the open competitive requirements.

(f) A probationary employee who has permanent status in the noncompetitive or labor divisions and is appointed to a new title at the same salary range, or is promoted, shall continue to accrue seniority in his or her permanent title until attaining permanent status in the new title.

4:2-8.1 (Reserved)

4:3-8.3 (Reserved)

COMMUNITY AFFAIRS

(b)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code Requirements for a License

Adopted Amendment: N.J.A.C. 5:23-5.5

Proposed: July 2, 1984 at 16 N.J.R. 1644(a).  
Adopted: August 26, 1984 by John P. Renna, Commissioner, Department of Community Affairs.

## ADOPTIONS

## COMMUNITY AFFAIRS

Filed: September 7, 1984 as R.1984, d.425 **without change.**

Authority: N.J.S.A. 52:27D-124.

Effective Date: October 1, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): April 1, 1988.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text of the adoption follows.**

5:23-5.5 Requirements for a license

(a) (No change.)

(b) Requirements are:

1.-2. (No change.)

3. Building inspector:

i.-iii. (No change.)

iv. Persons having a college degree in architecture or in engineering directly related to the building subcode shall be exempted from the educational program requirements for building inspector R.C.S., building inspector I.C.S., and building inspector H.H.S.

4. Electrical inspector:

i.-ii. (No change.)

iii. Persons having a college degree in engineering directly related to the electrical subcode shall be exempted from the educational program requirements for the electrical inspector H.H.S. and I.C.S. licenses.

5. Fire protection inspector:

i. Fire protection inspector H.H.S.: A candidate for a license as a fire protection inspector H.H.S. shall meet the following requirements:

(1) Seven years of experience in the fire service as an officer, inspector or firefighter (other than as an apprentice or trainee), with responsibility for fire prevention, fire protection or firefighting activities; or five years of experience as a journeyman in a skilled trade regulated by the fire protection subcode and two years of active service in the fire service; and

(2) (No change.)

ii. Fire protection inspector I.C.S.: A candidate for a license as a fire protection inspector I.C.S. shall meet the following requirements:

(1) Five years of experience in the fire service as an officer, inspector or firefighter (other than an apprentice or trainee) with responsibility for fire prevention, fire protection or firefighting activities; or three years of experience as a journeyman in a skilled trade regulated by the fire protection subcode and two years of active experience in the fire service; and

(2) (No change.)

iii. Fire protection inspector R.C.S.: A candidate for a license as a fire protection inspector R.C.S. shall meet the following requirements:

(1) Three years of active experience in the fire service; and

(2)-(3) (No change.)

iv. Persons having a college degree in fire science or in architecture or in engineering directly related to the fire subcode shall be exempted from the educational program requirements for the fire protection inspector I.C.S., fire protection inspector R.C.S. and fire protection inspector H.H.S. licenses.

6. Plumbing inspector:

i.-ii. (No change.)

iii. Persons having a college degree in engineering directly related to the plumbing subcode shall be exempted from the educational program requirements for the plumbing inspector I.C.S. and plumbing inspector H.H.S. licenses.

7.-9. (No change.)

(c)-(d) (No change.)

(e) Special provisions:

1. Applicants for a technical license as building inspector R.C.S., building inspector I.C.S., plumbing inspector I.C.S., fire protection inspector I.C.S. or electrical inspector I.C.S. who were enrolled in the required educational courses pursuant to N.J.A.C. 5:23-5.5 and 5:23-5.6 during the period from December 31, 1980 to February 1, 1982 may be granted such license(s) without having to successfully complete the National Certification Examination required by N.J.A.C. 5:23-5.9 if the applicant applies or reapplies for the license(s) by December 31, 1984 and is determined by the Department to be otherwise qualified.

2. An applicant for a technical license as building inspector R.C.S., building inspector I.C.S., fire protection inspector I.C.S., plumbing inspector I.C.S. or electrical inspector I.C.S. who applied for such license(s) prior to February 1, 1982 but whose application was rejected and who received formal notice of ineligibility dated not earlier than December 31, 1980 and not later than February 1, 1982, or who, in conjunction with proceedings before the Office of Administrative Law, executed letters of waiver or settlement stipulations during the period from December 1, 1980 through February 1, 1982, may be licensed in accordance with directives or requirements of the Department set forth in any such notice of ineligibility, letter of waiver or settlement stipulation, if such applicant reapplies for the license(s) by December 31, 1984 and is otherwise qualified.

3. An applicant for a technical license as building inspector H.H.S., fire protection inspector H.H.S., plumbing inspector H.H.S. or electrical inspector H.H.S. who enrolled in the respective approved H.H.S. course prior to January 17, 1984 may be granted such H.H.S. license(s) without having to complete the National Certification Examination required by N.J.A.C. 5:23-5.9 if such applicant applies for the license(s) by December 31, 1984 and is otherwise qualified.

4. An applicant for a technical license as building inspector H.H.S., fire protection inspector H.H.S., plumbing inspector H.H.S. or electrical inspector H.H.S. who applied for such license(s) during the period from February 1, 1982 to January 17, 1984 but whose application was rejected and who received a formal notice of ineligibility dated no later than April 30, 1984, or who executed a letter of waiver or settlement stipulation pursuant to a proceeding before the Office of Administrative Law during the period from February 1, 1982 to April 30, 1984, shall be eligible to be licensed upon compliance with the directives or requirements of the Department set forth in such notice of ineligibility, letter of waiver or settlement stipulation if such applicant reapplies for the license by December 31, 1984 and is otherwise qualified.

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Planned Real Estate Development Full Disclosure Regulations

Adopted Amendments: N.J.A.C. 5:26-1.1, 1.3, 1.4, 3.1, 4.3, 9.3, 11.3

Proposed: August 6, 1984 at 16 N.J.R. 2032(a).
Adopted: September 6, 1984 by William M. Connolly, Director, Division of Housing and Development, Department of Community Affairs.
Filed: September 13, 1984 as R.1984, d.434, without change.

Authority: N.J.S.A. 45:22A-35.

Effective Date: October 1, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): April 1, 1986.

Summary of Public Comments and Agency Responses: No comments received.

Full text of the adoption follows.

5:26-1.1 Introduction
The Planned Real Estate Full Disclosure Act (Chapter 419, P.L. 1977, N.J.S.A. 45:22A-21 et seq.) is effective November 22, 1978. The regulations contained in this chapter have been adopted to enable the Division of Housing and Development to implement the Act and to enable owners of property affected to more easily and more fully comply with the requirements of the Act.

5:26-1.3 Definitions
The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Agency” means the Division of Housing and Development of the State Department of Community Affairs.

“Director” means the Director, Division of Housing and Development, Department of Community Affairs.

“Division” means the Division of Housing and Development, Department of Community Affairs.

5:26-1.4 Administration
The Act shall be administered by the Division of Housing and Development of the State Department of Community Affairs, through the Bureau of Construction Code Enforcement. All correspondence and inquiries may be addressed to the Bureau of Construction Code Enforcement, CN 805, Trenton, New Jersey 08625.

5:26-3.1 Contents of application for registration
(a) The application for registration shall contain the following documents and information:

- 1.-19. (No change.)
20. A statement as to the status of compliance with all the requirements of all laws, ordinances, regulations of governmental agencies having jurisdiction over the premises, including but not limited to any permits required by the Department of Environmental Protection, together with copies of all necessary Federal, State, county and municipal approvals;
21.-27. (No change.)

5:23-4.3 Form
(a) The public offering statement shall be in the following form:

- 1. A front cover shall contain the name and address of the developer, the name and location of the planned real estate development or retirement community, the effective date of the offering statement, which shall be the date of registration by the Agency, and shall contain the following statement in 10-point bold face type:

NOTICE TO PURCHASERS
THIS PUBLIC OFFERING STATEMENT IS FOR INFORMATIONAL PURPOSES ONLY. PURCHASERS SHOULD ASCERTAIN FOR THEMSELVES THAT THE PROPERTY OFFERED MEETS THEIR PERSONAL REQUIREMENTS. THE NEW JERSEY DIVISION OF HOUSING AND DEVELOPMENT HAS NEITHER APPROVED NOR DISAPPROVED THE MERITS OF THIS OFFERING. BE SURE TO READ CAREFULLY ALL DOCUMENTS BEFORE YOU SIGN THEM.

- 2.-5. (No change.)

5:26-9.3 Public Offering Statement
(a) Simultaneously with the filing of an application for registration with the Agency, the developer shall serve upon all tenants in the building a copy of the proposed Public Offering Statement and file an affidavit of service with the Agency within 10 days.

- 1. The proposed Public Offering Statement that is given to the tenants shall contain the following statement on the first page:

THIS IS THE PROPOSED PUBLIC OFFERING STATEMENT SUBMITTED TO THE DIVISION OF HOUSING AND DEVELOPMENT, DEPARTMENT OF COMMUNITY AFFAIRS, IN AN APPLICATION FOR REGISTRATION TO CONVERT THE BUILDING TO A CONDOMINIUM OR CO-OPERATIVE. THIS STATEMENT IS SUBJECT TO CHANGE. THE DEPARTMENT OF COMMUNITY AFFAIRS WILL ACCEPT WRITTEN COMMENTS FOR A PERIOD OF 45 DAYS CONCERNING THIS STATEMENT ADDRESSED TO:

Department of Community Affairs
Planned Real Estate Development Section
Bureau of Construction Code Enforcement
CN 805
Trenton, NJ 08625

THIS DOCUMENT IS NOT THE NOTICE OF INTENTION TO CONVERT AND FULL PLAN OF CONVERSION REQUIRED UNDER THE NEW

**JERSEY STATUTE GOVERNING REMOVAL OF TENANTE (N.J.S.A. 2A:18-61.1 et seq.).**

**5:26-11.3 Rights to a hearing**

Any developer or applicant for registration aggrieved by an order of the Agency issued under the Act or these regulations shall be entitled to a hearing before the Office of Administrative Law as provided by law, provided a written request for such hearing is filed within ten business days of receipt of the order complained of.

---

**EDUCATION**

**(a)**

**STATE BOARD OF EDUCATION**

**Teacher Preparation and Certification  
New Jersey Educational Services Supplement  
to Standards for State Approval of  
Teacher Education**

**Readoption with Amendments: N.J.A.C.  
6:11-12**

Proposed: July 16, 1984, at 16 N.J.R. 1841(a).  
Adopted: September 5, 1984, by State Board of Education, Saul Cooperman, Secretary.  
Filed: September 11, 1984, as R.1984, d.432 **without change.**

Authority: N.J.S.A. 18A:4-15 and 18A:6-38.

Expiration Date pursuant to Executive Order No. 66 (1978): September 1, 1989.

**Summary of Public Comments and Agency Responses:**

The Department of Education received one letter with comments. The New Jersey Speech-Language-Hearing Association stated that:

1. Although the association recognizes the need for the readoption of the rules, it is essential that requirements for speech correctionists be strengthened.
2. The master's degree should be required and the title changed to "speech pathologist".
3. P.L. 94-142 has brought far-reaching changes in the way speech-language pathology has been offered in the schools.

The reactions of the Department of Education to these comments were that:

1. An external review team has studied the current rules and recommended changes are under consideration.
2. A committee of the State Board of Examiners has made recommendations that requirements for certification of

speech correctionists be strengthened by requiring the master's degree. It was recommended that the title be changed to "speech language specialist".

3. The far reaching changes in speech language pathology brought about by P.L. 94-142 were considered in the recommendations by the external review team and the committee of the State Board of Examiners.

**Full text of the readoption follows:**

**CHAPTER 11. TEACHER PREPARATION AND CERTIFICATION**

**SUBCHAPTER 12. NEW JERSEY EDUCATIONAL SERVICES SUPPLEMENT TO STANDARDS FOR STATE APPROVAL OF TEACHER EDUCATION**

**6:11-12.1 Scope**

(a) This subchapter is used by the Bureau of Teacher Preparation and Certification in the following ways:

1. In conjunction with the Standards for State Approval of Teacher Education, N.J.A.C. 6:11-7, to evaluate and approve educational services programs in New Jersey colleges.
2. As the basis for evaluating the eligibility of candidates who have completed educational services programs in out-of-state colleges, or wish to qualify for New Jersey certification, based on the appropriate educational services certification and experience in another state.
3. As the basis for defining the nature and extent of studies that will constitute certificate programs designed by colleges for candidates who already possess the academic degree required for the certificate.
4. As the basis for defining the nature and extent of the experience background required for educational services certificates.

**6:11-12.2 Recommendations of national academic and professional organizations**

Recommendations and guidelines of the appropriate national academic and professional groups should be given due consideration in developing college programs.

**6:11-12.3 Vocational-technical coordinator; cooperative industrial educational programs**

(a) This endorsement is required for the position of teacher and coordinator of part-time cooperative vocational education in skilled trade, industrial and/or service occupations. The endorsement entitles the holder to teach related vocational subjects in such classes and to act as coordinator between school and industry.

(b) The requirements are as follows:

1. A standard teaching certificate in any field;
2. Successful completion of one of the following:
  - i. Three years of teaching under an endorsement in vocational education or industrial arts plus one year of approved occupational experience in gainful employment involving the use of hand and power tools and equipment in operations identified as hazardous in State and Federal child labor legislation. The experience must be approved by the Division of Vocational Education of the State Department of Education; or
  - ii. The combination of an approved bachelor's degree, two years of teaching experience and two years of approved occupational experience in gainful employment as indicated in i. above.

## EDUCATION

## ADOPTIONS

3. A program of college studies including one of the following:

i. A college curriculum approved by the New Jersey State Department of Education as the basis for issuing this endorsement; or

ii. A program of college studies including at least one course in each of the following areas:

(1) Principles and philosophy of vocational-technical education;

(2) Problems in organizing and teaching cooperative education industrial education program;

(3) Curriculum construction in vocational-technical education;

(4) Vocational guidance.

6:11-12.4 Vocational-technical coordinator; apprentice programs

(a) This endorsement is required for the position of apprentice coordinator in any school system conducting an apprenticeship program. The holder may also serve as a coordinator of part-time cooperative education programs.

(b) The requirements are as follows:

1. High school graduation or the equivalent;

2. Three years of successful teaching experience in skilled, technical, related subjects or industrial arts or three years of supervisory experience in trade and industrial education;

3. Successful completion of one of the following:

i. A college curriculum approved by the New Jersey State Department of Education as the basis for issuing this endorsement; or

ii. A program of college studies including a minimum of 12 semester-hour credits in courses in the following areas:

(1) Administration and supervision of vocational-technical education;

(2) Curriculum construction in vocational-technical education;

(3) Industrial and labor relations;

(4) Problems in organizing and teaching part-time cooperative programs.

6:11-12.5 (Reserved)

6:11-12.6 (Reserved)

6:11-12.7 Professional librarian

(a) This endorsement is required for employment as a professional librarian in libraries supported in whole or in part by public funds, serving communities of 10,000 population and above.

(b) The requirements include a master's degree in library or information science in an approved library program.

6:11-12.8 (Reserved)

6:11-12.9 School nurse; elementary, secondary and vocational schools; teaching in areas related to health

(a) This endorsement authorizes service as a school nurse in elementary, secondary and vocational schools, and teaching in areas related to health.

(b) The requirements are:

1. Current license as a registered professional nurse in New Jersey;

2. A bachelor's degree based upon a four-year curriculum in an accredited college;

3. Successful completion of one of the following:

i. A college curriculum approved by the New Jersey State Department of Education as the basis for issuing this endorsement; or

ii. A program of college studies, including:

(1) A minimum of 45 semester-hour credits in general background courses including at least four of the following fields: English, social studies, science, fine arts, foreign language, mathematics, philosophy and psychology.

(2) A minimum of 30 semester-hour credits chosen from the following areas, including a total of at least 20 semester-hour credits in areas (A) through (G):

(A) School nursing, including school health services and organization and administration of the school health program (minimum of six semester-hour credits);

(B) Child and/or adolescent growth and development;

(C) Mental health;

(D) Foundations of education. This group includes such areas as history of education, principles of education, philosophy of education, comparative education, and contemporary issues in education;

(E) The public school program, including areas in curriculum, methods and practices;

(F) Public health including such areas as public health nursing, community health problems and communicable disease control;

(G) Human and intercultural relations. Studies designed to develop understanding of social interaction and culture change, including courses such as the following: urban sociology, history of minority groups, intergroup relations, and suburban and inner-city problems;

(H) Guidance and counseling;

(I) Psychology of the exceptional child;

4. Student teaching;

5. Provisional endorsement: A provisional endorsement to serve as a school nurse may be issued to an applicant who meets the requirements in 1. and 2. above and who is within 12 semester hours of meeting requirements 3. and 4.

6:11-12.10 School social worker

(a) This endorsement is required for service as a school social worker in any school district in the State.

(b) The requirements are:

1. A bachelor's degree based upon a four-year curriculum in an accredited college;

2. Three years of successful teaching experience or three years of approved social work experience or a combination of both, or a master's degree from an accredited school of social work;

3. Twenty-four semester-hour credits distributed within the following areas, including some study in each area:

i. Psychology, including educational psychology, general psychology, psychology of adolescence, child growth and development, and psychology of the atypical child;

ii. Education, including philosophy of education, history of education, principles and methods of teaching, and curriculum study;

iii. Sociology and social problems, including courses dealing with delinquency, poverty, interracial and intercultural problems.

iv. Social case work, introductory and advanced, including principles and practices in social case work, interviewing, and methods and skills in diagnosis;

v. Mental hygiene and social psychiatry, including dynamics of human behavior and psychopathology;

vi. Medical information, including the function of the social worker in health problems;

vii. Community organization and public welfare services, including the care and protection of dependent, neglected, handicapped, and delinquent children and adults.

4. A master's degree in social work from an accredited institution will be accepted as meeting the study requirements indicated in 3. above.

#### 6:11-12.11 Speech correction

(a) This endorsement is required for service as a speech correctionist in elementary, secondary or vocational schools.

(b) Requirements for the endorsement are as follows:

1. A minimum of 18 semester-hour credits in the following areas or their equivalent, in separate or integrated courses. Work in i. through vii. below is required.

- i. Education and/or psychology of the handicapped;
- ii. Speech correction;
- iii. Introduction to audiology;
- iv. Anatomy and physiology of the ear and speech mechanisms;
- v. Phonetics;
- vi. Speech pathology;
- vii. Supervised clinical practice in speech therapy;
- viii. Voice, speech improvement;
- ix. Orientation in psychological tests;
- x. Reading disabilities;
- xi. Electives in special education.

(c) Requirements for the endorsement are as follows:

1. A bachelor's degree based upon a four-year curriculum in an accredited college;

2. Successful completion of one of the following:

i. A college curriculum approved by the New Jersey State Department of Education as the basis for issuing this endorsement; or

ii. A program of college studies including:

(1) A minimum of 45 semester-hour credits in general background courses distributed in at least three of the following fields: English, social studies, science, fine arts, mathematics, foreign languages, philosophy and psychology.

(2) Thirty semester-hour credits in the field of professional education, including the 18 specified for the endorsement in (b)1. above, and, in addition, at least nine semester hours of credit in the following fields of study, including work in areas (A), (B) and (C) below. These 30 credits do not include student teaching.

(A) Principles and practices of education. This group includes such areas as introduction to education, social and philosophical foundations of education, methods of teaching, audio-visual aids and individualizing instruction.

(B) Educational psychology. This group includes such areas as psychology of learning, child growth and development, adolescent psychology and mental hygiene.

(C) Curriculum. This group includes such areas as principles of curriculum construction, the elementary or secondary school curriculum, a study of the curriculum in one specific field and extracurriculum activities.

(D) Electives in education, guidance or special education.

(3) Approved student teaching in therapy with children who have speech disorders.

#### 6:11-12.12 Director of student personnel services

(a) This endorsement is required for any person who is assigned as a director, administrator or supervisor of guidance and student personnel services of a school system, including the supervision of educational activities in areas related to and within the guidance program.

(b) The requirements are:

1. A bachelor's degree based upon a four-year curriculum in an accredited college;

2. A standard New Jersey student personnel services certificate or its equivalent, and three years of successful experience in school student personnel work;

3. Successful completion of one of the following:

i. A college curriculum approved by the New Jersey State Department of Education as the basis for issuing this endorsement; or

ii. A program of college studies including 40 semester-hour credits, including a minimum of 18 semester-hour credits chosen from guidance, 10 chosen from psychology, and the remaining 12 chosen from the last three areas, with at least one course in each.

(1) Guidance: This group includes such courses as principles of guidance; counseling; individual analysis; group methods in guidance; organization and administration of guidance programs, student personnel work; occupational and educational information; job analysis; placement, vocational education; research; practicum; and seminar in guidance.

(2) Psychology: This group includes such courses as psychology of physical and mental growth, child and adolescent psychology, mental hygiene, tests and measurements, statistics, abnormal psychology, mental abnormalities and defects, psychology of parent and child relationships (exclusive of introductory courses in general and educational psychology).

(3) Sociology: This group includes such courses as social problems, race relations, the family, community and intergroup relations, the school and the community, community resources, labor problems, industrial relations.

(4) Administration and curriculum: This group includes such courses as principles of curriculum construction, the elementary and secondary curriculum, extracurricular activities, school law, organization and administration of elementary and secondary schools.

(5) Supervision of instruction: This group includes such courses as supervision of the homeroom program, supervision of instruction in occupational courses, supervision of instruction in orientation, supervision of student personnel work, supervision of group techniques.

#### 6:11-12.13 Student personnel services

(a) This endorsement is required for any person assigned to perform student personnel services such as study and assessment of individual pupils with respect to their status, abilities, interest, and needs; counseling with teachers, students, and parents regarding personal, social, educational, and vocational plans and programs; and developing cooperative relationships with community agencies in assisting children and families.

(b) The requirements are:

1. A bachelor's or higher degree;

2. A standard New Jersey teacher's certificate, or college transcripts indicating completion of the professional coursework required for such a certificate;

3. One year of successful teaching experience;

4. In addition to the preparation required for 2. above, successful completion of one of the following:

i. A graduate curriculum approved by the New Jersey State Department of Education as a basis for issuing this endorsement; or

ii. A program of college studies including 30 semester-hour credits of post-baccalaureate work in the five areas listed below. This work must be in addition to that required in 2.

above, and may be in separate or integrated courses. Minimum quantitative requirements are indicated for each of the first four areas.

(1) Guidance and counseling—minimum six semester hours. Areas of study (A), (B) and (C) must be covered.

(A) Theory and procedures in individual and group guidance;

(B) Counseling and interviewing techniques;

(C) Vocational guidance, occupational and educational information, and placement.

(2) Testing and evaluation—minimum three semester hours.

(3) Psychology—minimum six semester hours. Child and adolescent development, psychology of exceptional children, psychology of learning, child and youth study.

(4) Sociological foundations—minimum six semester hours. Area of study (A) below must be covered.

(A) Community agencies, organization and resources;

(B) Educational sociology;

(C) Social problems, juvenile delinquency, law, the family;

(D) Urban sociology.

(5) Electives in such areas as curriculum development, program planning, guidance, psychology, measurement, vocational education, learning disabilities, human relations, group process theory and procedures, labor and industrial relations, and research techniques and interpretation.

**6:11-12.14 School psychologist**

(a) This endorsement is required for service as a psychologist in elementary or secondary schools.

(b) The requirements are:

1. A bachelor's degree from an accredited college with a minimum of 30 semester-hour credits distributed in at least three of the following fields; English, social studies, science, fine arts, mathematics, and foreign languages;

2. An advanced program of at least 60 semester-hour credits in graduate courses in an accredited and approved college or university program or its equivalent as approved by the Secretary of the State Board of Examiners, with the following distributions:

i. Educational foundations—12 semester-hour credits selected from the following courses or their equivalents:

(1) Modern school practices;

(2) Principles of curriculum construction;

(3) Philosophy of education;

(4) History of education;

(5) Educational sociology;

(6) School administration and/or supervision;

(7) School-community relationships;

(8) Principles of education: methods of teaching.

ii. Education of the handicapped—six semester-hour credits selected from the following courses or their equivalents:

(1) Introduction to education of the handicapped;

(2) Psychology of the handicapped;

(3) Methods and materials in teaching the mentally retarded.

iii. Testing and clinical techniques—18 semester-hour credits selected from the following courses or their equivalents. Areas of study (1), (2), (4), (5) and (6) must be covered.

(1) Statistics;

(2) Tests and measurements;

(3) Aptitude testing;

(4) Intelligence testing;

(5) Projective techniques;

(6) Interviewing and counseling;

(7) Diagnostic case studies.

iv. Personality and behavioral development—12 semester-hour credits selected from the following courses or their equivalents:

(1) Developmental psychology;

(2) Psychology of adolescence;

(3) Atypical development;

(4) Reactive disorders;

(5) Motivational basis for learning;

(6) The cultural anthropology of community differences;

(7) Physiological basis for learning.

v. Electives—12 semester-hour credits selected from courses closely related to the above groups of courses.

3. An externship of 450 clock hours. The externship should be in a school clinic, a child guidance clinic or other clinic approved by the Commissioner of Education and supervised by a qualified school psychologist or by personnel approved by the Commissioner of Education. This externship experience shall include at least 100 clock hours in testing mentally retarded children (see N.J.A.C. 6:11-12.14(d)). Persons with experience endorsed by the Commissioner of Education as equivalent to the above externship may be exempt from the externship.

(c) Employment of externs in school psychology are governed by the following rules:

1. The requirement for the school psychologist's endorsement includes an externship in a school clinic, a child guidance clinic or other clinic approved by the Commissioner of Education and supervised by a qualified school psychologist or by personnel approved by the Commissioner of Education. Students engaged in this externship are not yet eligible for a school psychologist's certificate. Therefore, school districts wishing to provide paid externship programs under the supervision of their school psychologist must obtain authorization from the Commissioner of Education for employment of such externs.

2. Externs in school psychology fall into two groups;

i. Those who are performing the externship as part of their approved university program of preparation for school psychology. In such cases the externship is arranged by the university and supervised by them in conjunction with the local supervising school psychologist.

ii. Those who have already completed their university studies, and have fulfilled the course requirements for the endorsement, but whose university program did not contain supervised externship sufficient to meet requirements in amount and/or range of responsibilities.

iii. Since these students are no longer under the supervision of a university program, they frequently seek to arrange an externship in a local school system or in an institution or clinic and desire to have this externship approved by the State Department of Education for certification purposes.

3. School districts desiring authorization for the employment of an extern should submit a request to the county superintendent of schools, containing the following information:

i. The university sponsoring the extern, if any, and the name of the university adviser in charge of the student's program.

ii. The name of the fully certified school psychologist in the school system under whose supervision the externship will be carried out. This person should hold a standard New Jersey school psychologist's certificate.

iii. The nature and extent of the training experiences that will be provided under supervision during the externship.

iv. The dates designating the period of the externship.

## ADOPTIONS

4. Requests for authorization approved by the county superintendent of schools will be forwarded to the Bureau of Teacher Preparation and Certification, State Department of Education.

(d) The rules governing the externship for school psychologists are:

1. The externship must be taken under the direction of an accredited university as part of a program for the training of school psychologists. In exceptional cases, an equivalent externship, not under the jurisdiction of such a program, may be approved by the commissioner.

2. Externship should be arranged as a program of supervised experiences in addition to the laboratory work done as a regular part of course work. Credit will not be given for clinical work done as part of the requirements in such courses as "intelligence testing" or "projective techniques."

3. At least 50 percent of the externship must be in the psychological services division of a public school system, or in such a division of a college or university demonstration center, serving a cross section of school age children. Local supervision for this period of externship training shall be provided by a person holding a permanent New Jersey certificate as a school psychologist, or its equivalent.

i. The setting providing the externship shall be equipped with various group and individual achievement, personality, and intelligence tests, and shall have available to it an audiometer and a modern visual screening device.

ii. The extern shall be provided with adequate office space for conferences, counseling, and diagnostic studies.

iii. Comprehensive records shall be kept on pupil growth and development, and such records shall be available to the extern for study and guidance.

iv. The extern shall receive supervised experience in the following areas:

- (1) In-service programs for faculty members;
- (2) Conferences with special personnel;
- (3) Utilization of available community resources;
- (4) Conducting a diagnostic study;
- (5) Report writing;
- (6) Relationships with the community;
- (7) Counseling pupils, parents, and faculty.

4. As much as 50 percent of the externship may be obtained in an approved hospital, institution, clinic, or agency established for the study and/or treatment of special problems of children and adults. This training experience shall be supervised by a qualified psychologist. The director of the institution or agency shall certify that this experience includes the following:

- i. Conducting a diagnostic study;
- ii. Reporting writing and communication of diagnostic findings;
- iii. Participation in staff planning and evaluating conferences.

5. For the standard certificate the requirement is 450 clock hours of approved externship. For the provisional certificate the requirement is 350 clock hours.

### 6:11-12.15 Learning disabilities teacher-consultant

(a) This endorsement is required for service as a learning disabilities teacher-consultant in the elementary and secondary schools.

(b) The requirements are:

1. A standard New Jersey teacher's certificate;
2. Three years of successful teaching experience;
3. A master's degree from an accredited college;

## EDUCATION

4. Completion of a graduate program for the preparation of learning disabilities teacher-consultants approved by the New Jersey State Department of Education as meeting the requirements for this endorsement;

5. Bases for issuance are:

i. When candidates have completed their preparation for this endorsement in an out-of-State college or university, a master's degree in learning disabilities from a program accredited by the National Council for Accreditation of Teacher Education (N.C.A.T.E.) will be accepted as meeting the requirement.

ii. When candidates have developed a background of graduate study in psychology, education, and related areas that they consider to be equivalent to the completion of an approved graduate program in learning disabilities, they may submit their credentials for review. A learning disabilities certification review committee will recommend to the Secretary of the State Board of Examiners the additional study, if any, that the applicant should be requested to complete.

(c) The standards for the approval of graduate teacher education programs in learning disabilities are:

1. Candidates must have a master's degree including 24 semester hours of credit outlined in 2. below.

2. The approved certificate program must include provision for the areas of study listed below. Qualified teachers who have already earned a master's degree, or completed graduate studies in education, reading, speech correction, psychology, education in specific areas of the handicapped, or similar fields, should be given credit by the college for as much of their completed programs as is appropriate.

i. Work in the following areas of study must be required as part of the program, not necessarily as separate courses: education of the handicapped; learning theory; physiological bases of learning; orientation in psychological testing; remediation of basic skills; diagnosis and correction of learning disabilities. Course descriptions should make it clear that the program for all students will include study in each of these areas.

ii. The program should also include opportunities to study, perhaps on an elective basis in areas closely related to learning disabilities, such as group dynamics; methods and materials for teaching the emotionally and socially maladjusted; curriculum development in the teaching of the handicapped; teaching of reading; interviewing and counseling; educational psychology; and community resources.

iii. The program must include a college supervised practicum in diagnosis and remediation of learning disabilities in school and clinical situations. The definition and nature of this practicum, and the courses in which it will be provided, should be clear in the program description. The practicum should provide for a minimum of 90 clock hours of college supervised experience.

iv. Prior to completion of the certificate program, the student must hold a regular New Jersey teacher's certificate and submit evidence of three years of successful teaching experience.

### 6:11-12.16 School occupational therapist

(a) This endorsement is required for service as an occupational therapist in elementary and secondary schools.

(b) The requirements are:

1. A bachelor's degree based upon a four-year curriculum in an accredited college;
2. Graduation from an approved school of occupational therapy.

## EDUCATION

## ADOPTIONS

### 6:11-12.17 School physical therapist

(a) This endorsement is required for service as a physical therapist in elementary and secondary schools.

(b) The requirements are:

1. A bachelor's degree based upon a four-year curriculum in an accredited college;
2. Graduation from a curriculum in physical therapy in an approved school.

### 6:11-12.18 (Reserved)

### 6:11-12.19 (Reserved)

### 6:11-12.20 Reading specialist

(a) This endorsement is required for service as a reading specialist in public school district.

(b) A reading specialist is one who conducts in-service training of teachers and administrators, coordinates instruction for individuals or groups of pupils having difficulty learning to read, diagnoses the nature and cause of individual's difficulty in learning to read, plans developmental programs in reading for all pupils, recommends methods and material to be used in the district reading program, and contributes to the evaluation of the reading achievement of pupils.

(c) The requirements are:

1. A standard New Jersey certificate in any instructional area;
2. Two years of successful teaching experience;
3. Successful completion of a graduate degree program in reading approved by the New Jersey State Department of Education; or
4. A program of graduate studies of 30 semester hours or equivalent consisting of the following:
  - i. Reading foundations;
  - ii. Diagnosis;
  - iii. Correction of reading problems;
  - iv. Supervised practicum in reading; plus
  - v. Study in at least three areas from the following:
    - (1) Children's or adolescent literature;
    - (2) Measurement;
    - (3) Organization of reading programs;
    - (4) Psychology;
    - (5) Supervision;
    - (6) Linguistics.

### 6:11-12.21 Educational media specialist

(a) This endorsement is required for any person who is assigned to develop and coordinate educational media services in the public schools. Educational media are defined as all print and nonprint resources and the equipment needed for their use.

(b) The requirements are:

1. A master's degree from an accredited institution;
2. A standard New Jersey teacher's certificate or associate educational media specialist endorsement;
3. One year of successful teaching or one year of experience as an associate educational media specialist;
4. Successful completion of one of the following:
  - i. A graduate curriculum approved by the New Jersey State Department of Education as the basis for issuing this endorsement; or
  - ii. A minimum of 30 semester-hour credits of post-baccalaureate studies. Courses completed in the candidate's graduate degree program may be applied toward fulfilling these

requirements. The following areas of study must be included in either separate or integrated courses:

- (1) Organization and coordination of school media services and materials;
- (2) Application of learning theory in reading, listening and viewing educational media materials;
- (3) Design and development of educational media programs;
- (4) Design and development of educational media materials;
- (5) Integration of educational media through the school curriculum;
- (6) Evaluation, selection and utilization of educational media;
- (7) Development of individual and group processes in the media program;
- (8) Field experience in a school media program.

(c) The following standards pertain to programs preparing persons to develop and coordinate educational media services in the public schools. These individuals are concerned with the improvement of the learning process and instruction through the evaluation, selection, organization, distribution, production, and utilization of appropriate print and nonprint resources and the equipment needed for their use. The educational media specialist provides direction to educational activities in areas related to and within the educational media services programs:

1. The program shall provide growth opportunities to assure that candidates acquire a broad cultural and intellectual background.
2. The program shall provide for learning experiences in:
  - i. Analysis of the nature and content of instructional materials;
  - ii. Methods of selecting and evaluating materials through the study of individual media as well as through cross media study by curriculum unit or grade level;
  - iii. Methods of utilization of materials to support curriculum and meet student needs;
  - iv. Methods of production of appropriate educational media including actual laboratory experience;
  - v. Processes for the organization and maintenance of materials and equipment;
  - vi. Identification of learning strategies of pupils;
  - vii. Evaluation of the learner's instructional media requirements;
  - viii. Design and development of educational media programs;
  - ix. Design and development of educational media resources;
  - x. Development of individual and group processes in the media program.
3. The program shall assure increased comprehension of the principles of curriculum, and the application of instructional media techniques to the curriculum.
4. The program shall require field experiences in a school media center. Prior field experience in educational media may be accepted in lieu of this requirement.
5. The program shall provide experiences and understanding of expanded services, such as extending the use of the media center, television, microforms, and other forms of technology as may become appropriate for school media use.

### 6:11-12.22 Associate educational media specialist

(a) This endorsement is required for any person assigned to perform educational media services in the public schools un-

der the supervision of a qualified supervisor. Educational media are defined as all print and nonprint resources and the equipment needed for their use.

(b) The requirements are:

1. A bachelor's degree from an accredited college;
2. A standard New Jersey teacher's certificate;
3. Successful completion of one of the following:
  - i. A college curriculum approved by the New Jersey State Department of Education as the basis for issuing this endorsement; or
  - ii. A minimum of 18 semester-hour credits of undergraduate or graduate study in educational media. Coursework completed in the candidate's undergraduate program may be applied toward fulfilling these requirements. The following areas of study must be included in either separate or integrated courses:

- (1) Organization and retrieval of information and media resources;
- (2) Production of educational media;
- (3) Evaluation, selection, and utilization of educational media;
- (4) Integration of educational media through the school curriculum;
- (5) Field experience in a school media program.

(c) The following standards pertain to undergraduate programs preparing associate educational media specialists to serve in the public schools. The associate educational media specialist is concerned with the improvement of the learning process and instruction through the evaluation, selection, organization, distribution, production, and utilization of appropriate print and nonprint resources and the equipment needed for their use. The associate educational media specialist provides technical consultative services to teaching staff to assure more effective use of available resources:

1. The undergraduate program must meet all the requirements for a standard New Jersey teacher's certificate.
2. The program shall provide for learning experiences in:
  - i. Analysis of the nature and content of instructional materials;
  - ii. Methods of selecting and evaluating materials through study of individual media as well as through cross media study by curriculum unit or grade level;
  - iii. Methods of utilization of materials to support curriculum and meet student needs;
  - iv. Methods of production of appropriate educational media including actual laboratory experience;
  - v. Processes for the organization and maintenance of materials and equipment.
3. The program shall require field experience in a school media center.

#### 6:11-12.23 Policies governing issuance of endorsements in educational media

(a) Educational media specialist policies are:

1. Persons holding a standard or permanent New Jersey school librarian endorsement shall be deemed eligible to receive the educational media specialist endorsement.
2. Persons holding a standard New Jersey teaching certificate who have completed a graduate degree program in an accredited institution with specialization in library science, audio-visual, educational media, or equivalent media areas, shall, on application, receive the educational media specialist endorsement.
3. Persons enrolled in accredited graduate teacher education programs with specialization in library science, audio-visual, educational media, or equivalent media areas, shall,

upon completion of the program, be eligible for the educational media specialist endorsement.

(b) Associate educational media specialist policy is:

1. Persons holding a standard or permanent New Jersey teacher-librarian endorsement shall be deemed eligible to receive the associate media specialist endorsement.

(c) Procedures for administering (a)1. and (b)1. above are:

1. Use the procedure explained below except that for the educational media specialist endorsement, the school librarian authorization will be extended to include the rights and privileges of an educational media specialist endorsement (N.J.A.C. 6:11-12.21).

2. The holder of a standard or permanent New Jersey teacher librarian endorsement may receive an extension of the authorization of this certificate to include the functions of the associate educational media specialist endorsement. This can be accomplished by the issuance of an extended authorization form to read as follows:

i. The authorization of the teacher librarian endorsement of (name) is hereby extended to include all of the rights and privileges of the associate educational media specialist certificate (N.J.A.C. 6:11-12.22).

#### 6:11-12.24 Teacher-coordinator of cooperative vocational-technical education program

(a) An endorsement shall be required for the position of teacher-coordinator of cooperative vocational-technical education in the occupational area(s) of agriculture education, distributive education, health occupations, home economics education, business education, and work experience career exploration program (W.E.C.E.P.). The specific area(s) in which the holder may serve as teacher-coordinator will be designated on the endorsement. Such endorsement shall also entitle the holder to teach related vocational-technical subjects in the appropriate occupational area(s) designated on the endorsement, and to act as liaison between the school and the co-operating employer's training station in the respective subject area(s).

(b) The prerequisites for a teacher coordinator's endorsement are:

1. A regular instructional certificate in the appropriate occupational area to be coordinated. (The appropriate instructional certificate for W.E.C.E.P. may be any regular endorsement in vocational education, industrial arts, or home economics.);

2. Successful completion of one of the following:

i. Two years of teaching in the occupational area to be coordinated, plus two years of approved occupational experience. (A W.E.C.E.P. teacher-coordinator will be required to document two years of teaching under a New Jersey instructional certificate, plus two years of approved occupational experience.); or

ii. A combination of:

- (1) An approved bachelor's degree;
- (2) A college curriculum that includes a practicum in the occupational area to be coordinated; and
- (3) A program of directed occupational field experience offered as part of a college curriculum directly related to the area to be coordinated; and

3. A program of college studies including one of the following:

i. A college curriculum approved by the New Jersey State Department of Education as the basis for issuing this certificate; or

ii. A program of college studies including at least one course in each of the following areas:

## ENVIRONMENTAL PROTECTION

- (1) Principles and philosophy of vocational-technical education;
- (2) Problems in organizing and teaching cooperative education programs;
- (3) Curriculum construction in vocational-technical education;
- (4) Vocational guidance.

### (a)

## STATE BOARD OF EDUCATION

### Business Services Tuition for Private Schools for the Handicapped

#### Notice of Correction: N.J.A.C. 6:20-4.4

An error appears in the September 4, 1984 issue of the New Jersey Register at 16 N.J.R. 2360 concerning non-allowable costs. N.J.A.C. 12:20-4.4 should have appeared as follows:

6:20-4.4 Non-allowable costs

(a) A cost which is not allowable in the calculation of a tuition rate includes \*[, but is not limited to.]\* **\*the following:\***

1. The cost of maintaining an administrative office in a \*[location separate from the private school for the handicapped]\* **\*private home or other residence\***;

2.-36. (No change.)

## ENVIRONMENTAL PROTECTION

### (b)

### OFFICE OF SCIENCE AND RESEARCH OCCUPATIONAL AND ENVIRONMENTAL HEALTH SERVICES

#### Worker and Community Right to Know Act Trade Secrets

#### Proposed Amendment: N.J.A.C. 7:1G-1.2 Jointly Adopted New Rule: N.J.A.C. 7:1G-6 (N.J.A.C. 8:59-3)

Proposed: July 16, 1984 at 16 N.J.R. 1854(a). July 16, 1984 at 16 N.J.R. 1924(a) (N.J.A.C. 8:59-3).

Filed: September 14, 1984 as R.1984 d.437, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

## ADOPTIONS

Authority: N.J.S.A. 34:5A-1 et seq. and N.J.S.A. 13:1D-9.

Effective Date: October 1, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): October 1, 1989.

DEP Docket No. 046-84-06.

Notice of the jointly adopted new rule, N.J.A.C. 8:59-3 (hereinafter referred to as the DOH rule), appears elsewhere in this Register.

The DEP and the DOH heard testimony from three persons at a public hearing conducted jointly by the two departments on August 9, 1984 at the State Library in Trenton. The DEP received written comments from 11 persons regarding the jointly proposed new rule. The DEP has considered comments submitted to the DOH and is responding to them in this Notice. A summary of testimony presented and comments received, and DEP responses thereto, are presented below. Copies of the transcript and the written comments regarding the proposed new rule are available for inspection at the Office of Science and Research, 190 West State Street, Trenton, New Jersey 08625.

The cross reference table below shows the dual citations for the jointly adopted new rules of the DEP and the DOH.

#### CROSS REFERENCE TABLE JOINTLY ADOPTED TRADE SECRET REGULATIONS

Section Heading	DEP 7:1G-6		DOH 8:59-3	
	PROPOSED	ADOPTED	PROPOSED	ADOPTED
Authority	6.1	6.1	3.1	3.1
Purpose	6.2	6.2	3.2	3.2
Definitions	1.2	6.3	3.3	3.3
General Provisions	6.3	6.4	3.4	3.4
Prohibited Claims	6.4	6.5	3.5	3.5
Procedure for Filing a Claim	6.5	6.6	3.6	3.6
Confidentiality and Security of Trade Secret Information	6.6	6.7	3.7	3.7
Decisionmaking Agency on Claims	6.7	6.8	3.8	3.8
Criteria for Determination of Claims	6.8	6.9	3.10	3.9
Request for Trade Secret	6.9	6.10	3.11	3.10
Notification of Determination of Claims (Reserved)	6.11	6.11	3.12	3.11
Appeal of Determination	6.10	6.12	n/a	3.12
Disclosure of Information determined not to be a Trade Secret	6.12	6.13	3.13	3.13
Restricted Access to Trade Secret Information	6.13	6.14	3.14	3.14
Penalties for Unauthorized Disclosure Information	6.14	6.15	3.15	3.15
Penalties for Unauthorized Disclosure Labeling	6.15	6.16	6.16	6.16
	n/a		3.9	3.17

#### Summary of Revisions to Proposal

The DEP and the DOH are jointly adopting N.J.A.C. 7:1G-6 (8:59-3) with the following changes to the proposal.

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### N.J.A.C. 7:1G-1.2 Definitions

“Department”—clarified definition, and added definitions for “Hazardous substance”, Special health hazard substance”, and “Special health hazard substance list.”

#### SUBCHAPTER 6. TRADE SECRETS

##### 7:1G-6.3 Definitions (new)

“Department”—added.

## ADOPTIONS

### 7:1G-6.4 General Provisions

(e) Add that documents concerning the Workplace Survey or labeling of containers shall be sent to the Department of Health.

(h) Add that employers be given 30 days notice to submit information prior to the Department's determination on a claim.

### 7:1G-6.5 Prohibited Claims

6.5(a) The section is revised to be consistent with the DOH rule. Three provisions concerning Special Health Hazard Substances are not adopted but are reserved for rulemaking in the near future.

6.5(a)1. The provision concerning Special Health Hazard Substances is added for clarity to be consistent with the DOH rule and in response to comments.

### 7:1G-6.6 Procedure for Filing a Claim

The section is reorganized with changes as follows:

6.6(a) Proposed version is deleted and replaced with a new provision combining the originally proposed (a) and (c). The Department will require that only new pertinent information be submitted to update trade secret claims.

6.6(c)7. Provision is moved from originally proposed (g)3ii without change.

6.6(d)1. Originally proposed version is deleted as repetitive, and (d)2 is renumbered as (d)1.

6.6(e) Language is changed to clarify the section. Originally proposed (f) 1-6 is deleted. Rather than specify which information may be submitted in support of a trade secret claim, the Department will accept any information relevant to the claim.

6.6(f)-(i) Renumbered.

6.6(j) The provision concerning posting of notices is revised. The requirement to send a copy to municipalities is deleted. The Department will provide employers a Spanish translation of the notice.

6.6(k) Renumbered version of originally proposed 6.6(e).

### 7:1G-6.7 Confidentiality and Security of Trade Secret Information

6.7(b) List of persons authorized to have access to confidential information is deleted as unnecessary, since it is set forth in 7:1G-6.6 and 6.15.

6.7(f) Reference to a section is recodified.

### 7:1G-6.8 Decision-making Agency on a Claim

The joint DEP/DOH committee in 6.8(c) is deleted; (a) and (b) were revised such that neither the Commissioner of the DEP nor the DOH Commissioner would delegate authority to a joint committee. The DEP will provide the DOH with notice prior to making certain determinations.

### 7:1G-6.9 Criteria for Determination of a Claim

6.9(c) Revised to reference the criteria in (a) and (b). The Department shall consider information submitted regarding 6.9(c) 1 through 6.

### 7:1G-6.10 Request for Trade Secret Information

6.10(a) A requirement is added so that persons requesting trade secret information provide their affiliation; the names of employees making such requests for Workplace Surveys and labels shall be confidential.

## ENVIRONMENTAL PROTECTION

### 7:1G-6.11 Notification of Determination of Claims

6.11(a) The Department will be required to notify persons making requests for trade secrets of its determinations.

6.11(b) (New) An employer shall post a notice of approval of a claim. Spanish translations provided by the Department shall also be posted. The Department will provide the notices in English and Spanish. The only additional responsibility for the employer will be to post the notice.

### 7:1G-6.13 Appeal of Determination

The section is divided into an (a) and (b) and made consistent with the DOH rule. The repository for the notice is changed to substitute a county agency in place of the municipal clerk. This change is being made since county agencies will be repositories for completed survey forms and will be the primary place where the public will go for information on the act.

### 7:1G-6.15 Restricted access to Trade Secret Information

6.15(d) The Department added a provision to notify employers where feasible, prior to the disclosure of information to a physician or osteopath.

6.15(g) The provision is revised to clarify those emergency situations for which procedural safeguards concerning disclosure of trade secret information may be waived.

## Summary of Comments and Agency Responses

### GENERAL COMMENTS

Comment: The Department should establish a preliminary screening system to review claims when received to eliminate prohibited and frivolous claims. If an employer fails to fully comply with filing procedures, his claim should be automatically denied.

Response: The Department will establish a screening process. Claims will not be uniformly denied on procedural grounds. The Department will allow employers to correct procedural deficiencies on a case-by-case basis.

Comment: The Department should publish a report in the New Jersey Register on the status of trade secret claims including the employers making claims, the number of approved, denied, pending and bad faith claims, and the nature of the claims.

Response: The Department is not amending the proposal at this time, but will present the comment to the Right to Know Advisory Council, when it is established, for its consideration.

Comment: The "Special Health Hazard List" contains over 700 substances while the legislature had intended 200 substances.

Response: Since the State Department of Health is the agency authorized to adopt the list, the Department of Environmental Protection will not respond to this comment.

Comment: Data should not be made available to firms outside the state.

Response: The Act makes no such distinction.

Comment: If an employer files a claim in bad faith, the claims should be denied and all previous claims should be rescinded.

Response: The Department will make determinations based on the merits of each claim filed. An employer who violates trade secret provisions in the Act or regulations adopted pursuant thereto, may be subject to civil penalties for willful violation.

Comment: The Department should require that an employer submit with its claims six items of information listed in Section 3(u) of the Act. N.J.A.C. 7:1G-6.6(e)1, 2 and 4 should be renumbered 6.6(c) 7, 8 and 9 to make mandatory the submittal of certain information in support of a claim.

Response: The Department is not adopting this suggestion. The Act does not require that the six items of information referenced be submitted, but rather that where such information is submitted, the Department "shall consider" it. In the event that the Department receives insufficient information on which to base a claim it will require the submission of additional information.

#### COMMENTS ON SPECIFIC SECTIONS (N.J.A.C. 7:1G)

##### SECTION 1.2 DEFINITIONS

Comment: N.J.A.C. 7:1G-1.2 The definition of "person" should be limited to "persons living or working in New Jersey".

Response: The Act does not authorize such a limitation.

Comment: N.J.A.C. 7:1G-1.2 (Definition of trade secret) Concern was expressed that "known only to an employee and certain other individuals" would be narrowly construed to prohibit claims and where many employers have knowledge of the secret. Secondly, "usec in the fabrication and production of an article of trade or service" was also considered too limiting because the definition of "article" (See N.J.A.C. 8:59-1.3) is limited to a specific shape or design. Thus, either the definition of article or the definition of trade secret should be changed.

Response: The definition of trade secret as it appears in the regulations is the definition provided in the Act. The Department is fully aware of the variety and idiosyncrasies which will be involved in evaluating each trade secret claim and will keep such matters in mind when evaluating a trade secret claim.

Comment: N.J.A.C. 7:1G-1.2. The term "employer" should be substituted with "trade secret employer or proprietor" since the employer does not always own the trade secret.

Response: The Department is not adopting this suggestion. The Act requires employers to provide information. Where a supplier refuses to disclose trade secret information to the employer, but is willing to submit such information or supporting documentation to the State, the Department will accept such information.

##### SECTION 6.2 PURPOSE

Comment: N.J.A.C. 7:1G-6.2(a) Delete "hazardous" from hazardous substances on container labels.

Response: The Department is adopting this suggestion.

##### SECTION 6.4 GENERAL PROVISIONS

Comment: N.J.A.C. 7:1G-6.4(c) is unclear and does not directly relate to the language of the Act which entitles the employer to "conceal" trade secret information. Suggestion—add "may conceal or omit information claimed to be a trade secret and" between "employer" and "shall" in the last line of (c).

Response: The Department is adopting this change in order to clarify subsection (c).

Comment: N.J.A.C. 7:1G-6.4(c) should be amended to require employers to attach a form to the survey with instructions on how to request disclosure of pending or approved trade secret claim information, where such information is not listed on a survey for public disclosure.

Response: Any person may request that the DEP provide such information pursuant to N.J.A.C. 7:1G-6.10. The DOH regulations will require employers to post instructions on how to file a request for pending or approved trade secret claim information.

Comment: N.J.A.C. 7:1G-6.4(d) is vague and should be reworded to indicate pending or approved trade secret information status as required in subsection (c) above.

Response: The Department is adopting this change in order to clarify subsection (c) and emphasize the need to conceal trade secret information.

Comment: N.J.A.C. 7:1G-6.4(e) requires that claims for trade secret status be submitted by certified mail return receipt requested, by personal delivery, or by other means which requires verification of receipt. The mandatory "shall" should be replaced by the voluntary "should", to avoid the possibility of denial of a claim if such procedures are not followed.

Response: The regulations require submittal of a trade secret claim within 90 days of receipt of a survey, and authorize the Department to require submittal of supplemental information within a specified period. The Department is adopting N.J.A.C. 7:1G-6.4(e) as proposed to avoid disputes over timely delivery and to establish the date by which the Department assumed possession over submittals, should issues arise concerning the Department's due care in protecting information from public disclosure.

Comment: N.J.A.C. 7:1G-6.4(f), 7:1G-6.6(b), 7:1G-6.7(e) require each page of submitted documents containing trade secret information to be marked "CONFIDENTIAL". It is suggested that other appropriate legends denoting confidentiality also be allowed because many companies do not use "confidential".

Response: The use of one term "Confidential", rather than a multitude of terms, will avoid possible misinterpretation by persons reviewing trade secret documents. The provision is adopted as proposed to reduce the likelihood that confidential information is disclosed to the public.

Comment: N.J.A.C. 7:1G-6.4(h). Employers should be notified when the Department evaluates a claim. Employers should be provided the opportunity to submit information and to review and comment upon any information submitted by another party concerning the claim.

Response: The Department agrees that such notice should be provided and is amending N.J.A.C. 7:1G-6.4(h) accordingly to allow an employer filing a claim 30 days to provide information to supplement his claim. This change will allow employers a final opportunity to update forms before a determination is made on a claim, thereby insuring that the Department considers the latest information. The Department could have provided this notice to employers without a change to this section.

Comment: N.J.A.C. 7:1G-6.4(j). When commingling trade secret data, a minimum number of submitters (5 or 6) should be in the pool in order to preserve confidentiality. Prior notice should be given to employers.

Response: The Department is obligated by the Act to protect trade secret information from unauthorized disclosure. Where the "pool of employers" is so listed as to enable identification of the source of the data, the Department will not make such information publicly available. The Department is not adopting the comment.

Comment: N.J.A.C. 7:1G-6.4(j) Industry requested prior notice be given to the employer before trade secret data compilations are disclosed. (AM, CI)

## ADOPTIONS

## ENVIRONMENTAL PROTECTION

Response: The Department is not adopting this comment because it is not necessary to give prior notice since the Department would sufficiently disguise the information to prevent a person from tracing the information back to a specific employer. Any employer could request to inspect the compilation as a public record pursuant to N.J.S.A. 47:1A-1 et seq.

Comment: N.J.A.C. 7:1G-6.4(k) should be clarified by adding the following after "additional information": relevant to the validity of a trade secret claim.

Response: The Department is adopting this change, but is revising the language slightly to clarify what type of information the Department may request.

Comment: N.J.A.C. 7:1G-6.4(k) The clause requiring the employer to allow inspection of its facility or lose its trade secret claim should be deleted because trade secret audits are not authorized by the Act.

Response: The Department is not deleting this clause. These regulations are promulgated pursuant to N.J.S.A. 13:1D-9 and N.J.S.A. 34:5A-1 et seq. Under 13:1D-9(d), the Department is authorized "to enter and inspect any building or place for the purpose of . . . ascertaining compliance or noncompliance with any code, rules, and regulations of the department."

### SECTION 6.5 PROHIBITED CLAIMS

Comment: N.J.A.C. 7:1G-6.5 (a) 3iii should be amended to prohibit claims for the name and Chemical Abstracts Service (CAS) number listed on the environmental and workplace hazardous substances list.

Response: N.J.A.C. 7:1G-6.5 prohibits claims for the name and CAS number of an environmental hazardous substance or hazardous material where the substance is listed on the Special Health Hazard List (N.J.A.C. 8:59-10); 6.5(a)2—where the information is required to be disclosed pursuant to any other act; and 6.5(a)3iii—where the employer is required to report emissions of such substances or materials. The Act states: "the chemical name and Chemical Abstracts Service number shall be considered a trade secret only if the employer can establish that the substance is unknown to competitors" (N.J.S.A. 34:5A-3(u)). Had the Legislature intended to prohibit such claims outright, it would not have afforded employers the opportunity to establish that the name and number of a substance are unknown to competitors.

Comment: N.J.A.C. 7:1G-6.5. Confusion may result where an employer may claim a trade secret for the name of a substance on the Emergency Services Information (ESI) Survey or on Part I of the Environmental Survey, but if emissions of such substance is later reported on Part II, the name loses its trade secret status.

Response: Upon receipt of a Part II Environmental Survey for a facility, the Department will compare the form with Part I and ESI Survey forms. If the situation occurs, as described above, the Department will change the trade secret status to reflect this new information. Subsequently, the employer will be required to comply with N.J.A.C. 7:1G-6.14 and revise his survey forms.

Comment: N.J.A.C. 7:1G-6.5(a)3iv, (a)4ix, (a)5v. should be reworded to read "Any substance listed in the Special Health Hazard List which meets the criteria established pursuant to N.J.A.C. 8:59-10.2."

Response: The Department has adopted this suggestion for (a)1 only, but has reserved (a)3iv, (a)4ix, and (a)5v for future rulemaking. As adopted, an employer may not make a trade secret claim for the name and Chemical Abstract Number for Special Health Hazard substances which meet certain criteria.

In future rulemaking the Department will propose to list what, if any, other information provided on each of the three survey forms is public.

Comment: N.J.A.C. 7:1G-6.5(a)3iv, (a)4ix, (a)5v. An objection was raised against the prohibition of trade secret protection for any substance on the Special Health Hazard Substance List.

Response: The Department is not adopting the subsections at this time, but is reserving them for future rulemaking. §3(u) of the Act states, " 'Special health hazard substances list' means the list of special health hazard substances developed by DOH pursuant to §5 of this act for which an employer may not make a trade secret claim."

Comment: In N.J.A.C. 7:1G-6.5(a)2, the word "publicly" should be inserted before "disclosed." Where other statutes require disclosure in confidence, such disclosure should not disqualify a trade secret claim under the Act.

Response: The Department has adopted the comment to clarify the provision.

### SECTION 6.6 PROCEDURES FOR FILING A CLAIM

Comment: N.J.A.C. 7:1G-6.6(a) requires employers to re-submit annually all the information required by 6.6. This requirement is burdensome and goes beyond the scope of the Act.

Response: The Department has revised this section in order to reduce confusion. All information is not required to be resubmitted annually; only updated information is so required.

Comment: N.J.A.C. 7:1G-6.6(c), which requires supporting documentation to be submitted with the trade secret claim, should be deleted. Supporting information should be submitted when the Department begins to review the validity of a trade secret claim.

Response: The Department is rejecting this suggestion. 7:1G-6.6(c) and (k) are designed to strike a balance between requiring all information necessary to evaluate the validity of a trade secret claim and requiring no information. The Department has determined that more than a mere assertion of a trade secret is necessary to afford such a claim confidential treatment.

Comment: N.J.A.C. 7:1G-6.6(c). The requirement that employers report whether or not the information is known outside the employer's business is impossible to fulfill because a company often does not know the extent to which competitors are aware of the composition of the product.

Response: Employers should make a good faith effort to determine whether the information is known outside an employer's business. Employers may be required to substantiate that effort.

Comment: N.J.A.C. 7:1G-6.6(e)5 should be deleted. The amount of effort or money expended to develop a trade secret is irrelevant.

Response: Section 3(u) of the Act includes the item as one of six to be evaluated when determining a trade secret claim. These six items are those classically considered by the courts when handling trade secrets cases.

Comment: N.J.A.C. 7:1G-6.6(e) should be deleted because much of the information is already required to be submitted by 7:1G-6.6(c).

Response: The Department has amended 7:1G-6.6(e) to omit (1) through (6) and provide that an employer may submit any other information relevant to the trade secret claim.

Comment: N.J.A.C. 7:1G-6.6(f) should be amended as follows: "An employer shall certify that its trade secret claim is true, accurate, complete and made in good faith."

Response: This comment has been taken into consideration for future rulemaking. At time of receipt of the comment the several forms had been printed and the Department determined that the additional printing costs were not warranted.

Comment: N.J.A.C. 7:1G-6.6(i) requires employers to update pending or approved claims within 60 days of the employer's knowledge or receipt of new information. The period should be reduced to 10 days. (Another person suggested 30 days.)

Response: The Department considered these comments for shorter periods but determined that the longer 60 day period should be retained. The shorter period might have resulted in an undue burden on employers.

Comment: N.J.A.C. 7:1G-6.6(j) requires that notices of the filing of a trade secret claim be posted on bulletin boards readily accessible to employees. The term "readily accessible" should be defined. Employers should send notices to employee representatives.

Response: It is the Department's position that no further definition is required at this time. Should any problems arise with interpretation of this term, the Department may propose to define it. The Department is not requiring that notices be sent to employee representatives. To do so would likely place the Department in the position of determining who is a qualified representative, an issue outside of its authority and expertise.

Comment: N.J.A.C. 7:1G-6.6(j), which requires the employer to post notices of the filing of a trade secret claim should be deleted. The subsection is unnecessary because such information is noted on the surveys filed pursuant to 7:1G-6.4(c).

Response: The Act and N.J.A.C. 7:1G-6 protect legitimate trade secrets from unauthorized disclosure. In many cases, the Department will be unable to investigate the security systems at each facility to determine whether the employer is taking adequate measures to safeguard the information or is openly sharing the information with persons outside the employer's firm. The Department will be reviewing information provided by the employer, but may not have the resources to verify such submittals. In many cases, employees may be in a good position to provide information relevant to a claim. The notice provision in N.J.A.C. 7:1G-6.6(j) is intended to provide employees such an opportunity. It is the Department's position that such requirement is not burdensome for employers.

Comment: N.J.A.C. 7:1G-6.6(j) and 7:1G-6.13(b). These sections should be deleted. Posting a notice on the bulletin boards will disclose the trade secret because the trade secret must be specifically identified.

Response: The Department is retaining this provision. 6.6(j) does not require the trade secret to be revealed, but merely requires posting notice that a trade secret claim has been filed.

Comment: N.J.A.C. 7:1G-6.6(j). Posting of notices on bulletin boards and soliciting input from employees on trade secret claims may hurt rather than help employees because many companies already provide such information and may now re-evaluate previous open provisions.

Response: The Department finds no support for this comment. The commentator provided no substantiation or documentation of his assertion.

Comment: N.J.A.C. 7:1G-6.6(j) requires employers to file a copy of a notice of trade secret claims in the municipal clerk's office. Such provisions lack authority and serve no statutory purpose.

Response: The Department agrees that such notification is premature. Pursuant to 6.13(b), an employer will be required to provide notice to a county agency when it files an appeal to the Department for an administrative hearing.

Comment: N.J.A.C. 7:1G-6.6(k). Industry should not be required to substantiate a trade secret claim until a trade secret request has been made or the department challenges a claim during the routine review.

Response: The Department is requiring substantiation with submittals of claims, except as provided in N.J.A.C. 7:1G-6.6(k), for specified information on the Part II Environmental Survey.

Comment: N.J.A.C. 7:1G-6.6(k). Employers should not have the burden of establishing that production data is a trade secret. Production data such as quantities, uses, etc. have traditionally been considered trade secrets. Production information should be excluded from criteria for a trade secret claim. Industry should not be required to justify claims for production data.

Response: The regulations provide that an employer shall establish that production data meet certain criteria set forth in N.J.A.C. 7:1G-6.9. Inventory quantities are to be reported as a range on the Emergency Services Information Survey and Part I Environmental Survey and as a specific quantity on the Part II Environmental Survey. The regulations further provide, however, that unless requested by the Department, employers are not required to submit supporting information with trade secret claims regarding production data. (N.J.A.C. 7:1G-6.6(k)).

#### SECTION 6.7 CONFIDENTIALITY AND SECURITY

Comment: N.J.A.C. 7:1G-6.7(c) and (h) are inconsistent.

Response: 6.7(c) governs the manner of delivery of trade secret documents to the Department. 6.7(h) governs the chain of custody and duplication of documents in limited circumstances. The Department finds no inconsistency between these provisions.

Comment: N.J.A.C. 7:1G-6.7(c) as originally proposed provided for a joint committee to make certain determinations. Chemical identity information claims are to be evaluated by a joint committee composed of DEP and DOH commissioners, while trade secret claims for other information will be evaluated by the DEP. The committee is not required by the Act.

Response: The Department is revising N.J.A.C. 7:1G-6.7(c). Under specified circumstances, determinations on the name of either an environmental hazardous substance or a hazardous material (which also is listed by the DOH in N.J.A.C. 8:59-10) will be made by the DEP Commissioner after consultation with the DOH Commissioner. The DOH Commissioner will act accordingly, and consult with the DEP Commissioner where claims have been made to the DOH on chemical identity information. Reference to a joint committee is deleted.

Comment: N.J.A.C. 7:1G-6.7(f) and 6.15(c)3 require the signing of confidentiality agreements before access to confidential information is granted. The terms of the agreements should be published for comment in the New Jersey Register before they are used.

Response: The Department invites suggestions on the development of an agreement including copies of sample confidentiality agreements or relevant provisions. The Department will place the comment before the Right to Know Advisory Council, when established, for its consideration.

## ADOPTIONS

Comment: N.J.A.C. 7:1G-6.7. The Department was commended for establishing an internal "chain of handling" for trade secret information.

Response: The Department acknowledges this comment.

Comment: N.J.A.C. 7:1G-6.7(h). The log of names of persons using documents containing trade secret information should be made available to those employers whose trade secret information has been the subject of disclosure. The Department should mail copies of the log daily to those employers listed therein. Copying of confidential information should be prohibited.

Response: The log is available for public inspection as a public record pursuant to N.J.S.A. 47:1A-1 through 4.

Comment: N.J.A.C. 7:1G-6.7. The proposed trade secret provisions do not provide employers with sufficient trade secret protection. The State's custody of the confidential information may be considered a taking of property without just compensation.

Response: It is the Department's position that N.J.A.C. 7:1G-6 contains stringent safeguards to protect against unauthorized disclosure of trade secrets. These safeguards include rules on submitting claims, chain of custody procedures concerning disclosure of trade secret information to State officials, and criminal penalties for violation of the Act. Mere custody by the State of this information is not a taking without just compensation.

### SECTION 6.9 CRITERIA FOR DETERMINATION OF CLAIM

Comment: N.J.A.C. 7:1G-6.9(a)(2) requires that an employer prove that a trade secret is "known only to the employer and certain other individuals". This should be changed to "is not generally known in the relevant industry."

Response: Section 3(a) of the Act includes the item as one of six to be evaluated when determining a trade secret claim.

Comment: N.J.A.C. 7:1G-6.9(a)1 and 2 should have the word "and" added after each section to show that each criterion in (a)1 through (a)4 must be met before a trade secret claim is granted.

Response: As written, each of the four criteria must be met unless such information is necessary for national defense purposes.

Comment: N.J.A.C. 7:1G-6.9(a) should not create a presumption of trade secret status without an employer's making a written request. Employers should be required to prove that information merits trade secret status.

Response: Employers covered by the Act are required to complete surveys and include information on all substances regulated by N.J.A.C. 7:1G. If an employer fails to make a written notation requesting confidentiality on the survey forms the Department will make such information public. The Department agrees that an employer making a claim has the burden of proving that the claim meets the requirements of N.J.A.C. 7:1G-6.9 and, accordingly, has clarified the language of N.J.A.C. 7:1G-6.9(a).

Comment: N.J.A.C. 7:1G-6.9(a)(3) should not provide an automatic exemption for information used in the research and development of an article of trade or service or of a mixture. Employers should be required to meet N.J.A.C. 6.9(c). The term "research and development" should be deleted.

Response: Where an employer's facility is not a research and development facility, as defined by the Act, the employer may be required to report information on research and development activities it conducts. N.J.A.C. 7:1G-6.9(a)(3) gov-

## ENVIRONMENTAL PROTECTION

erns such situations. It does not provide an automatic exemption for information on substances used in research and development, but rather treats information on research and development in the same manner as information for fabrication and production.

Comment: N.J.A.C. 7:1G-6.9(a) and the Act provide that information shall be considered as a trade secret if its secrecy is certified by an appropriate official of the federal government as necessary for defense purposes. The term "appropriate official" should be defined.

Response: The Department is not defining "appropriate official" at this time. If the term causes confusion and the Department considers it necessary to define this term, it will propose to amend the rules.

### SECTION 6.10 REQUEST FOR TRADE SECRET INFORMATION

Comment: N.J.A.C. 7:1G-6.10 should be amended to keep the identity of a person requesting trade secret information confidential.

Response: The Department has interpreted the act to require that the names of employees making requests for trade secret information on a workplace survey or on a label shall be confidential. This applies to employees only. The change, although substantive, is expressly authorized by the Act. The act addresses the issue of disclosure in the section pertaining to the DOH program, but makes no such reference in the section pertaining to the DEP program. It is the DEP position that the Legislative did not intend that the names of employees requesting information on the ESI surveys be kept confidential by the DEP.

Comment: N.J.A.C. 7:1G-6.10 should be amended to require the Department to make a determination on the validity of a trade secret claim within 30 days of receipt of the claim, with a 30 day extension permitted.

Response: The Act requires well over 40,000 employers to submit documents to the Department covering well over 1500 substances. The Department does not have sufficient information on which to estimate how many claims will be filed and the degree of difficulty involved in evaluating complex technical and economic data. To establish a period such as suggested above would be arbitrary. Furthermore, no recommendation was made by the person commenting as to what should result if the deadline for the Department's determination is not met.

### SECTION 6.11 NOTIFICATION OF DETERMINATION OF CLAIM

Comment: N.J.A.C. 7:1G-6.11 should be changed to require that the employer receive a copy of the administrative law judge's decision simultaneously with the Department's receipt of the decision. Further, the Department should provide the employer with a written advisement of the basis of its decision.

Response: The Department is required by the New Jersey Administrative Procedure Act to give written notice of any final agency action and will not submit a copy of the initial decision rendered by the administrative law judge.

### SECTION 6.13 APPEAL OF DETERMINATION

Comment: N.J.A.C. 7:1G-6.13(b) should be deleted entirely.

Response: See response to N.J.A.C. 7:1G-6.6(j).

## SECTION 6.14 DISCLOSURE

Comment: N.J.A.C. 7:1G-6.14(a)(1) should be deleted. In the event that all claims for a facility are denied, the Department will make the entire form public. In the event that only some claims are approved, it is essential that the Department modify the public form to make only public information available.

Response: The Department is adopting this provision without change.

Comment: N.J.A.C. 7:1G-6.14(a)(2) should be deleted and rewritten to provide the employer the option of removing those substances or processes from commerce in New Jersey in order to avoid disclosure of information on which a trade secret claim was based.

Response: The Department is not adopting this suggestion. An employer may update survey forms to reflect changes made at this facility, however, information previously submitted will remain available for public inspection.

Comment: N.J.A.C. 7:1G-6.14 Upon denial of a trade secret claim and exhaustion of appeals, the Department is required to modify the appropriate surveys on file at the Department to fill in the omitted or concealed information. Similarly, the employers are required to modify the surveys on file at the facility to fill in the concealed information. It was recommended that the employer update the surveys and re-submit the updated version to the Department.

Response: N.J.A.C. 7:1G-6.14(a) 2 and 3 is revised to require that employers submit modified forms to the Department.

## SECTION 6.15 RESTRICTED ACCESS

Comment: N.J.A.C. 7:1G-6.15(a) bars unauthorized persons from disclosing or receiving trade secret information without the employer's consent in non-emergency situations. That consent should be written.

Response: The Department agrees and has so revised the provision.

Comment: 6.15(b) provides no opportunity for the employer to object to disclosure to a State employee or officer. The section should entitle the employer to a right to a hearing on such disclosure or provide that the decision to release such information be considered final agency action with subsequent appeal to the judiciary.

Response: The Act does not provide for such a hearing and, therefore, the Department has not included such a right in these regulations.

Comment: N.J.A.C. 7:1G-6.15(b) provides that any law for the protection of public health justifies disclosure of trade secret information to a State official. This section is too broad and should be reviewed in order to better define the public health concerns which would support disclosure of information that is granted confidential status by the Act.

Response: The Department is adopting the provision without substantive change, and will review each State official's request on a case-by-case basis to balance the competing interests of protecting the public health and safety and protecting pending and approved trade secret information.

Comment: N.J.A.C. 7:1G-6.15 should provide that all individuals, except treating physicians and osteopaths, should be financially bonded against the possibility of disclosure.

Response: N.J.A.C. 7:1G-6.15(c) provides that a contractor of the State may not receive any trade secret information

unless it provides written documentation that it maintains Professional liability Insurance and Comprehensive General Liability Insurance in amounts set by the Department. Such insurance should cover the possibility of unauthorized disclosure.

Comment: No provisions for post-employment restrictions are included in the regulations. It is recommended that State employees with access to trade secret information be required to sign restrictive covenants preventing them from working for a competitor for 3 years after leaving State employment. (Two other commentors suggested 2 years).

Response: The Department is not including post employment restrictions in this rule. There is no such restriction in the Conflicts of Interest Act or in the Right to Know Act.

Comment: N.J.A.C. 7:1G-6.15(c) should be amended to permit contractors of the State access to trade secret information only with the employer's prior written consent.

Response: Pending or approved trade secret claims will be disclosed to contractors only to enable them to implement the act. The act does not require that consent be obtained from employers prior to disclosure in such cases and, therefore, the Department is not providing for prior consent. The Department will, however, provide prior notice to employees.

Comment: N.J.A.C. 7:1G-6.15(c)1 provides that contractors submit plans to the Department concerning measures for adequately protecting trade secret information from unauthorized disclosure. The regulation should require that copies of plans be submitted to the employer.

Response: The plans will be available upon request for public inspection as a public record pursuant to N.J.S.A. 47:1A-1 through 4.

Comment: N.J.A.C. 7:1G-6.15(d) provides that employers "shall be notified subsequent to the disclosure of the information", when trade secret information is disclosed to a physician or osteopath. The provision should be modified to provide: "except in emergency situations where prior notification is not feasible, the employer shall be notified prior to disclosure of the information".

Response: The Department has amended the proposal to read as follows: "When feasible, the employer shall be notified prior to disclosure of the information".

Comment: N.J.A.C. 7:1G-6.15(g) provides for a waiver of certain procedural requirements. Such requirements should be waived only where such waiver is necessary to protect health or the environment.

Response: This provision has been revised as suggested to clarify the Department's intent that procedural safeguards be followed except where following them results in an unreasonable risk of injury to health or the environment or unreasonably interferes with emergency medical diagnosis and treatment.

Comment: N.J.A.C. 7:1G-6.16. The following sentence should be added to paragraph (c): "Improper disclosure of trade secret information shall subject the disclosure to a civil action for damages resulting from such disclosure."

Response: The Department is not adopting this comment. The Act and N.J.A.C. 7:1G-6.16 provide criminal penalties but not civil penalties for unauthorized disclosure of any confidential information.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks \*[thus]\*).

## CHAPTER 1G WORKER AND COMMUNITY RIGHT TO KNOW REGULATIONS

## SUBCHAPTER 1. GENERAL PROVISIONS

## 7:1G-1.2 Definitions

“Department” means the New Jersey Department of Environmental Protection, however, for the purpose of N.J.A.C. 7:1G-6, it shall mean *[either]* **both** the New Jersey Department of Environmental Protection *[or]* **and** the State Department of Health, *[as appropriate.]* **unless otherwise indicated**.\*

**“Hazardous substance” means any substance defined by the State Department of Health in N.J.A.C. 8:59-9.\***

“Person” includes an individual, corporation, company, partnership, firm, association, trust, estate, public or private institution, group, society, joint stock company, municipality, **county**, all political subdivisions of this State or any agency or instrumentality thereof, **including health department, any agency or instrumentality of the State** and any legal successor, representative agent or agency of the foregoing.

**“Special health hazard substance” means any substance defined by the State Department of Health in N.J.A.C. 8:59-10.\***

**“Special health hazard substance list” means the list of substances defined by the State Department of Health in N.J.A.C. 8:59-10.\***

“Trade secret” means any formula, plan, pattern, process, production data, information, or compilation of information, which is not patented, which is known only to an employer and certain other individuals, and which is used in the fabrication and production of an article of trade or service, and which gives the employer possessing it a competitive advantage over businesses who do not possess it, or the secrecy of which is certified by an appropriate official of the federal government as necessary for national defense purposes. The chemical name and Chemical Abstracts Service number of a substance shall be considered a trade secret only if the employer can establish that the substance is unknown to competitors.

“Trade secret claim” means a written request, made by an employer pursuant to N.J.S.A. 34:5A-15, to withhold the public disclosure of information on the grounds that the disclosure would reveal a trade secret.

“Trade secret docket number” means a code number temporarily or permanently assigned to the identity of information on the environmental survey by the Department of Environmental Protection.

“Workplace Hazardous Substance List” means the list of hazardous substances developed by the Department of Health pursuant to N.J.S.A. *[35]* **34**:5A-5.

“Workplace survey” means a written document, prepared by the Department of health and completed by an Employer pursuant to the Act, on which the employer shall report each hazardous substance present at his facility.

## SUBCHAPTER 6. TRADE SECRETS

## 7:1G-6.1 Authority

(a) This subchapter is promulgated pursuant to the Worker and Community Right to Know Act, L. 1983, c. 315, N.J.S.A. 34:5A-1 et seq., in particular, N.J.S.A. 34:5A-15 and 32, and N.J.S.A. 13:1D-9.

(b) This subchapter is a jointly adopted rule of the Department of Environmental Protection and the Department of Health (see N.J.A.C. 8:59-3).

## 7:1G-6.2 Purpose

(a) Trade secret claims will be filed by employers who are subject to the Act to maintain the confidentiality of information requested on the workplace survey, environmental survey or emergency services information survey and the names of *[hazardous]* substances on container labels. It is the purpose of this subchapter to prescribe:

1. The procedures and guidelines for filing a trade secret claim;
2. The information required by the department for determination of a trade secret claim;
3. The methods for maintaining the confidentiality and security of trade secret information;
4. The criteria for determination of a trade secret claim;
5. The procedure for requesting trade secret information;
6. The procedures for appeal of a determination of a trade secret claim; and
7. The procedures and guidelines for the disclosure of trade secret information.

**7:1G-6.3 Definitions**

**“Department” means, for the purposes of this subchapter, both the State Department of Health and the New Jersey Department of Environmental Protection, unless otherwise indicated.\***

7:1G-*[6.3]* **6.4** General provisions

(a) Except as provided in N.J.A.C. 7:1G-*[6.14]* **6.15**\*, the department shall not disclose any trade secret claim and supporting information, that is pending or has been approved.

(b) An employer shall report the information for which a trade secret claim is being made to the appropriate department in accordance with the provisions of N.J.A.C. 7:1G-*[6.5]* **6.6**.\*

(c) On the workplace survey, environmental survey, and emergency services information survey which the employer is required to send to the county health department, county clerk, or designated county lead agency; local fire department; and local police department; and which it retains on file at the facility, for employee inspection, the employer shall **conceal or omit information claimed to be a trade secret, and shall** note on the surveys where information has been claimed to be a trade secret.

(d) Any workplace survey, environmental survey, and emergency services information survey shall **only** be made available to the public **with trade secret information concealed or omitted** indicating pending or approved trade secret information **status as required in (c) above**.\*

(e) All documents containing the information claimed to be a trade secret and supporting information shall be submitted to the appropriate department by certified mail return receipt requested, by personal delivery, or by other means which

requires verification of receipt, the date of receipt, and the name of the person who receives the document at the department. Such documents **\*concerning the workplace survey or labeling of containers\*** shall be mailed or delivered to:

**\*Chief, Occupational Health Program\***  
New Jersey Department of Health  
CN 368  
Trenton, New Jersey 08625\*

**\*Such documents concerning the environmental survey and the emergency services information survey shall be mailed or delivered to:\***

Director, Office of Science and Research  
New Jersey Department of Environmental  
Protection  
CN 405, Trenton, New Jersey 08625

(f) The top of each page of any document containing the information for which a trade secret claim is being made, shall display the word "CONFIDENTIAL" in bold type or stamp. If the documents submitted in support of the trade secret claim are to be kept confidential, they shall be similarly stamped.

(g) The outside of the envelope containing the information claimed to be a trade secret and any other envelopes containing information in support of such claim, shall display the word "CONFIDENTIAL" in bold type on both sides. This envelope shall be enclosed in a plain envelope addressed for mailing.

(h) The department shall determine the validity of a trade secret claim when a request is made by any person for the disclosure of the information for which the trade secret claim was made and at any time that the department deems appropriate. **\*Employers shall be notified before the department makes its determination and shall be provided 30 days to submit any information pursuant to N.J.A.C. 7:1G-6.6 except when the employer has filed a trade secret claim prohibited by N.J.A.C. 7:1G-6.5.\*** The department shall make its determination on a trade secret claim in accordance with the criteria in 7:1G-6.8\* **\*6.9\***. The department may approve a trade secret claim based on information provided pursuant to 7:1G-6.5\* **\*6.6\***.

(i) The department may revoke an approved trade secret claim upon the receipt of new information from any person regarding the information previously submitted by an employer pursuant to N.J.A.C. 7:1G-6.5\* **\*6.8\***. In the event of such revocation, N.J.A.C. 7:1G-11 and **\*[12]\* \*13\*** shall apply in the same manner as where the department rejects a trade secret claim.

(j) Nothing in these regulations shall be construed as prohibiting the incorporation of trade secret information into accumulations of data subject to disclosure as public records, provided that such disclosure is not in a form that would foreseeably allow persons outside the department, not otherwise having knowledge of such information, to deduce from it the trade secret information, or the identity of the employer who supplied it to the department.

(k) Any failure by an employer to submit additional information **\*relevant to the trade secret claim\*** requested by the department or to allow inspection of its facility by the department for purposes of determining the validity of a trade secret claim shall constitute valid cause for denial of the trade secret claim.

7:1G-6.4\* **\*6.5\*** Prohibited claims

(a) **\*[The Department of Environmental Protection will not protect from disclosure information in (1.) through (4.)**

below:]\* **\*A trade secret claim may not be made to the Department of Environmental Protection for the following information:**

**1. The name and Chemical Abstracts Service number or United States Department of Transportation identification number of any substance listed on the Special Health Hazard Substance List (N.J.A.C. 8:59-10), which meets the criteria established pursuant to N.J.A.C. 8:59-10;\***

**\*[1.]\* \*2.\*** Any information required to be **\*publicly\*** disclosed pursuant to any other act;

**\*[2.]\* \*3.\*** The following information requested on Part I of the environmental survey:

- i. Name of the employer;
- ii. Location of the facility;

iii. Name and Chemical Abstracts Service number of an environmental hazardous substance where the employer is otherwise required to report emissions of such substance from its facility into the air or water or onto the land; and

iv. **\*(Reserved)\*** **\*[Any information concerning any environmental hazardous substance listed in N.J.A.C. 8:59-10 (Special Health Hazard Substance List)]\***

**\*[3.]\* \*4.\*** The following information requested on Part II of the environmental survey:

- i. Name of the employer;
- ii. Location of the facility;

iii. Name and Chemical Abstracts Service number of an environmental hazardous substance which is emitted from the employer's facility into the air or water or onto land;

iv. The total stack or point-source emissions of the environmental hazardous substance;

v. The total estimated fugitive or non point-source emissions of any environmental hazardous substance;

vi. The total discharge of any environmental hazardous substance into the surface or groundwater, the treatment methods, and the raw wastewater volume and loadings;

vii. The total discharge of any environmental hazardous substance into publicly owned treatment works;

viii. The quantity, and methods of disposal, of any wastes containing any environmental hazardous substance, the method of on-site storage of these wastes, the location or locations of the final disposal site for these wastes, and the identity of the hauler of the wastes; and

ix. **\*(Reserved)\*** **\*[Any information concerning any environmental hazardous substance listed in N.J.A.C. 8:59-10 (Special Health Hazard Substance List).]\***

**\*[4.]\* \*5.\*** The following information requested on the emergency services information survey:

- i. Name of the employer;
- ii. Location of the facility;

iii. Name and United States Department of Transportation Identification Number of a hazardous material also listed in N.J.A.C. 7:1G-2 where the employer is otherwise required to report emissions of such substances into the air or water onto the land;

iv. The United States Department of Transportation designated Hazard Class of any hazardous material; and

v. **\*(Reserved)\*** **\*[Any information concerning any environmental hazardous substance listed in N.J.A.C. 8:59-10 (Special Health Hazard Substance List).]\***

7:1G-6.5\* **\*6.6\*** Procedure for filing a claim

**\*[(a) An employer may file a trade secret claim with the department to protect information on an environmental survey or an emergency services information survey where disclo-**

sure would reveal a trade secret. Such claims shall be filed in accordance with (b) through (e) below.]\*

**\*(a) An employer who claims that disclosing information on an environmental survey or emergency services information survey would reveal a trade secret shall file a trade secret claim with the Department of Environmental Protection within 90 days of receipt of a survey. If the trade secret claim has been filed previously, an employer shall submit only new pertinent information affecting the pending or approved trade secret claim.\***

(b) **\*[Any]\* \*An\*** employer filing a trade secret claim on the environmental survey or emergency services information survey shall submit two sets of either or both surveys, as the case may be, to the department. The first set shall contain all information requested by the department, including any information claimed to be a trade secret. The employer shall clearly indicate on the first set by highlighting, underlining, or otherwise marking any information claimed to be a trade secret. The top of each page of the first set shall display the word "CONFIDENTIAL" in bold type or stamp. The second set, which will go into the public files, shall be identical to the first set except that it shall not contain information which the employer alleges to be a trade secret. In order to provide the public notice that information has been omitted from the second set **\*,\* under a claim of confidentiality, the second set shall indicate **\*\*\*"trade secret claimed"** or **"TSC"** where such omissions have been made.**

**\*(c) All trade secret claims shall be filed with the department within 90 days of the employer's receipt of the environmental survey.]\***

**\*(c) An employer shall submit a summary of the following information at the time of submittal of the trade secret claim except as provided in (k) below:\***

**\*(d) As part of its trade secret claim with the department to protect information on the emergency services information survey, or Part I or Part II of the environmental survey, an employer shall submit the following except as provided in (e) below:]\***

1. Prior trade secret determinations concerning the trade secret claim by the department, other agency or court, and a copy of such determination or reference to it;

2. Whether or not the information is known outside the employer's business;

3. Whether the information is patented;

4. What if any would be the harmful effects of its disclosure;

5. The period of time for which a trade secret designation is requested, if appropriate;

6. The ease or difficulty with which the information could be disclosed by analytical techniques, laboratory procedures, or other means<sup>\*[.]\*\*</sup>; **and\***

**\*7. Whether it is used in the research and development or fabrication and production of an article of trade or service or of a mixture, when the trade secret claim concerns any formula, plan, pattern, process, production data, information, or compilation of information.\***

**\*(g)\* \*(d)\*** The department may at any time subsequent to the filing of a trade secret claim, request, in writing, the information listed in 1 through **\*[4]\* \*5\*** below. Within 30 days of receipt of such a request, an employer shall answer the request in writing. The department may extend the period for submitting an answer for good cause shown.

**\*[1. Prior trade secret determinations by the department, other agency or court, concerning the nature of the informa-**

**tion as a trade secret, and a copy of such determination or reference to it.]\***

**\*[2.]\* \*1.\*** Whether disclosure of the **\*trade secret\*** information would be likely to result in harmful effects on the employer's competitive position, and, if so,

i. What those harmful effects would be;

ii. The competitive advantage the employer possesses over employers who do not possess it; and

iii. The value of the information to the employer or the employer's competitor.

**\*2. The extent to which the trade secret information is known by employees and others involved in the employer's business;**

**\*3. The extent of measures taken by the employer to guard the secrecy of the trade secret information;\***

**\*[3. When the trade secret claim concerns any formula, plan, pattern, process, production data, information, or compilation of information, an employer is required to submit the following information to the department concerning the trade secret claim:**

i. Whether it is patented; and

ii. Whether it is used in the research and development or fabrication and production of an article of trade or service or a mixture.]\*

**\*[5.]\* \*4. The amount of effort or money expended by the employer in developing the trade secret information; and\***

**\*[4.]\* \*5.\*** Any other relevant information **\*to assist\*** the department in determining the validity of a trade secret claim.

**\*(f)\* \*(e)\*** In addition to any information an employer **\*is required to\*** submit<sup>\*[s]\*</sup> pursuant to **\*[this section,]\* \*(c) and (d) above,\*** an employer may submit any other information relevant to the trade secret claim **\*[including 1 through 6 below]\***.

**\*[1. The extent to which the information for which the trade secret claim is made known outside the employer's business;**

2. The extent to which the information is known by the employees and others in the employer's business;

3. The extent of measures taken by the employer to guard the secrecy of the information.

4. The value of the information, to the employer or the employer's competitor;

5. The amount of effort or money expended by the employer in developing the information;

6. The ease or difficulty with which the information could be disclosed by analytical techniques, laboratory procedures, or other means.]\*

**\*(h)\* \*(f)\*** An employer shall provide, as part of any trade secret claim or submission, the names of reference documents used as the basis for stated conclusions.

**\*(i)\* \*(g)\*** An employer shall certify that its trade secret claim is true, accurate and complete.

**\*(j)\* \*(h)\*** The department may limit the length of a claim or submissions and require that they be made on forms provided by the department.

**\*(k)\* \*(i)\*** An employer shall update information affecting a pending or approved trade secret claim within 60 days of the employer's knowledge or receipt of new pertinent information.

**\*(l)\* \*(j)\*** **\*[Within 15 days after filing a trade secret claim, an employer shall post]\* \*At the time an employer receives notification from the department that a determination of a trade secret claim is being considered, this notification shall be posted\*** on bulletin boards readily accessible to employees.<sup>\*[a notice of the filing. Every employer filing a</sup>

claim shall send a copy of the notice to the clerk of the municipality in which the employer's facility is located.]\* Every employer \*[filing a claim]\* who employs persons whose native language is Spanish shall also post a notice in Spanish **\*such notice to be provided by the department\***. The notice shall state **\*[on]\* \*for\*** which survey the claim was made and **\*[the date of the claim,]\*** and shall invite any person to submit comments on the claim to the department.

**\*[(e)]\* \*(k)\*** Unless otherwise requested by the department, an employer is not required to submit supporting information with its trade secret claims on Part II of the environmental survey regarding the description of the use of the environmental hazardous substance on the site, the quantity produced on site, the quantity brought on site, the quantity consumed on site, and the quantity shipped off site either as a product or in the product..

7:1G-\*[6.6]\* **\*6.7\*** Confidentiality and security of trade secret information

(a) All trade secret claims and information in support of a trade secret claim, pending or approved, shall be treated as confidential in accordance with (b) through (h) below.

(b) Information regarding trade secret claims, pending or approved, shall only be communicated in person or in writing, among persons authorized pursuant to N.J.A.C. 7:1G-\*[6.6]\* **\*6.7\*** and **\*6.15\*** **\*[6.14, including, but not limited to, employees and officers of the State and its contractors, physicians and osteopaths,]\*** as well as between employers and such authorized persons. Said information shall not be communicated over telecommunications networks, including, but not limited to, telephones, computers connected by modems, or electronic mail systems. An exception may be made to this provision for emergencies pursuant to N.J.A.C. 7:1G-\*[6.14(g)]\* **\*6.15(g)\***.

(c) Any document transmitted by the department to the employer or any other authorized person, which contains information claimed to be a trade secret, shall be sent by certified mail return receipt requested, by personal delivery, or by other means which requires verification of receipt, the date of receipt, and the name of the person who receives the document.

(d) The department shall communicate only with the employer's chief executive officer or his designated representatives, such designation to be made in writing, regarding the trade secret claim. The individual signing the trade secret section of the workplace survey or the environmental survey shall be considered the designated representative if no other communication is received from the employer.

(e) Any document prepared by the department for the employer which contains information claimed to be a trade secret shall display the word "CONFIDENTIAL" in bold type or stamp on the top of each page. The envelope containing such document shall be addressed to the employer's chief executive officer or his designated representative and shall display the word "CONFIDENTIAL" in bold type on both sides. This envelope shall be enclosed in a plain envelope addressed for mailing.

(f) Except as provided in N.J.A.C. 7:1G-\*[6.14]\* **\*6.15\***, no person other than the Commissioner and his designated representatives including **\*[Administrative Law Judges]\* \*administrative law judges\*** conducting hearings on trade secret claims, shall have access to information regarding a trade secret claim. Said designated representatives shall be employees of the department. Designations shall be made in writing. Designated persons other than **\*[Administrative Law Judges]\* \*administrative law judges\*** shall sign an agreement devel-

oped by the department protecting the confidentiality of the information before access is granted. Pursuant to rules adopted by the Office of Administrative Law to maintain the confidentiality and security of trade secret information, **\*[Administrative Law Judges]\* \*administrative law judges\*** shall have access to trade secret information as necessary to preside over pre-hearing activities, conduct the hearing, render an initial decision, and return the record to either the Department of Environmental Protection or the Department of Health.

(g) All documents containing information regarding a trade secret claim shall be stored in a locked file or safe in a locked office in the department. The file or safe and office containing such documents shall be locked when not being used by authorized persons.

(h) Persons authorized to use trade secret documents pursuant to (f) above shall do so in the office in which the trade secret documents are stored, unless authorized to remove the documents by the Commissioner or his designated representative. All trade secret documents which are removed shall be returned to the office in which the documents are stored each day by the end of the regular workday. The department shall maintain a log of persons who use documents containing trade secret information. The log shall include the person's name, title, the name of the document used, and the time of commencing and finishing use of the document. No trade secret document shall be delivered between offices by persons who are not authorized to handle said documents. Such documents shall not be duplicated unless necessary for purposes of N.J.A.C. 7:1G-\*[6.14]\* **\*6.15\*** or if the department determines that it is absolutely necessary to carry out its responsibilities under the Act. If so duplicated, the document shall be marked as a copy, but treated as if it was an original document. The copy shall be destroyed immediately after completion of the use for which it was intended.

7:1G-\*[6.7]\* **\*6.8\*** Decision-making agency on a claim

(a) The Department of Health shall approve or deny a trade secret claim concerning:

**\*[1. The name and Chemical Abstracts Service number of any substance listed on the Workplace Hazardous Substance List unless (c) below applies.]\***

**\*[2.]\* \*1.\*** Information reported on the workplace survey.

**\*[3.]\* \*2.\*** Labeling a container with the chemical name and Chemical Abstracts Service number of the substance in the container.

(b) The Department of Environmental Protection is authorized to approve or deny a trade secret claim concerning:

**1. Information\*[, other than the name of a substance,]\* reported on the Environmental Survey.**

**2. Information \*[, other than the name of a substance,]\* reported on the Emergency Services Information Survey.**

(c) Where a trade secret claim is made regarding the name of an environmental hazardous substance which is not emitted from a facility into the air or water or onto the land, which is not a special health hazard substance, **\*which meets the criteria established pursuant to N.J.A.C. 8:59-10,\*** and for which **\*public\*** disclosure is not required by any other act, a decision to approve or deny the claim shall be made **\*[by a joint committee composed of the Commissioners of the Department of Health and the Department of Environmental Protection, or their designated representatives.]\* \*by the Department only after consultation with the Commissioner of the Department of Health or his designee. The Department shall provide notice of a proposed determination to the Department of Health at least 15 days prior to said determination.\***

## ADOPTIONS

7:1G-[6.8]\* **6.9\*** Criteria for determination of claim

(a) Any formula, plan, pattern, process, production data, information, or compilation of information shall be considered a trade secret if the employer establishes that its secrecy is certified by an appropriate official of the **[Federal]\* federal\*** government as necessary for national defense purposes, or **if the employer establishes\*** that:

1. It is not patented;
2. It is known only to the employer and certain other individuals;
3. It is used in the research and development or fabrication and production of an article of trade service or a mixture; and
4. It **[provides]\* gives\*** the employer possessing it a competitive advantage over businesses who do not possess it.

(b) The chemical name and Chemical Abstract\*s\* Service number of a substance shall be considered a trade secret only if the employer can establish that the substance is unknown to competitors, or is included in a formula or process that meets the criteria of (a) above.

(c) In determining whether a trade secret claim **[is valid,]\* meets the requirements of (a) or (b) above,\*** the department shall consider information provided by the employer or any other person\*,\* including the information in 1 through 6 below\*:\*

1. The extent to which the information for which the trade secret claim is made known outside the employer's business;
2. The extent to which the information is known by employees and others involved in the employer's business;
3. The extent of measures taken by the employer to guard the secrecy of the information;
4. The value of the information, to the employer or the employer's competitor;
5. The amount of effort or money expended by the employer in developing the information;
6. The ease or difficulty with which the information could be disclosed by analytical techniques, laboratory procedures, or other means.

7:1G-[6.9]\* **6.10\*** Request for trade secret information

(a) Any person may submit, at any time, a written request for the disclosure of information for which a trade secret claim is pending or has been approved, to the appropriate department at the address provided in N.J.A.C. 7:1G-[6.3]\* **6.4\***. The request shall state the requestor's name, **[and]\* address, and affiliation\*** and may include information concerning the validity of a pending or approved trade secret claim. **The names of employees making requests for trade secret information on a workplace survey or a label shall be kept confidential.\***

(b) A request for disclosure of an approved trade secret may be submitted only if accompanied by new significant information not previously submitted concerning the invalidity of the trade secret claim.

7:1G-6.11 Notification of determination of claim

**(a)\*** Upon making a determination on the validity of a trade secret claim, the department shall notify the employer **and the requestor\*** of the determination by certified mail, return receipt requested. The notice shall state that the employer has 45 days from receipt of the department's determination to file a written request with the department for an administrative hearing on the determination.

**(b) Within 15 days of receiving an approval of a trade secret claim from the department, an employer shall post on bulletin boards readily accessible to employees a notice of the**

## ENVIRONMENTAL PROTECTION

**determination. Every employer who employs persons whose native language is Spanish shall also post a notice in Spanish, such notice to be provided by the department.\***

7:1G-[6.10]\* **6.12\*** (Reserved)

7:1G-[6.12]\* **6.13\*** Appeal of determination

(a) If the department denies an employer's trade secret claim, the employer shall have 45 days from the receipt of the department's determination to file with the department a written request for an administrative hearing on the determination.

**(b)\*** Within 15 days after filing **[the]\* a\*** request**[,]\* for an administrative hearing,\*** an employer shall post on bulletin boards readily accessible to employees a notice of the **[filing]\* request\***. Every employer filing a request shall send a copy of the notice to the **county health department, county clerk, or designated county lead agency\*** in which the employer's facility is located. Every employer filing a claim who employs **[employees]\* persons\*** whose native language is Spanish shall also post a notice in Spanish. The notice shall state for which survey the request was made and the date of the request, and shall invite any person to **[contact]\* submit comments to\*** the department **[to act as a witness in the event that a hearing is conducted]\* and to provide testimony at the administrative hearing on the trade secret claim.\***

**(b)\* (c)\*** If a request for an administrative hearing is made pursuant to (a) above, the department **[, or departments in the case of a decision pursuant to N.J.A.C. 7:1G-6.7(c),]\*** shall refer the matter to the Office of Administrative Law for a hearing thereon.

**(c)\* (d)\*** Within 45 days of receipt of the administrative law judge's initial decision containing a recommendation on a matter referred to in **[(b)]\* (c)\*** above, the department **[, or departments in the case of a referral pursuant to (b) above,]\*** shall affirm, reject, or modify the recommendation. The department shall inform the employer of its decision on the administrative law judge's recommendation by certified mail return receipt requested. The department's action shall be considered final agency action for purposes of the "Administrative Procedure Act", N.J.S.A. 52:14B-1 et seq., and shall be subject only to judicial review as provided in the Rules of Court.

**(d)\* (e)\*** In the event that the department determines, pursuant to **[(c)]\* (d)\*** above, that the trade secret claim is not valid, the employer shall have 45 days from receipt of the department's determination to notify the department, in writing, that it has filed to appeal the department's decision in the courts. If the employer does not so notify the department, the department shall disclose the information for which the trade secret claim was made in the manner set forth in N.J.A.C. 7:1G-[6.13(a)]\* **6.14\***.

7:1G-[6.13]\* **6.14\*** Disclosure of information determined not to be a trade secret

(a) After a trade secret claim has been denied and all appeals and the right to bring an appeal has been exhausted, the department shall take the following action:

1. Modify the employer's workplace survey, environmental survey or emergency services information survey, as the case may be, on file with the department to substitute the omitted information for the trade secret docket or registry number and add the information wherever else appropriate;
2. Direct the employer to modify the workplace survey or environmental survey on file at its facility to substitute the

omitted information for the trade secret docket or registry number and add the information wherever else appropriate; to send modified copies of its revised workplace and environmental survey **\*to the Department of Environmental Protection,\*** to the county health department, county clerk, or designated county lead agency\***;** **\*to the\*** local fire department; and local police department containing this information; and to replace the trade secret registry number with the chemical name and Chemical Abstracts Service number on its fact sheets and container labels, if applicable, and

3. Direct the employer to modify the emergency services information survey to add the omitted information, where appropriate, and to send modified copies of its revised survey to the **\*Department of Environmental Protection,\*** local fire department and local police department.

7:1G-~~[6.14]~~ **\*6.15\*** Restricted access to trade secret information

(a) Except as provided in (b) through (g) below and N.J.A.C. 7:1G-~~[6.6]~~ **\*6.7\*** or when so ordered by a court, no person shall willingly and knowingly disclose and no person shall willingly and knowingly receive trade secret information protected by this subchapter without the employer's **\*written\*** consent.

(b) An officer or employee of the State may be granted access to trade secret information protected by this subchapter, only in accordance with this section, upon a demonstration to the satisfaction of the department that such request is in connection with the official duties of the officer or employee under any law for the protection of public health.

1. An officer or employee of the State designated by the head of an agency may make a written request to the department for information on a pending or approved trade secret claim. Such request shall state:

i. Name, title, **\*[Program, Division and Department]\*** **\*program, division and department\*** of **\*the\*** officer or employee;

ii. The officer or employee's need for the information and its connection with official duties;

iii. The reason why the information cannot be obtained from other sources; and

iv. The public health law for which the information is needed.

2. If the department proposes to release trade secret information to an officer or employee of the State, the department shall notify, in writing and by certified mail, return receipt requested, the employer who submitted the trade secret claim of the intent to release such information.

(c) A contractor of the State and its employees may be granted access to trade secret information protected by this subchapter if the department determines that such disclosure is necessary for the completion of any work contracted for in connection with the implementation of the Act, and that the requirements of 1 through 3 below have been satisfied. Such approval shall restrict access to the trade secret information to persons approved by the department. Employers shall be notified of this determination by the department prior to disclosure of the trade secret information. A contractor shall not receive any trade secret information unless:

1. It has submitted a plan to the department which describes measures for adequately protecting trade secret information from unauthorized disclosure, and such plan has been approved by the department;

2. It has provided written documentation demonstrating, to the satisfaction of the department, that it maintains Profes-

sional Liability Insurance and Comprehensive General Liability Insurance in amounts to be set by the department; and

3. In addition to the requirement of (e) below, it has signed an agreement developed by the department, protecting trade secret information from unauthorized disclosure. The agreement shall include a provision whereby the contractor assumes liability for any damages to an employer resulting from the intentional or negligent release of trade secret information by the contractor and its employees.

(d) The department shall provide any information for which a trade secret claim is pending or has been approved to a physician or osteopath when such information is needed for medical diagnosis or treatment. The physician or osteopath who will receive confidential information shall be required to sign an agreement developed by the department protecting the confidentiality of the information disclosed. This agreement shall include a provision prohibiting the physician or osteopath from revealing the trade secret information to any person. **\*Where feasible the\*** **\*[The]\*** employer shall be notified **\*prior\*** to disclosure of the information.

(e) Any person granted access to trade secret information pursuant to N.J.A.C. 7:1G-~~[6.14]~~ **\*6.15\*** shall sign an agreement developed by the department protecting the confidentiality of the information prior to receipt of the information.

(f) Any person who receives trade secret information pursuant to this section shall take appropriate measures to protect the information from unauthorized disclosure which shall include, but not be limited to:

1. Keeping the information confidential from unauthorized persons;

2. Keeping any records containing trade secret information in a locked file cabinet or safe, when not in use;

3. Using the information only for the use approved by the department;

4. Not reproducing the trade secret information; and

5. Returning all material on which the trade secret information has been recorded to the department within 30 days or when finished using the information, whichever is sooner.

(g) For emergency public health or medical purposes, the department may waive the requirements of (b)1 (written request by State officer or employee), (b)2 (notice to employer prior to release of trade secret information), and (e) (signing **\*a\*** confidentiality agreement prior to receipt of trade secret information) above, and shall follow the procedures set forth in 1 and 2 below, if the department determines that **\*[disclosure of trade secret information]\*** **\*waiver of said requirements\*** is necessary to protect health or the environment against an unreasonable risk of injury to health or the environment or is necessary for an emergency medical diagnosis or treatment by a physician or osteopath.

1. If trade secret information is conveyed verbally, in person or by telephone, the contents of a confidentiality agreement developed pursuant to (e) above, shall be read to the persons receiving such information.

2. Any person receiving oral or written trade secret information pursuant to this subsection shall sign a confidentiality agreement developed pursuant to (e) above, within 72 hours of receipt of such information.

7:1G-~~[6.15]~~ **\*6.16\*** Penalties for unauthorized disclosure of trade secret information

(a) Any officer or employee of the State, contractor of the State, physician or osteopath, or employee of a county health department, county clerk, or designated county lead agency,

local fire department, or local police department who has access to any confidential information, and who willingly and knowingly discloses the confidential information to any person not authorized to receive it, is guilty of a crime of the third degree.

(b) Disclosure of trade secret information by any contractor or agent of the department or its employees in violation of the Act shall constitute grounds for debarment, suspension, and disqualification from contracting with the department.

**(a)**

**DIVISION OF WATER RESOURCES**

**Flood Hazard Area Delineations  
Delineated Floodways Along a Reach of  
Green Brook in Somerset and Union  
Counties**

**Adopted Amendment: N.J.A.C. 7:13-7.1  
(formerly 7:13-1.11)**

Proposed: July 16, 1984 at 16 N.J.R. 1864(a).  
Adopted: September 6, 1984 by Robert E. Hughey,  
Commissioner, Department of Environmental Protection.  
Filed: September 14, 1984 as R.1984 d.438, **without change.**

Authority: N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:16A-50 et seq.

Effective Date: October 1, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978): May 4, 1989.  
DEP Docket No. 036-84-06.

**Summary of Public Comments and Agency Responses:  
No comments received.**

**Full text** of the adoption follows.

- 7:13-7.1 Delineated floodways  
(a)-(c) (No change.)  
(d) A list of delineated streams in the Passaic-Hackensack Basin and a list of delineated stream in the Raritan Basin follow:  
1.-41. (No change.)  
42. . . . The floodway and flood hazard area of a reach of Green Brook bordering the Township of Berkeley Heights and the Borough of Watchung from 950 feet upstream of Oak Way extending 2135 feet upstream, approximately 750 feet downstream of Bonnie Burn Road.  
43.-49. (No change.)  
(e)-(g) (No change.)

**(b)**

**DIVISION OF FISH, GAME AND  
WILDLIFE**

**Marine Fisheries  
Ocean and Bay Pound Nets**

**Adopted Amendment: N.J.A.C. 7:25-18.2**

Proposed: July 16, 1984 at 16 N.J.R. 1866(a).  
Adopted: September 13, 1984 by Robert E. Hughey,  
Commissioner, Department of Environmental Protection.  
Filed: September 14, 1984 as R.1984 d.439, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 23:2B-6.

Effective Date: October 1, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978): September 17, 1985.

**Summary of Public Comment and Agency Response:**

**No comments were received** in response to this proposal. The Department has made one clarifying revision, as set forth below.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***).

- 7:25-18.2 Pound nets  
(a) The following words and terms shall have the following meanings unless the context clearly indicates otherwise.  
"Department" means the New Jersey Department of Environmental Protection.  
"Heart" means an upright fence of netting forming a heart-shaped (round or square) compartment located between the leader and the pocket. It is designed to cause fish to circle in front of and eventually enter the pocket of a pound net.  
"Leader" means an upright fence of netting that acts as a barrier to fish and guides them toward a trap; the netting is made of heavy twine, not designed to catch fish by the gills.  
"Navigable channel" means a channel marked with navigational markers including poles, piling or buoys, by the Coast Guard or the State.  
"Pocket" means an upright fence of netting forming the final compartment of a pound net in which trapped fish accumulate.  
"Pound net" means a large fish trap, consisting of a leader, pocket and one or more hearts, held in place with poles, the netting of which reaches from the bottom to above the surface of the water.  
"Staked or anchored gill net" means an upright fence of monofilament or nylon netting, held in place at each end by stakes or anchors, that catches fish by snagging their gill covers as they try to pass through the mesh of the net.  
"Submarine pound net" means a pound net that is totally submerged beneath the water and held in place by anchors.

(b) General requirements for all pound net users are as follows:

1. No person may install, operate or maintain a pound net in the marine waters of the State without having first obtained a license from the Department.

2. The Department may establish limits on the number of licenses to be issued for pound nets in Raritan Bay and Sandy Hook Bay and in the Atlantic Ocean within three nautical miles of the coastline.

3. Licenses must be renewed annually.

4. Holders of pound net licenses from the previous year shall have first priority in obtaining a new license, provided they apply before March 1 of the current year.

5. Any person operating any fish pound net in the marine waters of New Jersey, must, at the time of emptying the net, return to the waters wherein the net is located all striped bass, codfish less than ten inches in length, bluefish or weakfish less than nine inches in length, sea bass or kingfish less than eight inches in length, black fish, mackerel and porgy less than seven inches in length, winter flounder less than six inches in length and summer flounder less than 14 inches in length. This paragraph does not apply to less than five percent by weight of the total catch of each species.

6. No person may, by boat, anchor, dredge or otherwise, willfully and without reasonable cause, interfere with, break, damage or destroy any fish net or associated equipment being lawfully used by a license holder.

7. The Department may require any licensee to submit a money surety bond to insure removal of pound net poles and apparatus as required by these rules.

8. Violation of the rules in this section will subject the violator to money penalties, loss of license and/or injunctive relief under N.J.S.A. 23:2B-14.

(c) Specific requirements for pound net users in Raritan and Sandy Hook Bays are as follows:

1. Any person applying for a pound net license must indicate the specific proposed site for the net, as designated by a chart developed by the Department. Sites which have not previously been located on the approved chart must be approved by the Department prior to issuance of a license.

2. New pound net sites must be at least 3,000 feet from a previously located pound net site, when measured parallel to the shoreline, and must be at least 1,000 feet from any navigable channel.

3. Any pound net license holder has priority in retaining a pound net site previously licensed by him or her, provided that he or she has actively and lawfully fished that site during the previous year and has submitted a license application prior to March 1 of the current year. After March 1, any citizen may apply for any available site on a first-come basis.

4. No staked or anchored shad net may be placed within 3,000 feet of an operating pound net. However, shad nets may be set on licensed pound net sites by the license holder or on unoccupied, approved pound net sites, provided the shad nets are set end-to-end with and in line with any existing pound nets.

5. Pound nets must be placed end-to-end so as to form a straight line, perpendicular to the shoreline.

6. The maximum allowable length of a pound net, including leader and hearts, is 750 feet.

7. A minimum distance of 50 feet must be maintained between any two pound nets, shad nets or combination thereof, when measured perpendicular to the shoreline.

8. A pound net license holder must maintain a nameplate, on the offshore pole of the net not less than six inches square,

on which shall be legibly marked the identification number of the pound, as assigned by the Department.

9. A flashing, amber light must be displayed between sunset and sunrise on the two end poles of a pound net or a continuous row of pound nets.

10. Within 30 days of the termination of fishing activities for that year, all poles and stakes must be removed by the pound net license holder.

11. The pound net license holder will be responsible for the cost of pole and/or stake removal where the Department accepts responsibility for such removal, due to the licensee's failure to comply with 10 above.

(d) Specific requirements for pound net users in the Atlantic Ocean are as follows:

1. When submitting a request for an ocean or submarine pound net license, the applicant must specify the specific proposed site-location for placement of each net. Upon site approval, the Department may issue the license. (Note: Permission for location of ocean pound nets is also required from the United States Army Corps of Engineers.)

2. No portion of a pound net may be set within 1,500 feet or greater than 7,000 feet from the mean low water line on the ocean shoreline.

3. No row of pound nets may be erected or operated within one and one-half miles of any other row of pound nets, when measured parallel with the coastline.

4. No more than two pound nets may be joined together.

5. A minimum distance of 1,000 feet, when measured perpendicular to the coastline, must be maintained between **\*individual or paired\*** pound nets set in a row.

6. A row of ocean or submarine pound nets must form a straight line with the nets placed end-to-end.

7. The maximum allowable length of an ocean or submarine pound net, including leader and pocket, is 1,100 feet.

8. The minimum mesh size for ocean or submarine pound nets is two inches, stretched.

9. Ocean pound nets shall be maintained in compliance with the following additional requirements:

i. White reflectors must be placed around the top of each pole so as to reflect in all directions;

ii. Flashing amber lights must be displayed on the inshore and offshore poles of nets or rows of nets, between sunrise and sunset; these lights must be placed at least 10 feet above the mean high water level and must be visible for at least three miles in all directions where clear visibility is possible.

10. Submarine pound nets shall be maintained in compliance with the following additional requirements:

i. At least eight, fluorescent orange floats, at least 12 inches in diameter, shall be maintained along the length of each net, including the inshore and offshore ends.

ii. The pound net license holder shall maintain a nameplate, not less than 12 inches square, on which shall be legibly marked the identification number of the pound, as assigned by the Department.

11. The license holder must completely remove all pound net poles and stakes, within ten months of the termination of fishing activities.

12. The pound net license holder will be responsible for the cost of pole and/or stake removal, where the Department accepts responsibility for such removal, due to the licensee's failure to comply with 11 above.

# HEALTH

## (a)

### HEALTH ECONOMICS SERVICES

#### Standard Hospital Accounting and Rate Evaluation (SHARE) Rate Review Guidelines

#### Adopted Amendment: N.J.A.C. 8:31A-7

Proposed: May 7, 1984 at 16 N.J.R. 1002(a).  
 Adopted: September 13, 1984, by J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of the Health Care Administration Board).  
 Filed: September 14, 1984, as R.1984 d.440, **without change.**

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5b.

Effective Date: October 1, 1984.  
 Expiration Date pursuant to Executive Order 66(1978): February 6, 1989.

#### Summary of Public Comments and Agency Responses:

Comment: The regulations call for the 1979 Overspending Adjustment to be included in the 1984 Global and Alternate Rates. This should be changed to read 1984 Global Rate, Alternate Rate, Administrative Payment Rate, Final Administrative Rate and Final Rate.

Response: The Alternative Rate includes the Administrative Payment Rate. The Final Administrative Rate results from acceptance of either the Global, Proposed Alternate or Administrative Payment Rates. The Final Rate is developed from the Final Administrative Rate. The reference to Global or Alternate Rates is all inclusive and the 1979 Overspending Adjustment will automatically flow into the appropriate rate.

Comment: Blue Cross of New Jersey expressed concern that the volume adjustment methodology proposed would be applied appropriately to hospitals having a significant volume change.

Response: It is the Department's position that adjustments to 1984 rates for extraordinary volume changes be addressed on a rate by rate basis through negotiations with the individual hospital. The Department will review the appropriateness of developing a methodology for future rate years.

Full text of the adoption follows.

#### SUBCHAPTER 7. RATE REVIEW GUIDELINES

##### 8:31A-7.1 Objectives of the Hospital Rate Review Program

(a) The rate review program is charged with establishing reimbursement rates for hospitals which reflect reasonable costs for the health care facilities involved.

(b) The two basic principles upon which the Guidelines and methodology are formulated are that the Department shall establish that for each hospital:

1. The costs currently incurred are reasonable for the level of services currently provided and
2. Any increases in those costs are reasonable.

It is the Department's objective to limit the average increase in specialized and rehabilitation hospitals inpatient expenditures (both cost and volume) which are reimbursed by hospital service corporations, the State's medical assistance program, and other covered governmental agencies, referred to hereafter as "payors," to a maximum of one and one-half percent above the Department's established Economic Factor.

##### 8:31A-7.2 Hospital Rate Review Guidelines

(a) The Commissioner of Health, pursuant to the authority of N.J.S.A. 26:2H-1, et seq. N.J.S.A. 17:2H-1 et seq. and with the approval of Health Care Administration Board, adopts the following rules concerning the rate review for specialized and rehabilitation hospitals.

###### 1. Authority:

i. In accordance with N.J.S.A. 26:2H-1 et seq., payment by hospital service corporations and government agencies for health care services provided by a hospital shall be at rates approved as to reasonableness by the Commissioner of Health taking into consideration the total costs of the hospital.

###### 2. Scope:

i. Unless otherwise provided by rule or statute, the following shall constitute the rules of practice and procedure for determining hospital payment rates and for appeals from an administrative rate determination.

ii. In accordance with N.J.S.A. 26:2H-18, the elements of cost will be those defined by the Commissioner of Health.

###### 3. Definitions:

In addition to those definitions outlined in N.J.A.C. 8:3-1.4, the following definitions shall apply:

"Director" means the Director of Health Economics Services.

"Analyst" means the Analyst, Health Economics Services, to whom an individual hospital's cost submission has been assigned.

"Payors" means hospital service corporations and government agencies that are contractual purchasers of health care services.

"Approved Rate" means the current rate in effect established by the Rate Review Program. The approved rate provides reasonable reimbursement for covered inpatient hospital costs. Costs which are attributed to non-eligible or outpatient services are not reviewed and are not part of the approved reimbursement rate under the SHARE Program.

"Global Rate" means the Final Administrative Payment Rate determined by adjusting the previous year's Global rate by an increment, as described in N.J.A.C. 8:31A-7.4(a).

"Alternate Rate" means the rate determined by applying these rate review guidelines to the lower of the base year actual costs or base year approved costs, as described in N.J.A.C. 8:31A-7.5 and all subsequent sections.

"Proposed Alternate Rate" means the payment rate developed by applying these rate review guidelines to the elements of cost reported on the Actual SHARE Forms.

"Administrative Payment Rate" means the payment rate developed following a detailed review with the Analyst of the Proposed Alternate Rate.

"Final Administrative Rate" means the payment rate developed as a result of acceptance by the hospital of the Global

Rate, acceptance by the hospital of the Proposed Alternate Rate, acceptance by the hospital of the Administrative Payment Rate, or the rate established following an appeal to the Hearing Officer from the administrative rate determination.

“Final Rate” means the payment rate developed from the Final Administrative Rate following the certification of actual costs of providing health care services as reported by hospitals, by making the retroactive adjustments described in N.J.A.C. 8:31A-7.15.

“Forms” means the data collection forms which a hospital uses to report actual costs. These forms must be completed using the cost center definitions in N.J.A.C. 8:31A-2 of the SHARE Manual, the statistical definitions in N.J.A.C. 8:31A-4 of the Manual, and the cost reporting and allocation methodology prescribed in N.J.A.C. 8:31A-5 of the Manual. No other allocation method is acceptable.

“Schedules” means the schedules used to test the reasonableness of actual expenses and to determine reasonable increases.

“Level I Appeal” means the appeal held with a Department Analyst. This appeal will be held within 60 working days from the issuance of the Proposed Alternate Rate.

“Level II Appeal” means the appeal held before a hearing officer in which the hospital or the payors appeal the Administrative Payment Rate based on the Analyst Review (Level I Appeal). The purpose of the Level II appeal is to determine if the Guidelines were properly interpreted and executed by the analyst at the Level I Appeal based on only information and documentation made available at the time of the analyst review.

“Base Year” means the year from which historical cost data are utilized for prospective reimbursement in the “Rate Year” or Reimbursement period. This Base Year is usually two years prior to the Rate Year.

“Rate Year” means the year in which current reimbursement takes place; also known as the “Reimbursement Period.”

4. Times tables:

i. At the request of the Commissioner, hospitals shall furnish to the Department of Health such reports and information as the Department may require to establish reasonable rates for payment by payors for health care services provided by a hospital, excluding confidential communications from patients. The information shall be used to establish inpatient per diem rates according to the following schedule:

Activity	Date In the Rate Year
SHARE Base Year Actual Submission	April 30
Projections for Rate Year Volumes and other items as required	July 31
Request for additional Depreciation, Malpractice and Interest to be included in the Payment Rates	July 31
Global Rate Established	October 1
Request for Alternate Rate	November 1
Alternate Rate Established	December 15
Form B-2 submitted for Quarter Ending:	
December 31	February 15
March 31	May 15
June 30	August 15
September 30	November 15

Date to submit actual costs on SHARE Forms April 30

Date to submit Audited Financial Statement June 30

ii. Hospitals shall submit their Base Year actual Data to the Department no later than April 30, of the following year. Volume projections, documentation of depreciation and interest costs required for the rate year and other information needed to establish reasonable payment rates shall be submitted by July 31. Any errors in the actuals or supplemental information submitted must be corrected within 10 working days of notification of the error. Once the Department has determined that the actual cost submission is suitable for entry into the data base, it shall be so entered; no further substitutions or rearrangement of costs will be accepted unless it is deemed necessary by those performing the detailed, on-site review pursuant to N.J.A.C. 8:31A-7.3.

iii. Hospitals that fail to submit the actual costs in a condition that would render them suitable for entry into the data base by June 30, and/or those that fail to submit volume projections and any other supplemental information in a condition that would render them suitable for entry into the data base by August 15, shall forfeit their right to proceed under the normal methodology for determining a reasonable reimbursement rate. These hospitals shall have their rates calculated according to the following method:

(1) Hospitals failing to comply with the above deadlines shall submit their actual costs and/or volume projections and other required information to the Department in a condition suitable for entry into the data base no later than 30 calendar days subsequent to the respective deadlines. No Global Rate shall be calculated for these hospitals. The hospital's Proposed Alternative Rate shall be devoid of any of the automatic management increases that normally will be calculated for other hospitals receiving an Alternate Rate in accordance with N.J.A.C. 8:31-7.11 In lieu of these normally allowed management increases, the hospital will be required to document the need for each management increase at the detailed review with the Analyst before such increases may be included in the Administrative Payment Rate. The hospital may appeal the rate so established to the Hearing Officer in accordance with N.J.A.C. 8:31A-7.14. The Proposed Alternate Rate will not be calculated for the hospitals having late submissions until after all other hospitals proceeding under normal review process have received their rate.

(2) Should the hospital fail to submit its actual costs and/or volume projections, and other required information to the Department in a condition suitable for entry into the data base as stipulated in (1) above, its latest approved rate (Global Rate, Proposed Alternate Rate, Administrative Payment Rate or Final Administrative Rate) increased by one half of the rate year economic factor shall become its Final Administrative Rate. The hospital will not be entitled to an appeal of this rate. The Final Approved Rate will be adjusted for the items specified in N.J.A.C. 8:31A-7.15.

iv. For any hospital proceeding under the normal methodology which has requested an Alternate Rate, a date for the detailed review with the Analyst shall be set within 60 working days of the issuance of the Proposed Alternate Rate. At least 10 working days prior to the date so established the hospital must submit written documentation of all items to be discussed. This documentation will specify each item, the costs associated with the item, and the hospital's rationale for the request. Should the hospital fail to submit the documentation

in the allotted time or fail to appear on the established date, it shall have forfeited its right to an appeal, and the Proposed Alternate Rate will become the Final Administrative Rate.

(1) At the Analyst Review, the Analyst shall indicate which items are not supported by sufficient documentation. The hospital must furnish the necessary documentation within 10 working days for it to be considered. Following receipt of this documentation, the Department shall neither request nor require further documentation and shall issue the Administrative Payment Rate within 30 working days.

(2) Should the hospital pursue an appeal of the Administrative Payment Rate provided for in N.J.A.C. 8:31A-7.14 the hospital may not submit documentation other than that provided to the Analyst unless the hospital can demonstrate the existence of good cause for failure to provide the documentation to the Analyst within the deadlines set forth above.

(3) Requests for additional costs for management changes must be justified by a full presentation of the dollar value of the cost, the dollar value of the benefits and a complete explanation of any other benefits resulting from the program which cannot be given a dollar value.

(4) In all cases in which an Administrative Payment Rate is issued following the detailed review, the hospital shall have 5 working days after notification in which to verify the accuracy of the calculation on the rate schedules and to notify the Department of any corrections to be made. After this time the Administrative Payment Rate shall be issued pursuant to N.J.A.C. 8:31A-7.5 (b)13.

v. If a hospital fails to submit its Actual data by April 30, and is unable to justify the delay or non-submission, its per diem will be reduced by five percent effective the first day of each month, until the submission is received by the Department. This reduced rate shall remain in effect until the Actual data has been processed and found suitable for entry into the Actual data base. Once the data is approved for entry into the data base the reduced per diem rate will be retroactively increased to the latest rate approved by the Department. The hospital is allowed to submit corrections and changes to its actual data until the data base is closed.

#### 8:31A-7.3 Auditing of costs

(a) At a mutually agreed upon time, the Department may perform a detailed on-site review of costs and statistics to verify consistent reporting of data and extraordinary variations in data. The hospital may ask the Department to reconsider its findings, and the Director of Health Economics Services will render a decision. This decision may be appealed according to the Administrative appeal process as defined in N.J.A.C. 8:31A-7.14. Nothing in this section modifies, in any way, the rights of any third party to conduct its own audit per contract agreement and/or legal requirements.

#### 8:31A-7.4 Methodology for calculating Global Rates

(a) A Global Rate will be developed from the hospital's prior year Global Rate established pursuant to the SHARE Guidelines. Acceptance of the Global Rate shall constitute a waiver of any right of appeal concerning the rate and no adjustments to any prior year shall affect the Global Rate.

1. Hospitals eligible for a Global Rate (see N.J.A.C. 8:31A-7.2(a)4ii) will be given an automatic percentage increase to its adjusted approved Global Rate. The percentage increase will provide for:

i. General economic factors that will be common to all hospitals, plus,

ii. An additional factor to provide for the increases in management changes (they will vary by hospital as described in 5 below.

2. The adjusted approved Global Rate will be calculated by adjusting the prior year's Global rate in existence on December 1 by the follow factors:

i. A volume adjustment will be calculated on the variances between budgeted volumes and the projected volumes using volume variances as detailed in Appendix A.

ii. The reasonable costs for legally required changes made in the prior year that were or were not included in the existing Global Rate.

iii. Difference between the approved Global Rate and the projected reasonable costs for:

(1) Interest

(2) Non-department Depreciation and lease

(3) Malpractice

(4) Utilities

iv. The amounts that were or were not to be incorporated in the Global Rates to provide for special and/or non-recurring situations.

v. Shifts in cost to/from hospitals from/to other providers of health care.

3. The percentage adjustment described in (a)1 above will be applied to all expense items except interest, non-departmental depreciation and lease, malpractice, and utilities. Hospitals desiring additional adjustments for interest and depreciation above the amount approved in the Global Rate should submit a formal request to the Department of Health together with appropriate supporting data by July 31 of the rate year.

4. Separate adjustments also will be made to annualize the effect of approved Certificate of Need items not already covered in 2iii above and other legal changes not included in the approved Global Rate.

5. The hospital's specific adjustments carried out in accordance with 1ii above establishes the reasonable increase in costs for management changes in lieu of the management request and approval procedure that existed in previous Rate Review Guidelines.

i. For hospitals having actual costs equal to or less than 95 percent of the median in all three Level I clusters (statewide patient care cluster costs per patient day, statewide general services cluster costs per patient day, and category ancillary cluster costs per admission), the non-physician costs will be increased by two percent.

ii. For hospitals having actual costs equal to or less than the median in all three Level I cluster, the non-physician costs will be increased by one and one-half percent.

iii. For hospitals having actual costs equal to or less than 105% of the median in all three Level I clusters, the non-physician costs will be increased by one percent.

iv. For hospitals having actual costs equal to or less than 110% of the median in all three Level I clusters, the non-physician costs will be increased by one-half percent.

v. For all other hospitals, the non-physician costs will not be increased.

vi. The physician portion of the hospital's costs will be increased by one-half of the factor applied to the non-physician's portion.

6. The budgets for physician and non-physician costs will be adjusted separately. Individual ceilings will apply, and there will be no netting of costs between these two portions.

7. Appropriate Blue Cross add-ons in existence on September 1 will be incorporated into the Global Rate. Actual Blue

Cross add-ons will be adjusted in accordance with N.J.A.C. 8:31A-7.15.

(b) The 1979 overspending adjustment approved for Specialized and Rehabilitation hospitals accepting the Global or Alternate Rate in 1983 will be adjusted by the Economic Factor, as determined in N.J.A.C. 8:31A-7.10, and be included in the 1984 Global and Alternate Rates.

#### 8:31A-7.5 Methodology for Alternate Rates

(a) A hospital may request an Alternate Rate based on the SHARE rate review methodology by notifying the Hospital Rate Setting Unit, Health Economics Services, New Jersey State Department of Health, CNB 360, Trenton, New Jersey 08625, by certified mail on or before November 1. The Department will notify each such hospital of its Proposed Alternate Rate established under the SHARE methodology on or before December 15. The Alternate Rate will be developed in accordance with the process described in the (b) below and can be appealed as provided in this regulation. There is no assurance that the Alternate Rate so developed will be equal to or greater than the Global Rate initially developed. Once the hospital has requested an Alternate Rate, this rate will be established and implemented.

(b) A proposed Alternate Rate will be developed from the following:

1. Tests at the cost center level of the actual costs for presumptive reasonableness will be done using peer comparisons of actual data. Costs that are not accepted as presumptively reasonable will be deducted from the base period costs before performing subsequent review steps.

2. Actual costs revised for base period challenges, will be adjusted for volume projections for admissions and patient days in accordance with 10 below.

3. An industry-wide economic factor as described in N.J.A.C. 8:31A-7.10 will be applied globally to actual expenses, adjusted in accordance with 1 and 2 above.

4. The hospital will be given an automatic adjustment to its actual costs, adjusted in accordance with 1 and 3 above, to provide for management increases in accordance with N.J.A.C. 8:31A-7.11. Should the hospital determine that the allowed increase is insufficient, the hospital will be required to document the need for additional costs. No further adjustment will be allowed until the hospital can justify the need for all of the management increases allowed in the total approved costs. Should the hospital attempt to document the need for additional monies for management increase, and/or seek an increase of its covered inpatient costs, except as described in N.J.A.C. 8:31A-7.11, it is at risk for the monies allowed through the automatic adjustment. (For example, a hospital may determine it requires an increase of \$100,000 in a particular cost center which has only been given an increase of \$30,000 through the normal methodology. That same hospital may have been given an automatic global management increase totaling \$250,000. No additional costs will be given in the center requiring the \$100,000 adjustment until the need for all of the allowed \$250,000 has been explained. Should the hospital substantiate the need for only \$200,000 of the automatic adjustment, the remaining \$50,000 will be deducted from the approved costs.)

i. Information relating to the documentation of the need for additional monies for management changes must be submitted to the Analyst in accordance with the time frame established for the detailed review in accordance with N.J.A.C. 8:31A-7.2(a)4iv.

ii. Any request for additional costs related to legal/management changes approved in the Administrative Payment Rate and not included in the amounts for the automatic adjustments described above will be considered by the Analyst. A presumption of reasonableness of these costs will prevail in those instances where all conditions remain equal.

5. Base Year over-expenditures incurred by the hospital without the approval of the Department cannot be appealed in the Rate Year. These expenditures were determined to be unreasonable in and the hospital had the opportunity to appeal these challenges at the detailed Analyst review and the administrative law judge hearing. These expenditures may be specifically identified item by item and requested as new management requests at the Rate Year Analyst review.

6. The Adjusted Approved Base will be determined by adjusting the most recent approved rate (Final Administrative Rate, Administrative Payment Rate, or Proposed Administrative Rate) for actual volume variances, relevant certificate of need and other legal changes, and excluding depreciation and lease costs in the Plant cost center, interest, malpractice and utility costs. This Adjusted Approved amount will be compared to the actual costs less peer comparison challenges and exclusive of depreciation and lease costs in the Plant cost center, malpractice and utility costs. If the actual costs are in excess of the Adjusted Approved Base the amount of excess is the overspending challenge. The overspending challenge will be increased by the economic factor and deducted from the Actual costs for this adjustment will be made separately for the non-physician and physician portions. No trade-offs will be allowed.

7. Separate analysis will be made of the reasonableness of emergency services costs for inclusion in inpatient rates. Clinic and outpatient costs will not be included in the inpatient rates.

8. Physicians' compensation will be evaluated separately as described in N.J.A.C. 8:31A-7.12 and that portion of a hospital's cost will be subject to a separate cost ceiling.

9. Any planning regulation implemented during the base year will be accounted for by appropriate adjustments to these rates.

10. Blue Cross add-ons for Medicare Carve-Out, and Outside Collection Costs, will be reviewed for reasonableness by the Department. Appropriate adjustments for economic factor increases and volume adjustments will be made.

11. A hospital may either accept its Proposed Alternate Rate or proceed to a review with the Analyst. Request for additional costs for management changes must be justified by a full presentation of the dollar value of the benefits and a complete explanation of any other benefits resulting from the program which cannot be given a dollar value. If the hospital accepts the Proposed Alternate Rate, this becomes the Final Administrative Rate.

12. The Department may perform a detailed on-site review of costs and statistics to verify consistent reporting of data and extraordinary variations in data. The hospital may ask the Department to reconsider its findings. The decision will be made by the Director of Health Economics Services and may be appealed according to N.J.A.C. 8:31A-7.14.

13. A hospital's Administrative Payment Rate (APR) will be issued subsequent to the completion of the review with the Analyst. The review will be undertaken in accordance with procedures established by Health Economics Services. If the hospital accepts the Administrative Payment Rate, this becomes the Final Administrative Payment Rate.

14. A hospital may appeal its Administrative Payment Rate as outlined in N.J.A.C. 8:31A-7.14.

**8:31-7.6 Computational techniques**

(a) For the purpose of detailed analysis of hospital costs, cost centers are separated into four levels: (See Appendix A).

1. Level I cost centers are those that can be grouped for aggregate tests of reasonableness. These are cost centers for which a good deal of commonality exists among similar hospitals and for which reasonable units of service can be defined.

2. Level 2 cost centers are those for which commonality exists among similar hospitals and units of service are available.

3. Level 3 cost centers include those that are not readily comparable among similar hospitals. These cost centers will be reviewed only for the reasonableness of proposed cost increases.

4. Level 4 cost centers are those that have no bearing on determination of inpatient payment rates.

(b) In order to eliminate the effects of geographic compensation differentials among hospitals in various areas, compensation costs will be equalized in analyzing and comparing cost centers costs.

1. Compensation equalizing will be done separately utilizing the 10 labor market areas. (See Appendix B).

2. Each hospital's actual total employee compensation will be equalized by multiplying total employee compensation by an index that is the ratio of the state-wide to the area-wide median rates. Total employee compensation includes salaries and fringe benefits. Included in fringe benefits is the value of free and subsidized meals and the imputed value of self-insurance.

3. The total equalized costs of each cost center are calculated by adding supplies, services, other expenses, depreciation and leases to equalized total compensation and subtracting expenses recoveries. This total is then divided by the unit of service specified in Appendix A to calculate unit costs for Level I and II cost centers. These unit costs are used to quantify present cost levels that will be questioned as presumptively unreasonable.

i. Unit costs for each cost center in each hospital are calculated and analyzed within appropriate peer groupings specified in Appendix A.

ii. For each cost center in a hospital, the amount to be challenged will be all costs above the reasonableness limit established in Appendix A. In order to explain a challenged amount, the hospital must explain total costs the cost center.

iii. The amounts disallowed are converted from a compensation equalized basis to the hospital's reported basis so that the amounts disallowed for a particular hospital are consistent with the actual dollars reported on the SHARE Actual Forms.

**8:31A-7.7 Reasonableness test-peer comparisons**

(a) If the equalized actual costs of Level I General Services cost centers are less than 110 percent the state-wide median costs per patient day, then this segment of the actual costs will be presumed reasonable.

(b) If the equalized actual cost of Level I Ancillary Services cost centers are less than 110 percent the category median cost per admission, then this segment of the projected costs will be presumed reasonable.

(c) If the equalized actual costs of the Level I Inpatient Care cost centers are less than 110 percent the state-wide median costs per patient day, then this segment of the actual costs will be presumed reasonable.

(d) If the equalized Level I unit costs of any of the above clusters exceeds the reasonableness screen, then the costs in excess of that screen shall be considered presumptively unreasonable. Peer comparisons shall be made at the cost center level in order to provide detailed support for the amounts challenged in the cluster. These category and reasonableness limits are specified in Appendix A "Cost Center Record". The costs reviewed are covered inpatient costs as on the SHARE Actual Form F.

(e) Level II cost centers and physician costs (including fringe benefits but not equalized) will be analyzed separately. They will not be included in the cluster totals nor in the analysis by cost center of cluster challenges. The challenge ratio will be that specified on Appendix A for each cost center.

(f) Base Period Challenges will be deducted from the actual base before making subsequent review steps.

**8:31A-7.8 Volume changes**

(a) Reasonable changes in expenses resulting from volume changes will be determined by calculating for each cost center in each hospital, the portion of the budgeted change that is accounted for by changes in volume, using the volume variability factors specified in Appendix A and the following units of service.

1. Inpatient admissions will be used for the following cost centers:

Anesthesia	Operating and Recovery Rooms
Blood Bank	Other Physical Medicine
Cardiac Catherization	Pharmacy
Central Sterile Supply	Physical Therapy
Delivery and Labor	Radiology
Dialysis	Respiratory Therapy
Electrodiagnosis	Therapeutic Radiology
Laboratory	Fiscal
Nuclear Medicine	Medical Records

i. Admissions from the emergency room will be used for the inpatient portion of the emergency room cost center.

2. Patient days will be used for all other cost centers.

3. In making these calculations physicians fees will be considered variable and physician salaries fixed.

4. The base of making these calculations for the proposed Alternative Rate will be actual costs less any base period challenges. The volume change will be calculated on the basis of the increase/decrease of projected patient days or admissions compared to actuals.

**8:31A-7.9 Reasonableness tests-increases due to economic factors**

(a) The Commissioner will develop and promulgate an industry-wide economic factor to account for presumptively reasonable increases in expenses due to inflation, compensation increases, and other factors increasing costs.

(b) In establishing reimbursement rates, the Commissioner subscribes to the view that determination of compensation rates is a management prerogative. Accordingly, the Commissioner is taking the position that compensation increases in excess of the economic factor should be made only through improved utilization of personnel, upgrading of the quality of employees, increases in productivity, and other cost containment efforts.

(c) This economic factor will be applied globally to total covered inpatient costs exclusive of:

1. Mortgage, and other facility interest charged to the Plant cost center.

2. Depreciation and lease costs for building, major moveable and other miscellaneous equipment reported in the Plant cost center.

3. Base period challenges.

4. Malpractice Insurance and Utility Costs.

(d) Interest rates will be screened against the prevailing interest rate available through refinancing of debt and the cost of refinancing.

8:31A-7.10 Management increases

(a) Increases in the intensity of a particular service or for other programmatic changes deemed necessary by the management of the hospital will be allowed automatically in accordance with the formula outlined below. The amount to be allowed will be determined using a cost center by cost center analysis; however, the management of the hospital should use its own discretion in determining how to allocate these monies to the various departments of the hospital in order to best meet the needs of the patients.

(b) For each hospital a comparison shall be made of the unit cost of each Level I and Level II cost center to the median cost and adjustments will be made to increase the base year costs as follows:

Hospital's Unit Cost is:	Allowance
equal to or greater than the median	0
equal to or greater than 95 percent of the median, but less than the median	1
equal to or greater than 90 percent of the median, but less than 95% of the median	2
equal to or greater than 80 percent of the median, but less than 90% of the median	3
less than 80 percent of the median	4

1. This adjustment shall be made separately for physician and nonphysician sectors, and the management of the hospital should not trade-off the allowed costs between these two sectors.

2. These allowances may be appealed in accordance with N.J.A.C. 8:31A-7.5(b)4. Should the hospital pursue such an appeal, it will be at risk for the adjustments made in accordance with the formula given above.

8:31A-7.11 Reasonableness tests — Education/Physician Coverage

(a) The reasonableness of all physician compensation will be tested in the following SHARE cost centers:

1. Physician Coverage
2. Residents
3. Education and Research

(b) This test will involve calculating the average actual compensation per physician in each cost center, and ranking with categories as defined in N.J.A.C. 8:31A-7.13. Costs will be deemed presumptively reasonable to the extent that they do not exceed one-hundred and ten percent of category median value.

8:31A-7.12 Peer groupings used

(a) Four groupings will be used for analysis and comparison of functional costs. These are:

1. Category based on spectrum of services provided:

- i. Rehabilitation hospitals;
- ii. Special function hospitals.

2. Catchment area character:

- i. Inner city;
- ii. Urban;
- iii. Suburban;
- iv. Rural.

3. Labor Equalization Areas.

4. Statewide (includes only Specialized and Rehabilitation hospitals not covered under N.J.A.C. 8:31B-1 et seq.)

(b) Factors considered in grouping hospitals for analysis of patient care costs include:

1. Inpatient services licensed in the "New Jersey State Plan for Hospital and Related Health Care Services," such as specialized acute services (for example: rehabilitation, self-care, long-term care, orthopedic).

2. Statewide special health care services provided (for example: renal dialysis, cardiac catheterization, organ transplants, burn center, organ bank).

(c) Applying these factors, with respect to the base year data, New Jersey hospitals have been grouped as Specialized hospitals and separated by rehabilitation centers and other specialized facilities such as orthopedic hospitals, neurological rehabilitation centers, specialized surgery centers, and so forth.

(d) The determination of the characteristics of a hospital's catchment area will be based on population information published in New Jersey March 1981 Census Counts of Population by Race and Spanish Origin, by the State of New Jersey Department of Labor and Industry, and economic characteristics published in the latest official United States Census. For purposes of classifying New Jersey's hospitals by catchment area characteristics, the following criteria are used:

1. Inner City—If a hospital is located in a city of more than 50,000 population (or in a city of more than 10,000 population that is in a county whose population density is more than 2,500 per square mile) and that city has more than 10 percent of families with income less than the poverty level, that hospital shall be categorized as an "inner city" hospital unless the hospital is located in a neighborhood that is atypical of the city or services a patient mix that is atypical of the city (e.g., less than twelve percent of patient days are Medicaid patients).

2. Urban—Hospitals that are located in cities of more than 25,000 population that have high population density.

3. Suburban—Hospitals that are located in cities or towns of more than 10,000 population that are characterized by factors such as high percentage of single-family own-occupied housing and medium population density.

4. Rural—If a hospital is located in a place of less than 25,000 population in a county whose population density is less than 250 per square mile.

8:31A-7.13 Appeals concerning the determination of costs

(a) Appeals may be taken by hospitals, their payors and the Division of Rate Counsel, Department of the Public Advocate (Under N.J.S.A. 52:27 E-18) subsequent to the determination of the Administrative Payment Rate. Such appeals may only be taken if the Administrative Payment Rate resulted from a review with the Analyst or resulted from proceedings in accordance with N.J.A.C. 8:31A-7.2(a)4iii(1).

(b) The request for an appeal must be filed with Health Economics Services, Department of the Public Advocate (Under N.J.S.A. 52:27 E-18) within 30 days following receipt of

notification of the Administrative Payment Rate (established in the manner indicated above). Hospitals shall be notified of the date of their appeal within 30 days following receipt of the request for an appeal.

(c) Within 30 days subsequent to the request of an appeal before the hearing examiner, the hospital shall furnish to the Department of Health and the Public Advocate a list of all items to be appealed and the costs associated with those items.

1. As provided in N.J.A.C. 8:31A-7.2(a)4iv, no documentation other than that provided to the Analyst in connection with the detailed review can be presented to the hearing officer unless the party can establish just cause for failure to provide the documentation earlier. Should any of the parties desire to present any such evidence, it must be sent to the other parties at least 30 days prior to the appeal.

2. Should the hospital desire to bring witnesses to the appeal to substantiate the written document already provided, the hospital must notify the other parties involved of the name of the witness, the item or items which will be the subject of the witness' testimony. This notification must be made at least 30 days prior to the appeal.

(d) After the hearing officer has filed his report, the Commissioner of Health will determine and approve the Final Administrative Rates and the hospital and its payors will be notified in the form of an administrative order over the signature of the Commissioner of Health.

#### 8:31A-7.14 Retroactive adjustments

(a) Since the Global Rate of the alternate Rate will establish costs which are reasonable for establishing Reimbursement Rates, the Final Payment Rate will be adjusted for the following items only:

1. Volume variances.
2. Actual economic factor.
3. Statutory adjustment, if any.
4. Items excluded from the economic factors as listed in N.J.A.C. 8:31A-7.9.
5. Audited Blue Cross add-ons.

(b) The adjustments will apply separately to Physician Costs. Under/over expenditures in Physician Costs cannot be used to offset over/under expenditures in other expenses.

#### 8:31A-7.15 Unpredictable and uncontrollable costs

(a) Should a hospital be faced during the year with unpredictable and uncontrollable changes in its costs, the hospital should notify the Commissioner of Health who will consider the necessity for an adjustment to give relief from such occurrences. This notification must be in writing and received by the Commissioner within 30 days of the occurrence.

#### 8:31A-7.16 Time-Phased Plans

(a) This provision establishes the procedure to develop a plan by which the hospital eliminates unreasonable costs. The plan will phase out those costs deemed unreasonable based on the SHARE comparisons with peer hospitals (based-period challenges). The hospital had the opportunity to appeal these challenges of unreasonable costs at the detailed review with the Analyst. If the hospital did not justify the reasonableness of these base-period costs (which are based on the actual spending), there exists two alternatives. The first alternative is that the hospital recognizes the costs are unreasonable and submits a plan of action designed to eliminate them. The second alternative is that the hospital pursues an appeal to the Hearing Officer and does not submit a plan to reduce unreasonable expenditures.

(b) This regulation sets forth the manner in which each alternative is handled. The expenditures that are to be eliminated are those which are actually being incurred by the hospital. Thus, it does not apply to cost increases over the base year. Such costs should not be incurred by the hospital without the approval of the Department. This section applies only to new base-period challenges (eligible base-period challenges) for which the hospital did not receive a time-phase adjustment in any prior year's approved rate. If the hospital received a time-phase adjustment for a cost center in a previous year, then the hospital had the opportunity to reduce the unreasonable costs and may not receive additional monies to phase out the same costs for a second time.

(c) Any overspending of the Approved Rate overspending challenge relates either to unanticipated and uncontrollable costs or to expenditures not approved by the Department. There exist two means of including unanticipated and uncontrollable costs to a hospital's budget. The first is the Time-Phased Plans as described in this section of the Guidelines which allows a hospital to petition the Commissioner for relief from such expenditures. The second is a request in the actual submission to include legally mandated and Certificate of Need related expenditures in the approved budget base (K Form adjustment). Over-expenditures in the Base Year which are incurred by the hospital without the approval of the Department cannot be appealed in the Rate Year. These expenditures were determined to be unreasonable and the hospital had the opportunity to appeal these challenges at the detailed Analyst review and Administrative law judge hearing. These expenditures may be requested as new management requests at the Analyst review.

(d) Where the above defined actual expenditures are to be reduced, the following procedures shall apply:

1. All Rate Year expenditures that are considered eligible for a time-phase adjustment, per the aforementioned definitions, may be allowed as approved costs. All expenditures incurred prior to the receipt of the Proposed Administrative Payment Rate (APR) will be allowed as approved costs. The hospital will receive this adjustment either in the revised APR or the (FAR) Final Administrative Rate. (For example: A hospital incurs a base period challenge in a cost center in 1983 for which it did not receive a time-phase adjustment in a prior year. If the base period challenge is \$100,000 and the hospital receives the APR on June 30, 1983 the time-phase adjustment (per this section) will include 50 percent of the challenged dollars because six months of the year have elapsed. If the same hospital received its APR on August 1, 1983 the time-phase adjustment would include fifty eight percent of the challenge dollars because seven months of the year elapsed).

i. For hospitals that submit a plan of action, these costs will be allowed in a revised APR in addition to all other expenditures approved through a time-phase plan.

ii. If the hospital does not submit a plan or does not appeal to the Hearing Officer, then the time-phase adjustment, as described in the example, must include only the expenditures incurred up to the date of the APR. This will be considered its time-phase plan and the approved costs will be included in the hospital's FAR.

2. Following receipt of the Administrative Payment Rate, with respect to eligible base period challenges which the hospital does not intend to appeal to the Hearing Officer, the hospital shall submit a detailed plan leading to the elimination of the challenged expenditures within a reasonable period of time. Such plans shall set forth in detail the costs necessarily incurred in eliminating the challenged expenditure within the time period set forth.

### 3. The Hospital Submits a Plan

i. The hospital may submit a time-phase plan for any eligible base-period challenge which was discussed with the Analyst at the detailed review. Where a plan is submitted, the following procedures shall apply.

(1) Notice that the hospital will submit a plan to phase out a base period challenge shall be made to the Analyst no later than 10 working days following receipt of the Administrative Payment Rate.

(2) The submission of such a plan by a hospital shall indicate that the hospital does not wish to contest the challenge to a Hearing Officer Appeal. The hospital shall submit the plan within 20 working days following receipt of the Administrative Payment Rate.

(3) Health Economics Services (HES) will make a written recommendation to this plan no later than 15 working days following the receipt of the plan. The hospital shall receive a copy of the recommendation.

(4) If the hospital accepts the recommendation of Health Economics Services, the Hospital shall notify the Department within 10 working days of the receipt of the recommendation. The recommended plan shall be made a part of the hospital's rate file, appropriate adjustments shall be made to the Administrative Payment Rate and all such expenditures shall be removed from the base for all succeeding years.

(5) If the hospital fails to implement the approved plan, the Department shall treat these expenditures in succeeding years as if the plan had been implemented.

(6) If the hospital does not accept the recommendation of Health Economics Services, the hospital may appeal this decision and shall proceed as under ii(1) below. The hospital must notify the Department within 10 working days of the receipt of the recommendation that the hospital intends to appeal the decision of the Department to the Hearing Officer. No adjustment will be made to the Administrative Payment Rate under these circumstances. Hospitals shall be notified of the date of their appeal within 30 days following the receipt of the request for this appeal. Where possible, this appeal will be heard in conjunction with any other appeals scheduled for that hospital under N.J.A.C. 8:31A-7.14.

ii. When an institution appeals the time-phased plan to the Hearing Officer i.(6) above the following procedure shall apply:

(1) The Hearing Officer shall make a recommendation as to which time-phased plan should be approved (i.e., either the hospital's plan as proposed under i(2) above or the recommendation of Health Economics Services as proposed under 1(3) above. The approved plan shall be made part of the

hospital's rate file, appropriate adjustment shall be made to the payment rate (APR/FAR) and all such expenditures shall be removed from the base for all succeeding years.

### 4. The Hospital Does Not Submit a Plan

i. Where a hospital does not submit a time-phased plan for an eligible base period challenge, the following procedures shall apply:

(1) When the Hearing Officer recommends that a base period challenge be included in the hospital's budget as reasonable cost, such cost shall be paid and allowed in the Final Administrative Rate (FAR) only upon the waiver by the hospital of all further appeals for that cost center.

(2) Where the Hearing Officer sustains the base period challenge, an adjustment shall be made in accordance with (d)1 above, and this adjustment will constitute an approved time-phased plan. The approved costs shall include costs actually incurred up to the date of the hearing, where such appeals involve colorable issues and are taken in good faith. Whenever the Hearing Officer shall determine that non-colorable issues have been pursued or the issues were not pursued in good faith, only those expenditures covered in (d)1 above shall be included in the approved costs. This adjustment shall be made to the Final Administrative Rate and all such expenditures shall be removed from the base for all succeeding years.

(3) If the hospital fails to implement the approved plan, the Department shall treat these expenditures in succeeding years as if the plan has been implemented.

5. For hospitals receiving a time-phased adjustment, 2, 3 and 4 above the following provisions shall apply in all future years:

i. Where a hospital has been granted an adjustment for the purpose of reducing unreasonable costs (base period challenges) in any cost center no similar adjustment shall be made in future years. The hospital may appeal a situation in which the reasonableness screen is lower than it was in the prior year.

ii. The hospital may request legal or management changes in any cost center. The hospital has the right to a hearing with respect to the denial of any legal or management request.

iii. In the development of rates, there shall be no adjustment through at time-phased plan of the overspending of the approved budget. The hospital had the opportunity to appeal its approved budget at the Detailed Analyst Review and in Appeal before a Hearing Officer. All reasonable costs were included in the hospital's approved budget. The hospital can appeal prior year overspending as it relates to N.J.A.C. 8:31a-7.15. Additionally, N.J.A.C. 8:31A-7.16 allows the hospital to petition the Commissioner for relief of unpredictable changes in its cost.

APPENDIX A  
Cost Center Record

Function	Cost Center (Abbr.)	Level	Peer Group	Units of Services	Cost Increase Analysis		
					Reason-ability Limit	Vari-ability Personnel	Factor Supplies
Inpatient Care	ACU	I	Statewide	ACU Patient Days	1.1	50	100
	ICU	I	Statewide	ICU Patient Days	1.1	50	100
	NBN	II	Statewide	NBN-Days	1.2	50	100
	SAC	I	Statewide	SAC Patient Days	1.2	50	100
Outpatient Care	EMR	II	Character	ER Admission	1.1	50	100
Ancillary Service	ANS	III	Statewide	OR Hours & Dels.	—	50	100
	CSS	I	Category	Admissions	1.1	50	100
	DEL	I	Statewide	Del & Gyn Procedures	1.1	50	100
	DIA	III	Statewide	DIA Treatments	—	50	100
	EDG	I	Category	Admissions	1.1	50	100
	LAB	I	Category	Admissions	1.1	50	100
	ORR	I	Category	ORR Hrs. + (.241 x operations)	1.1	50	100
	PHM	I	Category	Patient Days & (3.74 x adm.)	1.1	50	100
	PHT	II	Category	Patient Days	1.3	50	100
	RAD	I	Category	Admissions	1.1	50	100
	RSP	I	Category	Patient Days	1.2	50	100
	CCA	III	Statewide	Procedures	—	50	100
	BBK	II	Statewide	Admissions	1.2	—	100
	OPM	III	Statewide	Patient Days	—	50	—

APPENDIX A  
Cost Center Record

Function	Cost Center (Abbr.)	Level	Peer Group	Units of Services	Cost Increase Analysis		
					Reason-ability Limit	Vari-ability Personnel	Factor Supplies
Physician	PHY	II	Statewide	Fee & Sal. Hrs.	1.1	0	0
	RSD	II	Statewide	Fee & Sal. Hrs.	1.1	0	0
General Services	A&G	I	Category	Patient Days	1.1	0	0
	DTY	I	Statewide	Patient Days**	1.1	50	100
	FIS	I	Category	Admission	1.1	50	100
	HKP	I	Statewide	Sq. Ft.*	1.1	0	0
	MAL	III	Category	Patient Days	—	0	0
	MRD	I	Category	Admissions	1.1	50	50
	PCC	II	Category	Admissions	1.1	0	0
	PLT	I	Character	Sq. Ft.*	1.1	0	0
	UTC	III	Statewide	Sq. Ft.*	—	0	0
	OGS	II	Charactor	Patient Days	1.3	0	0
L&L	I	Statewide	Patient Days	1.1	50	50	
Other	EDR	III	Category		—	0	0
Fringe Benefits	LFB	—	Statewide	Hours			
	PFB	—	Statewide	Hours			
	PEN	—	Statewide	Hours			
	INT	III	Statewide	Patient Days			
	DEP	III	Statewide	Patient Days			

\* Inpatient % for this cost center  
\*\* Excluding "In & Out" same day

**HEALTH**

**ADOPTIONS**

**APPENDIX B**

Abbreviation	Cost Center Description	Abbreviation	Cost Center Description
ACU	Acute Care Unit	RSD	Resident
ICU	Intensive Care Unit	A&G	Administrative and General
NBN	Newborn Nursery	DTY	Dietary
SAC	Sub-Acute Case	FIS	Fiscal
EMR	Emergency Room	HKP	Housekeeping
ANS	Anesthesia	MAL	Malpractice
CSS	Central and Sterile Supply	MRD	Medical Records
DEL	Delivery	PCC	Patient Care Coordination
DIA	Dialysis	PLT	Plant
EDG	Electrodiagnosis	UTC	Utilities
LAB	Laboratory	OGS	Other General Services
ORR	Operating and Recovery Rooms	L&L	Laundry & Linen
PHM	Pharmacy	EDR	Education
PHT	Physical Therapy	LFB	Legal Fringe Benefits
RAD	Radiology	PFB	Policy Fringe Benefits
RSP	Respiratory Therapy	PEN	Pension
CCA	Cardiac Catheterization	INT	Interest
BBK	Blood Bank	DEP	Depreciation
OPM	Other Physical Medicine		
PHY	Physician		

**APPENDIX C**

**Labor Market Areas Used in Calculating Equalization Factors**

Area	Abbreviation	Counties Included
1.	PASSA	Passaic
2.	HACK	Bergen
3.	NEWT	Sussex, Warren
4.	TRENT	Mercer, Hunterdon
5.	NEWARK	Union, Essex, Somerset, Morris
6.	JERCIT	Hudson
7.	NEBRU	Middlesex
8.	LBRAN	Monmouth, Ocean
9.	ATCIT	Atlantic, Cape May
10.	CAM/BURL	Burlington, Camden, Gloucester, Salem, Cumberland

(a)

## OCCUPATIONAL AND ENVIRONMENTAL HEALTH SERVICES

### Worker and Community Right to Know Act

**Adopted New Rule: N.J.A.C. 8:59**

**Adopted Amendment: N.J.A.C. 8:59-1 to be recodified as 8:59-9**

**Jointly Adopted New Rule: N.J.A.C. 8:59-3 (N.J.A.C. 7:1G-6)**

Proposed: July 16, 1984 at 16 N.J.R. 1869(a) (N.J.A.C. 8:59) and 1924(a) (N.J.A.C. 8:59-3).

Adopted: September 13, 1984, by J. Richard Goldstein, MD., Commissioner, State Department of Health (N.J.A.C. 8:59-3 jointly adopted by Robert E. Hughey, Commissioner, Department of Environmental Protection on September 13, 1984).

Filed: September 14, 1984 as R.1984 d.441 **with substantive and technical changes** not requiring additional public notice and comment. (See N.J.A.C. 1:30-3.5).

Authority: L.1983, c.315, N.J.S.A. 34:5A-1 et seq., specifically N.J.S.A. 34:5A-32.

Effective Date: October 1, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): October 1, 1989.

#### Summary of Public Comments and Agency Responses:

The New Jersey Department of Health held two public hearings concerning the proposed new rules, N.J.A.C. 8:59, on August 1, 1984 in Cherry Hill, New Jersey, and on August 2, 1984 in Livingston, New Jersey. In addition, a joint public hearing with the New Jersey Department of Environmental Protection concerning the proposed new rule, N.J.A.C. 8:59-3, dealing with trade secrets, was held on August 9, 1984 in Trenton, New Jersey. Over 500 copies of the proposal were distributed to the public. The public comment period remained open for 30 days through August 15, 1984. Thirteen persons testified at the public hearings, six of whom also submitted written testimony (indicated by an asterisk).

Chem-Mark—Edward Zavaglia  
 Chemical Workers Association—Charles W. Morris, Sr.\*  
 Coalition Against Toxics—Jane Nogaki  
 John T. Drdak  
 Economics Laboratory, Incorporated—  
 Jeffrey K. Peterson\*  
 Mobilab Union—James Gelsinger\*  
 Mona Industries—George Lowry  
 N.J. Committee for Occupational Safety and Health—  
 Adrienne Markowitz

N.J. Department of the Public Advocate—  
 Edward H. Tetelman, Esq.\*  
 Noville Essential Oil Company—William Bosch  
 Philadelphia Area Project on Occupational Safety and  
 Health—Richard Engler\*  
 Thomas Plocek  
 Public Interest Law Center of Philadelphia—  
 Jerome Balter, Esq.\*  
 An additional 26 written comments were submitted by the  
 following:  
 American Cynamid Company  
 Atlantic Electric Company  
 Atlantic Industries, Incorporated  
 Atlantic Richfield Company  
 Chemical Industry Council of New Jersey  
 Cosmetic, Toiletry and Fragrance Association,  
 Incorporated  
 Senator Daniel J. Dalton  
 Diamond Shamrock Chemicals Company  
 E.I. du Pont de Nemours & Company, Incorporated  
 Essex County Office of the County Counsel  
 Essex Specialty Products, Incorporated  
 Fragrance Materials Association/Flavor and Extract  
 Manufacturers' Association  
 GPU Nuclear  
 Hoffmann-La Roche Incorporated  
 Jersey Central Power & Light Company  
 Ketchum Distribution, Incorporated  
 Merck & Company, Incorporated  
 Monsanto Industrial Chemicals Company  
 New Jersey Business & Industry Association  
 New Jersey Environmental Lobby  
 New Jersey Petroleum Council  
 Oil, Chemical and Atomic Workers International Union  
 Public Service Electric and Gas Company  
 Schering-Plough Corporation  
 Smooth-On, Incorporated  
 Stauffer Chemical Company

The following summarizes the comments received and provides the department's responses to these comments. All comments are on file at the Department of Health.

#### SUBCHAPTER 1. GENERAL INFORMATION

1. Comment: Section 1.2—The Public Advocate recommended a number of minor word changes in paragraphs 5, 6 and 8.

Response: The department believes the existing language is clear and does not need further clarification.

2. Comment: Section 1.3—Sixteen commenters suggested changes to one or more of the following definitions:

“Common name”  
 “Employee representative”  
 “Employer”  
 “Exposed”  
 “Facility”  
 “Flashpoint”  
 “Hazardous substance”  
 “Hazardous substance fact sheet”  
 “Local fire department”  
 “Local police department”  
 “Person”  
 “Process container”  
 “Research and development laboratory”  
 “Technically qualified person”  
 “Trade secret”

The definition of "common name" comes directly from the Act and will not be altered.

The definition of "employee representative" will be revised to eliminate the requirement for employees in unorganized workplaces to hire attorneys as their employee representative. Any person authorized by an employee in writing will be allowed to be the employee's representative. This suggested change was made by Mobilab Union, Chemical Workers Association, PHILAPOSH, the Public Interest Law Center, and the Coalition Against Toxics.

Atlantic Electric and PSE&G suggested that "employer" be modified to exclude administrative and business offices of covered employers where it is unlikely that hazardous substances would exist. The Act does not allow such exemptions. All facilities associated with a covered employer such as administrative offices, business offices, sales offices, research and development laboratories, warehouses, and transfer facilities are covered by the law and must be included in the workplace survey with other buildings at the same facility, or, if in a different location, must submit a separate workplace survey. The law does allow for employees who work in areas where there are no hazardous substances to be excluded from education and training programs. This is covered below.

Hoffmann-La Roche and Merck contended that the definition of "exposes" is overly broad and could mean that all employees must be trained and informed of the hazards of all materials at the site. For education and training purposes, the department did not intend the overinclusiveness suggested by the companies. Administrative and clerical employees who are not exposed or potentially exposed to hazardous substances in other parts of the facility do not need to be educated and trained about them. This definition comes directly from the Occupational Safety and Health Administration's Hazard Communication Rule and will not be changed.

PSE&G, JCP&L and Atlantic Electric expressed concern about the definition of "facility" which would potentially require a workplace survey for each of their telephone poles. The department did not intend this to occur and will modify the definition to clarify that hazardous substances found in remote installed equipment should be reported on the workplace survey of the facility from which employees are assigned to work on said equipment.

Schering-Plough claimed that the definition of "flashpoint" was incomplete. The department has expanded the definition.

Ketchum Distributors, the Public Advocate, Merck, Public Interest Law Center, PHILAPOSH, JCP&L, Atlantic Electric, PSE&G, and NJBIA objected to paragraph 4 in the definition of "hazardous substance". The department will change paragraph 4 to reflect the wording in the statute. Hoffmann-La Roche suggested the addition of a fifth exemption which the department believes cannot be made since the statute specifically limited the exemptions to four. Atlantic Electric suggested including the threshold percentage for special health hazard substances in paragraph 3 but the department does not believe this is necessary since a person can readily look at subchapter 10 to find out the threshold percentages for special health hazard substances. Du Pont and NJBIA commended the department for the inclusion of "in a container" in paragraph 2.

The Public Interest Law Center and Public Advocate suggested an addition to the definition of "hazardous substance fact sheet" to be consistent with the rest of the rule. The department will make this change.

The Public Advocate suggested that the definition of "local fire department" be written in the plural. The department believes this is unnecessary.

The Public Advocate suggested that the definition of "local police department" be written in the plural. The department believes this is unnecessary.

Du Pont suggested that the definition of "person" be limited to persons living or working in New Jersey. The department does not believe that the action which the company wishes to be prevented by such a change will in fact be prevented. In any case the law does not allow limiting access to New Jersey residents. The definition of "person" is being modified however to conform to the definition used by the New Jersey Department of Environmental Protection in their Right to Know rules.

The Public Interest Law Center, the Public Advocate, PHILAPOSH, and the Oil, Chemical and Atomic Workers Union suggested a re-wording of the term "changed frequently" in the definition of "process container". They wanted "changed frequently" to be greater than twice per shift. Merck wanted the definition of "changed frequently" to be deleted while Hoffmann-La Roche and Schering-Plough wanted it changed to once per week and Atlantic Industries wanted it changed to once per day. The department accepts the recommendation of Atlantic Industries and will propose an amendment to the rule in the near future. The Public Interest Law Center recommended re-wording the definition of the term "routinely used and reused" while the New Jersey Petroleum Council recommended its deletion and allowing continuous flow processes to be considered process containers. The Department has modified the wording without changing the meaning to assure that the definition is understandable. Merck suggested that reaction vessels be considered process containers. Schering-Plough noted the absence of a definition for "reaction vessel" and suggested that the term should be changed to "process vessels."

The New Jersey Petroleum Council suggested changing the definition of "research and development laboratory" by substituting "or" for "and" in front of "testing". This suggestion would change the meaning of the defined term as set forth in the Act. Laboratories that perform testing without research and development activity (such as quality control laboratories) are not entitled to research and development laboratory exemption under the Act.

The Public Interest Law Center and Public Advocate suggested some wording changes in the definition of "technically qualified person", while Hoffmann-La Roche felt that it may serve to exclude the first line supervisor or manager from conducting any of the required education and training for employees. The definition is not meant to exclude knowledgeable supervisors from conducting education and training programs and specifically includes "training, or experience" in place of formal education degrees. The department has deleted the last part of the definition for clarification.

Du Pont stated that the definition of "trade secret" was too limited. The definition comes directly from the law, however, in accordance with the intent of the law, the definition has been modified to allow trade secret claims for substances which are used in research and development and for substances which are used in mixtures.

3. Comment: Section 1.3—A new definition will be added:  
"Emergency services information survey"

The definition of "emergency services information survey" is being moved without change from subchapter 3 (N.J.A.C. 8:59-3) to this subchapter.

## SUBCHAPTER 2. WORKPLACE SURVEY

4. Comment: Section 2.1—Since research and development laboratories are exempted from completing workplace surveys but are required to maintain hazardous substance fact sheets for all hazardous substances at the laboratory, the Public Interest Law Center proposed that R & D laboratories be required to transmit to the department a complete schedule of hazardous substances present at the laboratory.

Response: The department cannot require such a schedule because, as the commenter recognized, research and development laboratories are exempt from submitting a list of hazardous substances at their facilities to the department. The method of requesting the appropriate hazardous substance fact sheets is up to each research and development laboratory. For example, a laboratory can request any number of the hazardous substance fact sheets or it may wish to request the complete set of 2051 hazardous substance fact sheets.

5. Comment: Section 2.1—The Chemical Industry Council commented about the lack of substance numbers for the hazardous substances listed in the Workplace Hazardous Substance List published on June 18, 1984, and urged the department to send a copy of the regulations to every employer at no charge.

Response: The copy of the Workplace Hazardous Substance List to be sent to all employers in the Fall with the workplace survey will contain substance numbers to enable proper completion of the workplace survey. The department will send a copy of the final Right to Know Act regulations to every employer along with the workplace survey.

6. Comment: Section 2.1(a)—The Public Advocate urged the Department of Health to require the Department of Labor to take additional steps to discover employers who are covered by the Act.

Response: The Department of Labor is responsible for adopting their own rules.

7. Comment: Section 2.1(d)—Du Pont, the Chemical Industry Council, and Atlantic Industries requested the department to grant extensions up to 90 days for completion of the workplace survey.

Response: Section 7(a) of the Act states that employers have 90 days to complete the workplace survey. The comment that it may take more than 90 days to find out the composition of a product in order to list the hazardous substance components on the workplace survey, is addressed in subsection 2.2(e) where an additional 90 days is allowed to find out the components of a mixture (for a total of six months from receipt of the survey).

8. Comment: Section 2.1(e)—In order to fulfill the requirements of the law to make Spanish translations of the workplace survey available upon request in a timely fashion, the Public Interest Law Center, the Public Advocate and the Oil, Chemical and Atomic Workers Union recommended that the department automatically send Spanish translations of the workplace survey to employers and county health departments, county clerks, or designated county lead agencies.

Response: The department agrees and has modified this section. With regard to the public, Spanish translations of the workplace survey will be sent upon request.

9. Comment: Section 2.2(a)—The Public Interest Law Center recommended that this section should be explained in greater detail.

Response: The department agrees and has added several explanatory sentences to inform the employer of what later sections of the regulations require the employer to report on the workplace survey.

10. Comment: Section 2.2(a)—The Chemical Industry Council and Atlantic Industries objected to the requirement that hazardous substances must be listed on the workplace survey in alphabetical order.

Response: The benefits from an alphabetical listing will not only accrue to the department, but will enable employees, community residents, and fire and police personnel to find out whether a hazardous substance is present at a facility. The department also needs such a listing for its use in responding to public inquiries, transmitting appropriate hazardous substance fact sheets to employers, and compliance activities. The alphabetical listing has been limited to each page of the survey.

11. Comment: Section 2.2(b)—The Public Interest Law Center and the Public Advocate suggested clarifying language for this section while the Chemical Industry Council asked for clarification of the language.

Response: The subsection has been re-drafted to better explain its meaning. In order for the department to enforce compliance with the law, it needs to know which hazardous substances are present in which substances, mixtures, or intermediates. A hazardous substance present in a substance would refer to a single substance. An intermediate is another name for a mixture that would be found only at the employer's facility as an interim step in manufacture of the final product (mixture).

12. Comment: Section 2.2(c)—The Public Interest Law Center and the Public Advocate proposed the deletion of this section because they claim that listing the name of a substance on the workplace survey cannot reveal a trade secret.

Response: The department disagrees. Section 15 of the Act specifically allows trade secret claims for information requested on the workplace survey.

13. Comment: Section 2.2(d)—NJBIA, Economics Laboratory, Atlantic Industries, Atlantic Electric, Chemical Industry Council, PSE&G, American Cyanamid, and FMA/FEMA stated that allowing the department to request information on the workplace survey other than the name of a hazardous substance is unwarranted and not authorized by the Act. American Cyanamid requested deletion of such questions from the workplace survey, while Merck suggested the addition of the word "reasonably".

Response: Section 32 of the Worker and Community Right to Know Act gives the department the right to "adopt any rules and regulations necessary to carry out (its) responsibilities under this act," and provides the authority for the department to request information on the workplace survey for matters such as compliance with education and training program requirements. Although the section already limits the information that can be requested to that which is "necessary in order to carry out its responsibilities under the Act," the department will adopt Merck's suggestion to add "reasonably" before "necessary." In addition, an employer can file a trade secret claim for any information requested on the workplace survey except for its name and address.

14. Comment: Section 2.2(e)—Du Pont indicated that this section may be interpreted by employers as requiring them to find out the "non-hazardous" components of substances, mixtures, and intermediates by early 1985 when such information does not have to be known until August 29, 1986, the deadline for universal labeling of all containers.

Response: Information on "non-hazardous" substances is not required by an employer until August 29, 1986 when all such substances must be labeled. However, an employer should attempt to acquire information regarding the components of all products at its facility as soon as possible so that

containers can be labeled to meet the August 29, 1986 deadline.

15. Comment: Section 2.2(f)—Economics Laboratory, Atlantic Electric and JCP&L said that requiring an employer to attempt to find out the components of substances for six months is too long and enables the department to evade its responsibility to find out the components of unknown substances. The Chemical Industry Council believed this section requires the reporting of non-hazardous substances which is prohibited by the Act. JCP&L wanted the department to incorporate a requirement that notification of the inability to determine the components of a substance should be sent by certified mail. The Public Interest Law Center and the Public Advocate requested a clarifying word. NJBIA requested clarification of this section. GPU Nuclear believed the department's responsibility should be spelled out in the rules.

Response: The time period for finding out the components of unknown substances was set by the department at six months at the request of members of the business community. This subsection does not require the reporting of non-hazardous substances since if the components of a substance are unknown one does not know if the substance is hazardous or not. Any company that wishes to send its notification of inability to find out the components of a substance by certified mail can do so. The department's responsibility is set forth in the Act in section 7(a). "And" was changed to "or" to clarify the first sentence.

16. Comment: Section 2.3—JCP&L said that local agencies should be prohibited from requesting further information if the company has already notified the department that it does not have such information; Atlantic Electric wanted requests funneled through the department; PSE&G stated that such requests are not authorized by the Act; and the Essex County Counsel said the type of information to be requested should be delineated.

Response: Section 2.3 is authorized by Section 25(a) of the Act. The Act also says such requests shall be made directly to the employer. If the employer does not have the information that the local agency is requesting, it should so inform the agency making the request. The section already specifies that the information requested should be "information concerning the survey."

17. Comment: Section 2—NJBIA, FMA/FEMA, American Cyanamid, and the Chemical Industry Council stated that the workplace survey should be published in the rules for public comment.

Response: The department does not believe that the workplace survey should be included in the rules. Two drafts of these forms were informally submitted to the Industry and Labor/Environmental Ad Hoc Advisory Committee for review and were sent to 30 companies for pre-testing.

### SUBCHAPTER 3. TRADE SECRETS

18. Comment: The New Jersey Petroleum Council and FMA/FEMA wanted employers to retain their trade secret information until the department needed it for a specific situation or to make a determination. FMA/FEMA wanted to label trade secrets with their own numbers in lieu of trade secret registry numbers and wanted to provide trade secret information directly to physicians and osteopaths.

Response: The department is required by Section 15 of the Act to determine the validity of trade secret claims and, in order to do so, must receive documentation in support of claims. The Act also requires the trade secret to be submitted

to the department, requires the department to assign trade secret registry numbers to be used on labels, and requires the department to provide trade secret information to physicians and osteopaths in certain situations.

19. Comment: Many businesses and industry trade associations have expressed concern over the ability of the State to protect the confidentiality of their trade secret information.

Response: The department is aware of this concern and of its own responsibilities to maintain the confidentiality of this information, and is establishing an office with locked files, a secure entry system, and other security devices which exceed the requirements set forth in the rules, to maintain the security of trade secret information entrusted to it. The Act provides severe criminal penalties for unauthorized release of trade secret information.

The department has demonstrated its concern for trade secrets by allowing employers to write their own hazardous substance fact sheets in place of department-prepared hazardous substance fact sheets for trade secret substances. These fact sheets can be prepared in any format employers wish and the rules limit their distribution to employees and the department.

20. Comment: Section 3.2(a)—The Chemical Industry Council and Schering-Plough suggested the deletion of the word "hazardous" because trade secret claims may be filed for substances which are not listed on the Workplace Hazardous Substance List.

Response: The word "hazardous" has been deleted.

21. Comment: Section 3.4(c) and (d)—Monsanto and NJBIA suggested additional wording to clarify the purpose of these subsections.

Response: Wording has been added to clarify that trade secret information should be omitted from surveys that are made available to the public and public agencies other than the Departments of Health and Environmental Protection.

22. Comment: Section 3.4(c) and (d)—The Public Interest Law Center and the Public Advocate recommended that employers should pass out written material to their employees to inform them of the procedure for requesting trade secret information.

Response: This information may be included on the poster to be prepared by the department and posted by every employer at its facility.

23. Comment: Section 3.4(e)—Merck suggested that the submission of a trade secret claim to the department by certified mail return receipt requested be made discretionary rather than mandatory.

Response: The department will not deny a trade secret claim if an employer submits its claim by regular mail, however, the department cannot guarantee the confidentiality of the trade secret information if it is submitted by regular mail. This requirement is for the protection of the employer and establishes a procedure which documents the receipt of trade secret information by the department.

24. Comment: Section 3.4(f)—Monsanto asked to be allowed to use words other than "confidential" on trade secret documents.

Response: The department believes that allowing more than one type of designation could lead to confusion in handling the documents and to potential disclosure of trade secret information, so the department will continue to require the word "confidential". However, an employer can use words in addition to "confidential" on trade secret documents if it wishes to do so.

25. Section 3.4(h)—The department has added a sentence to clarify its intent to notify employers before a trade secret

determination is made to give employers the opportunity to submit additional information concerning the claim.

26. Comment: Section 3.4(j)—The Chemical Industry Council, Schering-Plough, and American Cyanamid suggested that employers be notified before their trade secret information is incorporated into cumulations of data, while Monsanto suggested that a minimum number of companies be included in a cumulation of data.

Response: The department understands its responsibility to maintain the confidentiality of all data released to the public and will not allow any such grouped data to cause the release of trade secret information. All trade secret information will be grouped and compiled in such a way as to protect the identity of individual employers. The department routinely groups and compiles confidential medical data for epidemiological purposes and therefore is experienced in protecting confidential material during this process.

27. Comment: Section 3.4(k)—The Public Interest Law Center and the Public Advocate recommended that the department deny trade secret claims of an employer if it does not follow the procedures set forth in the trade secret regulations. Section 3.4(k)—The Chemical Industry Council and NJBIA suggested the addition of wording to limit the type of information submitted, while Monsanto claimed that such inspections were not authorized by the Act.

Response: The department does not believe that a procedural violation merits the denial of a trade secret claim. Wording has been added to limit additional information to that which is relevant to the trade secret claim. The general authority vested in the departments by the Act provides the authority to inspect facilities to investigate the validity of trade secret claims.

28. Comment: Section 3.5—The Public Interest Law Center and the Public Advocate recommended that no trade secret claims should be allowed on the workplace survey, while the New Jersey Committee for Occupational Safety and Health claimed that no trade secrets should be allowed anywhere.

Response: Section 15 of the Act allows trade secrets to be claimed on the workplace survey and on labels.

29. Comment: Section 3.5(a)(1)—NJBIA proposed the addition of a phrase to clarify under what conditions special health hazard substances could not be claimed as a trade secret.

Response: The proposed phrase has been added.

30. Comment: Section 3.5(a)(2)—Merck recommended the addition of the word "publicly" in order to allow employers to claim trade secret status for information which has been supplied to other agencies as confidential information.

Response: This change has been adopted.

31. Comment: Section 3.5(a)(3)(iii) and (iv)—The Chemical Industry Council, Schering-Plough, and American Cyanamid recommended the deletion of these subparagraphs, while the Public Advocate recommended that they be retained.

Response: These subparagraphs have been deleted to allow trade secret claims to be made for this information. However, in accordance with the act, the Department will still receive this information. Any person may make a request for such information and, if the claim is determined not to be a trade secret the requestor will be provided with the information.

32. Comment: Section 3.6(a) and (b)—Atlantic Industries, Schering-Plough, FMA/FEMA, Stauffer Chemicals, the Chemical Industry Council, American Cyanamid, and Monsanto claimed that trade secret claims should not have to be filed annually.

Response: A sentence has been added to clarify the intent of the subsection. Trade secret claims must be filed annually on the workplace survey. The supporting documentation filed previously does not have to be filed again; only new pertinent information should be submitted with the annual trade secret claim on the survey. This subsection does not require an approved trade secret to be reconsidered each year.

33. Comment: Section 3.6(b) (re-numbered as 3.6(a)2)—Du Pont suggested that this subsection requires a trade secret claim to be made on the workplace survey for a "non-hazardous" substance while Section 24 of the Act says that substances not listed on the Workplace Hazardous Substance List should not be reported on the workplace survey.

Response: Trade secret claims may be filed for "non-hazardous" substances which must be labeled. In order to decrease the burden to industry, the workplace survey is being used to file these claims.

34. Comment: Section 3.6(d) (re-numbered as 3.6(a)3)—FMA/FEMA stated that substances may not be treated as trade secrets immediately upon arrival at an employer's facility, while the Chemical Industry Council and Schering-Plough requested an increase to 90 days for submission of trade secret claims filed after the workplace survey has been filed.

Response: If substances are not treated as trade secrets immediately upon arrival at an employer's facility, they must be labeled with their chemical or common name and Chemical Abstract Service number the same as any other substance, until such time as the employer labels them with trade secret registry numbers. The department believes that 5 days is sufficient time to file the trade secret claim in light of the fact that an employer will know that it will be filing a trade secret claim before the substance arrives at the facility. For "non-hazardous" substances, employers have a two year period in which to prepare for labeling of these substances.

35. Comment: Section 3.6(e) (re-lettered as 3.6(c))—The Chemical Industry Council and NJBIA recommended the deletion of this subsection. NJBIA claimed that the filing of such trade secret information without departmental need raises the risk of unauthorized disclosure while the information is in the department's possession. Atlantic Industries claimed paragraph 2 is impossible to determine, while the New Jersey Petroleum Council felt paragraph 4 is self-evident.

Response: The information required in this subsection is necessary for the evaluation of trade secret claims. The department has established security provisions in the rules to protect the confidentiality of all trade secret information in its possession, including the physical security of locked filing cabinets in a locked office and access restricted to a few authorized persons. The department has maintained confidential medical information for many years and is aware of the importance of keeping trade secret information confidential. Protection of trade secrets is being given the highest priority by the department. The harmful effects of disclosure of a trade secret (paragraph 4) differ widely and is an important consideration in any trade secret claim.

36. Comment: Section 3.6(e) and (g)—The Public Advocate recommended combining these two subsections.

Response: Subsections 3.6(f) and (g) have been combined and duplicative material has been eliminated. One item from subsection 3.6(f) has been moved to (e).

37. Comment: Section 3.6(f) (re-lettered as 3.6(d))—The Public Interest Law Center recommended that information the department "may" request be added to subsection 3.6(e) which requires the submission of certain information. The

Public Advocate suggested that the time to supply such requested information be reduced to 10 days.

Response: The department will determine whether the information listed in subsection (f) is needed, and, if so, will request it from an employer. Thirty days is a reasonable amount of time for an employer to acquire and submit requested material.

38. Comment: Section 3.6(g) (re-lettered as 3.6(e))—Mobilab Union, the Chemical Workers Association, the Public Interest Law Center, and the Public Advocate recommended that an employer be required to submit information about the items listed in this subsection, while Merck requested that paragraph 4 be deleted.

Response: The department has the opportunity to request this information if it deems it necessary for the determination of a trade secret claim. Paragraph 4 will not be deleted because the amount of effort or money expended by an employer in developing a trade secret could be important in deciding a claim.

39. Comment: Section 3.6(i) (re-lettered as 3.6(g))—The Public Interest Law Center and the Public Advocate suggested adding "in good faith" to an employer's certification of its trade secret claim.

Response: The department believes that an employer that certifies that its trade secret claim is "true, accurate and complete" means that the employer believes its information is a trade secret.

40. Comment: Section 3.6(j) (re-lettered as 3.6(h))—The New Jersey Petroleum Council claimed that a complete claim could not be filed if the number of pages were limited.

Response: An employer should be as complete as possible with its trade secret claim in the pages requested by the department. The page limit has been set to reduce the work of employers in compiling massive amounts of supporting information and in reducing the amount of information the department is responsible for keeping confidential. An employer will be able to submit additional information upon notification by the department that it is considering the trade secret claim.

41. Comment: Section 3.6(k) (re-lettered as 3.6(i))—The Chemical Workers Association recommended that the time be reduced to 30 days while the Public Advocate recommended its reduction to 10 days.

Response: The department believes 60 days is an appropriate amount of time for an employer to submit new pertinent information about a trade secret claim.

42. Comment: Section 3.6(l) (re-lettered as 3.6(j))—The Public Advocate suggested greater specificity in the location of bulletin boards, greater distribution of the notice, and a reduction of the time limit for posting the notice to two days. NJBIA, the Chemical Industry Council, Schering-Plough, FMA/FEMA, du Pont, and Monsanto objected to the requirement to post a notice notifying employees of the filing of a trade secret claim, while Merck objected to sending a notice to the municipality.

Response: The requirements of this subsection are consistent with Section 12 of the Act requiring posting of a notice informing employees of the existence of an employer's central file and the availability of surveys and fact sheets. The subsection has been modified to require posting of a notice when a determination of the claim is being considered by the department rather than upon filing of a claim. A Spanish translation of the notice will be provided by the department. Reference to the municipality has been deleted.

43. Comment: Section 3.7(b)—FMA/FEMA recommended the deletion of the phrase "not limited to" from the

list of those persons authorized to receive trade secret information.

Response: The recommended change has been made.

44. Comment: Section 3.7(c)—The Chemical Industry Council and Schering-Plough stated that this subsection is inconsistent with subsection 3.7(h).

Response: The two subsections are not inconsistent because they deal with different aspects of handling and using trade secret documents. Subsection 3.7(c) pertains to documents transmitted by the department to the employer or any authorized person, while subsection 3.7(h) deals with the use of trade secret documents within the department.

45. Comment: Section 3.7(e)—Monsanto asked to be allowed to use words other than "confidential" on trade secret information documents.

Response: The department believes that allowing more than one type of such designation would lead to confusion in handling the documents and will continue to require the word "confidential".

46. Comment: Section 3.7(h)—The Chemical Industry Council and Schering-Plough requested the department to mail a copy of the log of persons who use trade secret documents to the affected employers and to prohibit copying of trade secret documents.

Response: The log is an internal document used by the department to maintain the security of trade secret information. An employer may request in writing from the department the names of persons who have used the information. Copying of trade secret documents is prohibited unless absolutely necessary and the copy will be destroyed immediately after completion of the use for which it was intended.

47. Comment: Section 3.8(c)—NJBIA suggested clarification of the reference to special health hazard substances. The Public Advocate and the Public Interest Law Center recommended the deletion of this section establishing a joint committee for certain trade secret claim determinations.

Response: The joint committee has been replaced by a procedure which requires one department to consult with the other department prior to making a determination on a claim when the same claim has been filed with both departments.

48. Comment: Section 3.9(a) (re-numbered 3.17(a))—The Public Interest Law Center and the Public Advocate requested the department to require labeling required by the United States Department of Transportation to be included on labels which contain trade secret registry numbers. Monsanto requested the use of a code or number system for trade secret registry numbers on labels.

Response: The State Legislature considered the inclusion of hazard warning information on labels during discussion of the Right to Know Act and rejected it in favor of chemical or common names and trade secret registry numbers. The department cannot require such labeling in light of the legislative history. A code or number system is allowed in certain circumstances in N.J.A.C. 8:59-5.

49. Comment: Section 3.10(a) (re-numbered 3.9(a))—Monsanto and Atlantic Richfield requested the deletion of paragraphs 1 and 2, respectively. The Public Advocate suggested a wording change so that the subsection would not establish a presumption of a trade secret, recommended the deletion of "research and development" in paragraph 3, and asked who would be the appropriate federal official to certify national defense necessity. The Chemical Workers Association recommended adding "and" after each paragraph.

Response: Paragraphs 1 and 2 come from Section 3(u) of the Act. These criteria apply to processes and formulas, not to

single substance names, and the department is not requiring the reporting of processes and formulas on the workplace survey. In paragraph 2, the term "other individuals" may include employees. The phrase "if the employer establishes" has been added as suggested. Research and development laboratories, a group added by the department to paragraph 3, are covered by the Act and should be allowed to claim trade secrets like any other covered employer. The department considers the appropriate federal official to be the Secretary of Defense or a representative. The interpretation that all four items must be established for a trade secret claim to be approved is correct. The department does not feel it is not necessary to add the word "and".

50. Comment: Section 3.10(b) (re-numbered 3.9(b))—Monsanto suggested adding a phrase to say that an employer only has to establish that the "use of" the substance is unknown to competitors to establish a trade secret claim.

Response: The existing wording comes from Section 3(u) of the Act.

51. Comment: Section 3.11(a) (re-numbered 3.10(a))—The Chemical Industry Council, Schering-Plough, and American Cyanamid would like the department to require additional information about requestors, and FMA/FEMA and American Cyanamid wanted employers to be notified of all requests. The Public Advocate recommended keeping the names of all requestors confidential. CTFA recommended that the employer be notified when the department undertakes the determination of a trade secret claim.

Response: The department will ask for the affiliation of the requestor but will not automatically notify employers of requests that have been filed. Employers will be notified of requests when the department sends them a notice that a determination of the trade secret claim is being considered. The names of employees making requests will be kept confidential.

52. Comment: Section 3.11(c) (re-numbered 3.10(c))—The Public Advocate recommended a reduction of the time for departmental decision on a request for trade secret information to 30 days.

Response: Without knowing the number of trade secret claims and requests it will receive, the department believes 120 days to be a reasonable time. Other claims not the subject of a request will be processed as expeditiously as possible.

53. Section 3.11(b)—This new section has been added to provide notice to employees of approved trade secret claims. There will be no additional burden placed on employers as a result from this requirement because the department will provide the notice in English and Spanish for posting.

54. Comment: Section 3.13(b)—NJBIA, FMA/FEMA, and Merck suggested modifications to this subsection, while the Chemical Industry Council, Monsanto, and Schering-Plough suggested its deletion.

Response: The notice of request of an administrative hearing to appeal the denial of a trade secret claim will be sent to the county health department, county clerk, or designated county lead agency, instead of to the municipal clerk. Such a notice to employees informs them of the appeal and enables them to submit any relevant information for consideration.

55. Comment: Section 3.13(d)—The Chemical Industry Council and Schering-Plough suggested that the Administrative Law Judge's decision be sent to employers and that the department provide reasons for its decision.

Response: The Administrative Law Judge's opinion will be reviewed and accepted, rejected or modified by the department before it is released to an employer. The decision will contain findings of fact and conclusions of law.

56. Comment: Section 3.14(a)—The Chemical Industry Council and Schering-Plough requested that employers be allowed to remove a claimed trade secret substance from the state if their trade secret claims are denied to preclude the claimed trade secret information from being entered on workplace, environmental, and emergency services information surveys. American Cyanamid, the Chemical Industry Council, and Schering-Plough suggested a different method of modifying the surveys.

Response: A claimed trade secret substance, when denied, is no longer subject to trade secret protection and becomes public information. An employee, especially one who has worked with the substance, cannot be denied the identity of a substance which is not a trade secret. The proposed method of modifying the surveys is the most efficient method.

57. Comment: Section 3.15—Merck, FMA/FEMA and the Chemical Industry Council recommended that the confidentiality agreement required in this section be subject to public comment and incorporated into the rules.

Response: The department does not feel it is necessary or appropriate to promulgate as formal rules documents prepared to implement the Right to Know law. The department understands the need to have a strong confidentiality agreement and will circulate the proposed agreement to the Right to Know Advisory Council for review. At that time the Chemical Industry Council's proposed language will be considered.

58. Comment: Section 3.15(a)—FMA/FEMA suggested an employer's consent be in writing, while the Chemical Industry Council and Schering-Plough wanted to exclude department personnel and others from access to trade secret information without prior written consent of the employer.

Response: The word "written" has been added. Section 15(g) of the Act allows department personnel and other authorized persons be allowed access to trade secret information without the employer's consent.

59. Comment: Section 3.15(b)—NJBIA requested a hearing for an employer and the Chemical Industry Council requested the employer's prior written consent before an officer or employee of the State is granted access to trade secret information.

Response: By giving prior notification to an employer prior to release of trade secret information, an employer is given sufficient opportunity to raise its concerns and objections, if any, with the department or the courts without the need for a hearing.

60. Comment: Section 3.15(c)—NJBIA recommended that contractors who are authorized to handle trade secret information be bonded, while Schering-Plough and the Chemical Industry Council wanted greater employer control over contractors.

Response: The department feels that sufficient protection is afforded to an employer to protect against unauthorized disclosure by a contractor by the provisions in this subsection.

61. Comment: Section 3.15(d)—FMA/FEMA and CTFA wanted employers to be notified prior to release of trade secret information to a physician or osteopath.

Response: The section has been modified to give prior notification to employers where feasible.

62. Comment: Section 3.15(g)—FMA/FEMA was concerned about the waiver of procedural protections in cases of emergency and suggested a wording change.

Response: This subsection provides that a confidentiality agreement shall be read to the person receiving the trade secret information who shall sign said agreement within 72 hours of receipt of such information. The suggested change has been accepted.

63. Comment: Section 3.16—The Chemical Industry Council and Schering-Plough suggested that persons who disclose trade secret information without proper authorization be subject to civil suits.

Response: The commenters should consult existing State law about the rights of an employer to sue a person who discloses trade secret information without proper authorization.

64. Comment: The Public Interest Law Center and the Public Advocate suggested that the department issue an annual report on the status of trade secret claims.

Response: The department will consider including information about trade secret claims in the annual report on Right to Know Act activities.

65. Comment: Atlantic Richfield suggested using the phrase "trade secret employer" instead of the term "employer".

Response: This is not necessary. The term "employer" is a defined term which is used throughout the Act and the rules. "Employer" is the party which files trade secret claims.

66. Comment: American Cyanamid, Schering-Plough, the Chemical Industry Council, and NJBIA recommended that employees with access to trade secret information be restricted in post-departmental employment with other employers covered by the Act.

Response: The department does not feel this is necessary in light of other provisions guaranteeing security such as confidentiality agreements and criminal penalties for unlawful disclosure.

#### SUBCHAPTER 4. HAZARDOUS SUBSTANCE FACT SHEETS

67. Comment: Section 4.1—NJBIA requested the rules to require the department to send a full set of fact sheets to anyone who requests them.

Response: This is already provided in the rules in subsection 7.1(c).

68. Comment: Section 4.1(d)—Economics Laboratory, PSE&G, JCP&L, New Jersey Petroleum Council, NJBIA, and Merck objected to the requirement that employers maintain and make available to employees material safety data sheets on mixtures because it is not specifically allowed by the law. The Public Interest Law Center requested some clarifying language. FMA/FEMA expressed concern that there is no provision to claim a trade secret on these material safety data sheets.

Response: The department will propose the deletion of this subsection in the near future.

69. Comment: Section 4.1(f)—The Public Interest Law Center, the Public Advocate, PHILAPOSH, and the Oil, Chemical and Atomic Workers Union suggested that the department transmit Spanish translations of hazardous substance fact sheets to employers and county agencies automatically. Essex County Counsel suggested a technical language change.

Response: The department has changed the language of the section to make Spanish translations available without the necessity for a request except in the case of the public, and has made the technical language change.

70. Comment: Section 4.2(a)—The Public Interest Law Center, PHILAPOSH, suggested changes in the language of the section. FMA/FEMA claimed that hazardous substance

fact sheets have no mechanism to distinguish between hazardous and non-hazardous substances.

Response: The language of this section comes directly from the Act. Employees will be able to make the distinction between hazardous and non-hazardous uses of hazardous substances by using information contained in the hazardous substance fact sheets about routes and symptoms of exposure to the hazardous substance, and proper precautions, practices, necessary personal protective equipment, recommended engineering controls, and necessary and appropriate measures for the safe handling of the hazardous substance.

71. Comment: Section 4.4(a)—FMA/FEMA proposed adding Chemical Abstracts Service number to this section.

Response: The Chemical Abstracts Service number allows identification of a chemical and this obvious oversight has been corrected.

72. Comment: Section 4.4(b)—FMA/FEMA suggested that the standardized explanatory sheet referenced in paragraph 2 should be included in the rule, while Merck suggested that employers should not have to prepare Spanish translations of trade secret hazardous substances fact sheets unless an employer has Spanish speaking employees.

Response: It is not necessary for the department to publish educational material as part of a formal rule. An employee or prospective employee in a company that has prepared its own trade secret hazardous substance fact sheet should not be at a disadvantage to employees who have the opportunity to obtain Spanish translations of hazardous substance fact sheets immediately from the department. If an employer only has to prepare a Spanish translation of a fact sheet on request, this may tend to discourage employers from hiring Spanish speaking workers so that such requests are not made.

73. Section 4.4(b)(3)—In response to the general concern expressed by employers about the security of their trade secrets, especially in relation to hazardous substance fact sheets, the department has added a sentence to provide greater protection for trade secrets by limiting distribution of hazardous substance fact sheets prepared by employers for trade secret substances to employees and to the department.

74. Comment: Section 4.4(c)—The Public Interest Law Center, the Public Advocate, and the Mobilab Union claimed that during the review by the department of a trade secret hazardous substance fact sheet prepared by an employer and the subsequent modifications and Spanish translations to be performed by the employer, the employees will be without any health and safety hazard information about the hazardous substance.

Response: A sentence has been added to subsection 4.4(c) to require the employer's trade secret hazardous substance fact sheet under review to be distributed to employees pending review and approval by the department.

75. Comment: Section 4.4(c)—Merck suggested that the department has absolute discretion in reviewing and requesting modification of the trade secret hazardous substance fact sheet prepared by an employer.

Response: The department has promulgated subsection 4.4(b) to accommodate employers' concerns over their trade secrets. The department has the responsibility to insure that hazardous substance fact sheets developed by employers are accurate and sufficient. In reviewing trade secret fact sheets, the department intends to hold discussions with the employer, as stated in the subsection, to discuss the department's questions. The employer will have an opportunity to present its position to the department.

## SUBCHAPTER 5. LABELING CONTAINERS

76. Comment: Section 5.1—Smooth-On and Monsanto did not want to prepare labels as required by the Act.

Response: Section 14 of the Act requires labeling of hazardous substances and eventually, all containers in the workplace, with the name of the substance and its Chemical Abstracts Service number.

77. Comment: Section 5.1—Diamond-Shamrock posed the following question: During universal labeling when the "non-hazardous" substances among the five most predominant substances in the container must be labeled, would an employer be required to label the sixth "non-hazardous" substance if the percentages of the fourth and fifth substances were identical.

Response: No.

78. Comment: Section 5.1—Thomas Plocek suggested that labels contain pictographs indicating safety and health hazards and other information about the chemical.

Response: Hazard communication warnings on labels were considered by the legislature during development of the law but were rejected in favor of the chemical or common name and Chemical Abstracts Service number on the label, so the department cannot require them. However, an employer is free to print pictographs or any other hazard communication warning on its labels as it sees fit.

79. Comment: Section 5.1(b)—JCP&L, PSE&G and Atlantic Electric claimed that there was no authority in the Act to require "Contents Unknown" labeling, while the New Jersey Petroleum Council asserted that this section should be deleted. Economics Laboratory pointed out that there was no threshold percentage set for knowing the contents of a container.

Response: The authority to require labeling stating "Contents Unknown" comes from the department's general authority to promulgate regulations to implement the law and is in general accordance with the purpose of the labeling provisions in section 14 of the law. Such a label will foster easier implementation of the law. An employer must know the contents of all containers by March 1, 1985 in order to label any hazardous substances in the container. If an employer cannot find out the contents of a container, the container will not contain any label. If such containers were labeled with "Contents Unknown" an employee would know that containers that do not contain any labels do not contain hazardous substances, while those with the "Contents Unknown" label may contain hazardous substances. This should reduce the necessity of employees asking employers about the contents of unlabeled containers. A threshold percentage of one percent will be proposed in the near future. In the case of containers whose contents are partially known, the label "Contents Partially Unknown" would be affixed to the container in addition to hazardous and non-hazardous substance labels.

80. Comment: Section 5.1(c)—JCP&L, Smooth-On, Monsanto, and Essex Specialties objected to labeling substances that are not listed on the Workplace Hazardous Substance List.

Response: The Act requires labeling of substances which are not listed on the Workplace Hazardous Substance List and which are among the five most predominant substances in a mixture, by August 29, 1986. These substances are not necessarily "non-hazardous" even though they may be designated as such for purposes of distinguishing them from the hazardous substances listed on the Workplace Hazardous

Substance List. Some of these substances may also be hazardous but the Department of Health has not had sufficient time to acquire documented scientific evidence to prove this. In fact, OSHA considers 2311 substances to be hazardous according to the criteria established in their new Hazard Communication Rule; 160 more substances than are listed on New Jersey's hazardous substance list.

81. Comment: Section 5.1(d)—Atlantic Electric, PSE&G, JCP&L, the Chemical Industry Council, Monsanto, Schering-Plough, Economics Laboratory, American Cyanamid, Hoffman-La Roche, and Atlantic Industries urged the deletion of this section while the Public Interest Law Center recommended that the deadline be moved up to March 1, 1985.

Response: The department has reconsidered this provision and has deleted the requirement to put an asterisk on hazardous substance labels.

82. Comment: Section 5.1(e) (re-lettered 5.1(d))—JCP&L, the Chemical Industry Council, Merck, du Pont, and FMA/FEMA urged an extension or elimination of the 60 day time limit, while Economics Laboratory recommended the deletion of warehouses from this section since they do not come within an SIC code for employers covered by the Act. PSE&G wanted multi-packaged products exempted from labeling requirements and FMA/FEMA suggested increasing the five day time limit for labeling to 30 days.

Response: The department has eliminated the time limit for the use of DOT labels in warehouses and transfer facilities and has added storage facilities. Warehouses, while not covered if an independent company, are covered by the Act when they are associated with an employer which is covered by the Act, such as the warehouse of a manufacturing facility. Even when a covered employer rents partial space in a warehouse owned by another, the provisions of the Act will apply to that covered employer if any of its employees work at the warehouse for any amount of time. See definition of "container" to ascertain how multi-packaged products must be labeled. Five days is a reasonable amount of time for labeling newly arrived containers at a facility.

83. Comment: Section 5.1(f) (re-lettered 5.1(e))—The Public Interest Law Center requested a clarification of this section.

Response: A sentence has been added for clarification.

84. Comment: Section 5.1(g) (re-lettered 5.1(f))—PSE&G and NJBIA claimed that the law does not require an employer to test the contents of a container it does not know the contents of and that it is the department's responsibility to find out the unknown contents of containers.

Response: Section 7(a) of the Act requires employers to inform the department of the name of the manufacturer or supplier of containers with unknown contents. The department can only discharge its responsibility to determine the unknown contents of containers when an employer is able to inform the department of the name of the manufacturer or supplier of the container. The intent of the law is for every container in an employer's facility to be labeled. When it becomes impossible for the department to discharge its responsibility because the employer cannot supply the name of the supplier or manufacturer, the responsibility should remain with the employer whose employees are being or may be exposed to the unknown and possibly hazardous substances in the container.

85. Comment: Section 5.1(h) (re-lettered 5.1(g))—Atlantic Electric requested 90 days to label after receiving information identifying the components of a container subsequent to the statutory deadlines.

Response: Labeling in this situation should occur as soon as possible.

86. Comment: Section 5.1(i) (re-lettered 5.1(h))—Economics Laboratory expressed concern with remote labeling of reaction vessels; the New Jersey Petroleum Council wanted continuous flow processes excluded from this section; George Lowry said that labeling would be impossible for changing processes; and the Chemical Industry Council and Hoffman-La Roche recommended the use of batch sheets or operating manuals in place of labels.

Response: A company can always directly label a reaction vessel. Continuous flow processes do not meet the definition of process containers and fall within the category of pipelines which the law requires to be labeled, plus an exception for petroleum process streams has already been allowed in subsection 5.5(e). Changing processes, in general, fall within the category of process containers which are exempt from labeling. The subsection has been modified to allow the posting of batch sheets and operating manuals to meet the labeling requirements of subsections 5.1(a), (b) and (c).

87. Comment: Section 5.1(j) (re-lettered 5.1(i))—Atlantic Electric and JCP&L recommended that the labeling exception for small containers be increased to one gallon, and Merck recommended that it be increased to 250 grams or 250 milliliters, while the Chemical Industry Council urged that containers smaller than two ounces be totally exempt from any type of labeling.

Response: The Act requires all containers, regardless of size, to be labeled. The allowance of a code or number system is being allowed for small containers to prevent the situation where a required label will not fit on the container. The code or number system allowed is similar to the system allowed in research and development laboratories.

88. Comment: Section 5.2(a)—The New Jersey Petroleum Council, Senator Daniel Dalton, the Public Interest Law Center, and the Public Advocate suggested that a definition of "normally operated" be added to this subsection or commented on the second sentence of the subsection, while Schering-Plough requested an exemption for pipelines which are not easily accessible.

Response: To clarify this subsection, a definition of "normally operated" has been added and the second sentence has been deleted. However, no exemption will be granted for less accessible pipelines. The intent of the law is to label pipelines that are operated by employees at the valve, outlet, vent, drain or sample connection. If an employee is able to get to these locations to operate them then they need to be labeled.

89. Comment: Section 5.2(b)—Hoffman-La Roche suggested allowing the posting of one label at the entrance to the roof to cover all of the vents on the roof; Merck requested an exemption for emissions covered by the federal Clean Air Act and discharges covered by the federal Clean Water Act; and du Pont suggested the deletion of the word "contained".

Response: The department will not allow the posting of one label at the roof entrance, will not exempt emissions and discharges covered by these federal laws, and has deleted the word "contained". Labeling requirements for waste material have already been modified by allowing labels prepared pursuant to the federal Resource Conservation and Recovery Act which are not as specific as Right to Know labeling requirements to be used and thus should alleviate possible problems with labeling of waste material that were suggested by the commenters.

90. Comment: Section 5.3—Merck felt that this section did not clearly state that a container labeled with a trade secret

registry number could be identified by a code or number labeling system.

Response: A container labeled with a trade secret registry number can be identified by a code or number labeling system, however, the language of this section comes from Section 14 of the Act.

91. Comment: Section 5.4(a)—The Chemical Industry Council, PSE&G, and du Pont suggested changes to clarify this subsection.

Response: The language in the section has been simplified to better explain the intent of the subsection.

92. Comment: Section 5.4(b)—The Public Interest Law Center and the Public Advocate contended that this subsection was not allowed by the law.

Response: The department feels this subsection meets the intent of the law to label hazardous substances. This subsection applies only to flammable, explosive/reactive, and corrosive substances in concentrations of less than 20 percent in a mixture at which level they are not likely to display the safety hazards associated with the substances.

93. Comment: Section 5.4(c)—Diamond-Shamrock and Economics Laboratory suggested that the language of subsection 5.4(c) and subsection 5.1(c) should be the same.

Response: This subsection is eliminated and incorporated into subsection 5.1(c) in order to clarify the labeling of mixtures.

94. Comment: Section 5.5—Economics Laboratory asked for exceptions to labeling for substances labeled pursuant to the Federal Hazardous Substance Act; Atlantic Electric and PSE&G asked for an exception for PCB's labeled pursuant to the Toxic Substances Control Act (TSCA); PSE&G asked for an exception for gas utility pipelines; and GPU Nuclear asked for an exception for nuclear material labeled pursuant to the Atomic Energy Act.

Response: Since the Federal Hazardous Substance Act does not require the labeling of the specific chemical substances covered by the Workplace Hazardous Substance List, an exception will not be granted for this law. New exceptions for PCB's labeled pursuant to TSCA, for gas utility pipelines and nuclear material will be proposed in the near future.

95. Comment: Section 5.5(b)—Economics Laboratory felt that labeling required by the United States Department of Transportation should be sufficient for labeling under the Right to Know Act.

Response: Section 14 of the Right to Know Act requires labels to contain the specific chemical or common name and Chemical Abstracts Service number on the label. Some DOT labels contain the same chemical or common name and some do not. Those that do not are not allowable as substitute labeling.

96. Comment: Section 5.5(d)—Economics Laboratory, Merck, Schering-Plough, and Hoffmann-La Roche claimed that the Federal Food, Drug and Cosmetic Act (FDCA) requires the labeling of all active and certain inactive ingredients of cosmetics and drugs and, therefore, the exception should not be limited to a certain size container. Merck also requested that the word "drug" be substituted for "pharmaceutical."

Response: The department has modified the subsection to apply, without size limitation, to containers labeled pursuant to the FDCA where the names of all hazardous and other substances of active, excipient, and inactive chemicals are included on the label, for food, drugs, and cosmetics. The suggested word change has also been made. There are over 700 inactive ingredients in drugs, some of which are hazard-

ous, and the department does not feel it can further expand this exception. Examples of "inactive" ingredients allowed by the FDCA include the fungicide captan, carbon tetrachloride, ethylene oxide, formaldehyde, methylene chloride, nitric acid, tetrachloroethylene, and trichloroethylene. The department will propose to increase the size of the container in the subsection to five gallons (18.9 liters) in the near future.

97. Comment: Section 5.5(e)—The New Jersey Petroleum Council suggested two changes regarding the labeling of petroleum process streams.

Response: The department has adopted, with modification, the first recommended change as a replacement for the second sentence. The other proposed change to allow substitution of process stream names on labels in place of chemical names of individual substances will be considered at such time as the Petroleum Council indicates to the department which process streams it would suggest for inclusion on the Workplace Hazardous Substance List.

98. Comment: Section 5.6—Merck suggested that small containers in research and development laboratories should be totally excluded from labeling requirements.

Response: Section 14 of the Act requires labeling of all containers regardless of size.

99. Comment: Section 5.6(a)(2)—The Public Interest Law Center and the Public Advocate claimed that this paragraph is at variance with the Act.

Response: The phrase "in a container" was added to this paragraph because it would be prohibitively expensive for employers to comply with the provision as set forth in the Act and would be unenforceable by the department. The intent of the Act is not compromised by this language.

100. Comment: Section 5.6(a)(4)—The Public Interest Law Center, the Public Advocate, Merck, and NJBIA suggested that this paragraph should reflect the original language of the Act.

Response: This paragraph and the definition of "hazardous substance" in section 1.3 have been similarly modified to reflect the wording in the Act.

101. Comment: Section 5.6(b)—Merck questioned whether this provision would contravene the department's intention to exempt certain pipelines attached to process containers.

Response: The purpose of this subsection is to exempt from labeling pipelines whose contents change at the same rate, at least once per shift, as the process containers to which they are attached, even if the pipelines are separated from the process container by a valve. All other pipelines must be labeled pursuant to the Act.

102. Comment: Section 5.7—PSE&G and Atlantic Electric suggested that the department allow the use of more common names for hazardous substances.

Response: The department is receptive to adding additional common names to the Workplace Hazardous Substance List and would welcome any suggestions of common names for consideration by the department.

103. Comment: Section 5.8(a)—Hoffman-La Roche and Merck suggested that the definition of "label" be changed to include batch sheet (operating log).

Response: Subsection 5.1(i) (relettered 5.1(h)) has been modified to address their concerns.

104. Comment: Section 5.9—Monsanto wanted to use its own trade secret number in place of the Right to Know Act's trade secret registry number.

Response: Section 15(c) of the Act gives the department the responsibility for assigning trade secret registry numbers. The department has exercised this responsibility by developing a scheme to have employers assign their own trade secret regis-

try numbers. One uniform system is necessary for assigning registry numbers.

105. Comment: Section 5.9(a)—The Public Advocate and the Public Interest Law Center suggested that DOT labeling be required on labels containing trade secret registry numbers.

Response: The department cannot require an employer to label pursuant to the DOT regulations when the Right to Know Act does not require hazard warning labeling and only requires the chemical name and CAS number of the substance on a label.

106. Comment: Section 5.9(b)—The Public Advocate suggested that a time limitation of 10 days be added to this section.

Response: The subsection has been modified to reflect this change.

107. Comment: Section 5—Economics Laboratory asked for an exemption from labeling finished products, however, the department is allowing DOT labels on unopened containers in warehouses, storage, or transfer facilities for an unlimited time period. See N.J.A.C. 8:59-5.1(d.).

Response: The department is required to and will, at a later date, develop a list of finished and durable containers which contain hazardous substances which will be excluded from the requirement to label. At the present time there is no exclusion for finished products, however, the department is allowing DOT labels on unopened containers in warehouses, storage, or transfer facilities for an unlimited time period. (See N.J.A.C. 8:59-5.1(d).)

Subchapter 6—Education and Training Program

108. Comment: Section 6.1(a)—PSE&G and NJBIA objected to providing employees with an education and training program on paid employer time.

Response: This requirement does not mean that the employee must be trained during his or her shift. Education and training can take place at other times as long as the employee is paid. The State Department of Labor has informed the Department of Health that such mandatory training must be provided to employees on paid employer time.

109. Comment: Section 6.1(a)—Du Pont requested clarification of this section.

Response: The subsection has been modified to clarify that the mixtures referred to are those which contain one or more hazardous substances.

110. Comment: Section 6.1(a)(2)—Schering-Plough, Hoffmann-La Roche, JCP&L and the New Jersey Petroleum Council would like the word "all" deleted or modified.

Response: The requirement for training employees to handle hazardous substances under "all circumstances" comes from Section 13 of the Act.

111. Comment: Section 6.1(d)—JCP&L, PSE&G, Schering-Plough and Merck contended that all employees should not have to be trained about hazardous substances because employees such as office workers will never be exposed to all substances in their facilities.

Response: It was not the intent of the department to require training of all employees about all hazardous substances. Education and training should be given to employees about hazardous substances to which they are exposed or may potentially be exposed (see definition of "exposed") in the course of their employment. This probably excludes most office workers. The subsection has been modified to clarify this intent.

112. Comment: Section 6.1(d)—Mobilab Union asked how research and development laboratories will provide certification of employee education and training when they are not required to submit workplace surveys to the department.

Merck suggested that employees who possess a degree of Associate or higher do not need additional education and training about the hazards of hazardous substances and should be excluded from education and training requirements.

Response: Subsection 6.1(d) has been modified to require research and development laboratories to certify, similar to other employers, compliance with education and training programs by letter by January 1 of each year. The department believes that employees in research and development with college degrees in most cases do not receive adequate health and safety training as part of their education. In any case, they would still need specific training about the health and safety hazards of the specific hazardous substances in the laboratory in which they work. The training requirements are sufficiently general to allow employers to develop training programs appropriate to different groups of employees.

113. Comment: Section 6.1(e)—Schering-Plough believed that the requirement that employees sign their names to prove that they have received education and training is unduly burdensome.

Response: The department disagrees and believes these signatures are necessary to allow enforcement of this subsection.

114. Comment: Section 6.2(a)—Hoffman-La Roche requested a relaxation of the March 1, 1985 deadline for education and training of current employees.

Response: This deadline is set forth in Section 13 of the Act.

115. Comment: Section 6.2(b)—Du Pont requested an extension of the deadline for new employee training to 90 days.

Response: A deadline of one month is set forth in Section 13 of the Act. In addition, the department has modified this subsection to require training of reassigned employees within the first month of reassignment.

116. Comment: Section 6.2(c)—PSE&G claimed that providing education and training to employees within three months of receiving the name of a substance and hazardous substance fact sheet from the department is unduly burdensome.

Response: Such education and training would not be unduly burdensome because it need only be about the new information received and not a second full-scale program.

117. Comment: Section 6.2(d)—The Public Interest Law Center, Public Advocate, Chemical Workers Association, and Oil, Chemical and Atomic Workers Union recommended deleting the phrase "upon request".

Response: This phrase comes from Section 11(a) of the Act.

118. Comment: Section 6.2(e)—The Public Interest Law Center and the Public Advocate have recommended that employers provide notice of workplace surveys and fact sheets to prospective employees in writing.

Response: The department does not feel that this is necessary.

119. Comment: Section 6.3(a)—JCP&L asked how does a company evaluate the effectiveness of an education and training program.

Response: Among the methods that an employer can utilize to evaluate the effectiveness of its program is to test employees by written or oral test, monitor employees activities to determine whether they are adhering to safety work practices to a greater degree, and solicit an evaluation of the program by the employees. These are just some of the methods of evaluating a program and are not intended to be an exclusive list of such methods.

120. Comment: Section 6.3(b)—PSE&G asked whether a video showing is an acceptable substitute for physically show-

ing employees the location of hazardous substances. The Public Interest Law Center and the Public Advocate recommended adding a new subsection regarding an employee's right to refuse to work. Schering-Plough and Hoffman-La Roche suggested adding "foreseeable" in paragraph 3. JCP&L and Merck questioned which employees should receive respirator training, and Merck requested a clarification of paragraph 4.i. regarding an employer's obligation to furnish information to employees about the substances listed in the workplace survey.

Response: A video showing is not an acceptable substitute. The department feels that actual hands on training, even if limited in scope, is important. The subject matter of an employee's right to refuse to work is already covered in another subsection. Section 13 of the Act specifically says "under all circumstances" for the explanation of proper and safe procedures for handling. An explanation of the policy and program for use of respirators should be given to those employees who use respirators and need not be given to those employees who do not use respirators. Employees that are not exposed or potentially exposed to some of the hazardous substances at the facility need not be educated and trained about those hazardous substances.

121. Comment: Section 6.3(b)(4)(v)—NJBIA objected to requiring counties to keep confidential the names of employees who request information.

Response: Section 10(d) of the Act requires the department to keep confidential the names of employees who request workplace surveys and hazardous substance fact sheets. In order to encourage employees to utilize their county agencies and to be consistent with the intent of this provision, the department feels it is necessary to require confidentiality by the county agency.

122. Comment: Section 6.3(e)—Merck requested a clarification of the education and training program requirements for research and development laboratories.

Response: The subsection has been re-worded. It is not intended to require a research and development laboratory to submit a workplace survey or to maintain a central file of surveys and hazardous substance fact sheets. The R & D laboratories may request the appropriate hazardous substance fact sheets and provide them to their employees in any manner they wish.

123. Comment: Section 6.4—Merck raised the issue that existing education and training programs do not include an explanation of the Right to Know Act and thus cannot meet these requirements for certification. The Public Advocate suggested that the requirements of subsection 6.4(a) be made more specific and more stringent.

Response: The department will certify education and training programs that are in existence at the time of the return of the workplace survey and that have been adapted to meet the requirements set out in section 6.3. The department also feels that the provisions of subsection 6.4(a) are adequate and do not need to be changed.

#### SUBCHAPTER 7. EMPLOYEE AND PUBLIC ACCESS TO INFORMATION

124. Comment: Section 7.1—NJBIA suggested that the department keep a list of all persons who request workplace surveys and hazardous substance fact sheets and, with Merck, called upon the department to notify employers of such requests. Tom Plocek suggested that distribution of this material be screened.

Response: Workplace surveys and hazardous substance fact sheets will be maintained for 30 years and are available to anyone who requests them according to Section 10 of the Act. The Act does not require the department to maintain a list of persons who request information pursuant to the Right to Know Act or to supply such information to employers.

125. Comment: Section 7.1(e)—The Public Interest Law Center, the Oil, Chemical and Atomic Workers Union, the Public Advocate, and the Coalition Against Toxics requested that the names of all requesters be kept confidential.

Response: Section 10(d) of the Act only requires that the names of employees requesting information be kept confidential, not members of the general public or other companies or agencies.

126. Comment: FMA/FEMA claimed that it would be easy to figure out a trade secret by comparing regular fact sheets with trade secret fact sheets.

Response: Section 7.1(g)—The department has added subsection (g) to provide greater protection for trade secrets by restricting its distribution of hazardous substance fact sheets prepared by employers for trade secret substances to those persons permitted in section 3.15, the subchapter regulating trade secrets.

127. Comment: Section 7.2(a)—JCP&L asked whether an employer can establish and maintain its central file at a headquarters facility rather than each facility. The Public Interest Law Center and the Public Advocate recommended that the central file be maintained so that it is accessible to all shifts while the Law Center recommended that a copy of the Workplace Hazardous Substance List also be kept in the central file.

Response: A central file must be maintained at all facilities, not just at a headquarters facility. The Act does not require an employee to have physical access to the central file. An employer is required to provide workplace surveys and hazardous substance fact sheets to its employee within five days of a request in any manner it chooses. The section has been amended to require maintenance of a copy of the Workplace Hazardous Substance List in the central file.

128. Section 7.2(b)—This section has been modified to require an employer to post a notice of the availability of surveys and fact sheets for employees use until such time as the department supplies a poster to the employer containing similar information, for posting.

129. Comment: Section 7.2(d)—Mobilab Union, Chemical Workers Association, the Public Interest Law Center, and PHILAPOSH recommended that employees have access to the central file on all shifts.

Response: As previously discussed, the Act does not require an employee to have physical access to the central file. However, in keeping with the intent of the law that employees should have access to health and safety information about a hazardous substance prior to working with it, the language of the subsection has been modified to require an employer to provide requested information as soon as possible, or, at the latest, within five days of the request.

130. Comment: Section 7.2(f)—The Public Advocate, the Public Interest Law Center, and JCP&L requested clarification of this subsection.

Response: Wording has been added to clarify that the names of "non-hazardous" substances need not be provided to employees until after August 29, 1986.

131. Comment: Section 7.2(g)—Atlantic Electric contended that there is no authority to require research and development laboratories to establish a communications program with local agencies.

Response: Section 25(b) of the Act requires a communication program with the local fire department.

132. Comment: Section 7.2(h)(1)—NJBIA objected to the requirement that an employer must provide a material safety data sheet to its employees.

Response: The requirement to provide a material safety data sheet will be proposed to be deleted in the future.

133. Comment: Section 7.3(d)—The Public Advocate, Public Interest Law Center, and Oil, Chemical and Atomic Workers Union recommended that the names of all persons making requests should be kept confidential. NJBIA requested the deletion of this subsection.

Response: Section 10(d) of the Act only requires that the names of employees be kept confidential.

134. Comment: Section 7.3(b)—NJBIA objected to the limitation on counties to charge for the cost of reproducing documents.

Response: No county has objected to this provision. The department believes it is in the public interest to limit charges to the cost of reproduction.

135. Comment: Section 7.4—Merck would like fire and police departments to restrict distribution of workplace surveys to a limited number of their employees.

Response: Such a restriction can be easily circumvented because the same survey is available to any member of the public from the department or the county health department or other county agency. An employer can require confidentiality for any additional information which it conveys to local fire and police departments in response to a request from these departments.

136. Comment: Section 7.5—Regarding an employee's right to refuse to work with a hazardous substance or an unknown substance, JCP&L suggested that employees should not have the right to refuse to work if a hazardous substance fact sheet is unavailable through no fault of the employer. The Public Interest Law Center and the Public Advocate supported the right to refuse to work with substances if the employer does not inform the employee of the chemical name of the substance within 5 working days of the request, no matter what the reason; and the Public Interest Law Center and PHILAPOSH supported and GPU Nuclear opposed allowing an employee to refuse to work a substance of which the employer does not know the identity.

Response: The issue of refusing to work if a hazardous substance fact sheet is unavailable is addressed in subsection 7.5(c). The issue of refusing to work if the identity of a substance is not supplied to the employee within 5 working days of the request is addressed in subsection 7.5(b). The issue of the right of an employee to refuse to work with a substance if an employer does not supply the chemical name and Chemical Abstracts Service number of the substance within 5 working days of the request because the employer does not know the name of the substance is not addressed in the Act.

## SUBCHAPTER 8. ENFORCEMENT

137. Comment: Section 8.2(b)—Merck stated that compromising a civil administrative penalty should be by performance bond "or" terms and conditions.

Response: Any performance bond will have terms and conditions attached to it. Non-performance bond terms and conditions may be established by rule at a later date.

138. Comment: Section 8.3—NJBIA felt that this section was unnecessary.

Response: This section comes from Section 23 of the Act.

139. Comment: Section 8.4(a)—Merck felt that this section should reflect the more limiting language of the statute.

Response: The department is limited by the authority granted by the Act to enter a facility to determine compliance with the Act, and does not believe the language of this subsection requires modification.

140. Comment: Section 8.4(b)—NJBIA and FMA/FEMA commented that the department cannot delegate its enforcement authority to local, county or regional health agencies, and NJBIA requested the deletion of this subsection.

Response: The department can delegate its authority to conduct inspections to local, county, or regional health agencies pursuant to the general powers provided in N.J.S.A. 26:1A-20 under which the department operates. This authority has been confirmed by the Attorney General's Office. Language has been added to clarify that only the Department of Health can take enforcement action.

141. Comment: Section 8.5—The Public Advocate advocated changing this section; Merck and JCP&L said this section was not authorized by the Act; and FMA/FEMA wanted to be able to claim a trade secret employee health and exposure records.

Response: This section is authorized by Section 10(c) of the Act. The department does not feel it is necessary to change this section, however, a new subsection—(c)—will be proposed in the near future to allow trade secret claims to be filed for employee health and exposure records.

#### SUBCHAPTER 9. WORKPLACE HAZARDOUS SUBSTANCE LIST

142. Comment: Section 9.1—Du Pont asked why the first sentence in subsection (b) was deleted from the previously adopted rule.

Response: This sentence as it appeared before has been added as subsection (a).

143. Comment: Section 9.2—Essex Specialities and FMA/FEMA complained that 2053 substances on the Workplace Hazardous Substance List was too many.

Response: The department made a careful and thorough review of the chemicals commonly used in the workplace and their hazards as documented by various governmental and scientific groups, and determined that substances in addition to those on the OSHA and DEP lists posed a threat to the health or safety of employees. The department accordingly used lists of hazardous substances developed by the most authoritative governmental and scientific groups based upon the hazardous physical properties and toxicological and medical evidence of harmful effects, to ensure that the Workplace Hazardous Substance List reflected the intention of the legislature to notify workers about all substances with documented health and safety hazards.

In fact, the Hazard Communication Rule recently promulgated by the Occupational Safety and Health Administration automatically considers 2311 chemicals to be hazardous, although many more chemicals will come within the scope of the OSHA Rule as a result of application of the Rule's general hazard evaluation criteria. (See Respondents Brief, page 8, in *United Steelworkers of America vs. OSHA*, U.S. Court of Appeals—Third Circuit, Case No. 83-3554, July 1984). The OSHA Rule will cover many more hazardous substances than New Jersey's Workplace Hazardous Substance List.

Changes to the proposed amendments to the Workplace Hazardous Substance List include the deletion of three substances which were synonyms for substances already on the list, the correction of Chemical Abstracts Service numbers for

three substances, the modification of three substance names, and the addition of source numbers to two substances.

144. Comment: Section 9.2—George Lowry stated that Copra and Coconut Oil, which are listed as the common name and chemical name of a single substance are not the same substance.

Response: The NIOSH Registry of Toxic Effects of Chemicals lists the name "copra" as a synonym for "coconut oil".

#### SUBCHAPTER 10. SPECIAL HEALTH HAZARD SUBSTANCE LIST

145. Comment: Section 10—FMA/FEMA commented on whether the department had followed the intent and letter of the law in developing the Special Health Hazard Substance List. FMA/FMA challenges whether all the substances on this list are known human carcinogens and teratogens.

Response: The development of the Special Health Hazard Substance List by the department directly follows the definition of special health hazard substance in section 5(b) of the Act. This section reads:

"The department shall develop a special health hazard substance list comprising hazardous substances which, because of their known carcinogenicity, mutagenicity, teratogenicity, flammability, explosiveness, corrosivity, or reactivity pose a special hazard to health and safety, and for which an employer shall not be permitted to make a trade secret claim."

The department has only included known carcinogens, mutagens, teratogens, flammable, explosive, corrosive or reactive substances on this list. Thirty-eight percent of all New Jersey males and 31 percent of all New Jersey females will develop cancer in their lifetime. The department considers the legislature's concern for this disease to be a major impetus for the New Jersey Right-to-Know law. The department has followed the letter and intent of the law. All carcinogens on the special health hazard list have been determined by authoritative scientific groups to be carcinogens. The department believe they pose a special hazard to health and safety which necessitate that workers be informed of their presence.

FEMA/FMA raises the same concern about teratogens as it does about carcinogens. The department independently reviewed and determined which substances to include as teratogens. If FEMA/FMA has evidence or disagreement about a specific teratogen on the special health hazard substance list, the department would be agreeable to review its determination on that specific substance. No such evidence has been submitted.

146. Comment: Section 10.1(b)—The Public Interest Law Center felt that this subsection needed to be clarified; Essex County Counsel thought that the special health hazard substance threshold levels should be substance specific; and Monsanto suggested that one percent was an arbitrary number.

Response: The department does not feel that clarification of the subsection is necessary; threshold levels are substance specific for substances which are flammable, explosive/reactive, and corrosive, while the department feels that one-tenth of one percent is the proper threshold for all carcinogens, mutagens, and teratogens; and the one percent limit for reporting purposes is mandated in the Act.

147. Comment: Section 10.1(d)—Monsanto wanted to claim trade secrets for special health hazard substances, while du Pont felt that the language in subsections (d) and (e) should be the same and that refusing to allow trade secret

claims for special health hazard substances raises constitutional questions.

Response: Section 5(b) of the Act prohibits an employer from claiming a trade secret for a special health hazard substance. The language of the two subsections should not be identical because one deals with trade secret claims while the other deals with labeling. Some clarifying language suggested by du Pont has been added. Questions about the constitutionality of certain provisions of the Right to Know law are presently in litigation.

148. Comment: Section 10.1(e)—Merck suggested modification of the labeling requirements for flammable, explosive/reactive, and corrosive special health hazard substances.

Response: Special health hazard substances are hazardous substances and therefore must be labeled down to one percent in a mixture for flammable, explosive/reactive, and corrosive substances.

149. Comment: Section 10.2(a)1—The Public Interest Law Center suggested adding a preposition to this subsection for clarification purposes.

Response: The preposition has been added.

150. Comment: Section 10.2(a)1—Monsanto commented that only chemicals on the National Toxicology Program and Carcinogen Assessment Group carcinogen lists that induce malignant neoplasms should be included on the Special Health Hazard Substance List.

Response: The department believes that all the carcinogens cited by the National Toxicology Program and Carcinogen Assessment Group meet the criteria suggested by Monsanto. If Monsanto is aware of specific substances that do not, it should submit the evidence to the department. The department will review this evidence to assure that the substances on the Special Health Hazard Substance List are carcinogenic.

151. Comment: Section 10.2(a)1, 2 and 3—Monsanto suggested that it is not always appropriate to choose positive results of toxicity studies over negative results in assessing the toxic potential of chemicals.

Response: In determining whether to include substances on the Special Health Hazard Substance List, positive results should be chosen in assessing risks to humans. The statistical probability of a false positive result exists but since the criterion for mutagenicity is at least three positive results in at least two of three test systems, the likelihood of the substance being assessed incorrectly is very small. The department understands the importance of considering negative studies. As Section 9.3(e)(3) of the Worker and Community Right to Know Act states, "negative results generally indicate the absence of statistically positive results . . . negative results must be reevaluated in light of the limits of sensitivity of each study, its test design, and the protocol followed."

152. Comment: Section 10.2(a)(2)—Monsanto suggested that it is not possible to identify a group of short term tests that conclusively predict the mutagenic potential of a chemical, or its relationship to carcinogenicity in humans. Also, the company questions the inclusion of mutagens as a separate identity on the Special Health Hazard Substance List.

Response: Section 5(b) of the Act requires the department to consider mutagenicity separately for inclusion on the Special Health Hazard Substance List. The department used the criteria for mutagenicity developed by IARC. These are stringent criteria that require three positive results in two of the

three positive test systems. The department has reviewed the substances it has designated as mutagens and has eliminated that designation from three chemicals. The department believes that only known mutagens are included on its list. If Monsanto has data or information to the contrary, they should submit this material to the department for review.

153. Comment: Section 10.2(a)(3)—Monsanto stated that sufficient evidence for human teratogenicity is not met by positive teratogenic evidence in two different animal species.

Response: In the Catalog of Teratogenic Agents (T.H. Shepard, M.D., 3rd ed., 1980), the conditions for defining a teratogenic agent are; 1) the agent must be present during the critical periods of developing and 2) the agent should produce congenital defects in an experimental animal. While animal study results cannot be directly extrapolated, they can be utilized as indicators of human teratogenicity. Since no one animal is consistently the most appropriate test species, requiring positive evidence in two different species increases the likelihood of the substance in question being a human teratogen. In the absence of human evidence, the animal studies provide the best available data.

154. Comment: Section 10.2(a)(4)—Merck objected to the criteria for flammability because it covered substances which were less than extreme hazards.

Response: The department has adopted the National Fire Protection Association's third and fourth degrees (highest on a scale of four) and DOT's criteria for flammability to include materials that are readily ignited under almost all ambient temperature conditions. These are common criteria used throughout industry.

155. Comment: Section 10.2(b)—The Chemical Industry Council, Stauffer Chemicals, Schering-Plough, American Cyanamid, Hoffmann-La Roche, Atlantic Industries, and NJBIA commented that the Special Health Hazard Substance List is too extensive.

Response: The department followed both the letter and intent of the law in developing the Special Health Hazard Substance List. Although the actual number of substances on the list is 835, qualifiers were placed on 500 substances on the list which are solely flammable, explosive/reactive, or corrosive. This means that for these 500 substances, they are considered a special health hazard only under special circumstances. There are only 335 substances which are special health hazards under all circumstances. The Department believes that it was the legislature's intent and that there is scientific support that carcinogens, mutagens and teratogens should be treated as special health hazards. In the universe of 50,000 chemicals commonly used in industry it is not unreasonable to identify 0.67 percent of them as being special health hazards because of their ability to cause cancer, mutations, or birth defects.

Based upon a final review of its data for listing mutagens and teratogens on the Special Health Hazard Substance List, the department has decided to delete the designation of mutagen from three substances and the designation of teratogen from one substance. This has resulted in the deletion of three substances from the Special Health Hazard Substance List.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks **\*[thus]\***).

## CHAPTER 59

## WORKER AND COMMUNITY RIGHT TO KNOW ACT

## SUBCHAPTER 1. GENERAL INFORMATION

## 8:59-1.1 Authority

The regulations contained in this chapter are promulgated pursuant to the authority of the Worker and Community Right to Know Act, L.1983, c.315, N.J.S.A. 34:5A-1 et seq.

## 8:59-1.2 Purpose

(a) It is the purpose of these regulations to:

1. Provide a procedure and comprehensive program whereby residents of the State may gain access to information about hazardous substances in the workplace and the community;

2. Protect the public health, safety, and welfare;

3. Make it easier to monitor and detect any adverse health effects attributable to hazardous substances;

4. Enable individuals to detect and minimize effects of exposure to hazardous substances by making them aware of the identity of substances to which they are exposed and the early symptoms of unsafe exposure;

5. Provide individuals with the information to enable them to handle hazardous substances in a safe manner;

6. Provide individuals with information explaining the full range of the risks they face from exposure to hazardous substances so that they are in a position to make knowledgeable decisions;

7. Provide local health, fire, police, safety and other governmental officials with detailed information about the identity, characteristics, and quantities of hazardous substances used and stored in their communities in order to adequately plan for, and respond to, emergencies.

8. Implement the New Jersey Worker and Community Right to Know Act, L.1983, c.315, N.J.S.A. 34:5A-1 et seq.

## 8:59-1.3 Definitions

The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

“Act” means the Worker and Community Right to Know Act, L.1983, Chapter 315, N.J.S.A. 34:5A-1 et seq.

“Article” means a manufactured item: (1) which is formed to a specific shape or design during manufacture; (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (3) which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.

“Carcinogen” means a substance that can directly, or after transformation, act to initiate or promote the development of malignant neoplasia.

“Chemical Abstracts Service number” means the unique identification number assigned by the Chemical Abstracts Service to chemicals.

“Chemical name” is the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the Chemical Abstracts Service rules of nomenclature.

“Common name” means any designation or identification such as a code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

“Container” means a receptacle used to hold a liquid, solid, or gaseous substance, including, but not limited to, bottles, pipelines, bags, barrels, boxes, cans, cylinders,

drums, cartons, vessels, vats, and stationary or mobile storage tanks. “Container shall not include process containers.

“Corrosive” means a substance, either liquid or solid, that can cause visible destruction or irreversible alterations in human skin at the site of contact.

“Council” means the Right To Know Advisory Council created pursuant to N.J.S.A. 34:5A-18.

“County health department” means a county health agency established pursuant to L.1975, c.329 (N.J.S.A. 26:3A2-1 et seq.), the office of a county clerk in a county which has not established a department, or a designated county lead agency.

“Department” and “Department of Health” means the New Jersey State Department of Health unless the context clearly indicates otherwise.

“Designated county lead agency” means a health agency designated by the county clerk to be responsible for conducting all county health department activities required by this act in the county.

“Designated representative” means an employee of the department designated in writing by the Commissioner.

\*“Emergency Services Information Survey” or “ESI Survey” means a written form prepared by the Department of Environmental Protection and transmitted to an employer, on which the employer shall provide certain information concerning each of the hazardous materials at its facility, including, but not limited to, the following: the name of the hazardous material and its United States Department of Transportation identification number, the United States Department of Transportation designated hazard class, the approximate range of maximum inventory quantity, the units of measure, the major methods of storage or types of containers, and whether the substance is present in a mixture.\*

“Employee representative” means a certified collective bargaining agent or \*[an]\* attorney \*or individual or organization\* whom an employee \*[authorizes]\* \*gives written authorization\* to exercise his rights to request information pursuant to the provisions of the act, or a parent or legal guardian of a minor \*or legally incompetent\* employee.

“Employer” means any person or corporation in the State engaged in business operations having a Standard Industrial Classification, as designated in the Standard Industrial Classification Manual prepared by the Federal Office of Management and Budget, within Major Group numbers 20 through 39 inclusive (manufacturing industries), numbers 46 through 49 inclusive (pipelines, transportation services, communications, and electric, gas, and sanitary services), number 51 (wholesale trade, nondurable goods), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), number 82 (educational services), and number 84 (museums, art galleries, botanical and zoological gardens). Except for the purposes of the Worker and Community Right to Know Fund, N.J.S.A. 34:5A-26, “employer” means the State and local governments, or any agency, authority, department, bureau, or instrumentality thereof.

“Environmental hazardous substance” means any substance on the environmental hazardous substance list.

“Environmental hazardous substance list” means the list of environmental hazardous substances developed by the Department of Environmental Protection pursuant to N.J.S.A. 34:5A-4.

“Environmental survey” means a written form, entitled Part I or Part II, as the case may be, prepared by the Department of Environmental Protection and transmitted to an employer, on which the employer shall provide certain informa-

tion concerning each of the environmental hazardous substances at his facility.

“Explosive” means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

“Exposed” means that an employee is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (for example, accidental or possible) exposure.

“Facility” means the building, equipment and contiguous area at a single location used for the conduct of business and shall include any area where employees are periodically assigned. \*[A facility may consist of a piece of] \* **Remote installed** equipment which an employee may occasionally repair, maintain, check for proper operation, expand, remove, or replace\*[.]\* **shall be considered part of the facility from which employees are assigned to perform this work.** Except for the purposes of education and training, N.J.S.A. 34:5A-13(c), labeling, N.J.S.A. 34:5A-14, and communication with the local fire department, N.J.S.A. 34:5A-25(b), “facility” shall not include a research and development laboratory.

“Flammable” means the susceptibility of materials to burn.

“Flashpoint” means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite **\*when tested as follows:**

1. **Tagliabue Closed Tester for liquids with a viscosity of less than 45 Saybolt Universal Seconds at 100 degrees Fahrenheit (37.8 degrees Centigrade), that do not contain suspended solids and do not have a tendency to form a surface film under test; or**

2. **Pensky-Martens Closed Tester for liquids with a viscosity equal to or greater than 45 Saybolt Universal Seconds at 100 degrees Fahrenheit (37.8 degrees Centigrade), or that contain suspended solids, or that have a tendency to form a surface film under test; or**

3. **Setaflash Closed Tester\*.**

“Hazardous \*[Substance]” \* **substance**” means any substance, or substance contained in a mixture, included on the workplace hazardous substance list developed by the Department of Health pursuant to N.J.S.A. 34:5A-5, introduced by an employer to be used, studied, produced, or otherwise handled at a facility. “Hazardous \*[Substance]” \* **substance**” shall not include:

(1) Any article containing a hazardous substance if the hazardous substance is present in a solid form which does not pose any acute or chronic health hazard to an employee exposed to it;

(2) Any hazardous substance constituting less than one percent of a mixture unless the hazardous substance is present in an aggregate amount of 500 pounds or more in a container at a facility;

(3) Any hazardous substance which is a special health hazard substance constituting less than the threshold percentage established by the Department of Health for that special health hazard substance when present in a mixture; or

(4) Any hazardous substance present in the same form and concentration as a product packaged for distribution and use by the general public \*[unless]\* **\*to which\*** an \*[employee]\* **\*employee’s\*** \*[regularly and frequently uses the product or his or her]\* exposure during handling is **\*not\*** significantly greater than a consumer’s exposure during the principal use of the \*[hazardous]\* **\*toxic\*** substance.

“Hazardous substance fact sheet” means a written document prepared by the Department of Health for each hazardous substance and transmitted by the department to employers\*, **county health departments, county clerks, designated county lead agencies and the public\*** pursuant to the provisions of the Act.

“Label” means a sign, emblem, sticker, or marker affixed to or stenciled onto a container listing the information required pursuant to N.J.S.A. 34:5A-14.

“Local fire department” means the fire department that has jurisdiction over the location of an employer’s facility.

“Local police department” means the local police department or assigned State Police Troop that has jurisdiction over the location of an employer’s facility.

“Mixture” means a combination of two or more substances not involving a chemical reaction.

“Mutagen” means an agent capable of disturbing the integrity of the hereditary mechanism of the cell or organism.

\*[“Person” includes, but is not limited to, any corporation, association, partnership, individual, municipal health department, county health department, any political subdivision of the State, and any agency of the State or political subdivision of the State.]\*

**\*\*\*Person” includes an individual, corporation, company, partnership, firm, association, trust, estate, public or private institution, group, society, joint stock company, municipality, county, all political subdivisions of this State or any agency or instrumentality thereof including health departments, any agency or instrumentality of the State, and any legal successor, representative agent or agency of the foregoing.\***

“Process container” means a container, excluding a pipeline, the content of which is changed frequently; or a container of 10 gallons or less in capacity, into which substances are transferred from labeled containers, and which is intended only for the immediate use of the employee who performs the transfer; or a container on which a label would be obscured by heat, spillage or other factors; or a test tube, beaker, vial, or other container which is routinely used and reused. **\*The contents of a container will be deemed to be\*** \*[“Changed]” **\*\*\*changed\*** frequently” \*[shall mean a container,]\* **\*if\*** the contents \*[of which is]\* **\*are\*** changed at least once per shift. “Routinely used and reused” shall not include the situation where the same substances are continually being added and removed from the process container as in a continuous flow process.

“Reactive” means a material which can enter into a chemical reaction with other stable or unstable materials.

“Requestor” means any person who makes a request for the disclosure of the information for which a trade secret claim has been made.

“Research and development laboratory” means a specially designated area used primarily for research, development, and testing activity, and not primarily involved in the production of goods for commercial sale, in which hazardous substances or environmental hazardous substances are used by or under the direct supervision of a technically qualified person.

“Special health hazard substance” means any hazardous substance on the special health hazard substance list.

“Special health hazard substance list” means the list of special health hazard substances developed by the Department of Health pursuant to N.J.S.A. 34:5A-5 for which an employer may not make a trade secret claim.

“Technically qualified person” means a person who, because of education, training, or experience, understands the

health risks associated with the toxic or hazardous substance or mixture, and is familiar with the protective procedures to be followed in the use or handling of such substances\*[, and who causes the recognition of health and safety hazards and their prevention and response to be imparted to the employees who work in the work area]\*.

“Teratogen” means a substance which acts during pregnancy to produce a physical or functional defect in the conceptus or offspring.

“Threat to the health or safety of an employee” includes, but is not limited to, a substance which is flammable, explosive, corrosive, reactive, or possesses other physical properties which pose a threat to the health or safety of an employee; a substance which is known to cause cancer, genetic mutations, malfunctions in reproduction, acute or chronic disease, or other physiological malfunctions, in humans or animals.

“Trade secret” means any formula, plan, pattern, process, production data, information, or compilation of information, which is not patented, which is known only to an employer and certain other individuals, and which is used in the **\*research and development or\*** fabrication and production of an article of trade or service **\*or of a mixture\***, and which gives the employer possessing it a competitive advantage over businesses who do not possess it, or the secrecy of which is certified by an appropriate official of the Federal government as necessary for national defense purposes. The chemical name and Chemical Abstracts Service number of a substance shall be considered a trade secret only if the employer can establish that the substance is unknown to competitors.

“Trade secret claim” means a written request, made by an employer pursuant to N.J.S.A. 34:5A-15, to withhold the public disclosure of information on the grounds that the disclosure would reveal a trade secret.

“Trade secret docket number” means a code number temporarily or permanently assigned to the identity of information on the environmental survey by the Department of Environmental Protection.

“Trade secret registry number” means a code number temporarily or permanently assigned to the identity of a substance in a container by the Department of Health pursuant to N.J.S.A. 34:5A-15 and N.J.A.C. 8:59-3.6\*[(a)]\*.

“Workplace Hazardous Substance List” means the list of hazardous substances developed by the Department of Health pursuant to N.J.S.A. \*[35:5A-5]\* **\*34:5A-5\***.

“Workplace survey” means a written document, prepared by the Department of Health and completed by an employer pursuant to the Act, on which the employer shall report each hazardous substance present at his facility.

#### 8:59-1.4 Severability

If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of these rules and to this end, the provisions of these rules are declared to be severable.

### SUBCHAPTER 2. WORKPLACE SURVEY

#### 8:59-2.1 General provisions

(a) A workplace survey shall be prepared by the Department of Health and mailed by the Department of Labor to every employer covered under the New Jersey unemployment insurance law who is also covered by the Act. The Department of Labor will give public notice to employers who are not covered by unemployment insurance but are covered by the Act, to inform them of their responsibility to comply with the Act.

(b) Every employer shall report each hazardous substance listed on the Workplace Hazardous Substance List which is present at its facility.

(c) Every employer shall complete a workplace survey every year.

(d) Within 90 days of receipt of a workplace survey, an employer shall complete and transmit the survey to the Department of Health; the county health department, county clerk, or designated county lead agency, of the county in which the employer's facility is located; the local fire department; and the local police department.

(e) The department shall \*[prepare and, upon request, make available to]\* **\*provide a Spanish translation of a blank copy of the workplace survey to\*** employers; to county health departments, county clerks, or designated county lead agencies; and to the public \*[a Spanish translation of the workplace survey]\*.

#### 8:59-2.2 Completion of workplace survey

(a) An employer shall report \*[on the workplace survey in alphabetical order]\* the hazardous substances which are present at its facility **\*on the workplace survey in alphabetical order on each page of the survey\***. Hazardous substances shall be reported by the common name permitted by N.J.A.C. \*[8:59-5.6,]\* **\*8:59-5.7,\*** and Chemical Abstracts Service number listed on the Workplace Hazardous Substance List. **\*Hazardous substances which are special health hazard substances shall be reported on the workplace survey in accordance with N.J.A.C. 8:59-10.1(b). Hazardous substances other than special health hazard substances which are included in a mixture shall be reported in the workplace survey if they constitute one percent or more of the mixture or if the substance is present in the aggregate of 500 pounds or more in a container at the facility regardless of the percentage of the substance in a mixture.\***

(b) \*[An employer shall maintain records of the hazardous substance components of substances, mixtures or intermediates which are present at its facility. By March 1, 1985, these records shall be completed and be available at each facility for inspection by the department.]\* **\*In order for the department to enforce compliance with the law, an employer shall maintain records which indicate which hazardous substance components are present in which substances, mixtures, or intermediates that are identified by non-generic or non-acceptable common or chemical names.\***

(c) An Employer who wishes to claim a trade secret for the product trade name and chemical name or common name and Chemical Abstracts Service number of a hazardous or other substance shall follow the procedures set forth in N.J.A.C. 8:59-3 for making a trade secret claim on the workplace survey.

(d) An employer shall report on the workplace survey any other information the department determines to be **\*reasonably\*** necessary in order to carry out its responsibilities under the Act.

(e) If an employer does not know the chemical name and Chemical Abstracts Service number of the components of a substance, mixture, or intermediate, at the time of receipt of the annual workplace survey, it shall make a good faith effort during the following six months to obtain this information from the manufacturer or supplier. The employer shall maintain written documentation of its good faith effort.

(f) If an employer is unable to obtain the chemical name and Chemical Abstracts Service number of all hazardous substances \*[and]\* **\*or\*** the nonhazardous substances among the five most predominant components of the substance, mixture,

or intermediate six months after receiving the workplace survey, it shall notify the department on the form provided. The employer shall include the identifying name or trade name of the substance, mixture or intermediate, and the manufacturer's name and address, and shall supply the department with any available corresponding material safety data sheet. If the employer cannot identify the manufacturer's name it shall supply the name and address of the supplier.

(g) An employer shall certify on the workplace survey that the information contained therein is true, accurate and complete to the best of its knowledge.

#### 8:59-2.3 Additional information requested by local agencies

(a) Any county health department, county clerk, or designated county lead agency, local police department, or local fire department may request from an employer submitting a workplace survey to it further information concerning the survey, except for information claimed as trade secret on the survey form, and the employer shall provide the additional information upon the request therefore. The employer shall provide a response within 30 days.

(b) The employer may require the county health department, county clerk, or designated county lead agency; local police department; or local fire department to sign an agreement protecting the confidentiality of any additional information provided pursuant to (a) above.

### SUBCHAPTER 3. TRADE SECRETS

#### 8:59-3.1 Authority

(a) This subchapter is promulgated pursuant to the Worker and Community Right to Know Act, L.1983, c.315, N.J.S.A. 34:5A-1 et seq., in particular, N.J.S.A. 34:5A-15 and 32, and N.J.S.A. 13:1D-9.

(b) This subchapter is a jointly adopted rule of the Department of Health and the Department of Environmental Protection (See N.J.A.C. 7:1G-6).

#### 8:59-3.2 Purpose

(a) Trade secret claims will be filed by employers who are subject to the Act to maintain the confidentiality of information requested in the workplace survey, environmental survey or emergency services information survey and the names of \*[hazardous]\* substances on container labels. It is the purpose of this subchapter to prescribe:

1. The procedures and guidelines for filing a trade secret claim;

2. The information required by the department for determination of a trade secret claim;

3. The methods for maintaining the confidentiality and security of trade secret information;

4. The criteria for determination of a trade secret claim;

5. The procedure for requesting trade secret information;

6. The procedures for appeal of a determination of a trade secret claim; **\*and\***

7. The procedures and guidelines for the disclosure of trade secret information.

#### 8:59-3.3 Definitions

\*[For purposes of this subchapter, "department" means both the State Department of Health and the Department of Environmental Protection, unless otherwise indicated.]\*

\*["Emergency Services Information Survey" or "ESI Survey" means a written form prepared by the Department of Environmental Protection and transmitted to an employer, on

which the employer shall provide certain information concerning each of the hazardous materials at its facility, including, but not limited to, the following: the name of the hazardous material and its United States Department of Transportation identification number, the United States Department of Transportation designated hazard class, the approximate range of maximum inventory quantity, the units of measure, the major methods of storage or types of containers, and whether the substance is present in a mixture.]\*

**\*"Department" means, for purposes of this subchapter, both the State Department of Health and the New Jersey Department of Environmental Protection, unless otherwise indicated.\***

#### 8:59-3.4 General provisions

(a) Except as provided in N.J.A.C. 8:59-3.15, the department shall not disclose any trade secret claim and supporting information, that is pending or has been approved.

(b) An employer shall report the information for which a trade secret claim is being made to the appropriate department in accordance with the provisions of N.J.A.C. 8:59-3.6.

(c) On the workplace survey, environmental survey, and emergency services information survey which the employer is required to send to the county health department, county clerk, or designated county lead agency; local fire department; and local police department; and which it retains on file at the facility, for employee inspection, the employer **\*shall conceal or omit information claimed to be a trade secret, and\*** shall note on the surveys where information has been claimed to be a trade secret.

(d) Any workplace survey, environmental survey, and emergency services information survey shall **\*only\*** be made available to the public **\*with trade secret information concealed\*** indicting pending or approved trade secret information **\*status as required in (c) above\***.

(e) All documents containing the information claimed to be a trade secret and supporting information shall be submitted to the appropriate department by certified mail return receipt requested, by personal delivery, or by other means which requires verification of receipt, the date of receipt, and the name of the person who receives the document at the department. Such documents **\*concerning the workplace survey or labeling of containers\*** shall be mailed or delivered to:

Chief, Occupational Health Program  
New Jersey Department of Health  
CN 368, Trenton, NJ 08625  
\*[or]\*

**\*Such documents concerning the environmental survey and the emergency services information survey shall be mailed or delivered to:\***

Director, Office of Science and Research  
New Jersey Department of Environmental Protection  
CN 405, Trenton, NJ 08625

(f) The top of each page of any document containing the information for which a trade secret claim is being made shall display the word "CONFIDENTIAL" in bold type or stamp. If the documents submitted in support of the trade secret claim are to be kept confidential, they shall be similarly stamped.

(g) The outside of the envelope containing the information claimed to be a trade secret and any other envelopes containing information in support of such claim, shall display the word "CONFIDENTIAL" in bold type on both sides. This envelope shall be enclosed in a plain envelope addressed for mailing.

(h) The department shall determine the validity of a trade secret claim when a request is made by any person for the disclosure of the information for which the trade secret claim was made and at any time that the department deems appropriate. **\*The employer shall be notified before the department makes its determination and shall be provided 30 days to submit any information pursuant to N.J.A.C. 8:59-3.6 except when the employer has filed a trade secret claim prohibited by N.J.A.C. 8:59-3.5.\*** The department shall make its determination on a trade secret claim in accordance with the criteria in N.J.A.C. **\*[8:59-3.10]\* \*8:59-3.9.\*** The department may approve a trade secret claim based on information provided pursuant to N.J.A.C. 8:59-3.6\*[(e)]\*.

(i) The department may revoke an approved trade secret claim upon the receipt of new information from any person regarding the information previously submitted by an employer pursuant to N.J.A.C. 8:59-3.6. In the event of such revocation, N.J.A.C. **\*[8:59-3.12]\* \*8:59-3.11\*** and 3.13 shall apply in the same manner as where the department rejects a trade secret claim.

(j) Nothing in these regulations shall be construed as prohibiting the incorporation of trade secret information into accumulations of data subject to disclosure as public records, provided that such disclosure is not in a form that would foreseeably allow persons outside the department, not otherwise having knowledge of such information, to deduce from it the trade secret information, or the identity of the employer who supplied it to the department.

(k) Any failure by an employer to submit additional information **\*relevant to the trade secret claim\*** requested by the department or to allow inspection of its facility by the department for purposes of determining the validity of a trade secret claim shall constitute valid cause for denial of the trade secret claim.

#### 8:59-3.5 Prohibited claims

(a) A trade secret claim may not be made to the Department of Health for the following information:

1. **\*[Any]\* \*The name and Chemical Abstracts Service number of any\* substance listed on the Special Health Hazard Substance List **(N.J.A.C. 8:59-10), which meets the criteria established pursuant to N.J.A.C. 8:59-10\*;****

2. Any information required to be **\*publicly\*** disclosed pursuant to any other act;

3. The following information requested on the workplace survey:

i. Name of the employer;

ii. Location of the facility\*];\* \*\*

\*[iii. Total number of employees at the facility;]\*

\*[iv. Number of production and maintenance employees by sex.]\*

#### 8:59-3.6 Procedure for filing a claim

(a) **\*The following procedure shall apply when filing a trade secret claim:\*** **\*1.\*** An employer who claims that disclosing information on a workplace survey would reveal a trade secret shall file a trade secret claim **\*[annually]\*** with the Department of Health by completing the trade secret section of the workplace survey and submitting **\*[a]\* \*the\*** summary **\*[of the]\*** information required in **\*[(e)]\* \*(c)\*** below **\*within 90 days of receipt of the survey. If the trade secret claim has been filed previously, an employer shall submit only new pertinent information affecting the pending or approved trade secret claim\*.**

**\*[(b)]\* \*2.\*** An employer who claims that labeling a container at its facility with the chemical name and Chemical Abstracts Service number of the hazardous or other substance

in the container would reveal a trade secret, shall file a trade secret claim **\*[annually]\*** with the Department of Health by completing the trade secret section of the workplace survey and submitting the **\*summary\*** information required in **\*[(e)]\* \*(c)\*** below **\*within 90 days of receipt of the survey. If the trade secret claim has been filed previously, an employer shall submit only new pertinent information affecting the pending or approved trade secret claim\*.**

**\*[(d)]\* \*3.\*** An employer shall submit a trade secret registry number to the department for substances required to be labeled pursuant to N.J.A.C. 8:59-5 for which a trade secret claim was not made on the workplace survey. **\*[Submissions for trade]\* \*Trade\*** secret claims for labeling **\*[of these]\* \*such\*** substances shall be filed with the Department of Health before employees open **\*[or use]\*** the container containing the substance or within five working days\*], whichever is sooner,]\* of the container's arrival at the employer's facility\*[\* \*], **whichever is sooner.\*** The summary information required in **\*[(e)]\* \*(c)\*** below shall be submitted within 15 days of submission of the trade secret claim.

**\*[(c)]\* \*(b)\*** An employer **\*[making]\* \*filing\*** a trade secret claim shall list all information for which a trade secret claim is being made in the trade secret section of the workplace survey. The employer shall list a trade secret registry number in place of information for which a trade secret claim is being made in the section of the survey to be distributed to the fire, police, and county health department, county clerk, or designated county lead agency. The employer shall derive the registry number by adding a numeral beginning with "5000" at the end of its Department of Labor employer identification number (EIN) separated by a dash and preceded by the words, "Trade secret registry #". For example: "Trade secret registry (EIN number) -5000." Each new trade secret claim shall be numbered consecutively. A "P" shall be placed after the registry number for pending trade secret claims.

**\*[(e)]\* \*(c)\*** An employer shall submit a summary of the following information at the time of submittal of the trade secret claim:

1. Prior trade secret determinations concerning the trade secret claim by the department, other agency or court, and a copy of such determination or reference to it;

2. Whether or not the information is known outside the employer's business;

3. Whether the information is patented;

4. What if any would be the harmful effects of its disclosure;

5. The period of time for which a trade secret designation is requested, if appropriate; **\*[and]\***

6. The ease or difficulty with which the information could be disclosed by analytical techniques, laboratory procedures, or other means\*[\* \*]; **and\***

**\*7. Whether it is used in the research and development or fabrication and production of an article of trade or service or of a mixture, when the trade secret claim concerns any formula, plan, pattern, process, production data, information, or compilation of information.\***

**\*[(f)]\* \*(d)\*** The department may at any time subsequent to the filing of a trade secret claim request, in writing, the information listed in 1 through **\*[4]\* \*5\*** below. Within 30 days of receipt of such a request, an employer shall answer the request in writing. The department may extend the period for submitting an answer for good cause shown.

**\*[1.]** Prior trade secret determinations by the department, other agency or court, concerning the nature of the information as a trade secret, and a copy of such determination or reference to it.]\*

\*[2.]\* \*1.\* Whether disclosure of the \*trade secret\* information would be likely to result in harmful effects on the employer's competitive position, and, if so,

- i. What those harmful effects would be;
- ii. The competitive advantage the employer possesses over employers who do not possess it; and
- iii. The value of the information to the employer or the employer's competitor.

\*2. The extent to which the trade secret information is known by employees and other involved in the employer's business;

3. The extent of measures taken by the employer to guard the secrecy of the trade secret information;\*

\*[3. When the trade secret claim concerns any formula, plan, pattern, process, production data, information, or compilation of information, an employer is required to submit the following information to the department concerning the trade secret claim:

- i. Whether it is patented; and
- ii. Whether it is used in the research and development or fabrication and production of an article of trade or service or a mixture.]\*

\*4. The amount of effort or money expended by the employer in developing the trade secret information;\*

\*[4.]\* \*5.\* Any other relevant information to assist the department in determining the validity of a trade secret claim.

\*[(g)]\* \*(e)\* In addition to any information an employer \*[submits]\* \*is required to submit\* pursuant to \*[(e)]\* \*(c)\* and \*[(f)]\* \*(d)\* above, an employer may submit\*, and the department shall consider, the following]\* \*any other\* information relevant to the trade secret claim\*[:]\* \*\*

\*[1. The extent to which the trade secret is known by employees and others involved in the employer's business;

2. The extent of measures taken by the employer to guard the secrecy of the trade secret;

3. The value of the trade secret, to the employer or the employer's competitor;

4. The amount of effort or money expended by the employer in developing the trade secret.]\*

\*[(h)]\* \*(f)\* An employer shall provide, as part of any trade secret claim or submission, the names of reference documents used as the basis for stated conclusions.

\*[(i)]\* \*(g)\* An employer shall certify that its trade secret claim is true, accurate and complete.

\*[(j)]\* \*(h)\* The department may limit the length of a claim or submissions and require that they be made on forms provided by the department.

\*[(k)]\* \*(i)\* An employer shall update information affecting a pending or approved trade secret claim within 60 days of the employer's knowledge or receipt of new pertinent information.

\*[(l)]\* \*(j)\* \*[Within 15 days after filing a trade secret claim, an employer shall post]\* \*At the time an employer receives notification from the department that a determination of a trade secret claim is being considered, this notification shall be posted\* on bulletin boards readily accessible to employees\*.\* \*[a notice of the filing. Every employer filing a claim shall send a copy of the notice to the clerk of the municipality in which the employer's facility is located.]\* Every employer \*[filing a claim]\* who employs \*[employees]\* \*persons\* whose native language is Spanish shall also post \*[the]\* \*a\* notice in Spanish \*,such notice to be provided by the department\*. The notice shall state \*[the date of]\* \*for which survey\* the claim \*was made\* and shall invite any person to submit comments on the claim to the department.

8:59-3.7 Confidentiality and security of trade secret information

(a) All trade secret claims and information in support of a trade secret claim, pending or approved, shall be treated as confidential in accordance with (b) through (h) below.

(b) Information regarding trade secret claims, pending or approved, shall only be communicated in person or in writing, among persons authorized pursuant to N.J.A.C. 8:59-3.7 and 3.15, \*[including, but not limited to, employees and officers of the State and its contractors, physicians and osteopaths,]\* as well as between employers and such authorized persons. Said information shall not be communicated over telecommunications networks, including, but not limited to, telephones, computers connected by modems, or electronic mail systems. An exception may be made to this provision for emergencies pursuant to N.J.A.C. 8:59-3.15(g).

(c) Any document transmitted by the department to the employer or any other authorized person, which contains information claimed to be a trade secret, shall be sent by certified mail return receipt requested, by personal delivery, or by other means which requires verification of receipt, the date of receipt, and the name of the person who receives the document.

(d) The department shall communicate only with the employer's chief executive officer or his designated representatives, such designation to be made in writing, regarding the trade secret claim. The individual signing the trade secret section of the workplace survey or the environmental survey shall be considered the designated representative if no other communication is received from the employer.

(e) Any document prepared by the department for the employer which contains information claimed to be a trade secret shall display the work "CONFIDENTIAL" in bold type or stamp on the top of each page. The envelope containing such document shall be addressed to the employer's chief executive officer or his designated representative and shall display the word "CONFIDENTIAL" in bold type on both sides. This envelope shall be enclosed in a plain envelope addressed for mailing.

(f) Except as provided in N.J.A.C. 8:59-3.15, no person other than the Commissioner and his designated representatives, including administrative law judges conducting hearings on trade secret claims, shall have access to information regarding a trade secret claim. Said designated representatives shall be employees of the department. Designations shall be made in writing. Designated persons other than administrative law judges shall sign an agreement developed by the department protecting the confidentiality of the information before access is granted. Pursuant to rules adopted by the Office of Administrative Law to maintain the confidentiality and security of trade secret information, administrative law judges shall have access to trade secret information as necessary to preside over pre-hearing activities, conduct the hearing, render an initial decision, and return the record to either the Department of Environmental Protection or the Department of Health.

(g) All documents containing information regarding a trade secret claim shall be stored in a locked file or safe in a locked office in the department. The file or safe and office containing such documents shall be locked when not being used by authorized persons.

(h) Persons authorized to use trade secret documents pursuant to (f) above shall do so in the office in which the trade secret documents are stored, unless authorized to remove the documents by the Commissioner or his designated representa-

tive. All trade secret documents which are removed shall be returned to the office in which the documents are stored each day by the end of the regular workday. The department shall maintain a log of persons who use documents containing trade secret information. The log shall include the person's name, title, the name of the document used, and the time of commencing and finishing use of the document. No trade secret document shall be delivered between offices by persons who are not authorized to handle said documents. Such documents shall not be duplicated unless necessary for purposes of N.J.A.C. 8:59-3.15 or if the department determines that it is absolutely necessary to carry out its responsibilities under the Act. If so duplicated, the document shall be marked as a copy, but treated as if it was an original document. The copy shall be destroyed immediately after completion of the use for which it was intended.

8:59-3.8 Decision-making agency on \*[trade secret]\* claim

(a) The Department of Health shall approve or deny a trade secret claim concerning:

\*[1. The name and Chemical Abstracts Service number of any substance listed on the Workplace Hazardous Substance List unless (c) below applies.]\*

\*[2.]\* \*1.\* Information\*[, other than the name and Chemical Abstracts Service number of a substance,]\* reported on the workplace survey.

\*[3.]\* \*2.\* Labeling a container with the chemical name and Chemical Abstract Service number of the substance in the container.

(b) The Department of Environmental Protection is authorized to approve or deny a trade secret claim concerning:

1. Information\*[, other than the name of a substance,]\* reported on the Environmental Survey.

2. Information\*[, other than the name of a substance,]\* reported on the Emergency Services Information Survey.

(c) Where a trade secret claim is made regarding the name of an environmental hazardous substance which is not emitted or discharged from a facility into the air or water or onto the land, which is not a special health hazard substance **\*which meets the criteria established pursuant to N.J.A.C. 8:59-10,\*** and for which **\*public\*** disclosure is not required by any other act, a decision to approve or deny the claim shall be made **\*[by a joint committee composed of the Commissioners of the Department of Health and the Department of Environmental Protection, or their designated representatives\* \*by the department only after consultation with the Commissioner of the Department of Environmental Protection or his designee. The department shall provide notice of a proposed determination to the Department of Environmental Protection at least 15 days prior to said determination\*.**

\*[8:59-3.10]\* \*8:59-3.9\* Criteria for determination of claim

(a) Any formula, plan, pattern, process, production data, information, or compilation of information shall be considered a trade secret if the employer establishes that its secrecy is certified by an appropriate official of the \*[federal]\* **\*Federal\*** government as necessary for national defense purposes, or **\*if the employer establishes\*** that:

1. It is not patented;

2. It is known only to the employer and certain other individuals;

3. It is used in the research and development or fabrication and production of an article of trade or service or **\*of\*** a mixture; and

4. It gives the employer possessing it a competitive advantage over businesses who do not possess it.

(b) The chemical name and Chemical Abstracts Service number of a substance shall be considered a trade secret only if the employer can establish that the substance is unknown to competitors, or is included in a formula or process that meets the criteria of (a) above.

(c) In determining whether a trade secret claim meets the requirements of (a) or (b) above, the department shall consider information provided by the employer or any other person **\*[pursuant to N.J.S.A. 8:59-3.6(e), (f) and (g).]\* \***, **including the information in 1 through 6 below:**

1. **The extent to which the information for which the trade secret claim is made is known outside the employer's business;**

2. **The extent to which the information is known by employees and others involved in the employer's business;**

3. **The extent of measures taken by the employer to guard the secrecy of the information;**

4. **The value of the information, to the employer or the employer's competitor;**

5. **The amount of effort or money expended by the employer in developing the information;**

6. **The ease or difficulty with which the information could be disclosed by analytical techniques, laboratory procedures, or other means.\***

\*[8:59-3.11]\* \*8:59-3.10\* Request for trade secret information

(a) Any person may submit, at any time, a written request for the disclosure of information for which a trade secret claim is pending or has been approved, to the appropriate department at the address provided in N.J.A.C. 8:59-3.4. The request shall state the requestor's name\*, **\*[and]\* address \***, **and affiliation,\*** and may include information concerning the validity of a pending or approved trade secret claim. **\*The names of employees making requests for trade secret information on a workplace survey or a label shall be kept confidential.\***

(b) A request for disclosure of an approved trade secret may be submitted only if accompanied by new significant information not previously submitted concerning the invalidity of the trade secret claim.

(c) The Department of Health shall render a decision on a request for the disclosure of trade secret information from a single employer within 120 days of receipt of the request and shall notify the requestor of its determination. The department may extend this deadline for an additional 120 days if the request involves a large number of substances.

\*[8:59-3.12]\* \*8:59-3.11\* Notification of determination of claim

**\*(a)\*** Upon making a determination on the validity of a trade secret claim, the department shall notify the employer **\*and the requestor\*** of the determination by certified mail, return receipt requested. The notice shall state that the employer has 45 days from receipt of the department's determination to file a written request with the department for an administrative hearing on the determination.

**\*(b) Within 15 days of receiving an approval of a trade secret claim from the department, an employer shall post on bulletin boards readily accessible to employees a notice of the determination. Every employer who employs persons whose native language is Spanish shall also post a notice in Spanish, such notice to be provided by the department.\***

**\*8:59-3.12 (Reserved)\***

## 8:59-3.13 Approval of determination

(a) If the department denies an employer's trade secret claim, the employer shall have 45 days from the receipt of the department's determination to file with the department a written request for an administrative hearing on the determination.

(b) Within 15 days after filing a request for an administrative hearing, an employer shall post on bulletin boards readily accessible to employees a notice of the request. Every employer filing a request shall send a copy of the notice to the **\*[clerk of the municipality]\* county health department, county clerk, or designated county lead agency\*** in which the employer's facility is located. Every employer filing a claim who employs employees whose native language is Spanish shall also post a notice in Spanish. The notice shall state **\*for which survey the request was made and\*** the date of the request and shall invite any person to submit comments to the department and provide testimony at the administrative hearing on the trade secret claim.

(c) If a request for an administrative hearing is made pursuant to (a) above, the department **\*[, or departments in the case of a decision pursuant to N.J.A.C. 8:59-3.8(c),]\*** shall refer the matter to the Office of Administrative Law for a hearing thereon.

(d) Within 45 days of receipt of the administrative law judge's initial decision containing a recommendation on a matter referred to in (c) above, the department **\*[, or departments in the case of a referral pursuant to (c) above,]\*** shall affirm, reject, or modify the recommendation. The department shall inform the employer of its decision on the administrative law judge's recommendation by certified mail return receipt requested. The department's action shall be considered final agency action for purposes of the "Administrative Procedure Act", N.J.A.C. 52:14B-1 **et seq.**, and shall be subject only to judicial review as provided in the Rules of Court.

(e) In the event that the department determines, pursuant to (d) above, that the trade secret claim is not valid, the employer shall have 45 days from receipt of the department's determination to notify the department, in writing, that it has filed to appeal the department's decision in the courts. If the employer does not so notify the department, the department shall disclose the information for which the trade secret claim was made in the manner set forth in N.J.A.C. 8:59-3.14.

## 8:59-3.14 Disclosure of information determined not to be a trade secret

(a) After a trade secret claim has been denied and all appeals and the right to bring an appeal has been exhausted, the department shall take the following action:

1. Modify the employer's workplace survey, environmental survey or emergency services information survey, as the case may be, on file with the department to substitute the omitted information for the trade secret docket or registry number and add the information wherever else appropriate;

2. Direct the employer to modify the workplace survey or environmental survey on file at its facility to substitute the omitted information for the trade secret docket or registry number and add the information wherever else appropriate; to send modified copies of its revised workplace and environmental survey to the **\*Department of Health, to the\*** county health department, county clerk, or designated county lead agency, to the local fire department, and to the local police department containing this information; and to replace the trade secret registry number with the chemical name and

Chemical Abstracts Service number on its fact sheets and container labels, if applicable<sup>[.]</sup> **\*; and\***

3. Direct the employer to modify the emergency services information survey to add the omitted information, where appropriate, and to send modified copies of its revised survey to the **\*Department of Environmental Protection,\*** local fire department and local police department.

## 8:59-3.15 Restricted access to trade secret information

(a) Except as provided in (b) through (g) below and N.J.A.C. 8:59-3.7 or when so ordered by a court, no person shall willingly and knowingly disclose, and no person shall willingly and knowingly receive, trade secret information protected by this subchapter without the employer's **\*written\*** consent.

(b) An officer or employee of the State may be granted access to trade secret information protected by this subchapter, only in accordance with this section, upon a demonstration to the satisfaction of the department that such request is in connection with the official duties of the officer or employee under any law for the protection of public health.

1. An officer or employee of the State designated by the head of an agency may make a written request to the department for information on a pending or approved trade secret claim. Such request shall state:

i. Name, title, **\*[Program, Division, and Department of]\* program, division, and department of the\*** officer or employee;

ii. The officer or employee's need for the information and its connection with official duties;

iii. The reason why the information cannot be obtained from other sources; and

iv. The public health law for which the information is needed.

2. If the department proposes to release trade secret information to an officer or employee of the State, the department shall notify, in writing and by certified mail, return receipt requested, the employer who submitted the trade secret claim of the intent to release such information.

(c) A contractor of the State and its employees may be granted access to trade secret information protected by this subchapter if the department determines that such disclosure is necessary for the completion of any work contracted for in connection with the implementation of the Act, and that the requirements of 1 through 3 below have been satisfied. Such approval shall restrict access to the trade secret information to persons approved by the department. Employers shall be notified of this determination by the department prior to disclosure of the trade secret information. A contractor shall not receive any trade secret information unless:

1. It has submitted a plan to the department which describes measures for adequately protecting trade secret information from unauthorized disclosure, and such plan has been approved by the department;

2. It has provided written documentation demonstrating, to the satisfaction of the department, that it maintains Professional Liability Insurance and Comprehensive General Liability Insurance in amounts to be set by the department; and

3. In addition to the requirement of (e) below, it has signed an agreement developed by the department, protecting trade secret information from unauthorized disclosure. The agreement shall include a provision whereby the contractor assumes liability for any damages to an employer resulting from the intentional or negligent release of trade secret information by the contractor and its employees.

(d) The department shall provide any information for which a trade secret claim is pending or has been approved to a physician or osteopath when such information is needed for medical diagnosis or treatment. The physician or osteopath who will receive confidential information shall be required to sign an agreement developed by the department protecting the confidentiality of the information disclosed. This agreement shall include a provision prohibiting the physician or osteopath from revealing the trade secret information to any person. **[The] \*Where feasible, the\*** employer shall be notified **[subsequent] \*prior\*** to disclosure of the information.

(e) Any person granted access to trade secret information pursuant to N.J.A.C. 8:59-3.15 shall sign an agreement developed by the department protecting the confidentiality of the information prior to receipt of the information.

(f) Any person who receives trade secret information pursuant to this section shall take appropriate measures to protect the information from unauthorized disclosure which shall include, but not be limited to:

1. Keeping the information confidential from unauthorized persons;
2. Keeping any records containing trade secret information in a locked file cabinet or safe, when not in use;
3. Using the information only for the use approved by the department;
4. Not reproducing the trade secret information; and
5. Returning all material on which the trade secret information has been recorded to the department within 30 days or when finished using the information, whichever is sooner.

(g) For emergency public health or medical purposes, the department may waive the requirements of (b)1 (written request by State officer or employee), (b)2 (notice to employer prior to release of trade secret information), and (e) (signing **\*a\*** confidentiality agreement prior to receipt of trade secret information) above, and shall follow the procedures set forth in 1 and 2 below, if the department determines that **[disclosure of trade secret information] \*waiver of said requirements\*** is necessary to protect health or the environment against an unreasonable risk of injury to health or the environment or is necessary for an emergency medical diagnosis or treatment by a physician or osteopath.

1. If trade secret information is conveyed verbally, in person or by telephone, the contents of a confidentiality agreement developed pursuant to (e) above, shall be read to the persons receiving such information.

2. Any person receiving oral or written trade secret information pursuant to this subsection shall sign a confidentiality agreement developed pursuant to (e) above, within 72 hours of receipt of such information.

#### 8:59-3.16 Penalties for unauthorized disclosure of trade secret information

(a) Any officer or employee of the **[state] \*State\***, contractor of the State physician or osteopath, or employee of a county health department, county clerk, or designated county lead agency, local fire department, or local police department who has access to any confidential information, and who willingly and knowingly discloses the confidential information to any person not authorized to receive it, is guilty of a crime of the third degree.

(b) Disclosure of trade secret information by any contractor or agent of the department or its employees in violation of the Act shall constitute grounds for debarment, suspension, and disqualification from contracting with the department.

#### **[8:59-3.9] \*\*8:59-3.17\* Labeling**

(a) Any employer shall affix a label with the trade secret registry number to the container in which a hazardous substance claimed as a trade secret is held by March 1, 1985 for substances on the Workplace Hazardous Substance List and by August 29, 1986 for all substances present at the facility in accordance with the requirements of N.J.A.C. 8:59-5.

(b) An employer shall affix a label with the trade secret registry number to the container in which a substance claimed as a trade secret is held before employees open **[for use] \*the [containers] \*container\*** or within five working days of the container's arrival at the employer's facility, whichever is sooner, and shall file a trade secret claim for the substance in accordance with N.J.A.C. 8:59-3.6.

### SUBCHAPTER 4. HAZARDOUS SUBSTANCE FACT SHEET

#### 8:59-4.1 General provisions

(a) A hazardous substance fact sheet shall be developed by the Department of Health for each hazardous substance on the Workplace Hazardous Substance List.

(b) When an employer files a trade secret claim, it may prepare its own hazardous substance fact sheet pursuant to N.J.A.C. 8:59-4.4(b) subject to the approval of the department.

(c) The department shall retain each hazardous substance fact sheet prepared either by the department or an employer for 30 years.

(d) An employer shall maintain and make available to employees material safety data sheets that have been developed or acquired for a mixture in the same manner as hazardous substance fact sheet. The material safety data sheets shall be distributed in addition to hazardous substance fact sheets and not as a substitute. The material safety data sheets shall be made available to the department upon request.

(e) Except for fact sheets prepared by employers claiming a trade secret, the department shall prepare a Spanish translation of each hazardous substance fact sheet.

(f) The department shall **[, upon request,] \*make available to employers, county health departments, \*county clerks, or designated county lead agencies,\*** and the public a Spanish translation of each hazardous substance fact sheet.

#### 8:59-4.2 Contents of fact sheet

(a) A hazardous substance fact sheet shall be a written document which includes, but is not limited to, the following information:

1. The chemical name, the Chemical Abstracts Service number, the trade name, and common names of the hazardous substance;

2. A reference to all relevant information on the hazardous substance from the most recent edition of the National Institute for Occupational Safety and Health's Registry of Toxic Effects of Chemical Substances;

3. The hazardous substance's solubility in water, vapor pressure at standard conditions of temperature and pressure, and flash point;

4. The hazard posed by the hazardous substance, including its toxicity, carcinogenicity, mutagenicity, teratogenicity, flammability, explosiveness, corrosivity and reactivity, including specific information on its reactivity with water;

5. A description, in nontechnical language, of the acute and chronic health effects of exposure to the hazardous substance, including the medical conditions that might be aggra-

vated by exposure, and any permissible exposure limits established by the federal Occupational Safety and Health Administration;

6. The potential routes and symptoms of exposure to the hazardous substance;

7. The proper precautions, practices, necessary personal protective equipment, recommended engineering controls, and any other necessary and appropriate measures for the safe handling of the hazardous substance, including specific information on how to extinguish or control a fire that involves the hazardous substance; and

\*[(8)]\* **\*8.\*** The appropriate emergency and first aid procedures for spills, fires, potential explosions, and accidental or unplanned emissions involving the hazardous substance.

(b) A hazardous substance fact sheet shall be updated when, in the opinion of the department, significant new information becomes known.

#### 8:59-4.3 Transmittal to employer

(a) Upon receipt of a completed workplace survey from an employer, the Department of Health shall transmit to that employer a hazardous substance fact sheet and its Spanish translation for each hazardous substance reported by the employer on the workplace survey.

(b) The department shall transmit to an employer who was unable to list the hazardous substance components of a substance or mixture on the workplace survey, a hazardous substance fact sheet for each hazardous substance contained in the substance or mixture when the department obtains the names of the hazardous substances, and other pertinent information.

(c) Upon receipt of the annual workplace survey, the department shall supply the employer with any necessary additional hazardous substance fact sheets.

#### 8:59-4.4 Trade secret claims

(a) If an employer makes a trade secret claim for a substance on the workplace survey pursuant to N.J.A.C. 8:59-3, the department shall transmit to the employer a hazardous substance fact sheet for the substance with the employer's trade secret registry number for the substance listed in place of the name of the substance **\*and the Chemical Abstracts Service number\***, unless the employer notifies the department that it desires to prepare its own hazardous substance fact sheet in accordance with (b) below.

(b) An employer may prepare a hazardous substance fact sheet for any substance for which a trade secret claim has been made in order to maintain the confidentiality of the trade secret.

1. The hazardous substance fact sheet prepared by an employer shall contain the information set forth in N.J.A.C. 8:59-4.2(a)2 to 8. The information required in N.J.A.C. 8:59-4.2(a)3 may be expressed in descriptive terminology. The interpretation of data for a fact sheet prepared by an employer shall follow the intent of and information contained in the corresponding fact sheet prepared by the department, including information supplied in addition to that required by N.J.A.C. 8:59-4.2(a).

2. An employer shall attach a standardized explanatory sheet prepared by the department to every hazardous substance fact sheet prepared by the employer.

3. A hazardous substance fact sheet prepared by an employer shall be available for employee use in the same manner as a fact sheet prepared by the department, and a copy shall be submitted to the department within 30 days of receiving the department's hazardous substance fact sheet. **\*A hazardous**

**substance fact sheet prepared by an employer need only be distributed to employees on request and to the department for review.\*** In the case of trade secret claims made after return of the workplace survey, a copy of the hazardous substance fact sheet pertaining to the claim shall be submitted to the department within one month of submission of the trade secret claim.

4. The employer shall list its trade secret registry number for the substance on the hazardous substance fact sheet.

5. An employer shall prepare a Spanish translation of the hazardous substance fact sheet and submit a copy to the department within 30 days of approval of its hazardous substance fact sheet.

(c) The department shall review hazardous substance fact sheets prepared by employers for compliance with N.J.A.C. 8:59-4.4(b). **\*During the review by the department, the employer's hazardous substance fact sheets shall be made available for employee use in the same manner as a fact sheet prepared by the department.\*** After review and discussion, the department shall require, if necessary, modifications to the fact sheets or substitution of the department's fact sheet for the fact sheet developed by the employer within 30 days of the department's review.

### SUBCHAPTER 5. LABELING CONTAINERS

#### 8:59-5.1 General provisions

(a) By March 1, 1985, every container at an employer's facility containing a hazardous substance shall bear a label indicating the chemical name and Chemical Abstracts Service number of the hazardous substance or the trade secret registry number assigned to the hazardous substance. Common names specified in N.J.A.C. \*[8:59-5.6]\* **\*8:59-5.7\*** may be substituted for the chemical name of the substance.

(b) By March 1, 1985, every container at an employer's facility containing an unknown substance shall bear a label stating "Contents Unknown" or "Contents Partially Unknown", as appropriate.

(c) By August 29, 1986, every container at an employer's facility shall bear a label indicating the chemical name and Chemical Abstracts Service number of all hazardous substances in the container, and \*[the non-hazardous]\* **\*all other\*** substances **\*which are\*** among the five most predominant substances in the container, or the trade secret registry number assigned to the substance. Common names specified in N.J.A.C. \*[8:59-5.6]\* **\*8:59-5.7\*** may be substituted for the chemical name of the substance.

\*[(d)]\* By August 29, 1986, an asterisk shall follow the Chemical Abstracts Service number or trade secret registry number on the label in order to notify employees of the availability of a hazardous substance fact sheet for the substance.]\*\*

\*[(e)]\* **\*[(d)]\*** Labels shall be affixed to containers before employees open the containers or within five working days of the container's arrival at the facility, whichever is sooner. In warehouses\*, **\*storage\*** or transfer facilities **\*associated with employers covered by this Act,\*** where containers are not opened, labeling required by or consistent with United States Department of Transportation, 49 CFR Parts 172.101 and 172.102 requirements, may be used \*[for up to 60 days]\*.

\*[(f)]\* **\*[(e)]\*** Laboratories or other facilities which receive containers with unknown materials or old pressurized gas cylinders with unknown contents for analysis of the contents shall label the containers as substances are identified. **\*In the interim period until the contents are identified, these containers shall be labeled in accordance with N.J.A.C. 8:59-5.1(b).\***

\*[(g)]\* \*(f)\* Containers of materials for which the employer does not know the contents, and the manufacturer is unknown or no longer in business, shall be labeled pursuant to the Act or the Federal Resource Conservation and Recovery Act. The employer shall be responsible for determining the components of the container and attaching appropriate labeling.

\*[(h)]\* \*(g)\* When an employer receives information that allows it to identify the chemical name and Chemical Abstracts Service number of the components of any product in its facility, it shall label the appropriate containers pursuant to (a), (c), (d)\*[,]\* **and** (e) \*and (f)\* above.

\*[(i)]\* \*(h)\* Reaction vessels **are containers in which a reaction or mixing takes place** which do not meet the definition of process container **Reaction vessels** shall contain labels which identify the substances which are added to the vessel and removed from the vessel. These labels may be placed on an adjoining wall or post in close proximity to the reaction vessel. **Batch sheets or operating manuals which contain the information required for labeling in N.J.A.C. 8:59-5.1(a), (b), and (c) may be placed on an adjoining wall or post in close proximity to the reaction vessel to meet the requirement of this section.**

\*[(j)]\* \*(i)\* Containers which are smaller than 56.7 grams (2 ounces) may be labeled by means of a code or number system if the code or number system will allow the employee free and ready access at all times to a fact sheet which will provide the employee with the chemical name or common name permitted by N.J.A.C. \*[8:59-5.6]\* **8:59-5.7**, and Chemical Abstracts Service number of the substance contained in the container, or the trade secret registry number assigned to the substance, allow the employee access to this information without the permission or assistance of management, and be available to the employee at close proximity to his specific job location or locations.

\*[(k)]\* \*(j)\* An employer shall not be precluded from including on a label an appropriate hazard warning and the name and address of the substance manufacturer, importer, or other responsible party.

#### 8:59-5.2 Pipelines

(a) Employers shall **be required to** label pipelines only at the valve or valves located at the point at which a \*[hazardous]\* substance enters a facility's pipeline system, and at normally operated valves, outlets, vents, drains and sample connections designed to allow the release of a \*[hazardous]\* substance from the pipeline. \*[All other valves, outlets, vents, drains and sample connections designed to allow the release of a hazardous substance from the pipeline, shall be labeled at the time of operation, maintenance and repair of the valve, outlet, vent, drain and sample connection.]\***“Normally operated” means those valves, outlets, vents, drains and sample connections designed to allow the release of a substance from a pipeline which releases substances at least once during a 24 hour period or in connection with repairs or maintenance at least once per month.** Where a series of multiple valves are in close proximity on a single pipeline connected to a single process container, only one valve out of the series need be labeled.

(b) Valves, outlets, vents and drains which control the emission or discharge of any solid, liquid, semi-solid or \*[contained]\* gaseous waste material from a facility shall be labeled. The information required on a label pursuant to the Resource Conservation and Recovery Act (RCRA) may be substituted for the information required by N.J.A.C. 8:59-5.1, even though the employer is not regulated by RCRA.

#### 8:59-5.3 Research and development laboratories

Employers may label containers in a research and development laboratory by means of a code or number system, if the code or number system will enable an employee to readily make a cross reference to a hazardous substance fact sheet or documentary material retained on file by the employer at the facility which will provide the employee with the chemical name or common name permitted by N.J.A.C. \*[8:59-5.6,]\* **8:59-5.7**,\* and Chemical Abstracts Service number of the substance contained in the container, or the trade secret registry number assigned to the substance. The code or number system shall be designed to allow the employee free and ready access at all times to the chemical name and Chemical Abstracts Service number of the substance in the container, shall be designed to allow the employee access to this information without the permission or assistance of management, and shall be available to the employee at close proximity to his specific job location or locations.

#### 8:59-5.4 Mixtures

(a) If a container contains a mixture, an employer shall **by March 1, 1985, insure that the label identify the chemical names or common names permitted by N.J.A.C. 8:59-5.6, and Chemical Abstracts Service numbers, or the trade secret registry numbers, of all hazardous substances contained in the mixture]** **label the container according to N.J.A.C. 8:59-5.**

(b) For those hazardous substances other than special health hazard substances whose only references sources on the Workplace Hazardous Substance List are the United States Department of Transportation's Hazardous Materials Tables (source #3) and the National Fire Protection Association's National Fire Codes (source #15), labeling is required only if those substances are among the five most predominant substances contained in the mixture.

\*[(c)]\* By August 29, 1986, in addition to labeling all hazardous substances contained in a mixture, an employer shall label all other substances which are among the five most predominant substances contained in the mixture.]\*

#### 8:59-5.5 Exceptions to labeling requirements

(a) The labeling requirements of N.J.A.C. 8:59-5.1 shall not apply to containers affixed with labels pursuant to the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, 61 Stat. 163 (7 U.S.C. 121 et al.).

(b) Containers labeled with shipping names of specific substances with identification numbers from the United States Department of Transportation's Hazardous Materials Tables, Title 49 Code of Federal Regulations Parts 172.101, columns 2 and 3A, and 172.102, columns 2 and 4, may be substituted for the information required by N.J.A.C. 8:59-5.1 if the name on the container is identical to the chemical or common name on the Workplace Hazardous Substance List.

(c) Containers containing waste material shall be labeled. The information required on a label pursuant to the Federal Resource Conservation and Recovery Act (RCRA) may be substituted for the information required by N.J.A.C. 8:59-5.1, even though the employer is not regulated by RCRA.

(d) The information required on a label for a \*[pharmaceutical]\* **drug**, cosmetic, food, flavor or fragrance pursuant to the Federal Food, Drug and Cosmetic Act (FDCA) may be substituted for the information required by N.J.A.C. 8:59-5.1. **This exception shall apply to all containers where the names of all hazardous and other substances of active, excipient, and “inactive” chemicals as defined by FDCA are included on the label according to N.J.A.C. 8:59-5.1(a) and (c). If all active, excipient and “inactive” chemicals are not in-**

cluded on the label then this\* \*[This]\* exception shall apply only to containers which contain 1 kilogram (2.205 pounds) or less of a substance or mixture of substances. An employer shall make available to employees on request, all hazardous substance fact sheets prepared by the department relevant to the above products, including hazardous substance fact sheets on inactive ingredients as defined by the FDCA.

(e) Containers containing petroleum process streams shall be labeled. \*[The information required for reporting purposes by the Federal Toxic Substances Control Act (TOSCA) on petroleum process streams may be substituted for]\* **\*Labels for petroleum process streams may contain Chemical Abstracts Service numbers and their corresponding names included in the Toxic Substances Control Act Chemical Substances Inventory (EPA, May 1979) or in the Cumulative Supplements instead of\*** the information required by N.J.A.C. 8:59-5.1. In addition, any substance in sources #1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, shall be indicated on the label. However, aliphatic hydrocarbons in sources #1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 other than n-hexane, need not be included on the label. An employer shall maintain and make readily accessible to employees a document that describes and identifies the contents of petroleum process streams. An employer shall make available to employees on request, all hazardous substance fact sheets prepared by the department relevant to a process stream.

#### 8:59-5.6 Exclusions from the requirement to label

(a) Containers containing the following categories of hazardous or other substances shall be exempt from the requirements of labeling:

1. Any article containing a hazardous or other substance if the hazardous or other substance is present in a solid form and is not used in a manner which changes its physical form, and which does not pose any acute or chronic health hazard to an employee exposed to it.

2. Any hazardous or other substance constituting less than one percent of a mixture unless the hazardous or other substance is present in an aggregate amount of 500 pounds or more in a container at a facility;

3. Any hazardous or other substance which is a special health hazard substance constituting less than the threshold percentage established by the Department of Health for that special health hazard substance when present in a mixture; or

4. Any hazardous or other substance present in the same form and concentration as a product packaged for distribution and use by the general public \*[unless]\* **\*to which\*** an **\*[employee]\* \*employee's\*** \*[regularly and frequently uses the product or his or her]\* exposure during handling is **\*not\*** significantly greater than a consumer's exposure during the principal use of the **\*[hazardous]\* \*toxic\*** or other substance.

(b) Process containers and directly associated piping whose contents change with the same frequency as the contents of the process containers, and sample valves from the process containers and directly associated piping, need not be labeled. This exclusion shall not apply to pipeline labeling requirements in N.J.A.C. 8:59-5.2.

#### 8:59-5.7 Common name

(a) Only common names specified by the department may be substituted for required chemical names on labels.

(b) For hazardous substances listed on the Workplace Hazardous Substance List, the first name shall be considered the common name for the hazardous substance for purposes of labeling containers. If there is only one name listed for a hazardous substance on the Workplace Hazardous Substance

List, no other name may be used for purposes of labeling containers.

(c) For substances not listed on the Workplace Hazardous Substance List, any synonym accepted by the Chemical Abstracts Service shall be considered the common name for the substance for purposes of labeling containers.

#### 8:59-5.8 Labels

(a) A label shall be a sign, emblem, sticker or marker of a durable nature affixed to or stenciled onto a container.

(b) The printing on a label shall be easily readable and not obscured.

#### 8:59-5.9 Trade secret registry number

(a) An employer who files a trade secret claim pursuant to N.J.A.C. 8:59-3 shall affix or stencil the trade secret registry number onto each container containing a substance for which the trade secret claim was made, in accordance with the deadlines set forth in N.J.A.C. 8:59-5.1.

(b) Upon notification by the department that a trade secret claim has been denied, and after all appeals have been exhausted, an employer shall replace the trade secret registry number on the container with the chemical name or common name permitted by N.J.A.C. **\*[8:59-5.6]\* \*8:59-5.7\***, and Chemical Abstracts Service number, pursuant to N.J.A.C. 8:59-3 **\*within ten days of notification\***.

### SUBCHAPTER 6. EDUCATION AND TRAINING PROGRAM

#### 8:59-6.1 General provisions

(a) Every employer shall establish an education and training program for its employees, which shall be provided on paid employer time and shall:

1. Inform employees in writing and orally of the potential health and safety risks of the hazardous substances listed on the Workplace Hazardous Substance List and **\*the particular hazards\*** of mixtures listed on material safety data sheets **\*that contain one or more hazardous substances\***, to which they are exposed **\*or are potentially exposed\*** in the course of their employment; and

2. Train them in the proper and safe procedures for handling the hazardous substances under all circumstances.

(b) All education and training programs shall comply with N.J.A.C. 8:59-6.3. Existing education and training programs which comply with N.J.A.C. 8:59-6.4 may be certified by the department.

(c) An employer shall use a technically qualified person to conduct its education and training program.

(d) All employers shall submit, attached to their workplace survey, a certification that **\*[all]\* employees \*who are exposed or are potentially exposed to hazardous substances in the course of their employment,\*** have received an education and training program which meets the requirements of N.J.A.C. 8:59-6.3 within the deadlines set forth in N.J.A.C. 8:59-6.2. This certification is not required to be submitted with the workplace survey returned in the first year of the act. **\*Research and development laboratories shall certify by letter that all employees have received an education and training program which meets the requirements of N.J.A.C. 8:59-6.3 by January 1 of each year beginning January 1, 1986.\***

(e) Employers shall maintain a written record of training given to employees. This record, at a minimum, shall describe the training, the date or dates on which it was given, the names and signatures of the employees, and the person conducting the training. These records shall be maintained by the

employer for the duration of each employee's employment and shall be made available to the department upon request.

#### 8:59-6.2 Program for employees

(a) By March 1, 1985, an employer shall provide current employees with a complete education and training program, and annually thereafter.

(b) Beginning on March 1, 1985, an employer shall provide new **\*or reassigned\*** employees with an education and training program within the first month of employment **\*or reassignment\***.

(c) An employer shall provide employees with an education and training program for hazardous substances which were unknown to the employer, within three months of receiving the identity of and hazardous substance fact sheets for the hazardous substance components of a substance or mixture pursuant to N.J.A.C. 8:59-4.3(b).

(d) An employer shall, upon request, provide employees whose native language is Spanish and who cannot read or speak English above a 6th grade level, with an education and training program in Spanish, including written materials.

(e) Prior to entering an employment agreement with a prospective employee, an employer shall notify the prospective employee of the availability of workplace surveys and appropriate hazardous substances fact sheets and material safety data sheets at the Department of Health; county health department, county clerk, or designated county lead agency; and employer's facility for the facility at which the prospective employee will be employed.

#### 8:59-6.3 Contents of program

(a) The design of an acceptable education and training program shall include a definition of objectives including cognitive and behavioral goals, **\*technically\*** qualified instructors, and a method to evaluate the effectiveness of the program.

(b) An education and training program for employees shall contain, at a minimum, the following:

1. A general overview of occupational health including an explanation of:

i. The common methods used to recognize occupational health and safety hazards;

ii. The common methods used to measure and evaluate employee exposure to hazardous substances;

iii. The common methods used to prevent and control employee exposure to hazardous substances including methods which 1) eliminate the source of the contaminant; 2) prevent dispersion of the contaminant; and 3) provide personal employee protection;

2. An explanation of the nature of and potential health and safety risks, including acute and chronic effects and symptoms of effects of exposure, of the hazardous substances to which the employees are exposed in the course of their employment, as set forth in the hazardous substance fact sheets. Hazardous substances with similar health and safety risks may be grouped together for purposes of explanation;

3. An explanation of the proper and safe procedures for handling, under all circumstances, the hazardous substances to which the employees are exposed in the course of their employment, including the use and functioning of personal protective equipment, the policy and program for use of respirators, appropriate emergency treatment for exposure, procedures for cleanup of leaks and spills, and any special use conditions. Appropriate employees shall be given "hands-on" training in the proper use and functioning of personal protective equipment and certain designated employees shall be given

"hands-on" training in the use of cleanup and firefighting equipment;

4. Information regarding the provisions of the Worker and Community Right-to-Know Act:

i. A general explanation of the workplace survey and the substances listed on the employer's workplace survey, including distribution of a sample page of a survey;

ii. An explanation of the employer's obligation to label containers in its facility with chemical or common names and Chemical Abstracts Service numbers;

iii. A general explanation of hazardous substance fact sheets and distribution of a sample fact sheet;

iv. A description of the existence, location, and hours of operation of the central file maintained by the employer for storing the workplace survey and appropriate hazardous substance fact sheets and material safety data sheets;

v. An explanation of the employee's right and relevant procedures to obtain a copy of the workplace survey<sup>\*,]</sup> **\*and\*** hazardous substance fact sheets **\*from the employer,** from the county health department, county clerk, or designated county lead agency, or from the Department of Health; to obtain copies from the county health department, county clerk, or designated county lead agency, and Department of Health in confidence; and the employer's obligation to supply, without cost, copies of the workplace survey and appropriate hazardous substance fact sheets and, where appropriate and available, material safety data sheets to employees within five working days of a request;

vi. An explanation of the employee's right to refuse to work with a hazardous substance for which a request was made for a workplace survey, appropriate hazardous substance fact sheet, environmental survey, the chemical name and Chemical Abstracts Service number of a substance in a container which is not labeled pursuant to N.J.A.C. 8:59-5, or the chemical name of a substance labeled with a common name, for the facility at which he or she is employed, and not honored within five working days of the request; the employee's right not to lose pay or forfeit any other privilege until the request is honored and not to be discharged, disciplined, penalized, or discriminated against for exercising any right under the law; and the appropriate agency to whom the employee would register a complaint regarding a violation of the law;

5. Informing and physically showing employees the location of the hazardous substance containers present at the facility with which they work and with which they are likely to work. Employees assigned plant-wide or to more than one location may be shown a representative work area where hazardous substance containers are present;

6. The opportunity for employees to ask questions related to hazardous substances and the New Jersey Worker and Community Right-to-Know Act.

(c) Every employer shall supply employees with any material designed and provided by the Department of Health, the Department of Environmental Protection, and the Department of Labor to inform employees of their rights under the Act.

(d) Every employer shall post on bulletin boards or in other conspicuous areas any posters designed and provided by the department to inform employees of their rights under the Act.

(e) **\*[In order to comply with (b) above, research]\* **\*Research\*** and development laboratories shall **\*[maintain and allow]\* **\*provide\*** their employees **\*[access to]\* **\*with\*** appropriate hazardous substance fact sheets **\*[and available material safety data sheets]\* **\*as part of their education and training program\***.********

## 8:59-6.4 Certification of existing program

(a) An employer which has established an employee education and training program regarding the health and safety risks and proper handling procedures for hazardous substances prior to August 29, 1984, may request the department to certify the education and training program as constituting compliance with the Act by submitting the following information to the department by March 1, 1985:

1. A general description of the education and training program;

2. A list of all materials used and distributed to employees. Upon request, said materials shall be submitted to the department. If other than written documents are submitted, such as a film or filmstrip, the department shall return the material after review upon request of the employer;

3. A description of the method of instruction;

4. Information documenting that the provisions of N.J.A.C. 8:59-6.3 are being met.

(b) The department shall have the right to enter an employer's facility during the normal operating hours of the facility to evaluate a request for certification and to determine an employer's compliance with N.J.A.C. 8:59-6.

(c) An employer shall be deemed in compliance with N.J.S.A. 8:59-6 until the department renders a decision on certification if it has submitted the information required by (a) above by March 1, 1985.

(d) Employees shall be informed by the employer of the employer's application for certification of its education and training program by posting a notice on bulletin boards readily accessible to employees.

#### SUBCHAPTER 7. \*[PUBLIC AND]\* EMPLOYEE \*AND PUBLIC\* ACCESS TO INFORMATION

## 8:59-7.1 Department of Health obligations

(a) The Department of Health shall maintain a file of all completed workplace surveys received from employers and hazardous substance fact sheets prepared by the department or by employers.

(b) The department shall retain hazardous substance fact sheets prepared by the department and each workplace survey and hazardous substance fact sheet received from employers, for 30 years.

(c) An person may request in writing from the department a copy of a workplace survey for a facility or a copy of any hazardous substance fact sheet.

(d) The department shall transmit any material requested pursuant to (c) above within 30 days of the request.

(e) Any request by an employee for material pertaining to the facility where he or she is employed made pursuant to (c) above shall be treated by the department as confidential.

(f) Any person who requests the disclosure of information for which a trade secret claim has been made or approved, shall follow the procedures set forth in N.J.A.C. \*[8:59-3.11]\* **\*8:59-3.10\***.

**\*(g) The department shall not distribute to any person, except as provided in N.J.A.C. 8:59-3.15, hazardous substance fact sheets prepared by employers for the protection of trade secrets.\***

**\*[(g)]\* \*(h)\*** The department shall have the right to charge for making and supplying copies of any documents requested by any persons in accordance with N.J.S.A. 47:1A-1 et seq.

## 8:59-7.2 Employer obligations

(a) Every employer shall, upon completion of a workplace survey, establish and maintain a central file at its facility in

which it shall retain a completed workplace survey for the facility, appropriate hazardous substance fact sheets and material safety data sheets, and, if applicable, a copy of the completed environmental survey for the facility.

(b) Every employer shall post on bulletin boards readily accessible to employees **\*[a poster provided by the department. The poster shall include]\* \*a\*** notice of the availability of workplace surveys, hazardous substance fact sheets, material safety data sheets, and environmental surveys, from the employer, from the Department of Health, from the Department of Environmental Protection, and from the county health department, county clerk, or designated county lead agency. **\*At such time as the department supplies a poster to the employer, this poster shall be used to meet the requirements of this subsection.\***

(c) An employer shall, upon request, provide an employee whose native language is Spanish or employee representative, with a Spanish translation of a workplace survey, hazardous substance fact sheet and, if applicable, an environmental survey. Every employer with employees whose native language is Spanish shall post the notice required in (b) above in Spanish.

(d) An employer shall, upon request, provide an employee or employee representative with a copy of a workplace survey, appropriate hazardous substance fact sheets and, if applicable, material safety data sheets and an environmental survey, at no cost\*. **This information shall be provided as soon as possible but at the latest\*** within five working days of the request.

(e) An employer shall provide an employee or employee representative with the chemical name of a substance in a container labeled with a common name within five working days of the request.

(f) An employer shall provide an employee or employee representative, upon written request, with the chemical name and Chemical Abstracts Service number or trade secret registry number of **\*[a]\* \*all\*** hazardous **\*[substance or]\* \*substances and, after August 29, 1986,\*** the five most predominant substances contained in any container which is not labeled pursuant to the Act.

(g) Every research and development laboratory shall establish a communications program with the local fire department, which shall be designed to assist the fire department in adequately preparing to respond to emergencies at the research and development laboratory.

(h) If an employer cannot supply a hazardous substance fact sheet or the chemical name and Chemical Abstracts Service number of a substance to an employee who requested it, because the employer has not received the hazardous substance fact sheet which the employer requested from the department, or does not know the name of the substance or substances constituting the components of the product and has reported this to the department, the employer shall:

1. Inform the employee in writing that it has requested and not received the hazardous substance fact sheet from the department, and provide the employee with the appropriate available material safety data sheet, or

2. Inform the employee in writing that it has reported to the department that it does not know the name of the substance or substances constituting the components of the product, and provide the employee with the appropriate available material safety data sheet.

(i) No employer shall discharge, cause to be discharged, or otherwise discipline, penalize, or discriminate against any employee because the employee or his or her employee representative has exercised any right established in the Act.

#### 8:59-7.3 County health department, county clerk, or designated county lead agency obligations

(a) Each county health department, county clerk, or designated county lead agency shall maintain a file of workplace surveys, environmental surveys, and hazardous substance fact sheets transmitted to it pursuant to the provisions of this act.

(b) Workplace surveys, environmental surveys, and hazardous substance fact sheets shall be made available for inspection by the public at no cost and at reasonable hours. If a fee is charged for copies of these documents, the fee shall not exceed the cost of reproducing the document.

(c) A county health department, county clerk, or designated county lead agency shall, upon request, provide to any person copies of the workplace survey, environmental survey and hazardous substance fact sheet in a Spanish translation provided by the Department of Health, Department of Environmental Protection, or an employer.

(d) Any request by an employee for material pertaining to the facility where he or she is employed made pursuant to (b) and (c) above shall be treated by the county health department, county clerk, or designated county lead agency as confidential.

#### 8:59-7.4 Police and fire department obligations

No local police department or local fire department receiving workplace surveys or environmental surveys pursuant to the provisions of the Act shall make the surveys available to the public.

#### 8:59-7.5 Employee rights

(a) Any employee or employee representative may request, in writing, from his or her employer, a copy of a workplace survey, hazardous substance fact sheet, or, where applicable, material safety data sheet or environmental survey, for the facility at which he or she is employed.

(b) An employee shall have the right to refuse to work with a hazardous substance for which a request was made for a workplace survey, appropriate hazardous substance fact sheet, environmental survey, the chemical name and Chemical Abstracts Service number of a substance in a container which is not labeled pursuant to N.J.A.C. 8:59-5, or the chemical name of a substance labeled with a common name, for the facility at which he or she is employed, and not honored within five working days of the request, without loss of pay or forfeit of any other privilege until the request is honored, except in the case of (c) below.

(c) An employee shall not have the right, pursuant to the Act, to refuse to work with a hazardous substance if an employer cannot supply a hazardous substance fact sheet to an employee who requested it because the employer has not received from the department the hazardous substance fact sheet which the employer requested from the department.

### SUBCHAPTER 8. ENFORCEMENT

#### 8:59-8.1 Violations

Whenever, on the basis of information available to him, the Commissioner of the Department of Health finds that an employer is in violation of the Worker and Community Right-to-Know Act, N.J.S.A. 34:5A-1 et seq; or any rule and regulation adopted pursuant thereto, the Commissioner of the Department of Health shall issue an order requiring the employer to comply, shall bring a civil action, shall levy a civil administrative penalty, or shall bring an action for a civil penalty, in accordance with N.J.S.A. 34:5A-33.

#### 8:59-8.2 Civil administrative penalty

(a) The Commissioner of the State Department of Health is authorized pursuant to N.J.S.A. 34:5A-33 to impose a civil administrative penalty of not more than \$2,500 for each violation and additional penalties of not more than \$1,000 for each day during which a violation continues after receipt of an order from the commissioner to cease the violation.

(b) A civil administrative penalty imposed pursuant to this subchapter, may be compromised by the Commissioner, in whole or in part, upon the posting by the employer of a performance bond in an amount and upon terms and conditions deemed satisfactory by the Commissioner.

#### 8:59-8.3 Standing to sue

(a) Any person may bring a civil action in law or equity on his or her own behalf against any employer for a violation of any provision of the act or any rule and regulation promulgated pursuant thereto, or against the Department of Health for failure to enforce the provisions of the Act or any rule or regulation promulgated pursuant thereto.

(b) The Superior Court shall have jurisdiction over the actions in (a) above. The court may award, whenever it deems appropriate, costs of litigation, including reasonable attorney and expert witness fees.

#### 8:59-8.4 Right to enter employer's facility

(a) The Department of Health shall have the right to enter an employer's facility during the normal operating hours of the facility to determine the employer's compliance with the Act.

(b) Any local or county health department or regional health agency which has entered into an interagency agreement with the department, shall have the right to enter an employer's facility to determine the employer's compliance with the provisions of the Act and rules and regulations adopted pursuant thereto, within the territory under its jurisdiction. The local or county health department or regional health agency shall conduct this inspection during the normal operating hours of the facility and in accordance with guidelines established by the Department of Health for inspections of employer's facilities. Inspection reports and recommendations of the local health officials shall be transmitted to the Department of Health \*[for possible enforcement action]\*. **\*All enforcement action shall be taken by the Department of Health.\***

#### 8:59-8.5 Employee health and exposure records

(a) Within 30 days of a request by the department, an employer shall provide the department with copies of employee health and exposure records, including those maintained for, and supplied to, the Federal government.

(b) When the department requests employee medical records that include the individuals' names, the employer shall, within 10 days, grant the department access to the employees, either in person or by supplying home addresses, in order to request permission to review their medical records.

### SUBCHAPTER 9. WORKPLACE HAZARDOUS SUBSTANCE LIST

#### 8:59-9.1 General Provisions

**\*(a) Substances not included on the Workplace Hazardous Substance List shall not be subject to the reporting provisions of the Act.\***

**\*(b)\*** The absence of any substance from the Workplace Hazardous Substance List or the provision of any informa-

tion by an employer to an employee or any other person pursuant to the provisions of the Act, shall not in any way affect any other liability of an employer with regard to safeguarding the health and safety of an employee or any other person exposed to the substance, nor shall it affect any other duty or responsibility of an employer to warn ultimate users of a substance of any potential health hazards associated with the use of the substance pursuant to the provisions of any law or rule or regulation adopted pursuant thereto.

#### 8:59-9.2 Contents of the workplace hazardous substance list

(a) The Workplace Hazardous Substance List consists of the hazardous substances listed in Appendix A, which includes:

1. Any substance or substance contained in a mixture regulated by the Occupational Safety and Health Administration, United States Department of Labor, under Title 29 Code of Federal Regulations (CFR) Part 1910—Occupational Safety and Health Standards for General Industry, Subpart Z—Toxic and Hazardous Substances, July 1, 1983.

2. Environmental hazardous substances contained in the "Environmental Hazardous Substance List" adopted by the New Jersey Department of Environmental Protection pursuant to the Act and codified in the New Jersey Administrative Code as N.J.A.C. 7:1G.

3. Additional substances which the department has determined pose a threat to the health or safety of employees. The scientific evidence documenting the health or safety threat of the substances listed in Appendix A is contained in the referenced sources listed in Appendix A.

(b) The Workplace Hazardous Substance List identifies the Chemical Abstracts Service number, a common name, the chemical name, and the source or sources which provides scientific evidence supporting selection of the substance to the list, for each substance.

#### 8:59-9.3 Modification of the list

(a) The department shall periodically review the Workplace Hazardous Substance List and shall make any necessary revisions in accordance with the procedures set forth in (b) through (f) below. The list shall be revised by the department, if necessary, once a year unless the department determines that special circumstances warrant an earlier revision.

(b) The Workplace Hazardous Substance List shall be reviewed to consider revisions to the following sources:

1. (Source #1) Occupational Safety and Health Administration, Title 29, CFR Part 1910, Subpart Z—Toxic and Hazardous Substances.

2. (Source #2) "Threshold Limit Values (TLVs) for Chemical Substances in the Work Environment Adopted by ACGIH for 1983-1984" (inclusive of intended changes for 1983-84), American Conference of Governmental Industrial Hygienists (ACGIH), 1983.

3. (Source #3) Materials Transportation Bureau, U.S. Department of Transportation, Title 49 CFR Part 172.101—Hazardous Materials Table, October 1, 1982, and Part 172.102—Optional Hazardous Materials Table, amended in Federal Register, Vol. 48, No. 211, October 31, 1983, p. 50234-50279.

4. (Source #4) "NIOSH Recommendations for Occupational Health Standards," National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, Morbidity and Mortality Weekly Report Supplement, Vol. 32, No. 1S, October 7, 1983.

5. (Source #5) "Third Annual Report on Carcinogens," National Toxicology Program, U.S. Department of Health and Human Services, December 1982.

6. (Source #6) "Environmental Hazardous Substance List", New Jersey Department of Environmental Protection, N.J.A.C. 7:1G.

7. (Source #7) "Chemicals, Industrial Processes and Industries Associated with Cancer in Humans," Supplement 4, Groups 1, 2A and 2B, International Agency for Research on Cancer (IARC), World Health Organization, 1982 (multi-volume).

8. (Source #8) "Chemicals Having Substantial Evidence of Carcinogenicity", Carcinogens Assessment Group, Office of Health and Environmental Assessment, U.S. Environmental Protection Agency (EPA), Chemical Regulation Reporter, Bureau of National Affairs, August 15, 1980, pages 647-649.

9. (Source #14)

\*i.\* "Prohibited and Restricted Use Pesticide List," New Jersey Department of Environmental Protection, N.J.A.C. 7:30-2.

\*[i.]\* \*ii.\* List of restricted use pesticides. United States Environmental Protection Agency, Title 40 CFR part 162.31, July 1, 1983.

(c) The department shall add to the workplace hazardous substance list any substance which it determines poses a threat to the health or safety of any employee and is based on documented scientific evidence.

(d) The Right to Know Advisory Council shall advise the department of its recommendations for proposed revisions to the Workplace Hazardous Substance List. Annual revisions to the Workplace Hazardous Substance List proposed by the department shall be submitted to the Advisory Council for review and shall be published in the New Jersey Register as a notice of pre-proposal for a rule pursuant to the requirements of N.J.A.C. 1:30-3.2.

(e) The department shall consider relevant scientific information in evaluating a revision to the Workplace Hazardous Substance List. For substances which cause health effects, this information may include, but is not limited to, short-term *in vitro* tests, animal toxicity tests, human epidemiological studies, clinical studies, and scientifically documented reports of symptoms or adverse health effects among employees. The department may investigate the situation surrounding any studies or reports in order to obtain additional information regarding a revision.

1. All evidence from scientific studies shall be based on properly designed studies for endpoints indicating health effects in humans, for example, carcinogenicity, mutagenicity, neurotoxicity, organ damage and/or effects, physiologic changes.

2. For purposes of this subchapter, animal data is admissible and generally indicative of potential effects in humans. The absence of a particular category of studies shall not be used to prove the absence of risk.

3. Negative results generally indicate the absence of statistically positive results in appropriate studies. As all tests for toxicological effects have inherent insensitivities, negative results must be reevaluated in light of the limits of sensitivity of each study, its test design, and the protocol followed.

4. In evaluating different results among proper tests, as a general rule, positive results shall be given more weight than negative results for purposes of including a substance on the list. In each case, the relative sensitivity of each test shall be a factor in resolving such conflicts.

(f) Notice of proposed revisions to the Workplace Hazardous Substance List shall be published once a year, or more frequently if warranted by special circumstances, in the New Jersey Register as a proposed amendment to these rules in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. At least 30 days shall be allowed for public comment. A public hearing shall be held, if, in the department's determination, there is significant public interest in the proposal.

(g) Employers will be notified of any revisions to the Workplace Hazardous Substance List through the annually updated workplace survey.

#### APPENDIX A WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	Common Name Chemical Name	Source Number(s)
*[16391-92-7]* *4680-78-8*	C.I. Acid Green 3	6
*[563-54-2]* *542-75-6*	1,*[2]* *3*-Dichloropropene 1-Propene-1,*[2]* *3*-Dichloro-	*[1,]*2*,3*
*[26952-23-8	Dichloropropene 1-Propene, Dichloro-	3]*
87-68-3	Hexachlorobutadiene 1,3-Butadiene, *1,1,2,3,4,4-* *Hexachloro-	2, 3, 7*, 8, 15*
2032-65-7	Mercapododimethur *(Methiocarb)* Phenol, 3,5-Dimethyl-4-(Methylthio)-, *Methylcarbamate	3, 14
*[2032-65-7	Methiocarb Carbamic Acid, N-Methyl, 4-(Methyl *Thio-3,5-Xylyl Ester	14]*
*[7681-38-1	Sodium Bisulfate Sulfuric Acid, Monosodium Salt	3]*
*[7775-11-3]* *10588-01-9*	Sodium Dichromate Chromic Acid, Disodium Salt	1, 2, 3, 4, 7, 8

#### SUBCHAPTER 10. SPECIAL HEALTH HAZARD SUBSTANCE LIST

##### 8:59-10.1 General provisions

(a) The Special Health Hazard Substance List consists of hazardous substances on the Workplace Hazardous Substance List which, because of their known carcinogenicity, mutagenicity or teratogenicity in humans, animals, or *in vitro* tests; or because of their flammability, reactivity/explosivity, or corrosivity, pose a special hazard to the health and safety of employees or the community.

(b) For purposes of reporting hazardous substances on the workplace survey form, the threshold percentage for special health hazard substances when present in a mixture shall be one-tenth of one percent for carcinogens, mutagens, and teratogens, and, for all other substances, one percent or if present in an aggregate amount of 500 pounds or more in a container at a facility.

(c) The absence of any substance from the Special Health Hazard Substance List shall not imply that a substance is not carcinogenic, mutagenic, teratogenic, flammable, reactive/explosive, or corrosive. Such absence, or the provision or any information by an employer to an employee or any other person pursuant to the provisions of the Act, shall not in any way affect any other liability of an employer with regard to safeguarding the health and safety of an employee or any other person exposed to the substance, nor shall it affect any

other duty or responsibility of an employer to warn ultimate users of a substance of any potential special health hazards associated with the use of the substance pursuant to the provisions of any law or rule or regulation adopted pursuant thereto.

(d) An employer shall not make a trade secret claim on the workplace survey or for labeling containers for any carcinogenic, mutagenic or teratogenic substance which is listed on the Special Health Hazard Substance List and is present as a pure substance or in a mixture at a concentration of one-tenth of one percent or greater, or for any flammable, explosive, reactive, or corrosive substance which is listed on the Special Health Hazard Substance List and is present as a pure substance or **\*at a concentration of one percent or greater\*** in a mixture which meets the hazard criteria as defined in N.J.A.C. 8:59-10.2(a)

(e) All carcinogenic, mutagenic, and teratogenic substances listed on the Special Health Hazard Substance List shall be labeled with their chemical name or common name approved by the department, and their Chemical Abstracts Service number when present as a pure substance or in a mixture at a concentration of one-tenth of one percent or greater. Flammable, explosive, reactive, and corrosive substances which are listed on the Special Health Hazard Substance List shall be labeled **\*[in the same manner when present as a pure substance, in a mixture at a concentration of one percent or greater, or in a mixture that meets the hazard criteria as defined in N.J.A.C. 8:59-10.2(a)]\* \*according to the provisions of N.J.A.C. 8:59-5\***.

##### 8:59-10.2 Contents of the Special Health Hazard Substance List

(a) The Special Health Hazard Substance List consists of hazardous substances with the following properties:

1. Carcinogen—Carcinogens which have met the criteria established by the International Agency for Research on Cancer (IARC)\*[,]\* **\*or\*** the National Toxicology Program (NTP)\*[,]\* **\*or\*** the Environmental Protection Agency's Carcinogen Assessment Group (CAG)\*[,], and, for benzidine based dyes,]\* **\*or\*** the criteria of the National Institute for Occupational Safety and Health (NIOSH) **\*for benzidine based dyes\***, are included on the Special Health Hazard Substance List.

i. IARC categorizes its list of carcinogens into three groups:

Group 1—The chemical, group of chemicals or occupational exposure is carcinogenic to humans. This category was used only when there was sufficient evidence from epidemiological studies to support a causal association between the exposure and cancer.

Group 2—The chemical, group of chemicals or occupational exposure is probably carcinogenic to humans.

Compounds from Group 3 were not included on the Workplace or Special Health Hazard Substance Lists.

ii. NTP categorizes its list of carcinogens into two groups:

Group 1 includes substances or groups of substances that are known to be carcinogenic, which includes those substances for which the evidence from human studies indicates that there is a causal relationship between exposure to the substance and human cancer.

Group 2 includes substances or groups of substances that may reasonably be anticipated to be carcinogens, which includes those substances for which there is limited evidence of carcinogenicity in humans or sufficient evidence of carcinogenicity in experimental animals.

iii. CAG includes substances which demonstrate substantial or strong evidence of carcinogenicity in humans or animals, based upon positive human epidemiological studies, or a statistically significant increase in malignant tumors or an increase in benign tumors of a progressive nature in at least one animal species. Evidence of carcinogenicity in short-term bioassays was used only as supportive evidence.

iv. NIOSH considers benzidine-based dyes as potential human carcinogens based on the rapid induction of tumors in animals and the demonstration of bladder cancer in workers exposed to benzidine-based dyes. In addition, evidence exists to indicate that benzidine-based dyes are converted to the carcinogen benzidine in laboratory animals and in humans.

2. Mutagen—Those mutagens which have at least three positive results in at least two of three test systems measuring gene or chromosome mutation or changes in ploidy (number of chromosomes per cell) are included on the Special Health Hazard Substance List. When two of the positive results are for the same genetic effect, they have to be derived from systems of different biological complexity.

3. Teratogen—Those teratogens for which there is sufficient evidence to suspect that they may be teratogenic in humans are included on the Special Health Hazard Substance List. Sufficient evidence of teratogenicity is epidemiological evidence of teratogenicity in humans or positive teratogenic evidence in at least two different animal species.

4. Flammable—The flammability hazards of materials are classified according to their susceptibility to burning. Pure substances which meet the United States Department of Transportation's (DOT) criteria for flammability set forth in 49 CFR Part 173 of the National Fire Protection Association's (NFPA) criteria for flammability in the third and fourth degrees of hazard set forth in "Standard Systems for the Identification of the Fire Hazards of Materials," No. 702-1975, are included on the Special Health Hazard Substance List. Special health hazard substances contained in mixtures shall be considered to be special health hazard substances unless the flammability hazard of the mixture does not meet the criteria set forth below for flammability. This documentation shall be made available to the department upon request.

i. DOT criteria:

(1) Flammable liquid—A flammable liquid means any liquid having a flash point below 100 degrees  $^{\circ}$ Fahrenheit\* (37.8 degrees Centigrade), except for any mixture having one component or more with a flash point of 100 degrees  $^{\circ}$ Fahrenheit\* (37.8 degrees Centigrade) or higher, that makes up at least 99 percent of the total volume of the mixture. (49 CFR Part 173.115).

(2) Flammable compressed gas—Any compressed gas shall be classed as "flammable gas" if any one of the following occurs:

(i) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure.

(ii) Using the Bureau of Explosives' Flame Projection Apparatus, the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening. (49 CFR Part 173.300)

(3) Flammable solid—A flammable solid is any solid material, other than one classed as an explosive, which is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a

serious hazard. Included in this class are spontaneously combustible and water-reactive materials (49 CFR Part 173.150).

ii. NFPA criteria:

(1) Flammability-Fourth degree—Materials which will rapidly or completely vaporize at atmospheric pressure and normal ambient temperature or which are readily dispersed in air, and which will burn readily. This degree should include:

Gases;

Cryogenic materials;

Any liquid or gaseous material which is a liquid while under pressure and having a flash point below 73 degrees  $^{\circ}$ Fahrenheit\* **\*Fahrenheit\*** (22.8 degrees Centigrade) and having a boiling point below 100 degrees  $^{\circ}$ Fahrenheit\* **\*Fahrenheit\*** (37.8 degrees Centigrade) (Class IA flammable liquids.)

Materials which on account of their physical form or environmental conditions can form explosive mixtures with air and which are readily dispersed in air, such as dusts of combustible solids and mists of flammable or combustible liquid droplets.

(2) Flammability-Third degree—Liquids and solids that can be ignited under almost all ambient temperature conditions. Materials in this degree produce hazardous atmospheres with air under almost all ambient temperatures or, though unaffected by ambient temperatures, are readily ignited under almost all conditions. This degree should include:

Liquids having a flash point below 73 degrees  $^{\circ}$ Fahrenheit\* **\*Fahrenheit\*** (22.8 degrees Centigrade) and having a boiling point at or above 100 degrees  $^{\circ}$ Fahrenheit\* **\*Fahrenheit\*** (37.8 degrees Centigrade) and those liquids having a flash point at or above 73 degrees  $^{\circ}$ Fahrenheit\* **\*Fahrenheit\*** (22.8 degrees Centigrade) and below 100 degrees  $^{\circ}$ Fahrenheit\* **\*Fahrenheit\*** (37.8 degrees Centigrade). (Class 1B and Class 1C flammable liquids);

Solid materials in the form of coarse dusts which may burn rapidly but which generally do not form explosive atmospheres with air;

Solid materials in a fibrous or shredded form which may burn rapidly and create flash fire hazards;

Materials which burn with extreme rapidity, usually by reason of self-contained oxygen;

Materials which ignite spontaneously when exposed to air.

5. Reactive and/or explosive—The reactivity or explosivity of materials are ranked according to their susceptibility to release energy. Pure substances which meet the National Fire Protection Association's criteria for reactivity/explosivity in the second, third, and fourth degrees of hazard set forth in "Standard Systems for the identification of the Fire Hazards of Materials", No. 704-1975, are included in the Special Health Hazard Substance List. Special health hazard substances contained in mixtures shall be considered to be special health hazard substances unless the reactive and/or explosive hazard of the mixture does not meet the criteria set forth below for reactivity/explosivity. This documentation shall be made available to the department upon request.

i. Reactivity-Fourth degree—Materials which in themselves are readily capable of detonation or of explosive decomposition or explosive reaction at normal temperatures and pressures. This degree should include materials which are sensitive to mechanical or localized thermal shock at normal temperatures and pressures

ii. Reactivity-Third degree—Materials which in themselves are capable of detonation or of explosive decomposition or explosive reaction but which require a strong initiating source or which must be heated under confinement before initiation. This degree should include materials which are sensitive to

thermal or mechanical shock at elevated temperatures and pressures or which react explosively with water without requiring heat or confinement.

iii. Reactivity-Second degree—Materials which in themselves are normally unstable and readily undergo violent chemical change but do not detonate. This degree should include materials which can undergo chemical change with rapid release of energy at normal temperatures and pressures or which can undergo violent chemical change at elevated temperatures and pressures. It should also include those materials which may react violently with water or which may form potentially explosive mixtures with water.

6. Corrosive—Pure substances which meet the United States Department of Transportation's criteria for corrosivity set forth in 49 CFR Part 173.240 are included on the Special Health Hazard Substance List. Special health hazard substances contained in mixtures shall be considered to be special health hazard substances unless the corrosivity hazard of the mixture does not meet the criteria set forth below for corrosivity. This documentation shall be made available to the department upon request.

A corrosive material is a liquid or solid that causes visible destruction or irreversible alterations in human skin tissue at the site of contact. A material is considered to be destructive or to cause irreversible alteration in human skin tissue if when tested on the intact skin on the albino rabbit by the technique described in Appendix A to 49 CFR Part 173.240, the structure of the tissue at the site of contact is destroyed or changed irreversibly after an exposure period of 4 hours or less. (49 CFR Part 173.240) The term corrosive shall not refer to action on inanimate surfaces.

(b) The Special Health Hazard Substance List consists of the hazardous substances listed in Appendix B.

8:59-10.3 Modification of the list

The Special Health Hazard Substance List shall be modified in accordance with the procedures set forth in N.J.A.C. 8:59-3, and with the use of other reference sources deemed appropriate by the department.

APPENDIX B  
SPECIAL HEALTH HAZARD SUBSTANCE LIST

CAS #	Common Name Chemical name	Source Number(s) Special Health Hazard Code(s)
63-25-2	*[#] Carbaryl 1-Naphthalenol, Methylcarbamate	1, 2, 3, 4, 6 *[Te]*
94-75-7	*[#] 2,4,-D Acetic Acid, (2,4-Dichloro-Phenoxy-	1, 2, 3, 6, 14 *[MU]*
62-73-7	*[#] Dichlorvos Phosphoric Acid, 2,2-Dichloroethenyl *Dimethyl Ester	1, 2, 3, 6, 14 *[MU]*
122-66-77	# 1,2-Diphenylhydrazine (Hydrazobenzene) Hydrazine, 1,2-Diphenyl-	5, 6, 8 (CA*[MU]*)

APPENDIX A \*AND\* APPENDIX B  
WORKPLACE HAZARDOUS SUBSTANCE LIST \*AND\*  
SPECIAL HEALTH HAZARD SUBSTANCE LIST

Explanation of Column Headings

*Substance Number—	A unique four digit number assigned to each hazardous substance*
CAS *[#]* *Number*—	Chemical Abstracts Service Number
Common Name/Chemical Name—	The first name is the common name for the substance; the second name is the chemical name. When there is only one name, the common and chemical names are the same.

Where a substance contains a prefix, for example, alpha, beta, tert, sec, bis, p-, o-, m-, the substance was alphabetized according to the first letter of the prefix.

\*\*—

Indicates continuation of chemical name.\*

\*#—

Indicates a Special Health Hazard Substance.\*

Source Number(s)—

The source numbers on the top line correspond to the reference sources listed below. In the formulation of the Workplace Hazardous Substance List the department has used lists of hazardous substances developed by other public agencies and private organizations.

The department has reviewed their contents and development criteria and has determined that certain substances on these lists pose a \*[special hazard]\* \*threat\* to employee health \*[and]\* \*or\* safety. \*Hazardous substances from the reference sources have been incorporated into the Workplace Hazardous Substance List.\*

The Special Health Hazard Codes on the bottom line refer to the hazardous categories of the substances:

- CA— Carcinogen
- MU— Mutagen
- TE— Teratogen
- F4— \*[Flammability]\* \*Flammable\*—Fourth Degree (National Fire Protection Association (NFPA)).
- F3— \*[Flammability]\* \*Flammable\*—Third Degree (NFPA)
- R4— \*[Reactivity]\* \*Reactive\*—Fourth Degree (NFPA)
- R3— \*[Reactivity]\* \*Reactive\*—Third Degree (NFPA)
- R2— \*[Reactivity]\* \*Reactive\*—Second Degree (NFPA)
- CO— Corrosive

The \*[following]\* carcinogenic, mutagenic and teratogenic substances are special health hazard substances when present as pure substances or in mixtures at a concentration of one-tenth of one percent \*(0.1%)\* or greater.

The \*[following]\* flammable, reactive/explosive, and corrosive substances are special health hazard substances when present as pure substances or present \*at a concentration of one percent or greater\* in a mixture which meets the hazard criteria as defined in N.J.A.C. 8:59-10.2(A).

\*[Note: The Special Health Hazard Substance List is arranged alphabetically.]\*

REFERENCE SOURCES

Source No.

1. Occupational Safety and Health Administration, U.S. Department of Labor, Title 29 Code of Federal Regulations (CFR) Part 1910—Occupational Safety and Health Standards for General Industry, Subpart Z—Toxic and Hazardous Substances, OSHA 2206, June 1981 (rev.).
2. "Threshold Limit Values (TLVs for Chemical Substances in the Work Environment Adopted by ACGIH for 1983-1984" (inclusive of intended changes for 1983-1984),

- American Conference of Governmental Industrial Hygienists (ACGIH), 1983.
3. Materials Transportation Bureau, U.S. Department of Transportation, Title 49, Code of Federal Regulations (CFR) Part 172.101—Hazardous Materials Table, October 1, 1982, and Part 172.102—Optional Hazards Materials Table, amended in *Federal Register*, Vol. 48, No. 211, October 31, 1983, p. 50234-50279.
  4. "NIOSH Recommendations for Occupational Health Standards," National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, Morbidity and Mortality Weekly Report Supplement, Vol. 32, No. 1S, October 7, 1983.
  5. "Third Annual Report on Carcinogens," National Toxicology Program, U.S. Department of Health and Human Services, December 1982.
  6. "Environmental Hazardous Substance List," NJ Department of Environmental Protection, Title 7 New Jersey Administrative Code (NJAC) Chapter 1G.
  7. "Chemicals, Industrial Processes and Industries Associated with Cancer in Humans," Supplement 4, Groups 1, 2A and 2B, International Agency for Research on Cancer (IARC), 1982.
  8. "Chemicals Having Substantial Evidence of Carcinogenicity," Carcinogens Assessment Group, Office of Health and Environmental Assessment, U.S. Environmental Protection Agency (EPA), *Chemical Regulation Reporter*, Bureau of National Affairs, August 15, 1980, pages 647-649.
  9. "Special Occupational Hazard Review for Benzidine-Based Dyes," National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, NIOSH Pub. No. 80-109, January 1980.
  10. *Current Intelligence Bulletin*, Numbers 1-3, 5-9, 11-12, 14-15, 17-30, 32, 34-35, 37 and 39, Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, January 20, 1975-May 2, 1983.
  11. "Preventing Health Hazards from Exposure to Benzidine Cogener Dyes," National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, NIOSH Pub. No. 83-105, January 1983.
  12. A. Bernstein, I. L. (May, 1981), Occupational Asthma, *Clinics in Chest Medicine*, 2 (2):255-272.  
 B. Brooks, S. M. (1977), Bronchial Asthma of Occupational Origin, A review. *Scand. J. Work Environ. and Health* 3:53-72.  
 C. Zammit-Tabona, M., Sherkin, M., Kijek, K., Chan, H., and Chan-Yeung, M. (1983) Asthma Caused by Diphenylmethane Diisocyanate in Foundry Workers. *Amer. Rev. Respir. Dis.* 128:226-230.  
 D. Freedman, S.O., Krupey, J. (1968). Respiratory Allergy Caused by Platinum Salts. *J. Allergy*, 42(4):233-237.  
 E. Pepys, J., Pickering, C.A.C., London, H.W.G., (1972), Asthma due to inhaled chemical agents - piperazine dihydrochloride. *Clinical Allergy* 2:189-196.  
 F. Pepys, J., Pickering, C.A.C. (1972), Asthma due to inhaled chemical fumes - amino-ethyl ethanolamine in aluminum soldering flux. *Clinical Allergy* 2:197-204.  
 G. Davies, R.J., Butcher, B.T., Salvaggio, J.F., (1977). Occupational asthma caused by low molecular weight chemical agents. *J. Allergy and Clinical Immunol* 60(2):93-95.
  - H. Zeiss, C.R., Patterson, R., Pruzansky, J.J., Miller, M.S., Rosenbergt, M., Leirtz, D., (1977) Trimellitic anhydride - induced airway syndromes: Clinical and immunologic studies. *J. Allergy Clin. Immunol* 60(2):96-103.
  - I. Sterlig, G.M. (1967). Asthma due to aluminum soldering flux. *Thorax* 22:533-537.
  - J. Vallieres, M., Cockcroft, D.W., Taylor, D.M., Dolorich, J., Hargreave, F.E. (1977). Dimethyl Ethanolamine - Induced Asthma. *Am. Rev. Respir. Dis.* 115:867-871.
  - K. McConnel, Z.H., Fink, J.N., Schlueter, D.P., Schmidt, M.G. (1973). Asthma Caused by Nickel Sensitivity. *Annals of Internal Medicine* 78:888-890.
  - L. Mitchell, C.A., Gandeira, B. (1971). Respiratory Symptoms and Skin Reactivity in Worker Exposed to Protelytic Enzymes in the Detergent Industry. *Amer. Rev. Respir. Disease* 104:1-12.
  13. A. Benedict, W., et al., (1977). Induction of morphological transformation in mouse C3H/10T1/2 clone B cells and chromosomal damage in hamster A(T) C1-3 cells by cancer chemotherapeutic agents. *Can. Res.* 37:2202.  
 B. Benedict, W., et al., (1977). Mutagenicity of cancer chemotherapeutic agents in the salmonella/microsome test. *Can. Res.* 37:2209.  
 C. Berger, M., Habs, M., and Schmahl, D., (1983). Noncarcinogenic chemotherapy with a combination of vincristine, methotrexate and 5-fluorouracil (VMP) in rats. *Int. J. Cancer* 32(2):231-236.  
 D. Coleman, C., et al., (1977). Hematologic neoplasia in patients with Hodgkin's Disease. *N. Eng. J. Med.* 297(23):1249.  
 E. Greene, M., et al., (1982). Acute nonlymphocytic leukemia after therapy with alkylating agents for ovarian cancer: a study of five randomized clinical trails. *N. Eng. J. Med.* 307(23):1416.  
 F. Guarino, A., (1979). "Pharmacologic and Toxicologic Study of Anti-Cancer Drugs," in DeVita, V. and Busch, H., eds., *Methods in Cancer Research Volume XVII Cancer Drug Development Part B*. Academic Press, N.Y.  
 G. Habs, M., Schmahl, D. and Lin, P., (1981). Carcinogenic activity in rats of combined treatment with cyclophosphamide, methotrexate and 5-fluorouracil. *Int. J. Cancer* 28(1):91-96.  
 H. Hamilton, C., (1982). Risk to personnel admixing cancer chemotherapy, *U.S. Pharmacist*: H-1 - H-8.  
 I. Harrison, B., (1981). Developing guidelines for working with antineoplastic drugs. *Am. J. Hosp. Pharm.* 38:1686.  
 J. Iversen, O., (1982). Enhancement of methylnitrosourea skin carcinogenesis by inhibiting cell proliferation with hydroxyurea or skin extracts. *Carcinogenesis* 3:881-889.  
 K. Iversen, O., (1982). Hydroxyurea enhances methylnitrosourea skin tumorigenesis when given shortly before, but not after, the carcinogen. *Carcinogenesis* 8(3):891-894.  
 L. Krikorian, J., et al., (1979). Occurrence of non-Hodgkin's lymphoma after therapy for Hodgkin's disease. *N. Eng. J. Med.* 300(9):452.

- M. Leopald, Miller and Miller, (1979). Carcinogenicity of antitumor cisplatin (II) coordination complexes in the mouse and rat. *Can. Res.* 39:913-918.
- N. Marquardt, H., Phillips, F. and Sternberg, S., (1976). Tumorigenicity *in vivo* and induction of malignant transformation and mutagenesis in cell cultures by adriamycin and daunomycin. *Can. Res.* 36:2065.
- O. Nyfors, A., (1981). Psoriasis in children: Characteristics, prognosis and therapy. A Review. *Acta Derm. Venereol.* (suppl), (Stockh) 95:47-53.
- P. Ohnuma, T., et al., (1971). Treatment of adult leukemia with L-asparaginase. *Cancer Chemotherapy Res.* 55:269-275.
- Q. Pedersen-Bjergaard, J. and Larsen, S., (1982). Incidence of acute nonlymphocytic leukemia, preleukemia and acute myeloproliferative syndrome up to 10 years after treatment of Hodgkin's disease. *N. Eng. J. Med.* 307(16):965.
- R. Reimer, R., et al., (1977). Acute leukemia after alkylating-agent therapy of ovarian cancer. *N. Eng. J. Med.* 297(4):177.
- S. Rudnick, S., et al., (1979). High dose cytosine arabinoside (HDARAC) in refractory acute leukemia. *Cancer* 44:1189-1193.
- T. Scott, H., et al., (1977). Acute leukemia after busulfan. *Br. Med. J.* 2:1513-1517.
- U. Senio, Y., et al., (1978). Mutagenicity of several classes of antitumor agents to *Salmonella Typhimurium* TA 98, TA 100 and TA 92. *Can. Res.* 38:2148.
- V. Sieber, S. and Adamson, R., (1975). *Pharmacological Basis of Cancer Chemotherapy*. Williams and Wilkins, Baltimore, p. 401-468.
- W. Sieber, S. and Adamson, R., (1975). Toxicity of anti-neoplastic agents in man: chromosome aberrations, antifertility effects, congenital malformations, and carcinogenic potential. *Adv. Cancer Res.* 22:57-155.
- X. Weisburger, (1975). Cytostatic Therapy—A Double Edged Sword, No. 52 of series, Grundmann and Gross, eds., *Recent Results in Cancer Research*. Springer-Verlage, Berlin, p. 1-17.
- Y. Golbus, M. (1980). Teratology for the obstetrician: Current status *Obstetrics and Gyn* 55(3).
- Z. Newton, R., et al., (1978). Adrenocortical suppression in workers manufacturing synthetic glucocorticoids. *Brit. Med. J.* 1:73-74.
- AA. Newton, R., et al., (1982). Adrenocortical suppression in workers employed in manufacturing synthetic glucocorticosteroids: solutions to a problem. *Brit. J. Ind. Med.* 39:179-182.
- BB. Noronka, R., and Goodall, C., (1983). Enhancement by testosterone of dimethylnitrosamine carcinogenesis in lung, liver and kidney of inbred NZR/Gd female rats. *Carcinogenesis* 4:613-616.
- CC. Poller, L., et al., (1979). Effects of manufacturing oral contraceptives on blood clotting, *Brit. J. Med.* 1:1761-1762.
- DD. White, I. and Suzanger, M., (1980). Cytotoxic effects of norethindrone 4beta, 5beta-epoxide to Walker cells in culture and to rat liver *in vivo*. *Chem-Biol Interact* 30:355-366.
- EE. Physicians' Desk Reference, 37th Edition, Medical Economics Company, Inc., Oradell, N.J., 1983.
- FF. AMA Drug Evaluations, 5th Edition, American Medical Association, W.B. Saunders Company, Philadelphia, April 1983.
14. *Pesticides*  
 "Prohibited and Restricted Use Pesticide List," NJDEP, Title 7 NJAC Chapter 30-2.  
 List of restricted use pesticides. U.S. EPA, Title 40 CFR Part 162.31, July 1, 1983.  
 The following source supports the State Department of Health's determination that a substance is hazardous but was not used as the sole source for including any substance on the Workplace Hazardous Substance List.
15. National Fire Codes—A compilation of NFPA Codes, Standards, Recommended Practices, and Manuals, Volume 13, "Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids," (NFPA 325M-1977), National Fire Protection Association (NFPA), 1981.

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "\*"\*

PAGE 1

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0001	75-07-0	# ACETALDEHYDE	1 2 3 6 15 (F4,MU,R2)
0002	75-39-8	ACETALDEHYDE AMMONIA ETHANOL, 1-AMINO-	3
0003	107-29-9	ACETALDEHYDE OXIME ACETALDEHYDE, OXIME	3
0004	64-19-7	# ACETIC ACID	1 2 3 15 (CO)
0005	108-24-7	# ACETIC ANHYDRIDE ACETIC ACID, ANHYDRIDE	1 2 3 15 (CO)
0006	67-64-1	# ACETONE 2-PROPANONE	1 2 3 4 15 (F3)
0007	75-86-5	# ACETONE CYANOHYDRIN PROPANENITRILE, 2-HYDROXY-2-METHYL-	3 4 15 (R2)
0008	75-05-8	# ACETONITRILE	1 2 3 4 15 (F3)
0009	37187-22-7	ACETYL ACETONE PEROXIDE 2,4-PENTANEDIONE, PEROXIDE	3 15
0010	53-96-3	# 2-ACETYLAMINOFLUORENE ACETAMIDE, N-9H-FLUOREN-2-YL-	1 5 8 (CA,MU)
0011	644-31-5	ACETYL BENZOYL PEROXIDE PEROXIDE, ACETYL BENZOYL	3
0012	506-96-7	# ACETYL BROMIDE	3 (CO)
0013	75-36-5	# ACETYL CHLORIDE	3 15 (CO,F3,R2)
0014	3179-56-4	ACETYL CYCLOHEXANE SULFONYL PEROXIDE PEROXIDE, ACETYL CYCLOHEXYLSULFONYL	3
0015	74-86-2	# ACETYLENE ETHYNE	2 3 4 15 (F4,R3)
0016	79-27-6	ACETYLENE TETRABROMIDE ETHANE, 1,1,2,2-TETRABROMO-	1 2 3 15
0017	507-02-8	# ACETYL IODIDE	3 (CO)
0018	513-86-0	ACETYL METHYL CARBINOL 2-BUTANONE, 3-HYDROXY-	3
0019	110-22-5	# ACETYL PEROXIDE PEROXIDE, DIACETYL	3 15 (R4)
0020	50-78-2	ACETYLSALICYLIC ACID BENZOIC ACID, 2-(ACETYLOXY)-	2
0021	107-02-8	# ACROLEIN 2-PROPENAL	1 2 6 14 15 (F3,MU,R2)
0022	79-06-1	ACRYLAMIDE 2-PROPENAMIDE	1 2 3 4
0023	79-10-7	# ACRYLIC ACID 2-PROPENOIC ACID	2 3 6 15 (CO,R2)
0024	107-13-1	# ACRYLONITRILE 2-PROPENENITRILE	1 2 3 4 5 6 7 8 10 14 15 (CA,F3,MU,R2)
0025	50-76-0	# ACTINOMYCIN D	1 7 13(H,G,X) (CA,MU)
0026	124-04-9	ADIPIC ACID HEXANEDIOIC ACID	3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 2

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0027	111-69-3	ADIPONITRILE HEXANEDINITRILE	3 4 15
0028	23214-92-8	# ADRIAMYCIN 5,12-NAPHTHACENEDIONE, 10- (3-AMINO-2,3,6-TRIDEOXY-.ALPHA.-L- * LYXO-HEXOPYRANOSYL)OXY -7,8,9,10-TETRAHYDRO-6,8,11- * TRIHYDROXY-8-(HYDROXYACETYL)-1-METHOXY-, (8S-CIS)-	7 (CA,MU)
0029	7220-81-7	# AFLATOXIN B2 CYCLOPENTA(C)FURO(3',2':4,5)FURO(2,3-H)(1)BENZOPYRAN-1,11-DIONE, * 2,3,6A-ALPHA,8,9,9A-ALPHA-HEXAHYDRO-4-METHOXY-	5 7 (CA,MU)
0030	1165-39-5	# AFLATOXIN G1 1H,12H-FURO(3',2':4,5)FURO(2,3-H)PYRANO(3,4-C)(1)(BENZOPYRAN-1, * 12-DIONE,3,4,7A,10A-TETRAHYDRO-5-METHOXY-	5 7 8 (CA,MU)
0031	116-06-3	ALDICARB PROPANAL, 2-METHYL-2-(METHYLTHIO)-, O-((METHYLAMINO)CARBONYL)- * OXIME	14
0032	107-89-1	ALDOL, 3-HYDROXYBUTYRALDEHYDE 3-HYDROXYBUTANAL	3
0033	309-00-2	# ALDRIN 1,4:5,8-DIMETHANONAPHTHALENE, 1,2,3,4,10,10-HEXACHLORO-1,4,4A,5, * 8,8A-HEXAHYDRO-, (1.ALPHA.,4.ALPHA.,4A.BETA.,5.ALPHA., * 8.ALPHA.,8A.BETA.)-	1 2 3 4 6 8 14 (CA)
0034	75-75-2	# ALKANE SULFONIC ACID METHANESULFONIC ACID	3 (CO)
0035	591-87-7	# ALLYL ACETATE ACETIC ACID, 2-PROPENYL ESTER	3 15 (F3)
0036	107-18-6	# ALLYL ALCOHOL 2-PROPEN-1-OL	1 2 3 14 15 (F3)
0037	107-11-9	# ALLYL AMINE 2-PROPEN-1-AMINE	3 15 (F3)
0038	106-95-6	# ALLYL BROMIDE 1-PROPENE, 3-BROMO-	3 15 (F3)
0039	107-05-1	# ALLYL CHLORIDE 1-PROPENE, 3-CHLORO-	1 2 3 4 6 15 (F3)
0040	2937-50-0	# ALLYL CHLOROCARBONATE CARBOCHLORIDIC ACID, 2-PROPENYL ESTER	3 15 (CO,F3)
0041	557-31-3	# ALLYL ETHYL ETHER 1-PROPENE, 3-ETHOXY-	3 (F3,R2)
0042	1838-59-1	ALLYL FORMATE FORMIC ACID, 2-PROPENYL ESTER	3
0043	106-92-3	ALLYL GLYCIDYL ETHER OXIRANE, (2-PROPENYLOXY)METHYL -	1 2 3 4 10
0044	556-56-9	# ALLYL IODIDE 1-PROPENE, 3-IODO-	3 (CO)
0045	57-06-7	# ALLYL ISOTHIOCYANATE 1-PROPENE, 3-ISOTHIOCYANATO-	3 (MU)
0046	2179-59-1	ALLYL PROPYL DISULFIDE DISULFIDE, 2-PROPENYL PROPYL	1 2
0047	107-37-9	# ALLYL TRICHLOROSILANE SILANE, TRICHLORO-2-PROPENYL-	3 15 (CO,F3,R2)
0048	532-27-4	.ALPHA.-CHLOROACETOPHEMONE ETHANONE, 2-CHLORO-1-PHENYL-	1 2 3
0049	98-85-1	.ALPHA.-METHYLBENZYL ALCOHOL BENZENEMETHANOL, .ALPHA.-METHYL-	3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0050	555-30-6	ALPHA-METHYLDOPA 2-TYROSINE, 3-HYDROXY-ALPHA-METHYL-	12(A)
0051	86-88-4	ALPHANAPHTHYL THIOUREA (ANTU) THIOUREA, 1-NAPHTHALENYL-	1 2 3 14
0052	80-56-8	.ALPHA.-PINENE BICYCLO 3.1.1 HEPT-2-ENE, 2,6,6-TRIMETHYL-	3
0053	28981-97-7	# ALPRAZOLAM 4H-S-TRIAZOLD(4,3,-ALPHA) )1,4) BENZODIAZEPINE, 8-CHLORO-1- * METHYL-6-PHENYL	13(Y,EE,FF) (TE)
0054	7429-90-5	ALUMINUM	2 3
0055	7727-15-3	# ALUMINUM BROMIDE ALUMINUM BROMIDE (ALBR3)	3 (CO)
0056	12656-43-8	ALUMINUM CARBIDE	3
0057	7446-70-0	# ALUMINUM CHLORIDE ALUMINUM CHLORIDE (ALCL3)	1 2 3 (CO)
0058	12003-41-7	ALUMINUM FERROSILICON ALUMINUM IRON SILICIDE (ALFESI)	3
0059	7784-18-1	ALUMINUM FLUORIDE	1 2 4
0060	7784-21-6	ALUMINUM HYDRIDE ALUMINUM HYDRIDE (ALH3)	3
0061	13473-90-0	ALUMINUM NITRATE NITRIC ACID, ALUMINUM SALT	2 3
0062	7784-30-7	# ALUMINUM PHOSPHATE PHOSPHORIC ACID, ALUMINUM SALT (1:1)	2 3 (CO)
0063	20859-73-8	ALUMINUM PHOSPHIDE ALUMINUM PHOSPHIDE (ALP)	2 3 14
0064	61789-65-9	ALUMINUM RESINATE RESIN ACIDS AND ROSIN ACIDS, ALUMINUM SALTS	3
0065	50810-25-8	ALUMINUM SILICON ALUMINUM SILICIDE (ALSI5)	3
0066	12042-55-6	ALUMINUM SILICON ALUMINUM SILICIDE (ALSI)	3
0067	57485-31-1	ALUMINUM SILICON ALUMINUM SILICIDE (ALSI2)	3
0068	10043-01-3	ALUMINUM SULFATE SULFURIC ACID, ALUMINUM SALT (3:2)	2 3
0069	117-79-3	# 2-AMINOANTHRAQUINONE 9,10-ANTHRACENEDIONE, 2-AMINO-	5 6 (CA)
0070	95-85-2	2-AMINO-4-CHLOROPHENOL PHENOL, 2-AMINO-4-CHLORO-	3
0071	140-80-7	2-AMINO-5-DIETHYLAMINOPENTANE 1,4-PENTANEDIAMINE, N1,N1-DIETHYL-	3
0072	92-67-1	# 4-AMINODIPHENYL 1,1'-BIPHENYL -4-AMINE	1 2 5 7 8 (CA,MU)
0073	110-76-9	# AMINOETHOXYETHANOL ETHANEAMINE, 2-ETHOXY-	3 (CO)
0074	111-41-1	AMINOETHYLETHANOLAMINE ETHANOL, 2- (AMINOETHYL)ETHYL -	12(A,B,F,I) 15
0075	28631-79-0	# AMINOETHYLPIPERAZINE PIPERAZINEETHANAMINE	3 15 (CO)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 4

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0076	82-28-0	# 1-AMINO-2-METHYLANTHRAQUINONE 9,10-ANTHRACENEDIONE, 1-AMINO-2-METHYL-	5 (CA)
0077	551-16-6	6-AMINO-PENICILLANIC ACID 4-THIA-1-AZABICYCLO 3.2.0 HEPTANE-2-CARBOXYLIC ACID, 6-AMINO-3, * 3-DIMETHYL-7-OXO-, 2S-(2.ALPHA.,5.ALPHA.,6.BETA.) -	12(A,G)
0078	27598-85-2	AMINOPHENOL PHENOL, AMINO-	3
0079	4985-85-7	AMINOPROPYLDIETHANOLAMINE ETHANOL, 2,2'- (3-AMINOPROPYL)IMINO BIS-	3
0080	123-00-2	# AMINOPROPYLMORPHOLINE 4-MORPHOLINEPROPANAMINE	3 15 (CO)
0081	504-29-0	2-AMINOPYRIDINE 2-PYRIDINAMINE	1 2 3
0082	462-08-8	3-AMINO PYRIDINE 3-PYRIDINAMINE	3
0083	61-82-5	# AMITROL 1H-1,2,4-TRIAZOL-3-AMINE	2 5 6 7 8 (CA,MU)
0084	7664-41-7	# AMMONIA	1 2 3 4 15 (CO)
0085	631-61-8	AMMONIUM ACETATE ACETIC ACID, AMMONIUM SALT	3
0086	7784-44-3	AMMONIUM ARSENATE ARSENIC ACID (H3ASO4), DIAMMONIUM SALT	1 2 3
0087	1863-63-4	AMMONIUM BENZOATE BENZOIC ACID, AMMONIUM SALT	3
0088	1066-33-7	AMMONIUM BICARBONATE CARBONIC ACID, MONOAMMONIUM SALT	3
0089	1341-49-7	AMMONIUM BIFLUORIDE AMMONIUM FLUORIDE ((NH4)(HF2))	1 2 3
0090	10192-30-0	# AMMONIUM BISULFITE SULFUROUS ACID, MONOAMMONIUM SALT	3 (CO)
0091	1111-78-0	AMMONIUM CARBAMATE CARBAMIC ACID, MONOAMMONIUM SALT	3
0092	10361-29-2	AMMONIUM CARBONATE CARBONIC ACID, AMMONIUM SALT	3
0093	12125-02-9	AMMONIUM CHLORIDE AMMONIUM CHLORIDE ((NH4)CL)	2 3
0094	16919-58-7	AMMONIUM CHLOROPLATINATE PLATINATE (2-1), HEXACHLORO-, DIAMMONIUM	1 2
0095	52110-72-2	AMMONIUM CHROMATE AMMONIUM CHROMIUM OXIDE	1 2 3
0096	7632-50-0	AMMONIUM CITRATE 1,2,3-PROPANETRICARBOXYLIC ACID, 2-HYDROXY-, AMMONIUM SALT	3
0097	7789-09-5	AMMONIUM DICHROMATE CHROMIC ACID (H2CR2O7), DIAMMONIUM SALT	1 2 3
0098	2980-64-5	AMMONIUM DINITRO-O-CRESOLATE O-CRESOL, 4,6-DINITRO-, AMMONIUM SALT	3
0099	12125-01-8	AMMONIUM FLUORIDE AMMONIUM FLUORIDE ((NH4)F)	1 2 3
0100	13826-83-0	AMMONIUM FLUOROBORATE BORATE(1-), TETRAFLUORO-, AMMONIUM	1 2 3

## ADOPTIONS

## HEALTH

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 5

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0101	1309-32-6	AMMONIUM FLUOSILICATE CRYPTOHALITE	1 2 3
0102	7803-63-6	# AMMONIUM HYDROGEN SULFATE SULFURIC ACID, MONOAMMONIUM SALT	3 (C0)
0103	1336-21-6	AMMONIUM HYDROXIDE AMMONIUM HYDROXIDE ((NH4)(OH))	3
0104	7803-55-6	AMMONIUM METAVANADATE VANADATE (VO31-), AMMONIUM	3
0105	13106-76-8	AMMONIUM MOLYBDATE MOLYBDIC ACID, DIAMMONIUM SALT	1 2
0106	6484-52-2	# AMMONIUM NITRATE NITRIC ACID AMMONIUM SALT	3 (R3)
0107	57608-40-9	AMMONIUM NITRATE PHOSPHATE	3
0108	1113-38-8	AMMONIUM OXALATE ETHANEDIOIC ACID, DIAMMONIUM SALT	3
0109	7790-98-9	# AMMONIUM PERCHLORATE PERCHLORIC ACID, AMMONIUM SALT	3 (R4)
0110	13446-10-1	# AMMONIUM PERMANGANATE PERMANGANIC ACID (HMNO4), AMMONIUM SALT	3 (R3)
0111	7727-54-0	AMMONIUM PERSULFATE PEROXYDISULFURIC ACID ((HO)S(O)2 2O2), DIAMMONIUM SALT	3
0112	131-74-8	AMMONIUM PICRATE PHENOL, 2,4,6-TRINITRO-, AMMONIUM SALT	3
0113	9080-17-5	# AMMONIUM POLYSULFIDE AMMONIUM SULFIDE ((NH4)2(SX))	3 (C0)
0114	7773-06-0	AMMONIUM SULFAMATE SULFAMIC ACID, MONOAMMONIUM SALT	1 2 3
0115	12135-76-1	# AMMONIUM SULFIDE AMMONIUM SULFIDE ((NH4)2S)	3 (C0)
0116	10196-04-0	AMMONIUM SULFITE SULFUROUS ACID, DIAMMONIUM SALT	3
0117	3164-29-2	AMMONIUM TARTRATE BUTANEDIOIC ACID, 2,3-DIHYDROXY- R-(R*,R*) -, DIAMMONIUM SALT	3
0118	13820-41-2	AMMONIUM TETRACHLOROPLATINATE PLATINATE (2-), TETRACHLORO-, DIAMMONIUM	1 12(A)
0119	1762-95-4	AMMONIUM THIOCYANATE THIOCYANIC ACID, AMMONIUM SALT	3
0120	7783-18-8	AMMONIUM THIOSULFATE THIOSULFURIC ACID (H2S2O3), DIAMMONIUM SALT	3
0121	69-53-4	AMPICILLIN 4-THIA-1-AZABICYCLO 3.2.0 HEPTANE-2-CARBOXYLIC ACID, 6- * (AMINOPHENYLACETYL)AMINO -3,3-DIMETHYL-7-OXO-, 2S- * 2.ALPHA.,5.ALPHA.,6.BETA.(S*) -	12(A,G)
0122	137-88-2	AMPROLIUM HYDROCHLORIDE PYRIDINIUM, 1- (4-AMINO-2-PROPYL-5-PYRIMIDINYL)METHYL -2-METHYL- * , CHLORIDE, MONOHYDROCHLORIDE	12 (A)
0123	12789-46-7	# AMYL ACID PHOSPHATE PHOSPHORIC ACID, PENTYL ESTER	3 (C0)
0124	71-41-0	# AMYL ALCOHOL 1-PENTANOL	3 15 (F3)
0125	110-58-7	# AMYL AMINE 1-PENTANAMINE	3 15 (F3)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"  
SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0126	540-18-1	AMYL BUTYRATE BUTANOIC ACID, PENTYL ESTER	3 15
0127	543-59-9	# AMYL CHLORIDE PENTANE, 1-CHLORO-	3 15 (F3)
0128	25377-72-4	# AMYLENE, NORMAL PENTENE	3 15 (F4)
0129	638-49-3	# AMYL FORMATE FORMIC ACID, PENTYL ESTER	3 15 (F3)
0130	110-66-7	# AMYL MERCAPTAN 1-PENTANETHIOL	3 4 15 (F3)
0131	1002-16-0	# AMYL NITRATE NITRIC ACID, PENTYL ESTER	3 15 (R2)
0132	110-46-3	# AMYL NITRITE NITROUS ACID, 3-METHYLBUTYL ESTER	3 15 (R2)
0133	463-04-7	# AMYL NITRITE NITROUS ACID, PENTYL ESTER	3 15 (R2)
0134	107-72-2	# AMYLTRICHLOROSILANE SILANE, TRICHLOROPENTYL-	3 15 (CO, R2)
0135	62-53-3	# ANILINE BENZENAMINE	1 2 3 6 15 (MU)
0136	142-04-1	ANILINE HYDROCHLORIDE BENZENAMINE, HYDROCHLORIDE	3 15
0137	100-66-3	ANISOLE BENZENE, METHOXY-	3 15
0138	1300-64-7	# ANISOYL CHLORIDE BENZOYL CHLORIDE, METHOXY-	3 (CO)
0139	120-12-7	ANTHRACENE	6 15
0140	84-65-1	ANTHRAQUINONE	12(A) 15
0141	7440-36-0	ANTIMONY	1 2 3 4 6
0142	58164-88-8	ANTIMONY LACTATE PROPANOIC ACID, 2-HYDROXY-, ANTIMONY(3+) SALT (3:1)	1 2 3
0143	7647-18-9	# ANTIMONY PENTACHLORIDE ANTIMONY CHLORIDE (SBCL5)	1 2 3 (CO)
0144	7783-70-2	# ANTIMONY PENTAFLUORIDE ANTIMONY FLUORIDE (SBF5)	1 2 3 (CO)
0145	28300-74-5	ANTIMONY POTASSIUM TARTRATE ANTIMONATE(2-), BIS .MU.- 2,3-DIHYDROXYBUTANEDIOATO(4-)-01, * 02:03,04 DI-, DIPOTASSIUM, TRIHYDRATE, STEREOISOMER	1 2 3
0146	7789-61-9	# ANTIMONY TRIBROMIDE STIBINE, TRIBROMO-	1 2 3 (CO)
0147	10025-91-9	# ANTIMONY TRICHLORIDE STIBINE, TRICHLORO-	1 2 3 (CO)
0148	7783-56-4	# ANTIMONY TRIFLUORIDE STIBINE, TRIFLUORO-	1 2 3 (CO)
0149	1309-64-4	ANTIMONY TRIOXIDE ANTIMONY OXIDE (SB203)	1 2 3
0150	140-57-8	# ARAMITE SULFUROUS ACID, 2-CHLOROETHYL 2- 4-(1,1-DIMETHYLETHYL)PHENOXY - * 1-METHYLETHYL ESTER	5 8 (CA)
0151	7440-37-1	ARGON	2 3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"  
SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0152	7440-38-2	# ARSENIC	1 2 3 4 5 6 7 8 10 (CA)
0153	7778-39-4	ARSENIC ACID ARSENIC ACID (H3ASO4)	1 2 3
0154	64973-06-4	ARSENIC BROMIDE	1 2 3
0155	37226-49-6	ARSENIC CHLORIDE	1 2 3
0156	56320-22-0	ARSENIC DISULFIDE ARSENIC SULFIDE (AS2S)	1 3
0157	13453-17-3	ARSENIC IODIDE ARSENIC IODIDE (AS12)	1 3
0158	1303-28-2	# ARSENIC PENTOXIDE ARSENIC OXIDE (AS2O5)	1 2 3 5 8 (CA)
0159	7784-34-1	ARSENIC TRICHLORIDE ARSENOUS TRICHLORIDE	1 2 3
0160	60646-36-8	ARSENIC TRICHLORIDE	1 2 3
0161	1327-53-3	# ARSENIC TRIOXIDE ARSENIC OXIDE (AS2O3)	1 2 3 5 7 8 14 (CA)
0162	1303-33-9	ARSENIC TRISULFIDE ARSENIC SULFIDE (AS2S3)	1 2 3
0163	7784-42-1	ARSINE	1 2 3 10
0164	1332-21-4	# ASBESTOS	1 2 4 5 6 7 8 10 (CA)
0165	12172-73-5	# ASBESTOS, AMOSITE ASBESTOS, GRUNERITE	1 2 5 7 8 (CA, MU)
0166	77536-67-5	# ASBESTOS, ANTHOPHYLLITE	1 2 5 7 8 (CA)
0167	12001-29-5	# ASBESTOS, CHRYSOTILE	1 2 5 7 8 (CA)
0168	12001-28-4	# ASBESTOS, CROCIDOLITE	1 2 5 7 8 (CA)
0169	9015-68-3	ASPARAGINASE	13(P)
0170	8052-42-4	ASPHALT (PETROLEUM DERIVED)	2
0171	1912-24-9	# ATRAZINE 1,3,5-TRIAZINE-2,4-DIAMINE, 6-CHLORO-N-ETHYL-N'-(1-METHYLETHYL)-	2 (MU)
0172	504-24-5	AVITROL PYRIDINE, 4-AMINO	14
0173	115-02-6	# AZASERINE L-SERINE, DIAZOACETATE (ESTER)	8 (CA)
0174	446-86-6	# AZATHIOPRINE 1H-PURINE, 6- (1-METHYL-4-NITRO-1H-IMIDAZOL-5-YL)THIO -	7 (CA, MU)
0175	13929-82-3	1-AZIRIDINYL PHOSPHINE OXIDE AZIRIDINE, 1-PHOSPHINYL	3
0176	15545-97-8	2,2'-AZODI-(2,4-DIMETHYL-4-METHOXYVALERONITRILE) PENTANENITRILE, 2,2'-AZOBIS 4-METHOXY-2,4-DIMETHYL -	3
0177	28604-91-3	2,2'-AZODI-(2,4-DIMETHYLVALERONITRILE) PENTANENITRILE, AZOBIS 2,4-DIMETHYL-	3
0178	25551-14-8	AZODI-(1,1'-HEXAHYDROBENZONITRILE) CYCLOHEXANECARBONITRILE, AZOBIS-	3
0179	78-67-1	AZODIISOBUTYRONITRILE PROPANENITRILE, 2,2'-AZOBIS 2-METHYL-	3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 8

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0180	7440-39-3	BARIUM	1 2
0181	18810-58-7	BARIUM AZIDE BARIUM AZIDE (BA(N3)2)	1 2 3
0182	13967-90-3	BARIUM BROMATE BROMIC ACID, BARIUM SALT	1 2 3
0183	13477-00-4	# BARIUM CHLORATE CHLORIC ACID, BARIUM SALT	1 2 3 (R2)
0184	542-62-1	BARIUM CYANIDE BARIUM CYANIDE (BA(CN)2)	1 2 3
0185	13477-10-6	BARIUM HYPOCHLORITE HYPOCHLOROUS ACID, BARIUM SALT	1 2 3
0186	10022-31-8	BARIUM NITRATE NITRIC ACID, BARIUM SALT	1 2 3
0187	1304-28-5	BARIUM OXIDE BARIUM OXIDE (BAO)	1 2 3
0188	13465-95-7	BARIUM PERCHLORATE PERCHLORIC ACID, BARIUM SALT	1 2 3
0189	7787-36-2	BARIUM PERMANGANATE PERMANGANIC ACID (HMNO4), BARIUM SALT	1 2 3
0190	1304-29-6	BARIUM PEROXIDE BARIUM PEROXIDE (BA(O2))	1 2 3
0191	22781-23-3	BENDIOCARB 1,3-BENZODIOXOL-4-OL, 2,2-DIMETHYL-, METHYLCARBAMATE	14
0192	17804-35-2	BENOMYL CARBAMIC ACID, 1-(BUTYLAMINO)CARBONYL -1H-BENZIMIDAZOL-2-YL -, * METHYL ESTER	2
0193	56-55-3	# BENZ (A) ANTHRACENE	5 8 (CA, MU)
0194	57-97-6	# BENZ (A) ANTHRACENE, 7,12-DIMETHYL-	8 (CA, MU, TE)
0195	98-87-3	BENZAL CHLORIDE BENZENE, (DICHLOROMETHYL)-	3 6
0196	100-52-7	BENZALDEHYDE	3 15
0197	71-43-2	# BENZENE	1 2 3 4 5 6 7 8 15 (CA, F3, MU)
0198	120-58-1	# BENZENE, 1,2-METHYLENEDIOXY-4-PROPENYL- 1,3-BENZODIOXOLE, 5-(1-PROPENYL)-	8 (CA)
0199	94-58-6	# BENZENE, 1,2-METHYLENEDIOXY-4-PROPYL- 1,3-BENZODIOXOLE, 5-PROPYL-	8 (CA)
0200	644-97-3	# BENZENE PHOSPHOROUS DICHLORIDE PHOSPHORUS DICHLORIDE, PHENYL-	3 (CO)
0201	3497-00-5	# BENZENE PHOSPHOROUS THIODICHLORIDE PHOSPHONOTHIOIC DICHLORIDE, PHENYL-	3 (CO)
0202	98-09-9	# BENZENE SULFONYL CHLORIDE	3 (CO)
0203	108-98-5	BENZENETHIOL PHENYLMERCAPTAN	2 3 4
0204	92-87-5	# BENZIDINE 1,1'-BIPHENYL -4,4'-DIAMINE	1 2 3 5 7 8 (CA, MU)
0205	510-15-6	# BENZILIC ACID, 4,4'-DICHLORO-, ETHYL ESTER BENZENEACETIC ACID, 4-CHLORO-.ALPHA.-(4-CHLOROPHENYL)-.ALPHA.- * HYDROXY-, ETHYL ESTER	8 (CA)

## ADOPTIONS

## HEALTH

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 9

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0206	8030-30-6	BENZINE PETROLEUM SPIRITS	1 2 3
0207	50-32-8	# BENZO(A)PYRENE	2 5 7 8 (CA, MU)
0208	205-99-2	# BENZO(B)FLUORANTHENE BENZ (E) ACETPHENANTHRYLENE	5 8 (CA)
0209	65-85-0	BENZOIC ACID	3 15
0210	205-82-3	# BENZO (J) FLUORANTHENE	8 (CA)
0211	100-47-0	BENZONITRILE	3
0212	98-07-7	# BENZOTRICHLORIDE BENZENE, (TRICHLOROMETHYL)-	3 6 7 15 (CA, CO)
0213	98-08-8	# BENZOTRIFLUORIDE BENZENE, (TRIFLUOROMETHYL)-	3 15 (F3)
0214	98-88-4	# BENZOYL CHLORIDE	3 6 15 (CO)
0215	94-36-0	# BENZOYL PEROXIDE PEROXIDE, DIBENZOYL	1 2 3 4 6 (F4, R4)
0216	100-39-0	# BENZYL BROMIDE BENZENE, (BROMOMETHYL)-	3 (CO)
0217	100-44-7	# BENZYL CHLORIDE BENZENE, (CHLOROMETHYL)-	1 2 3 4 6 15 (CO, MU)
0218	501-53-1	# BENZYL CHLOROFORMATE CARBONCHLORIDIC ACID, PHENYLMETHYL ESTER	3 (CO)
0219	103-83-3	# BENZYL DIMETHYLAMINE BENZENEMETHANAMINE, N,N-DIMETHYL-	3 (CO)
0220	620-05-3	BENZYL IODIDE BENZENE, (Iodomethyl)-	3
0221	61-33-6	BENZYL PENICILLIN 4-THIA-1-AZABICYCLO 3.2.0 HEPTANE-2-CARBOXYLIC ACID, 3,3- * DIMETHYL-7-OXO-6- (PHENYLACETYL)AMINO - 2S-(2.ALPHA., * 5.ALPHA., 6.BETA.) -	12(A, G)
0222	7440-41-7	# BERYLLIUM	1 2 3 4 5 6 7 8 (CA)
0223	7787-47-5	# BERYLLIUM CHLORIDE BERYLLIUM CHLORIDE (BECL2)	1 2 3 5 7 8 (CA)
0224	7787-49-7	# BERYLLIUM FLUORIDE BERYLLIUM FLUORIDE (BEF2)	1 2 3 5 7 8 (CA)
0225	13597-99-4	BERYLLIUM NITRATE NITRIC ACID, BERYLLIUM SALT	1 2 3
0226	1304-56-9	# BERYLLIUM OXIDE	1 5 7 8 (CA)
0227	1738-25-6	BETA-DIMETHYLAMINOPROPIONITRILE PROPIONITRILE, 3-(DIMETHYLAMINO)	10
0228	57-57-8	# .BETA.-PROPIOLACTONE 2-OXETANONE	1 2 5 8 (CA, MU)
0229	92-93-3	BIPHENYL, 4-NITRO 1,1'-BIPHENYL, 4-NITRO-	1 2
0230	56-18-8	# BIS(AMINOPROPYL)AMINE 1,3-PROPANEDIAMINE, N-(3-AMINOPROPYL)-	3 (CO)
0231	7209-38-3	# BIS(AMINOPROPYL)PIPERAZINE PIPERAZINE, 1,4-BIS(3-AMINOPROPYL)-	3 (CO)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 10

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0232	111-44-4	# BIS (2-CHLOROETHYL) ETHER ETHANE, 1,1'-OXYBIS 2-CHLORO-	1 2 3 8 15 (CA)
0233	154-93-8	# BISCHLOROETHYL NITROSOUREA UREA, N,N'-BIS(2-CHLOROETHYL)-N-NITROSO	7 13(H,Q) (CA,MU)
0234	542-88-1	# BIS (2-CHLOROMETHYL) ETHER METHANE, OXYBIS(CHLORO-)	1 2 3 5 7 8 (CA)
0235	108-60-1	BIS(2-CHLORO-1-METHYLETHYL)ETHER PROPANE, 2,2'-OXYBIS 1-CHLORO-	3 6
0236	110-18-9	BIS(DIMETHYLAMINO)ETHANE ETHYLENEDIAMINE, N,N,N',N'-TETRAMETHYL-	3
0237	103-23-1	BIS (2-ETHYLHEXYL) ADIPATE HEXANEDIOIC ACID, BIS(2-ETHYLHEXYL) ESTER	6
0238	117-81-7	# BIS (2-ETHYLHEXYL) PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, BIS(2-ETHYLHEXYL) ESTER	1 2 5 6 (CA)
0239	1304-82-1	BISMUTH TELLURIDE	2
0240	21725-46-2	BLADEX PROPIONITRILE, 2-((4-CHLORO-6-(ETHYLAMINO)-1,3,5-TRIAZIN-2- *YL)AM-2-METHYL-	14
0241	16940-66-2	BORATE, TETRASODIUM SALT BORATE (1-) TETRAHYDRO-,SODIUM	2 3
0242	507-70-0	BORNEOL BICYCLO 2.2.1 HEPTAN-2-OL, 1,7,7-TRIMETHYL-, ENDO-	3 15
0243	54566-73-3	BORON OXIDE	1 2
0244	10294-33-4	# BORON TRIBROMIDE BORANE, TRIBROMO-	2 3 (CO)
0245	10294-34-5	# BORON TRICHLORIDE BORANE, TRICHLORO-	3 (CO)
0246	7637-07-2	BORON TRIFLUORIDE BORANE, TRIFLUORO-	1 2 3 4
0247	753-53-7	BORON TRIFLUORIDE ACETIC ACID COMPLEX BORANE, TRIFLUORO-COMPOUND WITH ACETIC ACID (1:1)	3
0248	109-63-7	# BORON TRIFLUORIDE DIETHYL ETHERATE BORON, TRIFLUORO 1,1'-OXYBIS ETHANE -, (T-4)-	1 2 3 15 (CO)
0249	13319-75-0	# BORON TRIFLUORIDE DIHYDRATE BORANE, TRIFLUORO-, DIHYDRATE	1 2 3 (CO)
0250	353-42-4	BORON TRIFLUORIDE DIMETHYL ETHERATE BORON, TRIFLUORO OXYBIS METHANE -, (T-4)-	1 2 3
0251	314-40-9	BROMACIL 2,4(1H,3H)-PYRIMIDINEDIONE, 5-BROMO-6-METHYL-3-(1-METHYLPROPYL)-	2
0252	7726-95-6	# BROMINE	1 2 3 (CO)
0253	13863-41-7	# BROMINE CHLORIDE	3 (CO)
0254	7789-30-2	# BROMINE PENTAFLUORIDE BROMINE FLUORIDE (BRF5)	2 3 (CO,R3)
0255	7787-71-5	# BROMINE TRIFLUORIDE BROMINE FLUORIDE (BRF3)	3 (CO,R3)
0256	598-31-2	BROMOACETONE 2-PROPANONE, 1-BROMO-	3
0257	598-21-0	# BROMOACETYL BROMIDE ACETYL BROMIDE, BROMO-	3 (CO)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 11

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0258	108-86-1	BROMOBENZENE BENZENE, BROMO-	3 15
0259	5798-79-8	BROMOBENZYL CYANIDE ACETONITRILE, BROMOPHENYL	3
0260	78-76-2	2-BROMOBUTANE BUTANE, 2-BROMO-	3
0261	592-55-2	BROMOETHYL ETHYL ETHER ETHANE, 1-BROMO-2-ETHOXY	3
0262	75-25-2	BROMOFORM METHANE, TRIBROMO-	1 2 3
0263	107-82-4	BROMOMETHYLBUTANE BUTANE, 1-BROMO-3-METHYL	3
0264	507-19-7	BROMOMETHYLPROPANE PROPANE, 2-BROMO-2-METHYL	3
0265	78-77-3	BROMOMETHYLPROPANE PROPANE, 1-BROMO-2-METHYL	3
0266	29756-38-5	BROMOPENTANE PENTANE, BROMO-	3
0267	26446-77-5	BROMOPROPANE PROPANE, BROMO-	3
0268	106-96-7	# 3-BROMOPROPYNE PROPYNE, 3-BROMO-	3 (F3, R4)
0269	598-73-2	BROMOTRIFLUOROETHYLENE ETHENE, BROMOTRIFLUORO-	3
0270	357-57-3	BRUCINE STRYCHNIDIN-10-ONE, 2,3-DIMETHOXY-	3
0271	55-98-1	# BUSULFAN 1,4-BUTANEDIOL, DIMETHANESULFONATE	7 13(H, T, V, Y, EE, FF) (CA, MU, TE)
0272	106-99-0	# 1,3-BUTADIENE	1 2 3 6 15 (F4, R2)
0273	106-97-8	# BUTANE	2 3 15 (F4)
0274	431-03-8	BUTANEDIONE 2,3-BUTANEDIONE	3
0275	111-76-2	2-BUTOXY ETHANOL ETHANOL, 2-BUTOXY-	1 2 3 15
0276	4435-53-4	BUTOXYL 1-BUTANOL, 3-METHOXY-, ACETATE	3
0277	52933-01-4	# BUTYL ACID PHOSPHATE PHOSPHORIC ACID, DIBUTYL ESTER, * MIXT. WITH BUTYL DIHYDROGEN PHOSPHATE	3 (CO)
0278	141-32-2	# BUTYL ACRYLATE 2-PROPENOIC ACID, BUTYL ESTER	2 3 15 (R2)
0279	110-69-0	BUTYL ALDEHYDE, OXIME BUTANAL OXIME	3
0280	109-73-9	# BUTYLAMINE 1-BUTANAMINE	1 2 3 15 (F3)
0281	1126-78-9	BUTYLANILINE BENZENAMINE, N-BUTYL	3 15
0282	104-51-8	BUTYL BENZENE BENZENE, BUTYL-	3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"  
 SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0283	109-65-9	# BUTYL BROMIDE BUTANE, 1-BROMO-	3 15 (F3)
0284	109-69-3	# BUTYL CHLORIDE BUTANE, 1-CHLORO-	3 15 (F3)
0285	592-34-7	# BUTYLCHLOROFORMATE CARBONCHLORIDIC ACID, BUTYL ESTER	3 (CO)
0286	25167-67-3	# BUTYLENE BUTENE	3 15 (F3,R2)
0287	106-88-7	# 1,2-BUTYLENE OXIDE OXIRANE, ETHYL-	6 15 (F3,MU)
0288	142-96-1	# BUTYL ETHER BUTANE, 1,1'-OXYBIS-	3 15 (F3)
0289	592-84-7	BUTYL FORMATE FORMIC ACID, BUTYL ESTER	3 15
0290	109-79-5	# BUTYL MERCAPTAN 1-BUTANETHIOL	1 2 3 4 15 (F3)
0291	97-88-1	BUTYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, BUTYL ESTER	3 15
0292	544-16-1	BUTYL NITRITE NITROUS ACID, BUTYL ESTER	3
0293	16215-49-9	BUTYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIBUTYL ESTER	3
0294	28805-86-9	BUTYL PHENOL PHENOL, BUTYL-	3
0295	590-01-2	# BUTYL PROPIONATE PROPANOIC ACID, BUTYL ESTER	3 15 (F3)
0296	7521-80-4	# BUTYL TRICHLOROSILANE SILANE, BUTYLTRICHLORO-	3 15 (CO)
0297	111-34-2	# BUTYL VINYL ETHER BUTANE, 1-(ETHENYLOXY)-	3 15 (F3,R2)
0298	110-65-6	1,4-BUTYNE-1, 4-DIOL 2-BUTYNE-1, 4-DIOL	3
0299	123-72-8	# BUTYRALDEHYDE BUTANAL	3 15 (F3)
0300	107-92-6	# BUTYRIC ACID BUTANOIC ACID	3 15 (CO)
0301	106-31-0	# BUTYRIC ANHYDRIDE BUTANOIC ACID, ANHYDRIDE	3 15 (CO)
0302	109-74-0	# BUTYRONITRILE BUTANENITRILE	3 4 15 (F3)
0303	141-75-3	# BUTYRYL CHLORIDE BUTANOYL CHLORIDE	3 (CO)
0304	75-60-5	CACODYLIC ACID ARSINIC ACID, DIMETHYL-	1 2 3
0305	7440-43-9	# CADMIUM	1 2 4 5 6 7 8 (CA)
0306	543-90-8	# CADMIUM ACETATE ACETIC ACID, CADMIUM SALT	1 2 3 5 7 8 (CA)
0307	7789-42-6	CADMIUM BROMIDE CADMIUM BROMIDE (CDBR2)	1 2 3
0308	10108-64-2	# CADMIUM CHLORIDE CADMIUM CHLORIDE (CDCL2)	1 2 3 5 7 8 (CA,MU)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"  
SORTED ALPHABETICALLY

PAGE 13

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0309	7440-70-2	# CALCIUM	3 (R2)
0310	7778-44-1	# CALCIUM ARSENATE ARSENIC ACID (H3ASO4), CALCIUM SALT (2:3)	1 3 5 7 8 (CA)
0311	52740-16-6	# CALCIUM ARSENITE ARSONIC ACID, CALCIUM SALT (1:1)	1 2 3 5 7 8 (CA)
0312	75-20-7	# CALCIUM CARBIDE CALCIUM CARBIDE (CAC2)	3 (F4,R2)
0313	10137-74-3	CALCIUM CHLORATE CHLORIC ACID, CALCIUM SALT	3
0314	14674-72-7	CALCIUM CHLORITE CHLOROUS ACID, CALCIUM SALT	3
0315	13765-19-0	# CALCIUM CHROMATE CHROMIC ACID (H2CRO4), CALCIUM SALT (1:1)	1 2 3 5 7 8 (CA,MU)
0316	156-62-7	CALCIUM CYANAMIDE CYANAMIDE, CALCIUM SALT (1:1)	2 3
0317	592-01-8	CALCIUM CYANIDE CALCIUM CYANIDE (CA(CN)2)	1 2 3 14
0318	26264-06-2	CALCIUM DODECYLBENZENE SULFONATE BENZENESULFONIC ACID, DODECYL-, CALCIUM SALT	3
0319	7789-75-5	CALCIUM FLUORIDE	4
0320	57308-10-8	CALCIUM HYDRIDE	3
0321	13780-03-5	# CALCIUM HYDROGEN SULFITE SULFUROUS ACID, CALCIUM SALT (2:1)	3 (CO)
0322	1305-62-0	CALCIUM HYDROXIDE CALCIUM HYDROXIDE (CA(OH)2)	2
0323	7778-54-3	# CALCIUM HYPOCHLORITE HYPOCHLOROUS ACID, CALCIUM SALT	3 (R2)
0324	10124-37-5	CALCIUM NITRATE NITRIC ACID, CALCIUM SALT	3
0325	1305-78-8	CALCIUM OXIDE CALCIUM OXIDE (CAO)	1 2 3
0326	13477-36-6	CALCIUM PERCHLORATE PERCHLORIC ACID, CALCIUM SALT	3
0327	10118-76-0	CALCIUM PERMANGANATE PERMANGANIC ACID (HMNO4), CALCIUM SALT	3
0328	1305-79-9	CALCIUM PEROXIDE CALCIUM PEROXIDE (CA(O2))	3
0329	1305-99-3	CALCIUM PHOSPHIDE CALCIUM PHOSPHIDE (CA3P2)	3
0330	9007-13-0	CALCIUM RESINATE RESIN ACIDS AND ROSIN ACIDS, CALCIUM SALTS	3
0331	14019-91-1	CALCIUM SELENATE SELENIC ACID, CALCIUM SALT (1:1)	1 2
0332	12737-18-7	CALCIUM SILICIDE	3
0333	79-92-5	CAMPHENE BICYCLO 2.2.1 HEPTANE, 2,2-DIMETHYL-3-METHYLENE-	3
0334	76-22-2	CAMPHOR BICYCLO 2.2.1 HEPTAN-2-ONE, 1,7,7-TRIMETHYL-	1 2 3 15
0335	8008-51-3	CAMPHOR OIL OILS, CAMPHOR	3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 14

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0336	142-62-1	# CAPROIC ACID HEXANOIC ACID	3 15 (CO)
0337	105-60-2	CAPROLACTAM 2H-AZEPIN-2-ONE, HEXAHYDRO-	2
0338	2425-06-1	CAPTAFOL 1H-ISOINDOLE-1,3(2H)-DIONE, 3A,4,7,7A-TETRAHYDRO-2- * TETRACHLOROETHYL)THIO -	2
0339	133-06-2	# CAPTAN 1H-ISOINDOLE-1,3(2H)-DIONE, 3A,4,7,7A-TETRAHYDRO-2- * (TRICHLOROMETHYL)THIO -	2 3 6 (MU)
0340	63-25-2	CARBARYL 1-NAPHTHALENOL, METHYLCARBAMATE	1 2 3 4 6
0341	1563-66-2	CARBOFURAN 7-BENZOFURANOL, 2,3-DIHYDRO-2,2-DIMETHYL-, METHYLCARBAMATE	2 3 14
0342	1333-86-4	CARBON BLACK	1 2 4
0343	124-38-9	CARBON DIOXIDE	1 2 3 4
0344	75-15-0	# CARBON DISULFIDE	1 2 3 4 14 15 (F3)
0345	630-08-0	# CARBON MONOXIDE	1 2 3 4 15 (F4)
0346	558-13-4	CARBON TETRABROMIDE METHANE, TETRABROMO-	2 3
0347	56-23-5	# CARBON TETRACHLORIDE METHANE, TETRACHLORO-	1 2 3 4 5 6 7 8 14 (CA,MU)
0348	353-50-4	CARBONYL FLUORIDE CARBONIC DIFLUORIDE	1 2 3
0349	463-58-1	CARBONYL SULFIDE CARBON OXIDE SULFIDE (COS)	3
0350	NONE	CASTOR BEAN POMACE	12(B)
0351	535-89-7	CASTRIX PYRIMIDINE, 2-CHLORO-4-(DIMETHYLAMINO)-6-METHYL-	14
0352	7440-45-1	CERIUM	3
0353	7440-46-2	CESIUM	3
0354	21351-79-1	# CESIUM HYDROXIDE CESIUM HYDROXIDE (CS(OH))	2 3 (CO)
0355	7789-18-6	CESIUM NITRATE NITRIC ACID, CESIUM SALT	3
0356	75-87-6	CHLORAL ACETALDEHYDE, TRICHLORO-	3
0357	133-90-4	CHLORAMBEN BENZOIC ACID, 3-AMINO-2,5-DICHLORO-	1
0358	305-03-3	# CHLORAMBUCIL BENZENE BUTANOIC ACID, 4- BIS(2-CHLOROETHYL)AMINO -	5 7 13(E,F,H,R,Y,EE,FF) (CA,MU,TE)
0359	10599-90-3	CHLORAMINE CHLORAMIDE	12(B)
0360	56-75-7	# CHLORAMPHENICOL ACETAMIDE, 2,2-DICHLORO-N- 2-HYDROXY-1-(HYDROXYMETHYL)-2-(4- * NITROPHENYL)ETHYL -, R-(R*,R*) -	7 (CA,MU,TE)
0361	57-74-9	# CHLORDANE	1 2 3 6 8 14 (CA)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 15

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0362	58-25-3	# CHLORDIAZEPOXIDE 3H-1,4-BENZODIAZEPINE, 7-CHLORO-2-(METHYLAMINO)-5-PHENYL-, 4- * OXIDE	13(EE,FF) (TE)
0363	438-42-5	# CHLORDIAZEPOXIDE HYDROCHLORIDE 3H-1,4-BENZODIAZEPINE-4-OXIDE HYDROCHLORIDE, 7-CHLORO-2-METHYL- * AMINO-5-PHENYL	13(EE,FF) (TE)
0364	470-90-6	CHLORFENVINPHOS PHOSPHORIC ACID, 2-CHLORO-1-(2,4- * DICHLOROPHENYL) ETHENYL DIETHYLESTER	14
0365	7790-93-4	CHLORIC ACID	3
0366	51289-10-2	CHLORINATED DIPHENYL OXIDE BENZENE, 1,1'-OXY BIS CHLORO-	1 2
0367	7782-50-5	CHLORINE	1 2 3 4
0368	10049-04-4	CHLORINE DIOXIDE CHLORINE OXIDE (ClO2)	1 2
0369	13637-63-3	# CHLORINE PENTAFLUORIDE CHLORINE FLUORIDE (ClF5)	1 2 3 (CO)
0370	7790-91-2	CHLORINE TRIFLUORIDE CHLORINE FLUORIDE (ClF3)	1 2 3
0371	494-03-1	# CHLORNAPHAZINE	7 (CA)
0372	107-20-0	CHLOROACETALDEHYDE ACETALDEHYDE, CHLORO-	1 2 3
0373	79-11-8	# CHLOROACETIC ACID ACETIC ACID, CHLORO-	3 15 (CO)
0374	78-95-5	CHLOROACETONE 2-PROPANONE, 1-CHLORO-	3
0375	107-14-2	CHLOROACETONITRILE ACETONITRILE, CHLORO-	3
0376	1341-24-8	CHLOROACETOPHENONE ETHANONE, 1-PHENYL-, MONOCHLORO DERIV.	3
0377	79-04-9	# CHLOROACETYL CHLORIDE ACETYL CHLORIDE, CHLORO-	2 3 (CO)
0378	27134-26-5	CHLOROANILINE BENZENAMINE, CHLORO-	3
0379	108-90-7	# CHLOROBENZENE BENZENE, CHLORO-	1 2 3 6 15 (F3)
0380	52181-51-8	CHLOROBENZOTRIFLUORIDE BENZENE, CHLORO (TRIFLUOROMETHYL)-	3 15
0381	74-97-5	CHLOROBROMOMETHANE METHANE, BROMOCHLORO-	1 2 3
0382	25154-42-1	CHLOROBUTANE BUTANE, CHLORO-	3
0383	1321-10-4	CHLOROCRESOL PHENOL, CHLOROMETHYL-	3
0384	353-59-3	CHLORODIFLUOROBROMO-METHANE METHANE, BROMOCHLORODIFLUORO-	3
0385	25497-29-4	CHLORODIFLUOROETHANE ETHANE, CHLORODIFLUORO-	3
0386	75-45-6	CHLORODIFLUOROMETHANE METHANE, CHLORODIFLUORO-	2 3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0387	13010-47-4	# 1-(2-CHLOROETHYL)-3-CYCLOHEXYL-1-NITROSOUREA UREA, 1-(2-CHLOROETHYL)-3-CYCLOHEXYL-1-NITROSO-	1 7 13(H,Q) (CA)
0388	67-66-3	# CHLOROFORM METHANE, TRICHLORO-	1 2 3 4 5 6 7 8 10 (CA)
0389	22128-62-7	# CHLOROMETHYLCHLORO-FORMATE CARBONCHLORIDIC ACID, CHLOROMETHYL ESTER	3 (CO)
0390	3188-13-4	CHLOROMETHYL ETHYL ETHER ETHANE, (CHLOROMETHOXY)-	3
0391	107-30-2	# CHLOROMETHYL METHYL ETHER METHANE, CHLOROMETHOXY-	1 2 3 8 (CA)
0392	28479-22-3	3-CHLORO-4-METHYLPHENYL ISOCYANATE	3
0393	41587-36-4	CHLORONITROANILINE BENZENAMINE, CHLORONITRO-	3
0394	25167-93-5	CHLORONITROBENZENE BENZENE, CHLORONITRO-	3 15
0395	600-25-9	# 1-CHLORO-1-NITROPROPANE PROPANE, 1-CHLORO-1-NITRO-	1 2 15 (R3)
0396	25567-68-4	CHLORONITROTOLUENE BENZENE, CHLOROMETHYLNITRO-	3
0397	3165-93-3	4-CHLORO-O-TOLIDINE HYDROCHLORIDE BENZENAMINE, 4-CHLORO-2-METHYL-, HYDROCHLORIDE	3
0398	76-15-3	CHLOROPENTAFLUOROETHANE ETHANE, CHLOROPENTAFLURO-	3
0399	937-14-4	3-CHLOROPEROXYBENZOIC ACID BENZENECARBOPEROXOIC ACID, 3-CHLORO-	3
0400	3691-35-8	CHLOROPHACINONE (ROZOL) 1,3-INDANDIONE, 2-((P-CHLOROPHENYL)PHENYLACETYL)-	14
0401	106-48-9	# CHLOROPHENATE PHENOL, P-CHLORO	3 (CO)
0402	108-43-0	# CHLOROPHENATE PHENOL, M-CHLORO	3 (CO)
0403	95-57-8	# 2-CHLOROPHENOL PHENOL, 2-CHLORO-	3 7 (CA)
0404	26571-79-9	CHLOROPHENYL TRI-CHLOROSILANE SILANE, TRICHLORO(CHLOROPHENYL)-	3
0405	76-06-2	CHLOROPICRIN METHANE, TRICHLORONITRO-	1 2 3 14
0406	16941-12-1	# CHLOROPLATINIC ACID PLATINATE(2-), HEXACHLORO-, DIHYDROGEN, (OC-6-11)-	1 2 3 (CO)
0407	126-99-8	# CHLOROPRENE 1,3-BUTADIENE, 2-CHLORO-	1 2 3 4 6 10 15 (F3, MU)
0408	627-30-5	3-CHLOROPROPANOL 1-PROPANOL, 3-CHLORO-	3
0409	557-98-2	2-CHLOROPROPENE PROPENE, 2-CHLORO-	3
0410	28554-00-9	# CHLOROPROPIONIC ACID PROPANOIC ACID, CHLORO-	3 15 (CO)
0411	109-09-1	2-CHLOROPYRIDINE PYRIDINE, 2-CHLORO-	3
0412	54-05-7	# CHLOROQUINE 1,4-PENTANEDIAMINE, N,N,N,N-(7-CHLORO-4-QUINOLINYL)-N,N-DIETHYL-	13(Y, EE, FF) (TE)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 17

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0413	7790-94-5	# CHLOROSULPHONIC ACID CHLOROSULFURIC ACID	3 (CO)
0414	63938-10-3	CHLOROTETRAFLUORO-ETHANE ETHANE, CHLOROTETRAFLUORO-	3
0415	1897-45-6	CHLOROTHALONIL 1,3-BENZENEDICARBONITRILE, 2,4,5,6-TETRACHLORO-	6
0416	25168-05-2	# CHLOROTOLUENE BENZENE, CHLOROMETHYL-	3 15 (CO)
0417	615-65-6	CHLOROTOLUIDINE BENZENAMINE, 2-CHLORO, 4-METHYL-	3
0418	95-74-9	CHLOROTOLUIDINE BENZENAMINE, 3-CHLORO, 4-METHYL-	3
0419	87-60-5	CHLOROTOLUIDINE BENZENAMINE, 3-CHLORO, 2-METHYL-	3
0420	95-81-8	CHLOROTOLUIDINE BENZENAMINE, 2-CHLORO, 5-METHYL-	3
0421	95-79-4	CHLOROTOLUIDINE BENZENAMINE, 5-CHLORO, 2-METHYL-	3
0422	29027-17-6	CHLOROTOLUIDINE BENZENAMINE, 2-CHLORO, 3-METHYL-	3
0423	87-63-8	CHLOROTOLUIDINE BENZENAMINE, 2-CHLORO, 6-METHYL-	3
0424	7149-75-9	CHLOROTOLUIDINE BENZENAMINE, 4-CHLORO, 3-METHYL-	3
0425	75-72-9	CHLOROTRIFLUOROMETHANE METHANE, CHLOROTRIFLUORO-	3
0426	2921-88-2	CHLORPYRIFOS PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-(3,5,6-TRICHLORO-2- * PYRIDINYL) ESTER	2 3 14
0427	56-49-5	# CHOLANTHRENE, 3-METHYL- BENZ (J) ACEANTHRYLENE, 1,2-DIHYDRO-3-METHYL-	8 (CA, MU)
0428	1066-30-4	CHROMIC ACETATE ACETIC ACID, CHROMIUM (3+) SALT	1 2 3
0429	13530-68-2	# CHROMIC ACID CHROMIC ACID (H2CR207)	1 3 4 (CO)
0430	7788-97-8	# CHROMIC FLUORIDE CHROMIUM FLUORIDE (CRF3)	1 2 3 (CO)
0431	10101-53-8	CHROMIC SULFATE SULFURIC ACID, CHROMIUM(3+) SALT (3:2)	1 2 3
0432	7440-47-3	# CHROMIUM	1 2 5 6 7 8 (CA, MU)
0433	22541-79-3	CHROMIUM (II) CHROMIUM, ION (CR2+)	1 2
0434	1308-38-9	CHROMIUM(III) OXIDE(2:3)	1 2 3
0435	13548-38-4	CHROMIUM NITRATE CHROMIUM (III) NITRATE	1 2 3
0436	14977-61-8	# CHROMIUM OXYCHLORIDE CHROMIUM, DICHLORODIOXO-	1 2 3 (CO)
0437	1333-82-0	# CHROMIUM(VI) OXIDE(1:3)	1 2 3 5 7 8 (CA)
0438	64093-79-4	# CHROMOSULFURIC ACID NEOCHROMIUM	1 2 3 (CO)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 18

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0439	15005-90-0	CHROMOSULFURIC ACID CHROMIUM (III), HEXAHYDRATE(2:3:6)	1 2 3
0440	10049-05-5	CHROMOUS CHLORIDE CHROMIUM CHLORIDE (CRCL2)	1 2 3
0441	218-01-9	# CHRYSENE	2 4 8 (CA,MU)
0442	4680-78-8	C.I. ACID GREEN 3	6
0443	2429-80-3	# C.I. ACID ORANGE 45 2,7-NAPHTHALENEDISULFONIC ACID, 3-AMINO-4- 4'- 4- (4- * METHYLPHENYL)SULFONYL OXY PHENYL AZO 1,1'-BIPHENYL -4- * YL AZO -, DISODIUM SALT	9 (CA)
0444	3567-65-5	# C.I. ACID RED 85 1,3-NAPHTHALENEDISULFONIC ACID, 7-HYDROXY-8- 4'- 4- (4- * METHYLPHENYL)SULFONYL OXY PHENYL AZO 1,1'-BIPHENYL -4- * YL AZO -, DISODIUM SALT	9 (CA)
0445	6459-94-5	C.I. ACID RED 114, DISODIUM SALT 1,3-NAPHTHALENEDISULFONIC ACID, 8- 3,3'-DIMETHYL-4'- 4- (4- * METHYLPHENYL)SULFONYL OXY PHENYL AZO 1,1'-BIPHENYL -4- * YL AZO -7-HYDROXY-, DISODIUM SALT	11
0446	91-96-3	C.I. AZOIC COUPLING COMPONENT 5 BUTANAMIDE, N,N'-(3,3'-DIMETHYL 1,1'-BIPHENYL -4,4'-DIYL)BIS 3- * OXO-	11
0447	91-92-9	C.I. AZOIC COUPLING COMPONENT	11
0448	569-64-2	C.I. BASIC GREEN 4 METHANAMINIUM, N- 4- 4-(DIMETHYLAMINO)PHENYL PHENYLMETHYLENE - * 2,5-CYCLOHEXADIEN-1-YLIDENE -N-METHYL-, CHLORIDE	6
0449	989-38-8	C.I. BASIC RED 1 XANTHYLIUM, 9- 2-(ETHOXYCARBONYL)PHENYL -3,6-BIS(ETHYLAMINO)-2, * 7-DIMETHYL-, CHLORIDE	6
0450	2465-27-2	# C.I. BASIC YELLOW 2, MONOHYDROCHLORIDE BENZENAMINE, 4,4'-CARBONIMIDOYLBIS N,N-DIMETHYL-, * MONOHYDROCHLORIDE	7 8 (CA)
0451	2429-83-6	# C.I. DIRECT BLACK 4 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-3- 4'- (2,4-DIAMINO-5- * METHYLPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -5-HYDROXY-6- * (PHENYLAZO)-, DISODIUM SALT	9 (CA)
0452	25156-49-4	# C.I. DIRECT BLACK 4 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-3- 4'- (2,4-DIAMINO-5- * METHYLPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -5-HYDROXY-6- * (PHENYLAZO)-	9 (CA)
0453	1937-37-7	# C.I. DIRECT BLACK 38 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-3- 4'- (2,4- * DIAMINOPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -5-HYDROXY-6- * (PHENYLAZO)-, DISODIUM SALT	5 6 7 9 (CA)
0454	61703-05-7	C.I. DIRECT BLACK 114	11
0455	6739-62-4	C.I. DIRECT BLACK 91, TRISODIUM SALT BENZOIC ACID, 2- 2-AMINO-6- 4'- (3-CARBOXY-4- * HYDROXYPHENYL)AZO -3,3'-DIMETHOXY 1,1'-BIPHENYL -4-YL AZO -5- * HYDROXY-7-SULFO-1-NAPHTHALENYL AZO -5-NITRO-, * TRISODIUM SALT	11
0456	2150-54-1	C.I. DIRECT BLUE 25 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 4,5-DIHYDROXY-, * TETRASODIUM SALT	11
0457	25180-19-2	# C.I. DIRECT BLUE 2 2,7-NAPHTHALENEDISULFONIC ACID, 5-AMINO-3- 4'- (7-AMINO-1- * HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO - * 4-HYDROXY-	9 (CA)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 19

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0458	2610-05-1	C.I. DIRECT BLUE 1 1,3-NAPHTHALENEDISULFONIC ACID, 6,6'- (3,3'-DIMETHOXY 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 4-AMINO-5-HYDROXY-, * TETRASODIUM SALT	11
0459	2429-74-5	C.I. DIRECT BLUE 15 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHOXY 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 5-AMINO-4-HYDROXY-, * TETRASODIUM SALT	11
0460	25180-27-2	C.I. DIRECT BLUE 25 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 4,5-DIHYDROXY-	11
0461	2429-73-4	# C.I. DIRECT BLUE 2 2,7-NAPHTHALENEDISULFONIC ACID, 5-AMINO-3- 4'- (7-AMINO-1- * HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO - * 4-HYDROXY-, TRISODIUM SALT	9 (CA)
0462	2602-46-2	# C.I. DIRECT BLUE 6 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- 1,1'-BIPHENYL -4,4'- * DIYLBIS(AZO) BIS 5-AMINO-4-HYDROXY-, TETRASODIUM SALT	5 6 7 9 10 11 (CA)
0463	2429-71-2	C.I. DIRECT BLUE 8, DISODIUM SALT 1-NAPHTHALENESULFONIC ACID, 3,3'- (3,3'-DIMETHOXY 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 4-HYDROXY-, DISODIUM SALT	11
0464	2586-57-4	C.I. DIRECT BLUE 22, DISODIUM SALT 1,3-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-6- 4'- (2- * HYDROXY-1-NAPHTHALENYL)AZO -3,3'-DIMETHOXY 1,1'-BIPHENYL -4- * YL AZO -, DISODIUM SALT	11
0465	72-57-1	# C.I. DIRECT BLUE 14, TETRASODIUM SALT 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 5-AMINO-4-HYDROXY-, * TETRASODIUM SALT	8 11 (CA)
0466	6247-51-4	# C.I. DIRECT BROWN 59 BENZOIC ACID, 2-HYDROXY-5- 4'- 1-HYDROXY-7-(PHENYLAMINO)-3- * SULFO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -	9 (CA)
0467	2893-80-3	# C.I. DIRECT BROWN 6 BENZOIC ACID, 5- 4'- 2,4-DIHYDROXY-3- (4- * SULFOPHENYL)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-, DISODIUM SALT	9 (CA)
0468	25180-39-6	# C.I. DIRECT BROWN 6 BENZOIC ACID, 5- 4'- 2,4-DIHYDROXY-3- (4- * SULFOPHENYL)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-	9 (CA)
0469	8014-91-3	# C.I. DIRECT BROWN 74 BENZOIC ACID, 3,3'- (3,7-DISULFO-1,5-NAPHTHALENEDIYL)BIS AZO(6- * HYDROXY-3,1-PHENYLENE)AZO 6(OR 7)-SULFO-4,1- * NAPHTHALENEDIYL AZO 1,1'-BIPHENYL -4,4'-DIYL AZO BIS 6- * HYDROXY-, HEXASODIUM SALT	9 (CA)
0470	12222-20-7	# C.I. DIRECT BROWN 111	9 (CA)
0471	2429-82-5	# C.I. DIRECT BROWN 2 BENZOIC ACID, 5- 4'- (7-AMINO-1-HYDROXY-3-SULFO-2- * NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, * DISODIUM SALT	9 11 (CA)
0472	3476-90-2	# C.I. DIRECT BROWN 59 BENZOIC ACID, 2-HYDROXY-5- 4'- 1-HYDROXY-7-(PHENYLAMINO)-3- * SULFO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -, * DISODIUM SALT	9 (CA)
0473	6360-54-9	# C.I. DIRECT BROWN 154 BENZOIC ACID, 5- 4'- 2,6-DIAMINO-3-METHYL-5- (4- * SULFOPHENYL)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-3-METHYL-, DISODIUM SALT	9 (CA)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 20

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0474	3811-71-0	# C.I. DIRECT BROWN 1 BENZOIC ACID, 5- 4'- 2,4-DIAMINO-5- (4- * SULFOPHENYL)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-, DISODIUM SALT	9 (CA)
0475	2429-81-4	# C.I. DIRECT BROWN 31 BENZOIC ACID, 5- 4'- 2,6-DIAMINO-3- 8-HYDROXY-3,6-DISULFO-7- * (4-SULFO-1-NAPHTHALENYL)AZO -2-NAPHTHALENYL AZO -5- * METHYLPHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, * TETRASODIUM SALT	9 11 (CA)
0476	25180-41-0	# C.I. DIRECT BROWN 31 BENZOIC ACID, 5- 4'- 2,6-DIAMINO-3- 8-HYDROXY-3,6-DISULFO-7- * (4-SULFO-1-NAPHTHALENYL)AZO -2-NAPHTHALENYL AZO -5- * METHYLPHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-	9 (CA)
0477	25255-06-5	# C.I. DIRECT BROWN 2 BENZOIC ACID, 5- 4'- (7-AMINO-1-HYDROXY-3-SULFO-2- * NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-	9 (CA)
0478	16071-86-6	# C.I. DIRECT BROWN 95 CUPRATE(2-), 5- 4'- 2,6-DIHYDROXY-3- (2-HYDROXY-5- * SULFOPHENYL)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXYBENZOATO(4-) -, DISODIUM	6 7 9 10 (CA)
0479	25180-45-4	# C.I. DIRECT GREEN 1 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-3- 4'- (4- * HYDROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -6-(PHENYL AZO)-	9 (CA)
0480	3626-28-6	# C.I. DIRECT GREEN 1 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-3- 4'- (4- * HYDROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -6-(PHENYL AZO)-, * DISODIUM SALT	9 (CA)
0481	4335-09-5	# C.I. DIRECT GREEN 6 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-6- 4'- (4- * HYDROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -3- (4- * NITROPHENYL)AZO -, DISODIUM SALT	9 (CA)
0482	5422-17-3	# C.I. DIRECT GREEN 8 BENZOIC ACID, 5- 4'- 8-AMINO-1-HYDROXY-7- (4-NITROPHENYL)AZO - * 3,6-DISULFO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-, TRISODIUM SALT	9 (CA)
0483	25180-47-6	# C.I. DIRECT GREEN 8 BENZOIC ACID, 5- 4'- 8-AMINO-1-HYDROXY-7- (4-NITROPHENYL)AZO - * 3,6-DISULFO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-	9 (CA)
0484	25180-46-5	# C.I. DIRECT GREEN 6 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-6- 4'- (4- * HYDROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -3- (4- * NITROPHENYL)AZO -	9 (CA)
0485	54579-28-1	# C.I. DIRECT ORANGE 1	9 (CA)
0486	64083-59-6	# C.I. DIRECT ORANGE 8	9 (CA)
0487	6637-88-3	C.I. DIRECT ORANGE 6, DISODIUM SALT BENZOIC ACID, 5- 4'- (2,6-DIAMINO-3-METHYL-5-SULFOPHENYL)AZO - * 3,3'-DIMETHYL 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, * DISODIUM SALT	11
0488	573-58-0	# C.I. DIRECT RED 28 1-NAPHTHALENESULFONIC ACID, 3,3'- 1,1'-BIPHENYL -4,4'- * DIYLBIS(AZO) BIS 4-AMINO-, DISODIUM SALT	9 (CA)
0489	1937-35-5	# C.I. DIRECT RED 13 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (2-AMINO-8-HYDROXY- * 6-SULFO-1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -, * DISODIUM SALT	9 (CA)
0490	3530-19-6	# C.I. DIRECT RED 37 1,3-NAPHTHALENEDISULFONIC ACID, 8- 4'- (4-ETHOXYPHENYL)AZO 1, * 1'-BIPHENYL -4-YL AZO -7-HYDROXY-, DISODIUM SALT	9 (CA)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 21

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0491	25188-30-1	# C.I. DIRECT RED 13 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (2-AMINO-8-HYDROXY- * 6-SULFO-1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -	9 (CA)
0492	2429-84-7	# C.I. DIRECT RED 1 BENZOIC ACID, 5- 4'- (2-AMINO-8-HYDROXY-6-SULFO-1- * NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, * DISODIUM SALT	9 (CA)
0493	2429-70-1	# C.I. DIRECT RED 10. 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (1-HYDROXY-4-SULFO- * 2-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -, * DISODIUM SALT	9 (CA)
0494	25188-29-8	# C.I. DIRECT RED 10 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (1-HYDROXY-4-SULFO- * 2-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -	9 (CA)
0495	25188-24-3	# C.I. DIRECT RED 1 BENZOIC ACID, 5- 4'- (2-AMINO-8-HYDROXY-6-SULFO-1- * NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-	9 (CA)
0496	6358-29-8	C.I. DIRECT RED 39, DISODIUM SALT 1,3-NAPHTHALENEDISULFONIC ACID, 8- 4'- (4-ETHOXYPHENYL)AZO -3, * 3'-DIMETHYL 1,1'-BIPHENYL -4-YL AZO -7-HYDROXY-, * DISODIUM SALT	11
0497	992-59-6	C.I. DIRECT RED 2, DISODIUM SALT 1-NAPHTHALENESULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'-BIPHENYL - * 4,4'-DIYL)BIS(AZO) BIS 4-AMINO-, DISODIUM SALT	11
0498	2586-60-9	# C.I. DIRECT VIOLET 1 2-NAPHTHALENESULFONIC ACID, 5,5'- 1,1'-BIPHENYL -4,4'- * DIYLBIS(AZO) BIS 6-AMINO-4-HYDROXY-, DISODIUM SALT	9 (CA)
0499	25329-82-2	# C.I. DIRECT VIOLET 22 1,3,6-NAPHTHALENETRISULFONIC ACID, 8-HYDROXY-7- 4'- (2-HYDROXY- * 1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -	9 (CA)
0500	6426-67-1	# C.I. DIRECT VIOLET 22 1,3,6-NAPHTHALENETRISULFONIC ACID, 8-HYDROXY-7- 4'- (2-HYDROXY- * 1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -, * TRISODIUM SALT	9 (CA)
0501	25188-44-7	# C.I. DIRECT VIOLET 1 2-NAPHTHALENESULFONIC ACID, 5,5'- 1,1'-BIPHENYL -4,4'- * DIYLBIS(AZO) BIS 6-AMINO-4-HYDROXY-	9 (CA)
0502	6426-62-6	# C.I. DIRECT YELLOW 20	9 (CA)
0503	2832-40-8	C.I. DISPERSE YELLOW 3 ACETAMIDE, N- 4- (2-HYDROXY-5-METHYLPHENYL)AZO PHENYL -	6
0504	3761-53-3	C.I. FOOD RED 5 2,7-NAPHTHALENEDISULFONIC ACID, 4- (2,4-DIMETHYLPHENYL)AZO -3- * HYDROXY-, DISODIUM SALT	6
0505	81-88-9	C.I. FOOD RED 15 XANTHYLIUM, 9-(2-CARBOXYPHENYL)-3,6-BIS(DIETHYL AMINO)-, * CHLORIDE	6
0506	3118-97-6	C.I. SOLVENT ORANGE 7 2-NAPHTHALENOL, 1- (2,4-DIMETHYLPHENYL)AZO -	6
0507	97-56-3	C.I. SOLVENT YELLOW 3 BENZENAMINE, 2-METHYL-4- (2-METHYLPHENYL)AZO -	6
0508	60-09-3	C.I. SOLVENT YELLOW 1 BENZENAMINE, 4-(PHENYLAZO)-	6
0509	842-07-9	C.I. SOLVENT YELLOW 14 2-NAPHTHALENOL, 1-(PHENYLAZO)-	6
0510	15663-27-1	# CISPLATIN CIS-DIAMMINEDICHLOROPLATINUM(II)	7 (CA, MU)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 22

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0511	6358-53-8	# CITRUS RED NO. 2 2-NAPHTHALENOL, 1- (2,5-DIMETHOXYPHENYL)AZO -	8 (CA)
0512	128-66-5	C.I. VAT YELLOW 4 DIBENZO B,DEF CHRYSENE-7,14-DIONE	6
0513	50-41-9	CLOMIPHENE CITRATE ETHANAMINE, 2-(4-(2-CHLORO-1,2-DIPHENYLETHENYL)PHENOXY)-N,N- * DIETHYL,-	13(Y,EE,FF)
0514	2971-90-6	CLOPIDOL 4-PYRIDINOL, 3,5-DICHLORO-2,6-DIMETHYL-	2
0515	57109-90-7	# CLORAZEPATE DIPOTASSIUM 1H-1,4-BENZODIAZEPINE-3-CARBOXYLIC ACID, 7-CHLORO-2, 3-HYDRO-2- * OXO-5 PHENYL,MONOPOTASSIUM SALT	13(Y,EE,FF) (TE)
0516	NONE	COAL DUST	1 2
0517	8001-58-9	# COAL TAR CREOSOTE CREOSOTE	1 8 15 (CA)
0518	65996-79-4	COAL TAR NAPHTHA	1
0519	NONE	COAL TAR PITCH VOLATILES	1 2
0520	7440-48-4	COBALT	1 2 4 12(B)
0521	37264-96-3	COBALT CARBONYL	1 2
0522	16842-03-8	COBALT HYDROCARBONYL COBALT, TETRACARBONYLHYDRO-	1 2
0523	61789-51-3	COBALT NAPHTHENATE NAPHTHENIC ACID, COBALT SALT	1 2 3 15
0524	7789-43-7	COBALTOUS BROMIDE COBALT BROMIDE (COBR2)	1 3
0525	544-18-3	COBALTOUS FORMATE FORMIC ACID, COBALT(2+) SALT	1 2 3
0526	124-87-8	COCCULUS PICROTOXIN	3
0527	NONE	COKE OVEN EMISSIONS	1
0528	7440-50-8	COPPER	1 2 6
0529	12002-03-8	COPPER ACETOARSENITE COPPER, BIS(ACETO)HEXAMETA-ARSENITOTETRA-	1 3
0530	33382-64-8	COPPER ARSENITE ARSENOUS ACID, TRICOPPER(1+) SALT	1 2 3
0531	26506-47-8	COPPER CHLORATE CHLORIC ACID, COPPER SALT	1 2 3
0532	1344-67-8	COPPER CHLORIDE	1 2 3
0533	39377-49-6	COPPER CYANIDE	1 2 3
0534	8001-31-8	COPRA COCONUT OIL	3
0535	NONE	COTTON FIBER AS RAW COTTON	1 2
0536	56-72-4	COUMAPHOS PHOSPHOROTHIOIC ACID, O-(3-CHLORO-4-METHYL-2-OXO-2H-1- * BENZOPYRAN-7-YL) O,O-DIETHYL ESTER	3 14
0537	1319-77-3	CRESYLIC ACID PHENOL, METHYL-	3 15
0538	123-73-9	# CROTONALDEHYDE 2-BUTENAL	1 2 3 15 (F3,MU,R2)

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0539	3724-65-0	# CROTONIC ACID 2-BUTENOIC ACID	3 15 (CO)
0540	5732-10-5	CROTONYLENE 2,3-BUTADIENOIC ACID	3
0541	299-86-5	CRUFOMATE PHOSPHORAMIDIC ACID, METHYL-, 2-CHLORO-4-(1,1- * DIMETHYLETHYL)PHENYL METHYL ESTER	2
0542	98-82-8	CUMENE BENZENE, (1-METHYLETHYL)-	1 2 3 6 15
0543	80-15-9	# CUMENE HYDROPEROXIDE HYDROPEROXIDE, 1-METHYL-1-PHENYLETHYL	3 6 15 (R4)
0544	26748-47-0	CUMYL PEROXYNEODECANOATE NEODECANEPEROXOIC ACID, 1-METHYL-1-PHENYLETHYL ESTER	3
0545	135-20-6	# CUPFERRON BENZENAMINE, N-HYDROXY-N-NITROSO-, AMMONIUM SALT	5 (CA)
0546	142-71-2	CUPRIC ACETATE ACETIC ACID, COPPER(2+) SALT	1 2 3
0547	3251-23-8	CUPRIC NITRATE NITRIC ACID, COPPER(2+) SALT	1 2 3
0548	7057-72-9	CUPRIC OXALATE ETHANEDIOIC ACID, COPPER SALT	1 2 3
0549	7758-98-7	CUPRIC SULFATE SULFURIC ACID COPPER(2+) SALT (1:1)	1 3
0550	815-82-7	CUPRIC TARTRATE BUTANEDIOIC ACID, 2,3-DIHYDROXY- R-(R*,R*) -, * COPPER(2+) SALT (1:1)	1 2 3
0551	13426-91-0	# CUPRIETHYLENEDIAMINE COPPER(2+), BIS(1,2-ETHANEDIAMINE-N,N')-	1 2 3 (CO)
0552	420-04-2	# CYANAMIDE	2 15 (R3)
0553	57-12-5	CYANIDE	1 2 3 6
0554	2074-87-5	# CYANOGEN	2 3 15 (F4,R3)
0555	460-19-5	# CYANOGEN ETHANEDINITRILE	2 3 15 (F4,R3)
0556	506-77-4	CYANOGEN CHLORIDE	1 2 3
0557	108-77-0	# CYANURIC CHLORIDE 1,3,5-TRIAZINE, 2,4,6-TRICHLORO-	3 (CO)
0558	14901-08-7	# CYCASIN BETA-D-GLUCOPYRANOSIDE, (METHYL-ONN-AZOXY)METHYL )-	5 8 (CA)
0559	287-23-0	# CYCLOBUTANE	3 15 (F4)
0560	81228-87-7	# CYCLOBUTYLCHLORO-FORMATE CARBONOCHLORIDIC ACID, CYCLOBUTYL ESTER	3 (CO)
0561	4904-61-4	1,5,9-CYCLODODECATRIENE	3
0562	291-64-5	# CYCLOHEPTANE	3 15 (F3)
0563	544-25-2	CYCLOHEPTATRIENE 1,3,5-CYCLOHEPTATRIENE	3
0564	628-92-2	CYCLOHEPTENE	3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 24

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0565	110-82-7	# CYCLOHEXANE	1 2 3 15 (F3)
0566	6108-11-8	# CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, ALPHA-ISOMER CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-ALPHA ISOMER	8 (CA)
0567	319-85-7	# CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, BETA-ISOMER	8 (CA)
0568	1569-69-3	CYCLOHEXANETHIOL	4 15
0569	108-93-0	CYCLOHEXANOL	1 2 15
0570	108-94-1	CYCLOHEXANONE	1 2 3 4 15
0571	12262-58-7	CYCLOHEXANONE PEROXIDE CYCLOHEXANONE, PEROXIDE	3
0572	110-83-8	CYCLOHEXENE	1 2 3 15
0573	10137-69-6	# CYCLOHEXENYL TRI-CHLOROSILANE SILANE, (3-CYCLOHEXENYL)TRICHLORO-	3 (CO)
0574	66-81-9	# CYCLOHEXIMIDE GLUTARIMIDE, 3-(2-(3,5-DIMETHYL-2-OXOCYCLOHEXYL)-2- * HYDROXYETHYL)-	14 (MU)
0575	622-45-7	CYCLOHEXYL ACETATE ACETIC ACID, CYCLOHEXYL ESTER	3 15
0576	108-91-8	# CYCLOHEXYLAMINE CYCLOHEXANAMINE	2 3 15 (CO, F3, MU)
0577	3173-53-3	CYCLOHEXYL ISOCYANATE CYCLOHEXANE, ISOCYANATO-	3
0578	98-12-4	# CYCLOHEXYL TRICHLORO-SILANE SILANE, TRICHLOROCYCLOHEXYL-	3 15 (CO)
0579	121-82-4	CYCLONITE 1,3,5-TRIAZINE, HEXAHYDRO-1,3,5-TRINITRO-	2
0580	29965-97-7	# CYCLOOCTADIENE	3 15 (F3)
0581	629-20-9	CYCLOOCTATETRAENE 1,3,5,7-CYCLOOCTATETRAENE	3
0582	542-92-7	CYCLOPENTADIENE 1,3-CYCLOPENTADIENE	1 2
0583	287-92-3	# CYCLOPENTANE	2 3 15 (F3)
0584	96-41-3	CYCLOPENTANOL	3 15
0585	120-92-3	# CYCLOPENTANONE	3 15 (F3)
0586	142-29-0	# CYCLOPENTENE	3 15 (F3)
0587	50-18-0	# CYCLOPHOSPHAMIDE 2H-1,3,2-OXAZAPHOSPHORIN-2-AMINE, N,N-BIS(2- * CHLOROETHYL)TETRAHYDRO-, 2-OXIDE	5 7 8 13(C, E, F, G, H, Y, EE, FF) (CA, MU, TE)
0588	75-19-4	# CYCLOPROPANE	3 15 (F4)
0589	2691-41-0	# CYCLOTETRAMETHYLENETETRANITRAMINE 1,3,5,7-TETRAZOCINE, OCTAHYDRO-1,3,5,7-TETRANITRO-	3 (CO)
0590	13121-70-5	CYHEXATIN STANNANE, TRICYCLOHEXYLHYDROXY-	1 2
0591	25155-15-1	CYMENE BENZENE, METHYL(1-METHYLETHYL)-	3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 25

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0592	147-94-4	# CYTOSINE ARABINOSIDE CYTOSINE, 1-BETA-D-ARABINO-FURANOSYL	13(H,S) (MU,TE)
0593	94-75-7	2,4-D ACETIC ACID, (2,4-DICHLORO-PHENOXY)-	1 2 3 6 14
0594	20830-81-3	# DAUNOMYCIN 5,12-NAPHTHACENEDIONE, 8-ACETYL-10- (3-AMINO-2,3,6-TRIDEOXY- * .ALPHA.-L-LYXO-HEXOPYRANOSYL)OXY -7,8,9,10-TETRAHYDRO-6,8,11- * TRIHYDROXY-1-METHOXY-, (8S-CIS)-	8 (CA,MU)
0595	96-12-8	# DBCP PROPANE, 1,2-DIBROMO-3-CHLORO-	1 3 4 5 8 (CA,MU)
0596	50-29-3	# DDT (DICHLORODIPHENYL-TRICHLOROETHANE)	1 2 3 4 7 8 (CA,MU)
0597	17702-41-9	DECABORANE DECABORANE(14)	1 2 3
0598	1163-19-5	DECABROMODIPHENYL ETHER BENZENE, 1,1'-OXYBIS 2,3,4,5,6-PENTABROMO-	6
0599	91-17-8	DECAHYDRONAPHTHALENE NAPHTHALENE, DECAHYDRO-	3 15
0600	124-18-5	DECANE	3 15
0601	143-10-2	1-DECANETHIOL	4
0602	762-12-9	DECANOYL PEROXIDE PEROXIDE, BIS(1-OXODECYL)	3
0603	732-11-6	DECENTHION PHOSPHORODITHIOIC ACID, S-((1,3-DIHYDRO-1,3-DIOXO-24-ISOINDOL-2- * YL)METHYL) O,O-DIMETHYL ESTER	14
0604	8065-48-3	DEMETON PHOSPHOROTHIOIC ACID, O,O-DIETHYL O- 2-(ETHYLTHIO)ETHYL ESTER, * MIXT. WITH O,O-DIETHYL S- 2- * (ETHYLTHIO)ETHYL PHOSPHOROTHIOATE	1 2 14
0605	7782-39-0	# DEUTERIUM	3 15 (F4)
0606	123-42-2	DIACETONE ALCOHOL 2-PENTANONE, 4-HYDROXY-4-METHYL-	1 2 3 4 15
0607	54693-46-8	DIACETONE ALCOHOL PEROXIDE 2-PENTANONE, 4-HYDROXY-4-METHYL-, PEROXIDE	3
0608	2303-16-4	# DIALLATE CARBAMOTHIOIC ACID, BIS (1-METHYLETHYL)-S-(2,3-DICHLORO-2- * PROPENYL) ESTER	6 8 (CA,MU)
0609	124-02-7	DIALLYLAMINE 2-PROPEN-1-AMINE, N-2-PROPENYL-	3
0610	557-40-4	# DIALLYLETHER 1-PROPENE, 3,3'-OXYBIS-	3 15 (F3,R2)
0611	615-05-4	2,4-DIAMINOANISOLE 1,3-BENZENEDIAMINE, 4-METHOXY-	6 10
0612	101-80-4	4,4'-DIAMINODIPHENYL ETHER BENZENAMINE, 4,4'-OXYBIS-	6
0613	95-80-7	# 2,4-DIAMINOTOLUENE 1,3-BENZENEDIAMINE, 4-METHYL-	3 5 6 (CA)
0614	2050-92-2	DIAMYLAMINE 1-PENTANAMINE, N-PENTYL-	3 15
0615	9000-92-4	DIASTASE AMYLASE	12(A)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 26

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0616	61790-53-2	DIATOMACEOUS EARTH KIESELGUHR	2
0617	439-14-5	# DIAZEPAM 2H-1, 4-BENZODIAZEPIN-2-ONE, 7-CHLORO-1,3-DIHYDRO-1-METHYL-5- * PHENYL-	13(Y,EE,FF) (TE)
0618	333-41-5	DIAZINON PHOSPHOROTHIOIC ACID, O,O-DIETHYL O- 6-METHYL-2-(1-METHYLETHYL)- * 4-PYRIMIDINYL ESTER	2 3 14
0619	4682-03-5	DIAZODINITROPHENOL 2,4-CYCLOHEXADIEN-1-ONE, 6-DIAZO-2,4-DINITRO-	3
0620	334-88-3	DIAZOMETHANE METHANE, DIAZO-	1 2
0621	226-36-8	# DIBENZ(A,H)ACRIDINE	5 (CA)
0622	53-70-3	# DIBENZ(A,H)ANTHRACENE	5 8 (CA,MU)
0623	224-42-0	# DIBENZ(A,J)ACRIDINE	5 8 (CA)
0624	92-65-4	# DIBENZO(A,E)PYRENE	8 (CA,MU)
0625	189-64-0	# DIBENZO(A,H)PYRENE DIBENZO (B,DEF) CHRYSENE	5 8 (CA)
0626	189-55-9	# DIBENZO(A,I)PYRENE BENZO (RST) PENTAPHENE	5 8 (CA)
0627	18414-36-3	# DIBENZYLDICHLOROSILANE SILANE, DICHLOROBIS(PHENYLMETHYL)-	3 (CO)
0628	2144-45-8	DIBENZYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, BIS(PHENYLMETHYL) ESTER	3
0629	19287-45-7	# DIBORANE DIBORANE(6)	1 2 3 15 (F4,R3)
0630	26249-12-7	DIBROMOBENZENE BENZENE, DIBROMO-	3
0631	3479-86-5	DIBROMOBUTANONE 1,1-DIBROMO-2-BUTANONE	3
0632	111-92-2	# DIBUTYLAMINE 1-BUTANAMINE, N-BUTYL-	3 15 (CO)
0633	107-66-4	DIBUTYL PHOSPHATE PHOSPHORIC ACID, DIBUTYL ESTER	1 2
0634	1918-00-9	DICAMBA BENZOIC ACID, 3,6-DICHLORO-2-METHOXY-	3
0635	26322-14-5	DICETYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIHEXADECYL ESTER	3
0636	1194-65-6	DICHO BENIL BENZONITRILE, 2,6-DICHLORO-	3
0637	117-80-6	DICHLONE 1,4-NAPHTHALENEDIONE, 2,3-DICHLORO-	3
0638	79-43-6	# DICHLOROACETIC ACID ACETIC ACID, DICHLORO-	3 (CO)
0639	79-36-7	# DICHLOROACETYL CHLORIDE ACETYL CHLORIDE, DICHLORO-	3 15 (CO)
0640	7572-29-4	DICHLOROACETYLENE ETHYNE, DICHLORO-	2

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 27

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0641	27134-27-6	DICHLOROANILINE BENZENAMINE, AR,AR-DICHLORO-	3 15
0642	95-50-1	1,2-DICHLOROBENZENE BENZENE, 1,2-DICHLORO-	1 2 3 6 15
0643	106-46-7	1,4-DICHLOROBENZENE BENZENE, 1,4-DICHLORO-	1 2 3 6 15
0644	91-94-1	# 3,3'-DICHLOROBENZIDINE 1,1'-BIPHENYL -4,4'-DIAMINE, 3,3'-DICHLORO-	1 2 5 6 7 8 (CA,MU)
0645	133-14-2	2, 4-DICHLOROBENZOYL PEROXIDE PEROXIDE, BIS(2,4-DICHLOROBENZOYL)	3
0646	72-54-8	1, 1-DICHLORO-2, 2-BIS-(P-CHLOROPHENYL)ETHANE BENZENE, 1,1'-(2,2-DICHLOROETHYLIDENE)BIS 4-CHLORO-	3
0647	11069-19-5	# DICHLOROBUTENE BUTENE, DICHLORO-	3 15 (CO)
0648	27156-03-2	DICHLORODIFLUORO-ETHYLENE ETHENE, DICHLORODIFLUORO-	3
0649	75-71-8	DICHLORODIFLUOROMETHANE METHANE, DICHLORODIFLUORO-	1 2 3
0650	118-52-5	1,3-DICHLORO-5,5-DIMETHYL HYDANTOIN 2,4-IMIDAZOLIDINEDIONE, 1,3-DICHLORO-5,5-DIMETHYL-	1 2
0651	75-34-3	1,1-DICHLOROETHANE ETHANE, 1,1-DICHLORO-	1 2 3 10
0652	107-06-2	# 1,2-DICHLOROETHANE ETHANE, 1,2-DICHLORO-	1 2 3 4 5 6 8 10 15 (CA,F3,MU)
0653	540-59-0	# 1,2-DICHLOROETHYLENE ETHENE, 1,2-DICHLORO-	1 2 3 14 15 (F3,R2)
0654	2782-57-2	DICHLOROISOCYANURIC ACID 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE, 1,3-DICHLORO-	3
0655	594-72-9	# 1,1-DICHLORO-1-NITROETHANE ETHANE, 1,1-DICHLORO-1-NITRO-	1 2 3 15 (R3)
0656	30586-10-8	DICHLOROPENTANE PENTANE, DICHLORO-	3 15
0657	41195-90-8	DICHLOROPHENYL-ISOCYANATE BENZENE, 1,2-DICHLORO-3-ISOCYANATO-	3
0658	102-36-3	DICHLOROPHENYL-ISOCYANATE BENZENE, 1,2-DICHLORO-4-ISOCYANATO-	3
0659	39920-37-1	DICHLOROPHENYL-ISOCYANATE BENZENE, 1,3-DICHLORO-2-ISOCYANATO-	3
0660	34893-92-0	DICHLOROPHENYL-ISOCYANATE BENZENE, 1,3-DICHLORO-5-ISOCYANATO-	3
0661	5392-82-5	DICHLOROPHENYL-ISOCYANATE BENZENE, 1,4-DICHLORO-2-ISOCYANATO-	3
0662	2612-57-9	DICHLOROPHENYL-ISOCYANATE BENZENE, 2,4-DICHLORO-1-ISOCYANATO-	3
0663	27137-85-5	# DICHLOROPHENYL TRI-CHLOROSILANE SILANE, TRICHLORO(DICHLOROPHENYL)-	3 (CO)
0664	78-87-5	# 1,2-DICHLOROPROPANE PROPANE, 1,2-DICHLORO-	1 2 3 6 15 (F3)
0665	96-23-1	1,3-DICHLOROPROPANOL 2-PROPANOL, 1,3-DICHLORO-	3
0666	542-75-6	1,3-DICHLOROPROPENE 1-PROPENE-1,3-DICHLORO-	2 3

## WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 28

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0667		NO SUBSTANCE LISTED	
0668	75-99-0	# 2,2-DICHLOROPROPIONIC ACID PROPANOIC ACID, 2,2-DICHLORO-	2 3 (CO)
0669	542-75-6	# 1,3-DICHLOROPROPYLENE 1-PROPENE, 1,3-DICHLORO-	2 3 6 15 (F3)
0670	4109-96-0	DICHLOROSILANE SILANE, DICHLORO-	3
0671	1320-37-2	DICHLOROTETRAFLUOROETHANE ETHANE, DICHLOROTETRAFLUORO-	1 2 3
0672	28165-71-1	DICHLORPHENOXYACETIC ACID ESTER PHENOL, 2,6-DICHLORO-ACETATE	3
0673	6341-97-5	DICHLORPHENOXYACETIC ACID ESTER PHENOL, 2,4-DICHLORO-ACETATE	3
0674	62-73-7	DICHLORVOS PHOSPHORIC ACID, 2,2-DICHLOROETHENYL DIMETHYL ESTER	1 2 3 6 14
0675	115-32-2	DICOFOL BENZENEMETHANOL, 4-CHLORO-.ALPHA.-(4-CHLOROPHENYL)-.ALPHA.- * (TRICHLOROMETHYL)-	6
0676	141-66-2	DICROTOPHOS PHOSPHORIC ACID, 3-(DIMETHYLAMINO)-1-METHYL-3-OXO-1- * PROPENYL DIMETHYL ESTER, (E)-	2 14
0677	80-43-3	DICUMYL PEROXIDE PEROXIDE, BIS(1-METHYL-1-PHENYLETHYL)	3
0678	101-83-7	# DICYCLOHEXYLAMINE CYCLOHEXANAMINE, N-CYCLOHEXYL-	3 15 (CO)
0679	3882-06-2	DICYCLOHEXYLAMMONIUM NITRATE CYCLOHEXANAMINE, N-CYCLOHEXYL-, NITRATE	3
0680	1561-49-5	DICYCLOHEXYL PEROXY-DICARBONATE PEROXYDICARBONIC ACID, DICYCLOHEXYL ESTER	3
0681	77-73-6	# DICYCLOPENTADIENE 4,7-METHANO-1H-INDENE, 3A,4,7,7A-TETRAHYDRO-	2 3 15 (F3)
0682	102-54-5	# DICYCLOPENTADIENYL IRON FERROCENE	2 (MU)
0683	60-57-1	# DIELDRIN 2,7:3,6-DIMETHANONAPHTH 2,3-8 OXIRENE, 3,4,5,6,9,9-HEXACHLORO- * 1A,2,2A,3,6,6A,7,7A-OCTAHYDRO-, (1A.ALPHA.,2.BETA.,2A.ALPHA., * 3.BETA.,6.BETA.,6A.ALPHA.,7.BETA.,7A.ALPHA.)-	1 2 3 8 14 (CA,MU)
0684	84-17-3	# DIENOESTROL PHENOL, 4,4-(DIETHYLIDENE-ETHYLENE)DI-	7 (CA)
0685	1464-53-5	# 1,2:3,4-DIEPOXYBUTANE 2,2'-BIOXIRANE	5 8 (CA)
0686	111-42-2	DIETHANOLAMINE ETHANOL, 2,2'-IMINO BIS-	2 15
0687	462-95-3	DIETHOXYMETHANE ETHANE, 1,1'- METHYLENEBIS(OXY) BIS-	3
0688	3054-95-3	DIETHOXYPROPENE 1-PROPENE, 3,3-DIETHOXY	3
0689	96-10-6	# DIETHYLALUMINUM CHLORIDE ALUMINUM, CHLORODIETHYL-	2 3 15 (F3,R3)
0690	109-89-7	# DIETHYLAMINE ETHANAMINE, N-ETHYL-	1 2 3 15 (F3)
0691	100-37-8	DIETHYLAMINOETHANOL ETHANOL, 2-(DIETHYLAMINO)-	1 2 3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 29

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0692	104-78-9	# 3-(DIETHYLAMINO) PROPYLAMINE 1,3-PROPANEDIAMINE, N,N-DIETHYL-	3 (C0)
0693	91-66-7	DIETHYL ANILINE BENZENAMINE, N,N-DIETHYL-	3 15
0694	25340-17-4	DIETHYLBENZENE BENZENE, DIETHYL-	3 15
0695	88-10-8	DIETHYLCARBAMOYL CHLORIDE CARBAMIC CHLORIDE, DIETHYL-	10
0696	584-02-1	# DIETHYLCARBINOL 3-PENTANOL	3 15 (F3)
0697	105-58-8	# DIETHYL CARBONATE CARBONIC ACID, DIETHYL ESTER	3 15 (F3)
0698	1719-53-5	# DIETHYL DICHLOROSILANE SILANE, DICHLORODIETHYL-	3 (C0)
0699	693-21-0	DIETHYLENEGLYCOL DINITRATE ETHANOL, 2,2'-OXYBIS-, DINITRATE	3
0700	111-40-0	# DIETHYLENE TRIAMINE 1,2-ETHANEDIAMINE, N-(2-AMINOETHYL)-	2 15 (C0)
0701	60-29-7	# DIETHYL ETHER ETHANE, 1,1'-OXYBIS-	1 2 3 4 15 (F4)
0702	100-36-7	DIETHYLETHYLENE DIAMINE N,N-DIETHYL-1,2-ETHANEDIAMINE	3 15
0703	16111-62-9	DI(2-ETHYLHEXYL) PEROXY-DICARBONATE PEROXYDICARBONIC ACID, BIS(2-ETHYLHEXYL) ESTER	3
0704	96-22-0	# DIETHYL KETONE 3-PENTANONE	2 3 15 (F3)
0705	557-18-6	DIETHYLMAGNESIUM MAGNESIUM, DIETHYL-	3
0706	14666-78-5	DIETHYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIETHYL ESTER	3
0707	84-66-2	DIETHYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIETHYL ESTER	2 6 15
0708	120-22-9	DIETHYL-P-NITROSOANILINE N,N-DIETHYL-4-NITROSOBENZENAMINE	3
0709	56-53-1	# DIETHYLSTILBESTROL PHENOL, 4,4'-(1,2-DIETHYL-1,2-ETHENEDIYL)BIS-, (E)-	5 7 8 (CA, MU, TE)
0710	64-67-5	# DIETHYL SULFATE SULFURIC ACID, DIETHYL ESTER	3 7 15 (CA, MU)
0711	352-93-2	DIETHYL SULFIDE ETHANE, 1,1'-THIOBIS-	3
0712	2524-04-1	DIETHYLTHIOPHOSPHORYL CHLORIDE PHOSPHOROCHLORIDOTHIOIC ACID, O,O-DIETHYL ESTER	3
0713	557-20-0	# DIETHYLZINC ZINC, DIETHYL-	3 15 (F3, R3)
0714	75-61-6	DIFLUORODIBROMOMETHANE METHANE, DIBROMODIFLUORO-	1 2 3
0715	25497-28-3	DIFLUOROETHANE ETHANE, DIFLUORO-	3
0716	13779-41-4	# DIFLUOROPHOSPHORIC ACID PHOSPHORODIFLUORIDIC ACID	1 2 3 (R2)
0717	2238-07-5	DIGLYCIDYL ETHER OXIRANE, 2,2'- OXYBIS(METHYLENE) BIS-	1 2 4 10

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 30

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0718	1675-54-3	DIGLYCIDYL ETHER OF BISPHENOL A OXIRANE, 2,2' ((1-METHYLETHYLIDENE)BIS(4,1- * PHENYLENEOXYMETHYLENE))BIS-	10
0719	2614-76-8	2, 2-DIHYDROPEROXY PROPANE HYDROPEROXIDE, (1-METHYLETHYLIDENE)-BIS-	3
0720	25512-65-6	# DIHYDROPYRAN 2H-PYRAN, DIHYDRO-	3 15 (F3)
0721	128-46-1	DIHYDROSTREPTOMYCIN STREPTAMINE, O-BETA-D-MANNOPYRANOSYL-(1-4)-2-DEOXY-2- * (METHYLAMI NO)-ALPHA-L-GLUCOPYRANO-SYL-(1-2)-5-DEOXY-O-3-C- * (HYDROXYMETHYL)-ALPHA-L-LYXOFURANOSYL-(1-4)-N,N'-DIAMIDINO-, * 1)-	13(Y,FF)
0722	120-80-9	# 1,2-DIHYDROXYBENZENE 1,2-BENZENEDIOL	2 6 (MU)
0723	1758-61-8	DI(1-HYDROXYCYCLO-HEXYL) PEROXIDE DICYCLOHEXYL PEROXIDE	3
0724	110-96-3	# DI-ISOBUTYLAMINE 1-PROPANAMINE, 2-METHYL-N-(2-METHYLPROPYL)-	3 15 (F3)
0725	25167-70-8	# DI-ISOBUTYLENE PENTENE, 2,4,4-TRIMETHYL-	3 15 (F3)
0726	3437-84-1	DI-ISOBUTYRYL PEROXIDE PEROXIDE, BIS(2-METHYL-1-OXOPROPYL)	3
0727	27215-10-7	# DIISOOCTYL ACID PHOSPHATE ISOOCTANOL HYDROGEN PHOSPHATE	3 (CO)
0728	108-18-9	# DI-ISOPROPYLAMINE 2-PROPANAMINE, N-(1-METHYLETHYL)-	1 2 3 (F3)
0729	96-80-0	# DI-ISOPROPYLETHANOLAMINE ETHANOL, 2- BIS(1-METHYLETHYL)AMINO -	3 (CO)
0730	108-20-3	# DI-ISOPROPYL ETHER PROPANE, 2,2'-OXYBIS-	1 2 3 (F3)
0731	105-64-6	# DI-ISOPROPYL PEROXY-DICARBONATE PEROXYDICARBONIC ACID, BIS(1-METHYLETHYL) ESTER	3 (F4,R4)
0732	674-82-8	# DIKETENE 2-OXETANONE, 4-METHYLENE-	3 15 (R2)
0733	60-51-5	# DIMETHOATE PHOSPHORODITHIOIC ACID, O,O-DIMETHY, S-(2-(METHYLAMINO)-2- * OXOETHYL) ESTER	14 (MU)
0734	119-90-4	# 3,3'-DIMETHOXYBENZIDINE 1,1'-BIPHENYL -4,4'-DIAMINE, 3,3'-DIMETHOXY-	5 7 8 (CA)
0735	534-15-6	1,1-DIMETHOXYETHANE ETHANE, 1,1-DIMETHOXY-	3 15
0736	127-19-5	DIMETHYL ACETAMIDE ACETAMIDE, N,N-DIMETHYL-	1 2 15
0737	124-40-3	# DIMETHYLAMINE METHANAMINE, N-METHYL-	1 2 3 15 (F4)
0738	926-64-7	DIMETHYLAMINOACETO-NITRILE ACETONITRILE, (DIMETHYLAMINO)-	3
0739	60-11-7	# 4-DIMETHYLAMINOAZOBENZENE BENZENAMINE, N,N-DIMETHYL-4-(PHENYLAZO)-	1 5 8 (CA,MU)
0740	2867-47-2	DIMETHYLAMINOETHYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, 2-(DIMETHYLAMINO)ETHYL ESTER	3 15
0741	121-69-7	DIMETHYLANILINE BENZENAMINE, N,N-DIMETHYL-	2 3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 31

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0742	119-93-7	# 3,3'-DIMETHYLBENZIDINE 1,1'-BIPHENYL -4,4'-DIAMINE, 3,3'-DIMETHYL-	2 4 5 6 8 (CA,MU)
0743	3034-79-5	DI(2-METHYLBENZOYL) PEROXIDE BIS(2-METHYLBENZOYL) PEROXIDE	3
0744	79-29-8	2,3-DIMETHYLBUTANE BUTANE, 2,3-DIMETHYL-	3
0745	927-62-8	# DIMETHYLBUTYLAMINE N,N-DIMETHYL-1-BUTANAMINE	3 15 (F3)
0746	79-44-7	# DIMETHYLCARBAMOYL CHLORIDE CARBAMIC CHLORIDE, DIMETHYL-	2 5 7 8 10 (CA,MU)
0747	616-38-6	# DIMETHYL CARBONATE CARBONIC ACID, DIMETHYL ESTER	3 15 (F3)
0748	589-90-2	# 1,4-DIMETHYLCYCLOHEXANE CYCLOHEXANE, 1,4-DIMETHYL-	3 15 (F3)
0749	98-94-2	# DIMETHYLCYCLOHEXYL AMINE CYCLOHEXANAMINE, N,N-DIMETHYL	3 (CO)
0750	2618-77-1	2, 5-DIMETHYL-2, 5-DI-(BENZOYLPEROXY)HEXANE BENZENECARBOPEROXOIC ACID, 1,1,4,4-TETRAMETHYL-1,4- * BUTANEDIYL ESTER	3
0751	300-76-5	DIMETHYL 1,2-DIBROMO-2,2-DICHLOROETHYL PHOSPHATE (NALED) PHOSPHORIC ACID, 1,2-DIBROMO-2,2-DICHLOROETHYL DIMETHYL ESTER	1 2 3
0752	75-78-5	# DIMETHYLDICHLOROSILANE SILANE, DICHLORODIMETHYL-	3 15 (CO,F3)
0753	78-62-6	DIMETHYLDIETHOXSILANE SILANE, DIETHOXYDIMETHYL-	3
0754	3025-88-5	2, 5-DIMETHYL-2, 5-DIHYDRO-PEROXYHEXANE HYDROPEROXIDE, (1,1,4,4-TETRAMETHYL-1,4-BUTANEDIYL)BIS-	3
0755	25136-55-4	# DIMETHYLDIOXANE 1,4-DIOXANE, DIMETHYL-	3 15 (F3)
0756	624-92-0	# DIMETHYLDISULFIDE DISULFIDE, DIMETHYL	3 (F4)
0757	78-63-7	2, 5-DIMETHYL-2, 5-DI(TERT-BUTYLPEROXY)HEXANE PEROXIDE, (1,1,4,4-TETRAMETHYL-1,4-BUTANEDIYL)BIS (1,1- * DIMETHYLETHYL)	3
0758	115-10-6	# DIMETHYL ETHER METHANE, OXYBIS-	3 15 (F4)
0759	68-12-2	DIMETHYLFORMAMIDE FORMAMIDE, N,N-DIMETHYL-	1 2 3 15
0760	108-83-8	2,6-DIMETHYLHEPTANONE 4-HEPTANONE, 2,6-DIMETHYL	1 2 3 4 15
0761	57-14-7	# 1,1-DIMETHYLHYDRAZINE HYDRAZINE, 1,1-DIMETHYL-	1 2 3 4 6 8 15 (CA,CO,F3,MU)
0762	2999-74-8	DIMETHYLMAGNESIUM MAGNESIUM, DIMETHYL-	3
0763	593-74-8	# DIMETHYL MERCURY MERCURY, DIMETHYL-	1 2 (TE)
0764	105-67-9	2,4-DIMETHYLPHENOL PHENOL, 2,4-DIMETHYL-	6
0765	131-11-3	DIMETHYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIMETHYL ESTER	1 2 6 15
0766	463-82-1	# DIMETHYLPROPANE PROPANE, 2,2-DIMETHYL	3 15 (F4)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 32

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0767	926-63-6	# DIMETHYLPROPYLAMINE 1-PROPANAMINE, N,N-DIMETHYL-	3 (C0)
0768	77-78-1	# DIMETHYL SULFATE SULFURIC ACID, DIMETHYL ESTER	1 2 3 5 6 7 8 15 (CA,CD,MU)
0769	75-18-3	# DIMETHYL SULFIDE METHANE, THIOBIS-	3 (R4)
0770	2524-03-0	# DIMETHYL THIOPHOSPHORYL CHLORIDE PHOSPHOROCHLORIDOTHIOIC ACID, O,O-DIMETHYL ESTER	3 (C0)
0771	544-97-8	DIMETHYLZINC ZINC, DIMETHYL-	3
0772	53220-22-7	DIMYRISTYL PEROXYDI-CARBONATE PEROXYDICARBONIC ACID, DITETRADECYL ESTER	3
0773	84-74-2	DI-N-BUTYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIBUTYL ESTER	1 2 3 6
0774	131-89-5	DINEX PHENOL, 2-CYCLOHEXYL-4,6-DINITRO	3 14
0775	148-01-6	DINITOLMIDE BENZAMIDE, 2-METHYL-3,5-DINITRO-	2
0776	26471-56-7	# DINITROANILINE BENZENAMINE, AR,AR-DINITRO-	3 15 (R3)
0777	25154-54-5	# DINITROBENZENE BENZENE, DINITRO	1 2 3 15 (R4)
0778	25567-67-3	# DINITROCHLOROBENZENE BENZENE, CHLORODINITRO-	3 15 (R4)
0779	534-52-1	4,6-DINITRO-O-CRESOL PHENOL, 2-METHYL-4,6-DINITRO-	1 2 3 4 14
0780	25550-58-7	DINITROPHENOL PHENOL, DINITRO-	3
0781	35860-51-6	DINITRORESORCINOL 1,3-BENZENEDIOL, DINITRO-	3
0782	25550-55-4	DINITROSOBENZENE BENZENE, DINITROSO-	3
0783	121-14-2	# 2,4-DINITROTOLUENE BENZENE, 1-METHYL-2,4-DINITRO-	1 2 3 6 8 15 (CA,MU,R3)
0784	606-20-2	2,6-DINITROTOLUENE BENZENE, 2-METHYL-1,3-DINITRO-	1 2 3 6
0785	762-13-0	DI-N-NONANOYL PEROXIDE PEROXIDE, BIS(1-OXONONOYL)	3
0786	762-16-3	DI-N-OCTANOYL PEROXIDE PEROXIDE, BIS(1-OXOOCTYL)	3
0787	117-84-0	DI-N-OCTYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIOCTYL ESTER	6
0788	16066-38-9	DI-N-PROPYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIPROPYL ESTER	3
0789	123-91-1	# 1,4-DIOXANE	1 2 3 4 5 6 7 8 (CA)
0790	78-34-2	DIOXATHION PHOSPHORODITHIOIC ACID, S,S'-1,4-DIOXANE-2,3-DIYL O,O,O',O'- * TETRAETHYL ESTER	2 14
0791	646-06-0	# DIOXOLANE 1,3-DIOXOLANE	3 15 (F3,R2)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 33

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0792	138-86-3	DIPENTENE CYCLOHEXENE, 1-METHYL-4-(1-METHYLETHENYL)-	3 15
0793	1941-79-3	DIPEROXYAZELAIC ACID NONANEDIPEROXIC ACID	3
0794	82-66-6	DIPHACINONE 1H-INDENE-1,3(2H)-DIONE, 2-(DIPHENYLACETYL)-	14
0795	92-52-4	DIPHENYL 1,1'-BIPHENYL	1 2 6 15
0796	122-39-4	DIPHENYLAMINE BENZENAMINE, N-PHENYL-	2 15
0797	578-94-9	DIPHENYLAMINECHLORO-ARSINE PHENARSAZINE, 10-CHLORO-5,10-DIHYDRO-	3
0798	712-48-1	DIPHENYLCHLOROARSINE ARSINOUS CHLORIDE, DIPHENYL-	1 3
0799	80-10-4	# DIPHENYL DICHLOROSILANE SILANE, DICHLORODIPHENYL-	3 15 (CO)
0800	122-66-7	# 1,2-DIPHENYLHYDRAZINE (HYDRAZOBENZENE) HYDRAZINE, 1,2-DIPHENYL-	5 6 8 (CA)
0801	776-74-9	# DIPHENYLMETHYL BROMIDE BENZENE, 1,1'-(BROMOMETHYLENE)BIS-	3 (CO)
0802	2217-06-3	DIPICRYL SULFIDE BENZENE, 1,1'-THIOBIS 2,4,6-TRINITRO-	3
0803	142-84-7	# DIPROPYLAMINE 1-PROPANAMINE, N-PROPYL-	3 15 (F3)
0804	12002-25-4	DIPROPYLENE GLYCOL METHYL ETHER PROPANOL, OXYBIS-, METHYL ETHER	1 2 15
0805	111-43-3	# DIPROPYL ETHER PROPANE, 1,1'-OXYBIS-	3 15 (F3)
0806	123-19-3	DIPROPYL KETONE 4-HEPTANONE	2 3 15
0807	2764-72-9	DIQUAT DIPYRIDO 1,2-A:2',1'-C PYRAZINEDIIUM, 6,7-DIHYDRO-	2 3
0808	85-00-7	DIQUAT DIPYRIDO 1,2-A:2',1'-C PYRAZINEDIIUM, 6,7-DIHYDRO-, DIBROMIDE	2 3
0809	19910-65-7	DI-SEC-BUTYL PEROXY-DICARBONATE PEROXYDICARBONIC ACID, BIS(1-METHYLPROPYL) ESTER	3
0810	52326-66-6	DISTEARYL PEROXYDI-CARBONATE PEROXYDICARBONIC ACID, DIOCTADECYL ESTER	3
0811	97-77-8	DISULFIRAM THIOPEROXYDICARBONIC DIAMIDE ( (H2N)C(S) 2S2), TETRAETHYL-	2 10
0812	298-04-4	DISULFOTON PHOSPHORODITHIOIC ACID, O,O-DIETHYL S- 2-(ETHYLTHIO)ETHYL ESTER	2 3 14
0813	15520-11-3	DI(4-TERT-BUTYLCYCLOHEXYL)-PEROXYDICARBONATE PEROXYDICARBONIC ACID, BIS 4-(1,1- * DIMETHYLETHYL)CYCLOHEXYL ESTER	3
0814	128-37-0	2,6-DI-TERT-BUTYL-P-CRESOL PHENOL, 2,6-BIS(1,1-DIMETHYLETHYL)-4-METHYL-	2
0815	110-05-4	DI-TERT-BUTYL PEROXIDE PEROXIDE, BIS(1,1-DIMETHYLETHYL)	3
0816	2167-23-9	2, 2-DI(TERT-BUTYLPEROXY)-BUTANE PEROXIDE, (1-METHYLPROPYLIDENE)BIS (1,1-DIMETHYLETHYL)	3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 34

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0817	3006-86-8	1, 1-DI(TERT-BUTYLPEROXY)-CYCLOHEXANE PEROXIDE, CYCLOHEXYLIDENE BIS (1,1-DIMETHYLETHYL)	3
0818	6731-36-8	1, 1-DI(TERT-BUTYLPEROXY)-3, 3, 5-TRIMETHYLCYCLOHEXANE PEROXIDE, (3,3,5-TRIMETHYLCYCLOHEXYLIDENE) BIS (1,1-DIMETHYLETHYL)	3
0819	330-54-1	DIURON UREA, N'-(3,4-DICHLOROPHENYL)-N,N-DIMETHYL-	2 3
0820	1321-74-0	# DIVINYL BENZENE BENZENE, DIETHENYL-	2 15 (R2)
0821	109-93-3	# DIVINYL ETHER ETHENE, 1,1'-OXYBIS-	3 15 (F3,R2)
0822	27176-87-0	# DODECYLBENZENE-SULFONIC ACID BENZENESULFONIC ACID, DODECYL-	3 (CO)
0823	4484-72-4	# DODECYL TRICHLOROSILANE SILANE, TRICHLORODODECYL-	3 (CO)
0824	115-29-7	ENDOSULFAN 6,9-METHANO-2,4,3-BENZODIOXATHIEPIN, 6,7,8,9,10,10-HEXACHLORO-1, * 5,5A,6,9,9A-HEXAHYDRO-, 3-OXIDE	2 3
0825	72-20-8	ENDRIN 2,7:3,6-DIMETHANONAPHTH 2,3-B OXIRENE, 3,4,5,6,9,9-HEXACHLORO- * 1A,2,2A,3,6,6A,7,7A-OCTAHYDRO-, (1A.ALPHA.,2.BETA.,2A.BETA., * 3.ALPHA.,6.ALPHA.,6A.BETA.,7.BETA.,7A.ALPHA.)-	1 2 3 14
0826	13838-16-9	ENFLURANE ETHANE, 2-CHLORO-1-(DIFLUOROMETHOXY)-1,1,2-TRIFLUORO-	2 4
0827	3132-64-7	EPIBROMOHYDRIN OXIRANE, (BROMOMETHYL)-	3
0828	106-89-8	# EPICHLOROHYDRIN OXIRANE, (CHLOROMETHYL)-	1 2 3 4 6 7 8 10 15 (CA,MU,R2)
0829	2104-64-5	EPN PHOSPHONOTHIOIC ACID, PHENYL-, O-ETHYL O-(4-NITROPHENYL) ESTER	1 2 14
0830	4016-11-9	EPOXY ETHYLOXY PROPANE (ETHOXYMETHYL)-OXIRANE	3
0831	556-52-5	# 2,3-EPOXY 1-PROPANOL (GLYCIDOL) OXIRANEMETHANOL	1 2 (MU)
0832	50-28-2	# ESTRADIOL ESTRA-1,3,5(10)-TRIENE-3,17-DIOL (17.BETA.)-	7 (CA)
0833	53-16-7	# ESTRONE ESTRA-1,3,5(10)-TRIEN-17-ONE, 3-HYDROXY-	7 (CA)
0834	74-84-0	# ETHANE	2 3 15 (F4)
0835	141-43-5	# ETHANOLAMINE ETHANOL, 2-AMINO-	1 2 3 15 (CO)
0836	57-63-6	# ETHINYLOESTRADIOL 19-NORPREGNA-1,3,5(10)-TRIEN-20-YNE-3,17-DIOL, (17.ALPHA.)-	7 (CA,MU)
0837	563-12-2	ETHION PHOSPHORODITHIOIC ACID, S,S'-METHYLENE O,O,O',O'- * TETRAETHYL ESTER	2 3 14
0838	536-33-4	# ETHIONAMIDE ISONICOTINAMIDE, 2-ETHYLTHIO-	13(Y,EE,FF) (TE)
0839	110-80-5	2-ETHOXYETHANOL ETHANOL, 2-ETHOXY-	1 2 3 10 15
0840	111-15-9	2-ETHOXYETHYLACETATE ETHANOL, 2-ETHOXY-, ACETATE	1 2 3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 35

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0841	141-78-6	# ETHYL ACETATE ACETIC ACID ETHYL ESTER	1 2 3 15 (F3)
0842	107-00-6	ETHYL ACETYLENE 1-BUTYNE	3
0843	140-88-5	# ETHYL ACRYLATE 2-PROPENOIC ACID, ETHYL ESTER	1 2 3 15 (F3,R2)
0844	64-17-5	# ETHYL ALCOHOL ETHANOL	1 2 3 15 (F3)
0845	563-43-9	# ETHYL ALUMINUM DI-CHLORIDE ALUMINUM, DICHLOROETHYL-	2 3 15 (F3,R3)
0846	12075-68-2	# ETHYL ALUMINUM SESQUI-CHLORIDE ALUMINUM, TRICHLOROTRIETHYLDI-	2 3 15 (F3,R3)
0847	75-04-7	# ETHYLAMINE ETHANAMINE	1 2 3 15 (F4)
0848	106-68-3	ETHYL AMYL KETONE 3-OCTANONE	2 3
0849	578-54-1	2-ETHYLANILINE BENZENAMINE, 2-ETHYL-	3
0850	103-69-5	ETHYLANILINE BENZENAMINE, N-ETHYL-	3 15
0851	100-41-4	# ETHYL BENZENE BENZENE, ETHYL-	1 2 3 6 15 (F3)
0852	92-59-1	ETHYLBENZYLANILINE BENZENEMETHANAMINE, N-ETHYL-N-PHENYL-	3 15
0853	119-94-8	ETHYLBENZYLTOUIDINE BENZENEMETHANAMINE, N-ETHYL-N-(3-METHYL-PHENYL)-	3
0854	51845-86-4	# ETHYL BORATE BORIC ACID, ETHYL ESTER	3 15 (F3)
0855	74-96-4	ETHYL BROMIDE ETHANE, BROMO-	1 2 3 15
0856	105-36-2	ETHYL BROMOACETATE ACETIC ACID, BROMO-, ETHYL ESTER	3 15
0857	97-95-0	# ETHYLBUTANOL 1-BUTANOL, 2-ETHYL	3 15 (F3)
0858	40780-64-1	ETHYLBUTYL ACETATE 3-HEXANOL ACETATE	3 15
0859	628-81-9	# ETHYLBUTYL ETHER BUTANE, 1-ETHOXY-	3 15 (F3)
0860	106-35-4	ETHYL BUTYL KETONE 3-HEPTANONE	1 2 15
0861	97-96-1	# ETHYLBUTYRALDEHYDE BUTANAL, 2-ETHYL	3 15 (F3)
0862	105-54-4	# ETHYL BUTYRATE BUTANOIC ACID, ETHYL ESTER	3 15 (F3)
0863	75-00-3	# ETHYL CHLORIDE ETHANE, CHLORO-	1 2 3 15 (F4)
0864	105-39-5	# ETHYL CHLOROACETATE ACETIC ACID, CHLORO-, ETHYL ESTER	3 15 (F3)
0865	541-41-3	# ETHYL CHLOROFORMATE CARBONCHLORIDIC ACID, ETHYL ESTER	3 15 (CO,F3)
0866	535-13-7	ETHYL-2-CHLOROPROPIONATE PROPANOIC ACID, 2-CHLORO-, ETHYL ESTER	3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 36

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0867	2941-64-2	# ETHYL CHLOROTHIOFORMATE CARBONCHLORIDOTHIOIC ACID, S-ETHYL ESTER	3 (CO)
0868	26555-35-1	ETHYL CHLOROTHIOFORMATE CARBONOTHIOIC ACID, ANHYDROSULFIDE WITH THIOHYPOCHLOROUS ACID, * ETHYL ESTER	3
0869	10544-63-5	# ETHYL CROTONATE 2-BUTENOIC ACID, ETHYL ESTER	3 15 (F3)
0870	105-56-6	ETHYL CYANOACETATE ACETIC ACID, CYANO-, ETHYL ESTER	3 15
0871	598-14-1	ETHYL DICHLOROARSINE ARSONOUS DICHLORIDE, ETHYL-	1 3
0872	1789-58-8	# ETHYL DICHLOROSILANE SILANE, DICHLOROETHYL-	3 15 (CO,F3)
0873	74-85-1	# ETHYLENE ETHENE	2 3 15 (F4,R2)
0874	107-07-3	# ETHYLENE CHLOROHYDRIN ETHANOL, 2-CHLORO-	1 2 3 15 (MU)
0875	107-15-3	# ETHYLENEDIAMINE 1,2-ETHANEDIAMINE	1 2 3 15 (CO)
0876	60-00-4	ETHYLENEDIAMINE TETRA-ACETIC ACID GLYCINE, N,N'-1,2-ETHANEDIYLBIS N-(CARBOXYMETHYL)-	3
0877	106-93-4	# ETHYLENE DIBROMIDE (1,2-DIBROMOETHANE) ETHANE, 1,2-DIBROMO-	1 2 3 4 5 6 7 8 10 (CA,MU)
0878	107-21-1	ETHYLENE GLYCOL 1,2-ETHANEDIOL	2 15
0879	629-14-1	# ETHYLENE GLYCOL DIETHYL ETHER ETHANE, 1,2-DIETHOXY-	3 15 (F3)
0880	628-96-6	ETHYLENE GLYCOL DINITRATE 1,2-ETHANEDIOL, DINITRATE	1 2 4
0881	151-56-4	# ETHYLENEIMINE AZIRIDINE	1 2 3 6 8 15 (CA,F3,MU,R3)
0882	75-21-8	# ETHYLENE OXIDE OXIRANE	1 2 3 4 6 7 8 10 14 15 (CA,MU,R3)
0883	96-45-7	# ETHYLENE THIOUREA 2-IMIDAZOLIDINETHIONE	4 5 6 7 8 10 (CA,TE)
0884	353-36-6	# ETHYL FLUORIDE ETHANE, FLUORO-	1 2 3 15 (F4)
0885	109-94-4	# ETHYL FORMATE FORMIC ACID, ETHYL ESTER	1 2 3 15 (F3)
0886	123-05-7	ETHYL HEXALDEHYDE HEXANAL, 2-ETHYL	3 15
0887	18513-34-3	ETHYL HEXALDEHYDE HEXANAL, 3-ETHYL	3
0888	104-75-6	2-ETHYL HEXYLAMINE HEXYLAMINE, 2-ETHYL-	3
0889	24468-13-1	# ETHYL HEXYLCHLORO-FORMATE CARBONCHLORIDIC ACID, 2-ETHYLHEXYL ESTER	3 (CO)
0890	16219-75-3	ETHYLIDENE NORBORNENE BICYCLO 2.2.1 HEPT-2-ENE, 5-ETHYLIDENE-	2
0891	97-62-1	# ETHYL ISOBUTYRATE PROPANOIC ACID, 2-METHYL-, ETHYL ESTER	3 15 (F3)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#" \*  
 PAGE 37  
 SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0892	109-90-0	ETHYL ISOCYANATE ETHANE, ISOCYANATO-	3
0893	97-64-3	ETHYL LACTATE PROPANOIC ACID, 2-HYDROXY-, ETHYL ESTER	3 15
0894	75-08-1	# ETHYL MERCAPTAN ETHANETHIOL	1 2 3 4 15 (F4)
0895	107-27-7	# ETHYLMERCURIC CHLORIDE MERCURY, CHLOROETHYL-	1 2 (TE)
0896	2235-25-8	ETHYLMERCURIC PHOSPHATE MERCURATE(2-), ETHYL PHOSPHATO(3-)-O -, DIHYDROGEN	1 2
0897	97-63-2	# ETHYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, ETHYL ESTER	3 15 (F3)
0898	625-58-1	# ETHYL NITRATE NITRIC ACID, ETHYL ESTER	3 15 (F3,R4)
0899	109-95-5	# ETHYL NITRITE NITROUS ACID, ETHYL ESTER	3 15 (F4,R4)
0900	122-51-0	ETHYL ORTHOFORMATE ETHANE, 1,1',1''- METHYLIDYNETRIS(OXY) TRIS-	3
0901	95-92-1	ETHYL OXALATE ETHANEDIOIC ACID, DIETHYL ESTER	3 15
0902	1125-27-5	# ETHYL PHENYL DICHLORO-SILANE SILANE, DICHLOROETHYLPHENYL	3 (CO)
0903	993-43-1	ETHYLPHOSPHONOTHIOIC-DICHLORIDE PHOSPHONOTHIOIC DICHLORIDE, ETHYL-	3
0904	1498-40-4	# ETHYL PHOSPHONOUS DICHLORIDE PHOSPHONOUS DICHLORIDE, ETHYL-	3 (CO)
0905	1498-51-7	# ETHYL PHOSPHORODICHLORIDATE PHOSPHORODICHLORIDIC ACID, ETHYL ESTER	3 (CO)
0906	766-09-6	1-ETHYL PIPERIDINE PIPERIDINE, 1-ETHYL-	3
0907	105-37-3	# ETHYL PROPIONATE PROPANOIC ACID, ETHYL ESTER	3 15 (F3)
0908	628-32-0	# ETHYL PROPYL ETHER PROPANE, 1-ETHOXY-	3 15 (F3)
0909	11099-06-2	ETHYL SILICATE SILICIC ACID, ETHYL ESTER	1 2 3 15
0910	540-82-9	# ETHYL SULFURIC ACID SULFURIC ACID, MONOETHYL ESTER	3 (CO)
0911	622-57-1	ETHYL TOLUIDINE N-ETHYL-4-METHYLBENZENAMINE	3
0912	115-21-9	# ETHYLTRICHLOROSILANE SILANE, TRICHLOROETHYL-	3 15 (CO,F3)
0913	140-56-7	FENAMINOSULF (LESAN) BENZENEDIAZOSULFONIC ACID, P-(DIMETHYLAMINO)-,SODIUM SALT	14
0914	22224-92-6	FENAMIPHOS PHOSPHORAMIDIC ACID, (1-METHYLETHYL)-, ETHYL 3-METHYL-4- * (METHYLTHIO)PHENYL ESTER	2 14
0915	115-90-2	FENSULFOTHION PHOSPHOROTHIOIC ACID, O,O-DIETHYL O- 4- * (METHYLSULFINYL)PHENYL ESTER	2 14
0916	55-38-9	FENTHION PHOSPHOROTHIOIC ACID, O,O-DIMETHYL O- 3-METHYL-4- * (METHYLTHIO)PHENYL ESTER	2 14

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 38

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0917	14484-64-1	FERBAM IRON, TRIS(DIMETHYLCARBAMODITHIOATO-S,S')-, (OC-6-11)-	1 2
0918	1185-57-5	FERRIC AMMONIUM CITRATE 1,2,3-PROPANETRICARBOXYLIC ACID, 2-HYDROXY-, * AMMONIUM IRON(3+) SALT	2 3
0919	14221-47-7	FERRIC AMMONIUM OXALATE FERRATE(3-), TRIS ETHANEDIOATO(2-)-O,O' -, TRIAMMONIUM, (OC-6- * 11)-	2 3
0920	10102-49-5	# FERRIC ARSENATE ARSENIC ACID (H3ASO4), IRON(3+) SALT (1:1)	1 3 (MU)
0921	63989-69-5	FERRIC ARSENITE IRON(III) O-ARSENITE PENTAHYDRATE	1 3
0922	7705-08-0	# FERRIC CHLORIDE IRON CHLORIDE (FECL3)	2 3 (CO)
0923	7783-50-8	FERRIC FLUORIDE IRON FLUORIDE (FEF3)	3
0924	10421-48-4	FERRIC NITRATE NITRIC ACID, IRON(3+) SALT	2 3
0925	10028-22-5	FERRIC SULFATE SULFURIC ACID, IRON(3+) SALT (3:2)	2 3
0926	69523-06-4	FERROCERIUM	3
0927	8049-17-0	FERROSILICON	3
0928	10045-89-3	FEROUS AMMONIUM SULFATE SULFURIC ACID, AMMONIUM IRON(2+) SALT (2:2:1)	2 3
0929	10102-50-8	FEROUS ARSENATE ARSENIC ACID (H3ASO4), IRON(2+) SALT (2:3)	1 3
0930	7758-94-3	# FERROUS CHLORIDE IRON CHLORIDE (FECL2)	2 3 (CO)
0931	7720-78-7	FEROUS SULFATE SULFURIC ACID, IRON(2+) SALT (1:1)	2 3
0932	12604-58-9	FERROVANADIUM VANADIUM ALLOY, BASE, V,C,FE (FERROVANADIUM)	1 2 4
0933	NONE	FIBROUS GLASS	2 4
0934	16872-11-0	# FLUOBORIC ACID BORATE(1-), TETRAFLURO-, HYDROGEN	1 2 3 (CO)
0935	2164-17-2	FLUOMETURON UREA, N,N-DIMETHYL-N-(3-TRIFLUOROMETHYL)PHENYL)-	6
0936	16984-48-8	FLUORIDE	1 2 4
0937	7782-41-4	# FLUORINE	1 2 3 (R3)
0938	144-49-0	FLUOROACETIC ACID ACETIC ACID, FLURO-	1 2 3
0939	462-06-6	# FLUOROBENZENE BENZENE, FLURO-	3 15 (F3)
0940	13478-20-1	# FLUOROPHOSPHORIC ACID PHOSPHORYL FLUORIDE	1 2 3 (CO)
0941	7789-21-1	# FLUOROSULPHONIC ACID FLUOROSULFURIC ACID	3 (CO)
0942	25496-08-6	FLUOROTOLUENE BENZENE, FLUOROMETHYL-	1 2 3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 39

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0943	16961-83-4	# FLUOSILICIC ACID SILICATE(2-), HEXAFLUORO-, DIHYDROGEN	1 2 3 (CO)
0944	17617-23-1	# FLURAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 1,3-DIHYDRO-7-CHLORO-1-(2- * (DIETHYLAMINO) ETHYL)-5-(O-FLUOROPHENYL)	13(EF, FF) (TE)
0945	944-22-9	FONOFOS PHOSPHONODITHIOIC ACID, ETHYL-, O-ETHYL S-PHENYL ESTER	2 14
0946	50-00-0	# FORMALDEHYDE	1 2 3 4 5 6 7 8 10 12(A, B) 15 (CA, MU)
0947	75-12-7	FORMAMIDE	2 15
0948	64-18-6	# FORMIC ACID	1 2 3 15 (CO)
0949	110-17-8	FUMARIC ACID 2-BUTENEDIOIC ACID (E)-	3
0950	117-52-2	FUMARIN COUMARIN, 3-(ALPHA-ACETONYLFURFURYL)-4-HYDROXY-	14
0951	627-63-4	# FUMARYL CHLORIDE 2-BUTENEDIOYL DICHLORIDE, (E)-	3 (CO)
0952	110-00-9	# FURAN	3 15 (F4)
0953	98-01-1	FURFURAL 2-FURANCARBOXALDEHYDE	1 2 3 15
0954	98-00-0	FURFURYL ALCOHOL 2-FURANMETHANOL	1 2 4 15
0955	617-89-0	# FURFURYLAMINE 2-FURANMETHANAMINE	3 15 (F3)
0956	7440-55-3	# GALLIUM	3 (CO)
0957	8006-61-9	# GASOLINE	2 3 15 (F3)
0958	7782-65-2	GERMANIUM HYDRIDE GERMANE	2 3
0959	9001-37-0	GLUCOSE OXIDASE OXIDASE, GLUCOSE	12(A)
0960	111-30-8	GLUTARALDEHYDE PENTANEDIAL	2
0961	765-34-4	# GLYCIDALDEHYDE OXIRANECARBOXALDEHYDE	3 8 (CA)
0962	107-16-4	GLYCOLONITRILE ACETONITRILE, HYDROXY-	4
0963	70-25-7	# GUANIDINE, 1-METHYL-3-NITRO-1-NITROSO- GUANIDINE, N-METHYL-N'-NITRO-N-NITROSO-	3 8 (CA, MU)
0964	52470-25-4	GUANIDINE NITRATE GUANIDINE, NITRATE	3
0965	9000-01-5	GUM ARABIC	12(A, B)
0966	86-50-0	GUTHION PHOSPHORODITHIOIC ACID, O,O-DIMETHYL S- (4-OXO-1,2,3- * BENZOTRIAZIN-3(4H)-YL)METHYL ESTER	1 2 3 14
0967	7440-58-6	HAFNIUM	1 2 3
0968	23092-17-3	# HALAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 1,3-DIHYDRO-7-CHLORO-5-PHENYL-1-(2, * 2-TRIFLUOROETHYL)-	13(EF, FF) (TE)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 40

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0969	151-67-7	HALOTHANE ETHANE, 2-BROMO-2-CHLORO-1,1,1-TRIFLUORO-	2 4
0970	194-59-2	# 7H-DIBENZO(C,G)CARBAZOLE	5 8 (CA)
0971		NO SUBSTANCE LISTED	
0972	7440-59-7	HELIUM	2 3
0973	680-31-9	HEMPA PHOSPHORIC TRIAMIDE, HEXAMETHYL-	2 6 10
0974	76-44-8	# HEPTACHLOR 4,7-METHANO-1H-INDENE, 1,4,5,6,7,8,8-HEPTACHLORO-3A,4,7,7A- * TETRAHYDRO-	1 2 3 6 8 14 (CA)
0975	1639-09-4	1-HEPTANETHIOL	4
0976	81624-04-6	# HEPTENE	3 15 (F3)
0977	116-16-5	HEXACHLOROACETONE 2-PROPANONE, 1,1,1,3,3,3-HEXACHLORO-	3
0978	118-74-1	# HEXACHLOROBENZENE BENZENE, HEXACHLORO-	3 5 6 8 (CA)
0979	87-68-3	# HEXACHLOROBUTADIENE 1,3-BUTADIENE, 1,1,2,3,4,4, HEXACHLORO-	2 3 7 8 15 (CA)
0980	77-47-4	# HEXACHLOROCYCLOPENTADIENE 1,3-CYCLOPENTADIENE, 1,2,3,4,5,5-HEXACHLORO-	2 3 6 (CO)
0981	67-72-1	# HEXACHLOROETHANE ETHANE, HEXACHLORO-	1 2 3 6 8 (CA)
0982	1335-87-1	HEXACHLORONAPHTHALENE NAPHTHALENE, HEXACHLORO-	1 2
0983	70-30-4	HEXACHLOROPHENE PHENOL, 2,2'-METHYLENEBIS 3,4,6-TRICHLORO-	3
0984	2917-26-2	1-HEXADECANETHIOL	4 15
0985	42296-74-2	# HEXADIENE	3 15 (F3)
0986	757-58-4	HEXAETHYL TETRAPHOSPHATE TETRAPHOSPHORIC ACID, HEXAETHYL ESTER	3
0987	684-16-2	HEXAFLUOROACETONE 2-PROPANONE, 1,1,1,3,3,3-HEXAFLUORO-	2 3
0988	677-71-4	HEXAFLUOROACETONE HYDRATE 2,2-PROPANEDIOL, 1,1,1,3,3,3-HEXAFLUORO-	3
0989	76-16-4	HEXAFLUOROETHANE ETHANE, HEXAFLUORO-	3
0990	16940-81-1	# HEXAFLUOROPHOSPHORIC ACID PHOSPHATE(1-), HEXAFLUORO-, HYDROGEN	1 2 3 (CO)
0991	116-15-4	HEXAFLUOROPROPYLENE 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-	3
0992	428-59-1	HEXAFLUOROPROPYLENE OXIDE OXIRANE, TRIFLUORO(TRIFLUOROMETHYL)-	3
0993	66-25-1	# HEXALDEHYDE HEXANAL	3 15 (F3)
0994	124-09-4	# HEXAMETHYLENE DIAMINE 1,6-HEXANEDIAMINE	3 15 (CO)
0995	822-06-0	HEXAMETHYLENE DI-ISO-CYANATE HEXANE, 1,6-DIISOCYANATO-	3 4

## WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 41

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
0996	100-97-0	HEXAMINE 1,3,5,7-TETRAAZATRICYCLO 3.3.1.13,7 DECANE	3
0997	131-73-7	HEXAMINE BENZENAMINE, 2,4,6-TRINITRO-N-(2,4,6-TRINITROPHENYL)-	3
0998	111-31-9	1-HEXANETHIOL	4
0999	35860-31-2	HEXANITRODIPHENYLAMINE BENZENAMINE, N-PHENYL-, HEXANITRO DERIV.	3
1000	20062-22-0	HEXANITROSTILBENE BENZENE, 1,1'-(1,2-ETHENEDIYL)-BIS 2,4,6-TRINITRO -	3
1001	25917-35-5	HEXANOL 1-HEXANOL	3 15
1002	81624-06-8	# HEXENE	3 15 (F3)
1003	107-41-5	HEXYLENE GLYCOL 2,4-PENTANEDIOL, 2-METHYL-	2 15
1004	928-65-4	# HEXYL TRICHLOROSILANE SILANE, TRICHLOROHXYL-	3 (CO)
1005	2746-19-2	HIMIC ANHYDRIDE 4,7-METHANOISOBENZOFURAN-1,3-DIONE, 3A,4,7,7A-TETRAHYDRO-, * (3A.ALPHA.,4.BETA.,7.BETA.,7A.ALPHA.)-	12(A)
1006	302-01-2	# HYDRAZINE	1 2 3 6 7 8 15 (CA,CO,F3,MU,R2)
1007	1615-80-1	# HYDRAZINE, 1,2-DIETHYL-	8 (CA)
1008	540-73-8	# HYDRAZINE, 1,2-DIMETHYL-	3 8 (CA,MU)
1009	10034-85-2	# HYDRIODIC ACID	3 (CO)
1010	1333-74-0	# HYDROGEN	2 3 15 (F4)
1011	10035-10-6	# HYDROGEN BROMIDE HYDROBROMIC ACID	1 2 3 (CO)
1012	7647-01-0	# HYDROGEN CHLORIDE HYDROCHLORIC ACID	1 2 3 (CO)
1013	74-90-8	# HYDROGEN CYANIDE HYDROCYANIC ACID	1 2 3 4 14 15 (F4,R2)
1014	7664-39-3	# HYDROGEN FLUORIDE HYDROFLUORIC ACID	1 2 3 4 (CO)
1015	7722-84-1	# HYDROGEN PEROXIDE HYDROGEN PEROXIDE (H2O2)	1 2 3 (CO,R3)
1016	7783-07-5	HYDROGEN SELENIDE HYDROGEN SELENIDE (H2SE)	1 2 3
1017	7783-06-4	# HYDROGEN SULFIDE HYDROGEN SULFIDE (H2S)	1 2 3 4 15 (F4)
1018	85-42-7	HYDROHEXAPHTHALIC ANHYDRIDE HEXAHYDRO-1,3-ISOBENZOFURANDIONE	12(A)
1019	123-31-9	# HYDROQUINONE 1,4-BENZENEDIOL	1 2 3 4 6 15 (MU)
1020	10039-54-0	# HYDROXYLAMINE SULFATE HYDROXYLAMINE, SULFATE (2:1) (SALT)	3 (CO)
1021	127-07-1	# HYDROXYUREA UREA, HYDROXY-	13(U,V,X) (MU,TE)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"  
 SORTED ALPHABETICALLY

PAGE 42

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1022	4342-03-4	# IMIDAZOLE-4-CARBOXAMIDE, 5-(3,3-DIMETHYL-1-TRIAZENO)- 1H-IMIDAZOLE-4-CARBOXAMIDE, 5-(3,3-DIMETHYL-1-TRIAZENYL)-	7 (CA)
1023	95-13-6	INDENE 1H-INDENE	2
1024	129-00-0	# INDENO (1,2,3-CD) PYRENE	5 (CA)
1025	7440-74-6	INDIUM	2
1026	7553-56-2	IODINE	1 2
1027	7790-99-0	# IODINE MONOCHLORIDE IODINE CHLORIDE (ICL)	3 (CO)
1028	7783-66-6	IODINE PENTAFLUORIDE IODINE FLUORIDE (IF5)	3
1029	25267-27-0	iodo BUTANE BUTANE, IODO-	3
1030	75-47-8	iodoFORM METHANE, TRIiodo-	2
1031	513-38-2	iodo METHYLPROPANE 1-iodo-2-METHYL PROPANE	3
1032	558-17-8	iodo METHYLPROPANE 2-iodo-2-METHYL PROPANE	3
1033	26914-02-3	iodo PROPANE PROPANE, IODO-	3
1034	12040-57-2	# IRON CHLORIDE	2 3 15 (CO)
1035	9004-66-4	# IRON-DEXTRAN COMPLEX IRON DEXTRAN	5 8 (CA)
1036	1309-37-1	IRON OXIDE FUME	1 2
1037	13463-40-6	# IRON PENTACARBONYL IRON CARBONYL (FE(CO)5), (TB-5-11)-	2 3 15 (F3)
1038	123-92-2	# ISOAMYL ACETATE 1-BUTANOL, 3-METHYL-, ACETATE	1 2 15 (F3)
1039	123-51-3	ISOAMYL ALCOHOL 1-BUTANOL, 3-METHYL-	1 2 15
1040	75-28-5	# ISOBUTANE PROPANE, 2-METHYL-	3 15 (F4)
1041	110-19-0	# ISOBUTYL ACETATE ACETIC ACID, 2-METHYLPROPYL ESTER	1 2 3 15 (F3)
1042	106-63-8	# ISOBUTYL ACRYLATE 2-PROPENOIC ACID, 2-METHYLPROPYL ESTER	3 15 (F3)
1043	78-83-1	# ISOBUTYL ALCOHOL 1-PROPANOL, 2-METHYL-	1 2 3 15 (F3)
1044	78-81-9	# ISOBUTYLAMINE 1-PROPANAMINE, 2-METHYL-	3 15 (F3)
1045	115-11-7	# ISOBUTYLENE 1-PROPENE, 2-METHYL-	3 15 (F4)
1046	542-55-2	# ISOBUTYL FORMATE FORMIC ACID, 2-METHYLPROPYL ESTER	3 15 (F3)
1047	97-85-8	ISOBUTYL ISOBUTYRATE PROPANOIC ACID, 2-METHYL-, 2-METHYLPROPYL ESTER	3 15
1048	1873-29-6	ISOBUTYL ISOCYANATE PROPANE, 1-ISOCYANATO-2-METHYL-	3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#" • PAGE 43

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1049	97-86-9	ISOBUTYLMETHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, 2-METHYLPROPYL ESTER	3
1050	540-42-1	ISOBUTYL PROPIONATE PROPANOIC ACID, 2-METHYLPROPYL ESTER	3
1051	78-84-2	ISOBUTYRALDEHYDE PROPANAL, 2-METHYL-	3
1052	79-31-2	# ISOBUTYRIC ACID PROPANOIC ACID, 2-METHYL-	3 15 (CO)
1053	97-72-3	# ISOBUTYRIC ANHYDRIDE PROPANOIC ACID, 2-METHYL-, ANHYDRIDE	3 15 (CO)
1054	78-82-0	# ISOBUTYRONITRILE PROPANENITRILE, 2-METHYL-	3 4 15 (F3)
1055	79-30-1	ISOBUTYRYLCHLORIDE PROPANOYL CHLORIDE, 2-METHYL-	3
1056	71121-36-3	ISOCYANATOBENZOTRI-FLUORIDE BENZENE, ISOCYANATO (TRIFLUOROMETHYL)-	3
1057	26675-46-7	ISOFLURANE ETHANE, 2-CHLORO-2-(DIFLUOROMETHOXY)-1,1,1-TRIFLUORO-	4
1058	68975-47-3	ISOHEPTENE	3
1059	27236-46-0	ISOHEXENE PENTENE, 2-METHYL-	3
1060	58449-37-9	ISONONANOYL PEROXIDE PEROXIDE, BIS(1-OXOISONONYL)	3
1061	26635-64-3	# ISOOCTANE	3 15 (F3)
1062	11071-47-9	# ISOOCTENE	3 15 (F3)
1063	26952-21-6	ISOOCTYL ALCOHOL ISOOCTANOL	2 15
1064	78-78-4	# ISOPENTANE BUTANE, 2-METHYL-	3 15 (F4)
1065	503-74-2	# ISOPENTANOIC ACID BUTANOIC ACID, 3-METHYL-	3 15 (CO)
1066	78-59-1	ISOPHORONE 2-CYCLOHEXEN-1-ONE, 3,5,5-TRIMETHYL-	1 2 4 15
1067	2855-13-2	# ISOPHORONEDIAMINE CYCLOHEXANEMETHANAMINE, 5-AMINO-1,3,3-TRIMETHYL-	3 (CO)
1068	4098-71-9	ISOPHORONE DIISOCYANATE CYCLOHEXANE, 5-ISOCYANATO-1-(ISOCYANATOMETHYL)-1,3,3-TRIMETHYL-	2 3 4
1069	78-79-5	# ISOPRENE 1,3-BUTADIENE, 2-METHYL-	3 15 (F4, R2)
1070	54590-52-2	ISOPROPANOLAMINE DO-DECYLBENZENESULFONATE BENZENESULFONIC ACID, 4-DODECYL-, COMPD. WITH 1-AMINO-2- * PROPANOL (1:1)	3
1071	108-22-5	# ISOPROPENYL ACETATE 1-PROPEN-2-OL, ACETATE	3 15 (F3)
1072	98-83-9	ISOPROPENYL BENZENE BENZENE, (1-METHYLETHENYL)-	1 2 3
1073	109-59-1	ISOPROPOXYETHANOL ETHANOL, 2-(1-METHYLETHOXY)	2
1074	108-21-4	# ISOPROPYL ACETATE ACETIC ACID, 1-METHYLETHYL ESTER	1 2 3 15 (CO, F3)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"  
SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1075	1623-24-1	# ISOPROPYL ACID PHOSPHATE PHOSPHORIC ACID, MONO(1-METHYLETHYL) ESTER	3 (CO)
1076	67-63-0	# ISOPROPYL ALCOHOL 2-PROPANOL	1 2 3 15 (F3)
1077	75-31-0	# ISOPROPYLAMINE 2-PROPANAMINE	1 2 3 15 (F4)
1078	638-11-9	ISOPROPYL BUTYRATE BUTANOIC ACID, 1-METHYLETHYL ESTER	3
1079	105-48-6	ISOPROPYL CHLOROACETATE ACETIC ACID, CHLORO-, 1-METHYLETHYL ESTER	3
1080	108-23-6	# ISOPROPYL CHLOROFORMATE CARBONOCHLORIDIC ACID, 1-METHYLETHYL ESTER	3 (CO)
1081	40058-87-5	ISOPROPYL-2-CHLOROPROPIONATE PROPIONIC ACID, 2-CHLORO-1-METHYLETHYL ESTER	3
1082	4016-14-2	ISOPROPYL GLYCIDYL ETHER OXIRANE, (1-METHYLETHOXY)METHYL -	1 2 4 10
1083	617-50-5	ISOPROPYL ISOBUTYRATE PROPANOIC ACID, 2-METHYL-, 1-METHYLETHYL ESTER	3
1084	1795-48-8	ISOPROPYL ISOCYANATE PROPANE, 2-ISOCYANATO-	3
1085	75-33-2	ISOPROPYL MERCAPTAN 2-PROPANETHIOL	3
1086	1712-64-7	ISOPROPYL NITRATE NITRIC ACID, 1-METHYLETHYL ESTER	3
1087	637-78-5	ISOPROPYL PROPIONATE PROPANOIC ACID, 1-METHYLETHYL ESTER	3
1088	59-01-8	KANAMYCIN D-STREPTAMINE, O-3-AMINO-3-DEOXY-ALPHA-D-GLUCOPYRANOSYL-(1-6)- * ORTHO-(6-AMINO-6-DEOXY-ALPHA-D-GLUCOPYRANOSYL-(1-4))-2-DEOXY-	13(Y,FF)
1089	NONE	KARAYA	12(A)
1090	143-50-0	# KEPONE 1,3,4-METHENO-2H-CYCLOBUTA CD PENTALEN-2-ONE, 1,1A,3,3A,4,5,5, * 5A,5B,6-DECACHLOROCTAHYDRO-	3 4 5 8 (CA)
1091	8008-20-6	KEROSENE KEROSINE	3
1092	463-51-4	KETENE ETHENONE	1 2
1093	7439-90-9	KRYPTON	3
1094	303-34-4	# LASIOCARPINE 2-BUTENOIC ACID, 2-METHYL-, 7- 2,3-DIHYDROXY-2-(1- * METHOXYETHYL)-3-METHYL-1-OXOBUTOXY METHYL -2,3,5,7A- * TETRAHYDRO-1H-PYRROLIZIN-1-YL ESTER, 1S- 1.ALPHA.(Z),7(2S*, * 3R*),7A.ALPHA. -	8 (CA,MU)
1095	105-74-8	LAUROYL PEROXIDE PEROXIDE, BIS(1-OXODODECYL)	3
1096	7439-92-1	# LEAD	1 2 4 6 (TE)
1097	301-04-2	# LEAD ACETATE (2+) LEAD ACETATE	1 3 4 5 (CA,TE)
1098	7645-25-2	# LEAD ARSENATE ARSENIC ACID (H3ASO4), LEAD SALT	1 2 3 4 5 7 8 (CA)
1099	10031-13-7	LEAD ARSENITE ARSENENOUS ACID, LEAD(2+) SALT	1 2 3 4

## WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 45

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1100	13424-46-9 #	LEAD AZIDE LEAD AZIDE (PB(N3)2)	1 2 3 4 (TE)
1101	12612-47-4 #	LEAD CHLORIDE	1 2 3 4 (TE)
1102	18454-12-1 #	LEAD CHROMATE CHROMIUM LEAD OXIDE	1 2 4 5 7 8 (CA)
1103	592-05-2 #	LEAD CYANIDE LEAD CYANIDE PB(CN)2	1 2 3 4 (TE)
1104	1309-60-0	LEAD DIOXIDE LEAD OXIDE (PB02)	1 2 3 4
1105	13814-96-5	LEAD FLUOROBORATE BORATE(1-), TETRAFLURO-, LEAD(2+)	1 2 3 4
1106	53096-04-1 #	LEAD FLUORIDE	1 2 3 4 (TE)
1107	12684-19-4 #	LEAD IODIDE	1 2 3 4 (TE)
1108	18256-98-9 #	LEAD NITRATE NITRIC ACID, LEAD SALT	1 2 3 4 (TE)
1109	13637-76-8 #	LEAD PERCHLORATE PERCHLORIC ACID, LEAD(2+) SALT	1 2 3 4 (TE)
1110	7446-27-7 #	LEAD PHOSPHATE	1 2 4 5 7 (CA)
1111	7428-48-0	LEAD STEARATE OCTADECANOIC ACID, LEAD SALT	1 3 4
1112	15245-44-0	LEAD STYPHNATE 1,3-BENZENEDIOL, 2,4,6-TRINITRO-, LEAD(2+) SALT (1:1)	1 3 4
1113	39377-56-5	LEAD SULFIDE	1 2 3 4
1114	7446-14-2 #	LEAD SULPHATE LEAD(II) SULFATE(1:1)	1 2 3 (CO,TE)
1115	592-87-0 #	LEAD THIOCYANATE THIOCYANIC ACID, LEAD(2+) SALT	1 2 3 4 (TE)
1116	112-56-1	LETHANE THIOCYANIC ACID, 2-(2-BUTOXYETHOXY)ETHYL ESTER	14
1117	58-89-9 #	LINDANE CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, (1.ALPHA.,2.ALPHA., * 3.BETA.,4.ALPHA.,5.ALPHA.,6.BETA.)-	1 2 3 5 6 14 (CA)
1118	68476-85-7	LIQUIFIED PETROLEUM GAS	1 2 3
1119	7439-93-2	LITHIUM	3
1120	50475-76-8	LITHIUM ACETYLIDE ETHYLENEDIAMINE LITHIUM ACETYLIDE COMPLEXED WITH ETHYLENEDIAMINE	3
1121	16853-85-3	LITHIUM ALUMINUM HYDRIDE ALUMINATE(1-), TETRAHYDRO-, LITHIUM, (T-4)-	2 3
1122	7782-89-0	LITHIUM AMIDE LITHIUM AMIDE (LI(NH2))	3
1123	16949-15-8	LITHIUM BOROHYDRIDE BORATE(1-), TETRAHYDRO-, LITHIUM	3
1124	554-13-2 #	LITHIUM CARBONATE CARBONIC ACID, DILITHIUM SALT	13(Y,EE,FF) (TE)
1125	14307-35-8	LITHIUM CHROMATE CHROMIC ACID (H2CRO4), DILITHIUM SALT	1 2 3
1126	70399-13-2	LITHIUM FERROSILICON	3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 46

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1127	7580-67-8	# LITHIUM HYDRIDE LITHIUM MYDRIDE (LIH)	1 2 3 (F4,R2)
1128	1310-66-3	# LITHIUM HYDROXIDE MONOHYDRATE LITHIUM HYDROXIDE (LI(OH)), MONOHYDRATE	3 (CO)
1129	13840-33-0	LITHIUM HYPOCHLORITE HYPOCHLOROUS ACID, LITHIUM SALT	3
1130	7790-69-4	LITHIUM NITRATE NITRIC ACID, LITHIUM SALT	3
1131	26134-62-3	LITHIUM NITRIDE LITHIUM NITRIDE (LI3N)	3
1132	12031-80-0	LITHIUM PEROXIDE LITHIUM PEROXIDE (LI2(O2))	3
1133	53095-76-4	LITHIUM SILICON LITHIUM SILICIDE (LISI)	3
1134	8012-74-6	LONDON PURPLE	3
1135	846-49-1	# LORAZEPAM 2H-1, 4-BENZIDIAZEPIN-2-OME, 7-CHLORO-5-(O-CHLOROPHENYL)-1,3- * DIHYDRO	13(Y,EE,FF) (TE)
1136	7439-95-4	# MAGNESIUM	3 (R2)
1137	10103-50-1	MAGNESIUM ARSENATE ARSENIC ACID (H3ASO4), MAGNESIUM SALT	1 2 3
1138	7789-36-8	MAGNESIUM BROMATE BROMIC ACID, MAGNESIUM SALT	3
1139	10326-21-3	MAGNESIUM CHLORATE CHLORIC ACID, MAGNESIUM SALT	3
1140	7803-54-5	MAGNESIUM DIAMIDE MAGNESIUM AMIDE (MG(NH2)2)	3
1141	555-54-4	MAGNESIUM DIPHENYL MAGNESIUM, DIPHENYL-	3
1142	60616-74-2	MAGNESIUM HYDRIDE	3
1143	10377-60-3	MAGNESIUM NITRATE NITRIC ACID, MAGNESIUM SALT	3
1144	1309-48-4	MAGNESIUM OXIDE MAGNESIUM OXIDE (MGO)	1 2
1145	10034-81-8	MAGNESIUM PERCHLORATE PERCHLORIC ACID, MAGNESIUM SALT	3
1146	1335-26-8	MAGNESIUM PEROXIDE	3
1147	12057-74-8	MAGNESIUM PHOSPHIDE MAGNESIUM PHOSPHIDE (MG3P2)	3
1148	39404-03-0	MAGNESIUM SILICIDE	3
1149	16949-65-8	MAGNESIUM SILICO-FLUORIDE SILICATE(2-), HEXAFLUORO-, MAGNESIUM (1:1)	1 2 3
1150	121-75-5	# MALATHION BUTANEDIOIC ACID, (DIMETHOXYPHOSPHINOTHIOYL)THIO -, * DIETHYL ESTER	1 2 3 4 (MU)
1151	110-16-7	MALEIC ACID 2-BUTENEDIOIC ACID (Z)-	3
1152	108-31-6	MALEIC ANHYDRIDE 2,5-FURANDIONE	1 2 3 12(A) 15

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1153	109-77-3	MALONONITRILE PROPANEDINITRILE	3 4
1154	12427-38-2	# MANEB MANGANESE, (ETHYLENEBIS(DITHIOCARBAMATO))-	1 2 3 6 8 (CA)
1155	7439-96-5	MANGANESE	1 2
1156	12079-65-1	MANGANESE CYCLOPENTADIENYL TRICARBONYL MANGANESE, TRICARBONYL(.ETA.5-2,4-CYCLOPENTADIEN-1-YL)-	1 2
1157	1313-13-9	MANGANESE DIOXIDE MANGANESE OXIDE (MNO2)	1 2 3
1158	10377-66-9	MANGANESE NITRATE NITRIC ACID, MANGANESE(2+) SALT	1 2 3
1159	1317-34-6	MANGANESE TRIOXIDE MANGANESE OXIDE (MN2O3)	1 2
1160	15825-70-4	MANNITOL HEXANITRATE D-MANNITOL, HEXANITRATE	3
1161	108-39-4	# M-CRESOL PHENOL, 3-METHYL-	1 2 3 4 15 (CO)
1162	148-82-3	# MELPHALAN L-PHENYLALANINE, 4- BIS(2-CHLOROETHYL)AMINO -	5 7 8 13(E,H) (CA,MU)
1163	80-47-7	MENTHANE HYDROPEROXIDE, PARA MENTHANE-8-HYDROPEROXIDE	3
1164	57-53-4	# MEPROBAMATE 1,3-PROPANEDIOL, 2-METHYL-2-PROPYL-, DICARBAMATE	13(Y,EE,FF) (TE)
1165	2032-65-7	MERCAPTODIMETHUR (METHIOCARB) PHENOL, 3,5-DIMETHYL-4-(METHYLTHIO)-, METHYLCARBAMATE	3 14
1166	1600-27-7	MERCURIC ACETATE ACETIC ACID, MERCURY(2+) SALT	1 2 3
1167	7784-37-4	MERCURIC ARSENATE ARSENIC ACID (H3ASO4), MERCURY(2+) SALT (1:1)	1 2 3
1168	583-15-3	MERCURIC BENZOATE MERCURY (II) BENZOATE	1 2 3
1169	7789-47-1	MERCURIC BROMIDE MERCURY BROMIDE (HGBR2)	1 2 3
1170	7487-94-7	MERCURIC CHLORIDE MERCURY CHLORIDE (HGCL2)	1 2 3
1171	592-04-1	MERCURIC CYANIDE MERCURY CYANIDE (HG(CN)2)	1 2 3
1172	7774-29-0	MERCURIC IODIDE MERCURY (I) IODIDE	2 3
1173	10045-94-0	MERCURIC NITRATE NITRIC ACID, MERCURY(2+) SALT	1 2 3
1174	1335-31-5	MERCURIC OXYCYANIDE MERCURY CYANIDE OXIDE (HG2(CN)2O)	1 2 3
1175	591-89-9	MERCURIC POTASSIUM CYANIDE MERCURATE(2-), TETRAKIS(CYANO-C)-, DIPOTASSIUM, (T-4)-	1 2 3
1176	1312-03-4	MERCURIC SUBSULFATE MERCURY OXIDE SULFATE	2 3
1177	7783-35-9	MERCURIC SULFATE SULFURIC ACID, MERCURY(2+) SALT (1:1)	1 2 3
1178	12002-19-6	MERCUROL	1 2 3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 48

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1179	7546-30-7	MERCUROUS CHLORIDE MERCURY CHLORIDE (HGCL)	1 2
1180	10112-91-1	MERCUROUS CHLORIDE MERCURY CHLORIDE (HG2CL2)	1 2
1181	10415-75-5	MERCUROUS NITRATE NITRIC ACID, MERCURY(1+) SALT	1 2 3
1182	7783-36-0	MERCUROUS SULFATE SULFURIC ACID, DIMERCURY(1+) SALT	1 2 3
1183	7439-97-6	# MERCURY	1 2 3 4 6 (CO)
1184	10124-48-8	MERCURY AMMONIUM CHLORIDE MERCURY AMIDE CHLORIDE (HG(NH2)CL)	1 2 3
1185	10031-18-2	MERCURY(1)BROMIDE(1:1) MERCURY BROMIDE (HGBR)	1 2 3 4
1186	15385-58-7	MERCURY(1)BROMIDE(1:1) MERCURY BROMIDE (HG2BR2)	1 2 3 4
1187	628-86-4	MERCURY FULMINATE FULMINIC ACID, MERCURY(2+) SALT	1 2 3 4
1188	63937-14-4	MERCURY GLUCONATE MERCURY(I) GLUCONATE	1 2 3 4
1189	37320-91-5	MERCURY IODIDE	1 2 3 4
1190	1191-80-6	MERCURY OLEATE 9-OCTADECENOIC ACID (Z)-, MERCURY(2+) SALT	1 2 3 4
1191	12653-71-3	MERCURY OXIDE	1 2 3 4
1192	7783-33-7	MERCURY POTASSIUM IODIDE MERCURATE (2-), TETRAIODO-, DIPOTASSIUM	1 2 3 4
1193	5970-32-1	MERCURY SALICYLATE MERCURY, 2-HYDROXYBENZOATO(2-)-O1, O2 -	1 2 3 4
1194	53408-91-6	MERCURY THIOCYANATE THIOCYANIC ACID, MERCURY SALT	1 2 3 4
1195	141-79-7	MESITYL OXIDE 3-PENTEN-2-ONE, 4-METHYL-	1 2 3 4
1196	72-33-3	# MESTRANOL 19-NORPREGNA-1,3,5(10)-TRIEN-20-YN-17-OL, 3-METHOXY-, * (17.ALPHA.)-	7 (CA, MU)
1197	37273-91-9	# METALDEHYDE	3 15 (F3)
1198	78-85-3	METHACRYLALDEHYDE 2-PROPENAL, 2-METHYL-	3
1199	79-41-4	# METHACRYLIC ACID 2-PROPENOIC ACID, 2-METHYL-	2 3 15 (CO, R2)
1200	513-42-8	# METHALLYL ALCOHOL 2-PROPEN-1-OL, 2-METHYL-	3 15 (F3)
1201	10265-92-6	METHAMIDOPHUS PHOSPHORAMIDOTHIOIC ACID, O, S-DIMETHYL ESTER	14
1202	74-82-8	# METHANE	2 3 15 (F4)
1203	62-50-0	# METHANESULFONIC ACID, ETHYL ESTER	8 (CA, MU)
1204	66-27-3	# METHANESULFONIC ACID, METHYL ESTER	8 (CA, MU)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#" \* PAGE 49

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1205	91-80-5	# METHAPYRILENE 1,2-ETHANEDIAMINE, N,N-DIMETHYL-N'-2-PYRIDINYL-N'-(2- * THIENYLMETHYL)-	8 (CA)
1206	950-37-8	METHIDATHION PHOSPHORODITHIOIC ACID, S-((5-METHOXY-2-OXO-1,3,4-THIAZOL-3(2H)- * YL)METHYL) O,O-DIMETHYL ESTER	14
1207	60-56-0	METHIMAZOLE 2H-IMIDAZOLE-2-THIONE, 1,3-DIHYDRO-1-METHYL-	13(Y)
1208	16752-77-5	METHOMYL ETHANIMIDOTHIOIC ACID, N- (METHYLAMINO)CARBONYL OXY -, * METHYL ESTER	2 14
1209	59-05-2	# METHOTREXATE L-GLUTAMIC ACID, N- 4- (2,4-DIAMINO-6- * PTERIDINYL)METHYL METHYLAMINO BENZOYL -	13(C, G, O, Y, EE, FF) (MU, TE)
1210	72-43-5	METHOXYCHLOR BENZENE, 1,1'-(2,2,2-TRICHLOROETHYLIDENE)BIS 4-METHOXY-	1 2 3 6
1211	109-86-4	2-METHOXYETHANOL ETHANOL, 2-METHOXY-	1 2 3 10 15
1212	110-49-6	2-METHOXYETHYL ACETATE (METHYL CELLOSOLVE ACETATE) ETHANOL, 2-METHOXYACETATE	1 2 3 10
1213	76-38-0	METHOXYFLURANE ETHANE, 2,2-DICHLORO-1,1-DIFLUORO-1-METHOXY-	4
1214	6427-21-0	METHOXYMETHYL ISOCYANATE METHANE, ISOCYANATOMETHOXY-	3
1215	107-70-0	4-METHOXY-4-METHYLPENTAN-2-ONE 2-PENTANONE, 4-METHOXY-4-METHYL-	3
1216	150-76-5	4-METHOXYPHENOL PHENOL, 4-METHOXY-	2
1217	79-20-9	# METHYL ACETATE ACETIC ACID, METHYL ESTER	1 2 3 15 (F3)
1218	74-99-7	# METHYL ACETYLENE 1-PROPENE	1 2 15 (F4, R2)
1219	96-33-3	# METHYL ACRYLATE 2-PROPENOIC ACID, METHYL ESTER	1 2 3 15 (F3, R2)
1220	126-98-7	METHYLACRYLONITRILE 2-PROPENENITRILE, 2-METHYL-	2
1221	109-87-5	# METHYLAL METHANE, DIMETHOXY-	1 2 3 15 (F3, R2)
1222	67-56-1	# METHYL ALCOHOL METHANOL	1 2 3 4 15 (F3)
1223	563-47-3	METHYL ALLYL CHLORIDE 1-PROPENE, 3-CHLORO-2-METHYL-	3
1224	12542-85-7	# METHYL ALUMINUM SESQUICHLORIDE ALUMINUM, TRICHLOROTRIMETHYLDI-	2 3 15 (F3, R3)
1225	74-89-5	# METHYLAMINE METHANAMINE	1 2 3 15 (F4)
1226	7789-99-3	METHYLAMYL ACETATE ACETIC ACID, 2-METHYL PENTYL ESTER	3 15
1227	108-84-9	METHYLAMYL ACETATE 2-PENTANOL, 4-METHYL, ACETATE	3 15
1228	54972-97-3	METHYL AMYL ALCOHOL 1-PENTANOL, METHYL-	1 2 3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 50

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1229	100-61-8	METHYLANILINE BENZENAMINE, N-METHYL-	1 2 3 15
1230	93-58-3	METHYLBENZOATE BENZOIC ACID, METHYL ESTER	3 15
1231	74-83-9	METHYL BROMIDE METHANE, BROMO-	1 2 3 14 15
1232	96-32-2	METHYL BROMOACETATE ACETIC ACID, BROMO-, METHYL ESTER	3
1233	26760-64-5	# METHYLBUTENE BUTENE, 2-METHYL-	3 15 (F3,R2)
1234	623-42-7	# METHYL BUTYRATE BUTANOIC ACID, METHYL ESTER	3 15 (F3)
1235	74-87-3	# METHYL CHLORIDE METHANE, CHLORO-	1 2 3 15 (F4)
1236	96-34-4	METHYL CHLOROACETATE ACETIC ACID, CHLORO-, METHYL ESTER	3 15
1237	71-55-6	METHYL CHLOROFORM ETHANE, 1,1,1-TRICHLORO-	1 2 3 4 6
1238	79-22-1	METHYL CHLOROFORMATE CARBONCHLORIDIC ACID, METHYL ESTER	3
1239	17639-93-9	METHYL-2-CHLOROPROPIONATE PROPANOIC ACID, 2-CHLORO-, METHYL ESTER	3
1240	993-00-0	METHYL CHLOROSILANE SILANE, CHLOROMETHYL-	3
1241	137-05-3	METHYL 2-CYANOACRYLATE 2-PROPENOIC ACID, 2-CYANO-, METHYL ESTER	2
1242	108-87-2	# METHYLCYCLOHEXANE CYCLOHEXANE, METHYL-	1 2 3 15 (F3)
1243	25639-42-3	METHYL CYCLOHEXANOL CYCLOHEXANOL, METHYL-	1 2 3 15
1244	12108-13-3	METHYLCYCLOPENTADIENYL MANGANESE TRICARBONYL MANGANESE, TRICARBONYL (1,2,3,4,5-ETA.)-1-METHYL-2,4- * CYCLOPENTADIEN-1-YL -	1 2
1245	96-37-7	# METHYL CYCLOPENTANE CYCLOPENTANE, METHYL-	3 15 (F3)
1246	8022-00-2	METHYL DEMETON PHOSPHOROTHIOIC ACID, O- 2-(ETHYLTHIO)ETHYL O,O-DIMETHYL ESTER, * MIXT. WITH S- 2-(ETHYLTHIO)ETHYL O,O- * DIMETHYL PHOSPHOROTHIOATE	2 14
1247	116-54-1	# METHYL DICHLOROACETATE ACETIC ACID, DICHLORO-, METHYL ESTER	3 (CO)
1248	593-89-5	METHYL DICHLOROARSINE ARSONOUS DICHLORIDE, METHYL-	1 2 3
1249	75-54-7	# METHYL DICHLOROSILANE SILANE, DICHLOROMETHYL-	3 15 (CO,F3,R2)
1250	101-14-4	# 4,4'-METHYLENEBIS (2-CHLOROANILINE) BENZENAMINE, 4,4'-METHYLENEBIS 2-CHLORO-	1 2 4 5 6 8 (CA)
1251	5124-30-1	METHYLENE BIS (4-CYCLOHEXYLISOCYANATE) CYCLOHEXANE, 1,1'-METHYLENEBIS 4-ISOCYANATO-	2
1252	101-61-1	# 4,4'-METHYLENEBIS (N,N-DIMETHYL) BENZENAMINE ANILINE, 4,4'-METHYLENEBIS (N,N-DIMETHYL)-	5 6 (CA,MU)
1253	101-68-8	METHYLENE BISPHENYL ISOCYANATE (MDI) ISOCYANIC ACID, METHYLENEDI-P-PHENYLENE ESTER	1 2 3 4 12(B)

## WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 51

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1254	74-95-3	METHYLENE BROMIDE METHANE, DIBROMO-	3
1255	75-09-2	METHYLENE CHLORIDE METHANE, DICHLORO-	1 2 3 4 6 15
1256	101-77-9	4,4'-METHYLENE DIANILINE BENZENAMINE, 4,4'-METHYLENEBIS-	2 3 6 10 15
1257	540-67-0	# METHYL ETHYL ETHER ETHANE, METHOXY-	3 15 (F4)
1258	78-93-3	METHYL ETHYL KETONE 2-BUTANONE	1 2 3 4 15
1259	1338-23-4	METHYL ETHYL KETONE PEROXIDE 2-BUTANONE, PEROXIDE	2 3
1260	104-90-5	# 2-METHYL-5-ETHYLPYRIDINE 2-PICOLINE, 5-ETHYL-	3 (CO, F3)
1261	593-53-3	METHYL FLUORIDE METHANE, FLUORO-	1 2 3
1262	107-31-3	# METHYL FORMATE FORMIC ACID, METHYL ESTER	1 2 3 15 (F4)
1263	534-22-5	2-METHYLFURAN FURAN, 2-METHYL-	3
1264	541-85-5	5-METHYL-3-HEPTANONE 3-HEPTANONE, 5-METHYL-	1
1265	60-34-4	# METHYL HYDRAZINE HYDRAZINE, METHYL-	1 2 3 4 6 15 (CO, F3, MU)
1266	74-88-4	# METHYL IODIDE METHANE, IODO-	1 2 3 6 8 (CA)
1267	110-12-3	METHYL ISOAMYL KETONE 2-HEXANONE, 5-METHYL-	2 3 4 15
1268	108-10-1	# METHYL ISOBUTYL KETONE 2-PENTANONE, 4-METHYL-	1 2 3 4 15 (F3)
1269	37206-20-5	METHYL ISOBUTYL KETONE PEROXIDE 2-PENTANONE, 4-METHYL-, PEROXIDE	3
1270	624-83-9	# METHYL ISOCYANATE METHANE, ISOCYANATO-	2 3 12(B) 15 (F3, R3)
1271	563-80-4	METHYL ISOPROPYL KETONE 2-BUTANONE, 3-METHYL-	2 3
1272	556-61-6	METHYL ISOTHIOCYANATE METHANE, ISOTHIOCYANATO-	3
1273	556-24-1	METHYL ISOVALERATE BUTANOIC ACID, 3-METHYL-, METHYL ESTER	3
1274	75-16-1	METHYL MAGNESIUM BROMIDE MAGNESIUM, BROMOMETHYL-	3
1275	74-93-1	# METHYL MERCAPTAN METHANETHIOL	1 2 3 4 15 (F4)
1276	502-39-6	# METHYL MERCURY DICYANDIAMIDE MERCURY, (3-CYANOQUANIDINO)-METHYL	1 2 (TE)
1277	80-62-6	# METHYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, METHYL ESTER	1 2 3 6 15 (F3, R2)
1278	109-02-4	# METHYLMORPHOLINE 4-METHYLMORPHOLINE	3 15 (CO, F3)
1279	110-43-0	METHYL (N-AMYL) KETONE 2-HEPTANONE	1 2 3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 52

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1280	591-78-6	METHYL N-BUTYL KETONE 2-HEXANONE	1 2 4
1281	624-91-9	METHYL NITRITE NITROUS ACID, METHYL ESTER	3
1282	681-84-5	METHYL ORTHOSILICATE SILICIC ACID (H <sub>4</sub> SiO <sub>4</sub> ), TETRAMETHYL ESTER	2 3
1283	298-00-0	# METHYL PARATHION PHOSPHOROTHIOIC ACID, O,O-DIMETHYL O-(4-NITROPHENYL) ESTER	2 3 4 14 (MU)
1284	39382-31-5	METHYLPENTADIENE PENTADIENE, METHYL-HOMOPOLYMER	3
1285	43133-95-5	METHYLPENTANE PENTANE, METHYL-	3
1286	149-74-6	# METHYLPHENYLDICHLOROSILANE SILANE, DICHLOROMETHYLPHENYL-	3 (CO)
1287	676-98-2	METHYL PHOSPHONOTHIOIC DICHLORIDE PHOSPHONOTHIOIC DICHLORIDE, METHYL-	3
1288	676-83-5	# METHYL PHOSPHONOUS DICHLORIDE PHOSPHONOUS DICHLORIDE, METHYL-	3 (CO)
1289	626-67-5	1-METHYLPYPERIDINE PIPERIDINE, 1-METHYL-	3
1290	554-12-1	# METHYL PROPIONATE PROPANOIC ACID, METHYL ESTER	3 15 (F3)
1291	557-17-5	# METHYL PROPYL ETHER PROPANE, 1-METHOXY-	3 15 (F3)
1292	107-87-9	# METHYL PROPYL KETONE 2-PENTANONE	1 2 3 4 15 (F3)
1293	1634-04-4	METHYL-TERT-BUTYL ETHER ETHYL, TERT-BUTYL METHYL	3
1294	25265-68-3	# METHYL TETRAHYDROFURAN FURAN, TETRAHYDROMETHYL-	3 15 (F3)
1295	598-99-2	METHYL TRICHLOROACETATE ACETIC ACID, TRICHLORO-, METHYL ESTER	3
1296	75-79-6	# METHYL TRICHLOROSILANE SILANE, TRICHLOROMETHYL-	3 15 (CO, F3, R2)
1297	615-53-2	# METHYL URETHANE CARBAMIC ACID, METHYL NITroso-ETHYL ESTER	8 (CA, MU)
1298	15877-57-3	# METHYL VALERALDEHYDE PENTANAL, 3-METHYL	3 15 (F3)
1299	123-15-9	# METHYL VALERALDEHYDE PENTANAL, 2-METHYL	3 15 (F3)
1300	1119-16-0	# METHYL VALERALDEHYDE PENTANAL, 4-METHYL	3 15 (F3)
1301	78-94-4	# METHYL VINYL KETONE 3-BUTEN-2-ONE	3 15 (F3, R2)
1302	21087-64-9	METRIBUZIN 1,2,4-TRIAZIN-5(4H)-ONE, 4-AMINO-6-(1,1-DIMETHYLETHYL)-3- * (METHYLTHIO)-	2
1303	443-48-1	# METRONIDAZOLE 1H-IMIDAZOLE-1-ETHANOL, 2-METHYL-5-NITRO-	7 (CA, MU)
1304	315-18-4	MEXACARBATE PHENOL, 4-(DIMETHYLAMINO)-3,5-DIMETHYL-, METHYLCARBAMATE (ESTER)	3 14

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 53

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1305	90-94-8	# MICHLERS KETONE METHANONE-BIS 4-(DIMETHYLAMINO) PHENYL -	5 (CA)
1306	2385-85-5	# MIREX 1,3,4-METHENO-1H-CYCLOBUTA CD PENTALENE, 1,1A,2,2,3,3A,4,5,5,5A, * 5B,6-DODECACHLOROCTAHYDRO-	5 (CA)
1307	1404-00-8	MITOMYCIN	1 13(H)
1308	99-51-4	M-NITROXYLENE 1,2-DIMETHYL-4-NITROBENZENE	3
1309	7439-98-7	MOLYBDENUM	1 2
1310	1317-33-5	MOLYBDENUM (IV) SULFIDE	1 2
1311	10241-05-1	# MOLYBDENUM PENTACHLORIDE MOLYBDENUM CHLORIDE (MOCL5)	1 2 3 (CO)
1312	1313-27-5	MOLYBDENUM TRIOXIDE	1 2
1313	6923-22-4	MONOCROTOPHOS PHOSPHORIC ACID, DIMETHYL 1-METHYL-3-(METHYLAMINO)-3-OXO-1- * PROPENYL ESTER, (E)-	2 14
1314	13537-32-1	# MONOFLUOROPHOSPHORIC ACID PHOSPHOROFUORIDIC ACID	1 2 3 (CO)
1315	110-91-8	# MORPHOLINE	1 2 3 15 (CO,F3)
1316	108-45-2	M-PHENYLENEDIAMINE 1,3-BENZENEDIAMINE	11
1317	626-17-5	M-PHTHALODINITRILE 1,3-BENZENEDICARBONITRILE	2
1318	108-44-1	M-TOLUIDINE BENZENAMINE, 3-METHYL-	3
1319	505-60-2	# MUSTARD GAS ETHANE, 1,1'-THIOBIS 2-CHLORO-	5 7 8 (CA,MU)
1320	1477-55-0	M-XYLENE A, A'-DIAMINE 1,3-BENZENEDIMETHANAMINE	2
1321	628-63-7	# N-AMYL ACETATE ACETIC ACID, PENTYL ESTER	1 2 3 15 (F3)
1322	91-20-3	NAPHTHALENE	1 2 3 6 15
1323	25551-28-4	NAPHTHALENE DIISOCYANATE NAPHTHALENE, DIISOCYANATO-	4
1324	91-59-8	# 2-NAPHTHYLAMINE 2-NAPHTHALENAMINE	1 2 3 5 7 8 (CA,MU)
1325	134-32-7	# 1-NAPHTHYLAMINE 1-NAPHTHALENAMINE	1 6 8 15 (CA,MU)
1326	30553-04-9	NAPHTHYLTHIOUREA THIOUREA, NAPHTHALENYL-	3
1327	6950-84-1	NAPHTHYLUREA UREA, 1-NAPHTHALENYL	3
1328	13114-62-0	NAPHTHYLUREA UREA, 2-NAPHTHALENYL	3
1329	123-86-4	# N-BUTYL ACETATE ACETIC ACID, BUTYL ESTER	1 2 3 15 (F3)
1330	71-36-3	# N-BUTYL ALCOHOL 1-BUTANOL	1 2 3 15 (F3)
1331	2426-08-6	N-BUTYL GLYCIDYL ETHER OXIRANE, (BUTOXYMETHYL)-	1 2 4 10

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 54

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1332	111-36-4	N-BUTYLISOCYANATE BUTANE, 1-ISOCYANATO-	3
1333	138-22-7	N-BUTYL LACTATE PROPANOIC ACID, 2-HYDROXY-, BUTYL ESTER	2
1334	102-81-8	2-N-DIBUTYLAMINOETHANOL 2-(DIBUTYLAMINO)-ETHANOL	2 3
1335	75-83-2	# NEOHEXANE BUTANE, 2,2-DIMETHYL-	3 15 (F3)
1336	7440-01-9	NEON	2 3
1337	517-16-8	N-(ETHYLMERCURIC)-P-TOLUENESULPHONANILIDE MERCURY, ETHYL (P-TOLUENESULFONANILIDATO)-	1 2
1338	100-74-3	N-ETHYLMORPHOLINE MORPHOLINE, 4-ETHYL-	1 2
1339	142-82-5	# N-HEPTANE HEPTANE	1 2 3 4 15 (F3)
1340	110-54-3	# N-HEXANE HEXANE	1 2 3 4 15 (F3)
1341	7440-02-0	# NICKEL	1 2 4 5 6 7 8 12(A,B,G,K) (CA)
1342	15699-18-0	NICKEL AMMONIUM SULFATE SULFURIC ACID, AMMONIUM NICKEL(2+) SALT (2:2:1)	1 2 3 4
1343	12612-55-4	# NICKEL CARBONYL	1 2 3 4 15 (F3,R3)
1344	37211-05-5	NICKEL CHLORIDE	1 2 3 4
1345	557-19-7	NICKEL CYANIDE NICKEL CYANIDE (NI(CN)2)	3
1346	11113-74-9	NICKEL HYDROXIDE	3
1347	13138-45-9	NICKEL NITRATE NITRIC ACID, NICKEL(2+) SALT	1 2 3 4
1348	7786-81-4	NICKEL SULFATE SULFURIC ACID, NICKEL(2+) SALT (1:1)	1 2 3 4
1349	54-11-5	NICOTINE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-	1 2 3 15
1350	2820-51-1	NICOTINE HYDROCHLORIDE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, HYDROCHLORIDE, (S)-	3
1351	29790-52-1	NICOTINE SALICYLATE BENZOIC ACID, 2-HYDROXY-, COMPD. WITH (S)-3-(1-METHYL-2- * PYRROLIDINYL)PYRIDINE (1:1)	3
1352	6505-86-8	NICOTINE SULFATE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-, SULFATE	3
1353	3275-73-8	NICOTINE TARTRATE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-, R-(R*,R*) -2,3- * DIHYDROXYBUTANEDIOATE	3
1354	643-28-7	N-ISOPROPYLANILINE BENZENAMINE, N-(1-METHYLETHYL)-	2
1355	1929-82-4	NITRAPYRIN PYRIDINE, 2-CHLORO-6-(TRICHLOROMETHYL)-	2
1356	7697-37-2	# NITRIC ACID	1 2 3 4 (CO)
1357	10102-43-9	NITRIC OXIDE NITROGEN OXIDE (NO)	1 2 3 4

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1358	139-13-9	# NITRILOTRIACETIC ACID GLYCINE, N,N-BIS(CARBOXYMETHYL)-	5 (CA)
1359	29757-24-2	# NITROANILINE BENZENAMINE, AR-NITRO-	3 15 (R3)
1360	100-17-4	NITROANISOLE 1-METHOXY-4-NITROBENZENE	3
1361	98-95-3	NITROBENZENE BENZENE, NITRO-	1 2 3 15
1362	31212-28-9	# NITROBENZENESULFONIC ACID BENZENESULFONIC ACID, NITRO-	3 (CO)
1363	2338-12-7	5-NITROBENZOTRIAZOL 1H-BENZOTRIAZOLE, 5-NITRO-	3
1364	98-46-4	3-NITROBENZOTRIFLUORIDE TOLUENE, 3-NITRO-ALPHA, ALPHA, ALPHA-TRIFLUORO-	1 2 3 15
1365	586-78-7	NITROBROMOBENZENE 1-BROMO-4-NITROBENZENE	3
1366	9004-70-0	# NITROCELLULOSE CELLULOSE, NITRATE	3 15 (F3,R3)
1367	121-17-5	NITROCHLOROBENZOTRI-FLUORIDE BENZENE, 1-CHLORO, 2-NITRO,-4-(TRIFLUOROMETHYL)-	3
1368	118-83-2	NITROCHLOROBENZOTRI-FLUORIDE BENZENE, 4-CHLORO, 1-NITRO,-2-(TRIFLUOROMETHYL)-	3
1369	39974-35-1	NITROCHLOROBENZOTRI-FLUORIDE BENZENE, 2-CHLORO, 1-NITRO,-3-(TRIFLUOROMETHYL)-	3
1370	777-37-7	NITROCHLOROBENZOTRI-FLUORIDE BENZENE, 1-CHLORO, 4-NITRO,-2-(TRIFLUOROMETHYL)-	3
1371	25889-38-7	NITROCHLOROBENZOTRI-FLUORIDE BENZENE, 4-CHLORO, 2-NITRO,-1-(TRIFLUOROMETHYL)-	3
1372	12167-20-3	NITROCREOSOL PHENOL, METHYLNITRO-	3
1373	79-24-3	# NITROETHANE ETHANE, NITRO-	1 2 3 15 (F3,R3)
1374	1836-75-5	# NITROFEN BENZENAMINE, 4-ETHOXY-N- (5-NITRO-2-FURANYL)METHYLENE -	5 6 (CA)
1375	7727-37-9	NITROGEN	3
1376	10102-44-0	NITROGEN DIOXIDE NITROGEN OXIDE (NO2)	1 2 3 4
1377	55-86-7	# NITROGEN MUSTARD ETHANAMINE, 2-CHLORO-N-(2-CHLOROETHYL)-N-METHYL-, HYDROCHLORIDE	7 8 13(D,H,L,Q,Y,EE,FF) (CA,MU,TE)
1378	302-70-5	# NITROGEN MUSTARD N-OXIDE HYDROCHLORIDE DIETHYLAMINE,2,2'-DICHLORO-N-METHYL,N-OXIDE, HYDROCHLORIDE	8 (CA)
1379	10544-72-6	NITROGEN TETROXIDE NITROGEN OXIDE (N2O4)	3
1380	7783-54-2	NITROGEN TRIFLUORIDE NITROGEN FLUORIDE (NF3)	1 2 3
1381	10544-73-7	NITROGEN TRIOXIDE NITROGEN OXIDE (N2O3)	3
1382	12033-49-7	NITROGEN TRIOXIDE NITROGEN OXIDE (NO3)	3
1383	55-63-0	# NITROGLYCERIN 1,2,3-PROPANETRIOL, TRINITRATE	1 2 3 4 15 (R4)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 56

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1384	556-88-7	NITROGUANIDINE GUANIDINE, NITRO-	3
1385	8007-56-5	# NITROHYDROCHLORIC ACID AQUA REGIA	3 (CO)
1386	75-52-5	# NITROMETHANE METHANE, NITRO-	1 2 3 15 (F3, R4)
1387	27254-36-0	NITRONAPHTHALENE NAPHTHALENE, NITRO-	3 15
1388	99-59-2	# 5-NITRO-O-ANISIDINE BENZENAMINE, 2-METHOXY-5-NITRO-	5 6 (CA)
1389	554-84-7	3-NITROPHENOL PHENOL, 3-NITRO-	3
1390	100-02-7	4-NITROPHENOL PHENOL, 4-NITRO-	3 6
1391	88-75-5	2-NITROPHENOL PHENOL, 2-NITRO-	3
1392	79-46-9	# 2-NITROPROPANE PROPANE, 2-NITRO-	1 2 3 6 10 15 (R2)
1393	25322-01-4	NITROPROPANE PROPANE, NITRO-	3
1394	108-03-2	# 1-NITROPROPANE PROPANE, 1-NITRO-	1 2 3 15 (R2)
1395	9056-38-6	NITROSTARCH STARCH, NITRATE	3
1396	2696-92-6	NITROSYL CHLORIDE NITROSYL CHLORIDE ((NO)CL)	3
1397	7782-78-7	# NITROSYLSULFURIC ACID SULFURIC ACID, MONOANHYDRIDE WITH NITROUS ACID	3 (CO)
1398	1321-12-6	# NITROTOLUENE BENZENE, METHYLNITRO-	1 2 3 15 (R4)
1399	10024-97-2	NITROUS OXIDE NITROGEN OXIDE (N2O)	3 4
1400	25168-04-1	NITROXYLOL XYLENE, NITRO-	3
1401	110-68-9	N-METHYLBUTYLAMINE 1-BUTANAMINE, N-METHYL-	3
1402	4316-42-1	N-N-BUTYL-IMIDAZOLE 1H-IMIDAZOLE, 1-BUTYL-	3
1403	1116-54-7	# N-NITROSODIETHANOLAMINE ETHANOL, 2,2'-(NITROSOIMINO)BIS-	5 8 (CA)
1404	55-18-5	# N-NITROSODIETHYLAMINE ETHANAMINE, N-ETHYL-N-NITROSO-	5 8 (CA, MU)
1405	62-75-9	# N-NITROSODIMETHYLAMINE METHANAMINE, N-METHYL-N-NITROSO-	1 2 5 8 (CA, MU)
1406	924-16-3	# N-NITROSODI-N-BUTYLAMINE 1-BUTANAMINE, N-BUTYL-N-NITROSO-	5 8 (CA, MU)
1407	621-64-7	# N-NITROSODI-N-PROPYLAMINE 1-PROPANEAMINE N-NITROSO, N-PROPYL-	5 8 (CA, MU)
1408	86-30-6	N-NITROSODIPHENYLAMINE BENZENAMINE, N-NITROSO-N-PHENYL-	6
1409	59-89-2	# N-NITROSOMORPHOLINE MORPHOLINE, 4-NITROSO-	5 8 (CA, MU)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 57

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1410	759-73-9	# N,NITROSO-N-ETHYLUREA UREA, N-ETHYL-N-NITROSO-	5 8 (CA,MU,TE)
1411	684-93-5	# N-NITROSO-N-METHYLUREA UREA, N-METHYL-N-NITROSO-	5 8 (CA)
1412	100-75-4	# N-NITROSOPIPERIDINE PIPERIDINE, 1-NITROSO-	5 8 (CA,MU)
1413	13256-22-9	# N-NITROSOSARCOSINE GLYCINE, N-METHYL-N-NITROSO-	5 8 (CA)
1414	111-84-2	# NONANE	2 3 15 (F3)
1415	1455-21-6	1-NONANETHIOL	4
1416	5283-67-0	# NONYL TRICHLOROSILANE SILANE, TRICHLORONONYL-	3 (CO)
1417	68-22-4	# NORETHISTERONE 19-NORPREGN-4-EN-20-YN-3-ONE, 17-HYDROXY-, (17.ALPHA.)-	7 (CA,MU)
1418	135-88-6	N-PHENYL-BETA-NAPHTHYLAMINE 2-NAPHTHALENAMINE, N-PHENYL-	2
1419	109-60-4	# N-PROPYL ACETATE ACETIC ACID, PROPYL ESTER	1 2 3 15 (F3)
1420	627-13-4	# N-PROPYL NITRATE NITRIC ACID, PROPYL ESTER	1 2 3 15 (F3,R3)
1421	90-04-0	# O-ANISIDINE BENZENAMINE, 2-METHOXY-	1 2 3 5 6 15 (CA)
1422	134-29-2	# O-ANISIDINE HYDROCHLORIDE BENZENAMINE, 2-METHOXY-, HYDROCHLORIDE	5 (CA)
1423	2698-41-1	O-CHLOROBENZYLIDENE MALONONITRILE PROPANEDINITRILE, (2-CHLOROPHENYL)METHYLENE -	1 2
1424	2039-87-4	O-CHLOROSTYRENE BENZENE, 1-CHLORO-2-ETHENYL-	2
1425	95-49-8	O-CHLOROTOLUENE BENZENE, 1-CHLORO-2-METHYL-	2
1426	95-48-7	# O-CRESOL PHENOL, 2-METHYL-	1 2 3 4 15 (CO,R2)
1427	2234-13-1	OCTACHLORONAPHTHALENE NAPHTHALENE, OCTACHLORO-	1 2
1428	2885-00-9	1-OCTADECANETHIOL	4
1429	112-04-9	# OCTADECYL TRICHLORO-SILANE SILANE, TRICHLORO-OCTADECYL-	3 15 (CO)
1430	63597-41-1	# OCTADIENE	3 (CO)
1431	360-89-4	OCTAFLUOROBUT-2-ENE 2-BUTENE, 1,1,1,2,3,4,4,4-OCTAFLUORO-	3
1432	115-25-3	OCTAFLUOROCYCLOBUTANE CYCLOBUTANE, OCTAFLUORO-	3
1433	76-19-7	OCTAFLUOROPROPANE PROPANE, OCTAFLUORO-	3
1434	111-65-9	# OCTANE	1 2 3 4 15 (F3)
1435	111-88-6	1-OCTANETHIOL	4 15
1436	5283-66-9	# OCTYL TRICHLOROSILANE SILANE, TRICHLORO-OCTYL-	3 (CO,R2)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 58

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1437	NONE	OIL MIST, MINERAL MINERAL OIL	1 2
1438	583-60-8	O-METHYLCYCLOHEXANONE CYCLOHEXANONE, METHYL-	1 2 3 15
1439	90-43-7	O-PHENYLPHENOL 1,1'-BIPHENYL -2-OL	6
1440	89-72-5	O-SEC-BUTYLPHENOL PHENOL, 2-(1-METHYLPROPYL)-	2
1441	20816-12-0	OSMIUM TETROXIDE OSMIUM OXIDE (OSO <sub>4</sub> ), (T-4)-	1 2 3
1442	95-53-4	# O-TOLUIDINE BENZENAMINE, 2-METHYL-	1 2 6 7 15 (CA, MU)
1443	636-21-5	# O-TOLUIDINE HYDROCHLORIDE BENZENAMINE, 2-METHYL-, HYDROCHLORIDE	5 8 (CA)
1444	99-55-8	# O-TOLUIDINE, 5-NITRO BENZENAMINE, 2-METHYL-5-NITRO-	3 8 (CA)
1445	144-62-7	# OXALIC ACID ETHANEDIOIC ACID	1 2 3 (CO)
1446	1120-71-4	# 1,2-OXATHIOLANE 2,2-DIOXIDE 1,2-OXATHIOLANE, 2,2-DIOXIDE	2 8 (CA, MU)
1447	604-75-1	# OXAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 7-CHLORO-1,3-DIHYDRO-3-HYDROXY-5- * PHENYL-	13(Y, EE, FF) (TE)
1448	7782-44-7	OXYGEN	3
1449	7783-41-7	OXYGEN DIFLUORIDE OXYGEN FLUORIDE (OF <sub>2</sub> )	1 2 3
1450	434-07-1	# OXYMETHOLONE ANDROSTAN-3-ONE, 17-HYDROXY-2-(HYDROXYMETHYLENE)-17-METHYL-, * (5.ALPHA.,17.BETA.)-	5 7 (CA)
1451	10028-15-6	OZONE	1 2
1452	8049-47-6	PANCREATIN	12(A)
1453	9001-73-4	PAPAIN	12(A)
1454	30525-89-4	PARAFORMALDEHYDE	3 15
1455	123-63-7	# PARALDEHYDE 1,3,5-TRIOXANE, 2,4,6-TRIMETHYL-	3 15 (F3)
1456	26762-92-5	PARAMENTHANE HYDRO-PEROXIDE CYCLOHEXANE, 1-METHYL-(1-METHYLETHYL)-, * MONOHYDROPEROXY DERIVATIVE	3
1457	311-45-5	PARAOXON PHOSPHORIC ACID, DIETHYL P-NITROPHENYL ESTER	14
1458	4685-14-7	PARAQUAT 4,4'-BIPYRIDINIUM, 1,1'-DIMETHYL-	1 2 14
1459	56-38-2	PARATHION PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-(4-NITROPHENYL) ESTER	1 2 3 4 6
1460	106-51-4	P-BENZOQUINONE 2,5-CYCLOHEXADIENE-1,4-DIONE	1 2 3
1461	68-76-8	# P-BENZOQUINONE, 2,3,5-TRIS(1-AZIRIDINYL)- 2,5-CYCLOHEXADIENE-1,4-DIONE, 2,3,5-TRIS(1-AZIRIDINYL)-	7 (CA, MU)
1462	53469-21-9	PCB-1242 (CHLORODIPHENYL (42% CL))	1 2 8
1463	11097-69-1	PCB-1254 (CHLORODIPHENYL (54% CL))	1 2 8

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 59

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1464	94-17-7	P-CHLOROBENZOYL PEROXIDE PEROXIDE, BIS(4-CHLOROBENZOYL)	3
1465	104-83-6	P-CHLOROBENZYL CHLORIDE TOLUENE, P, ALPHA-DICHLORO-	3
1466	93-50-5	P-CHLORO-O-ANISIDINE O-ANISIDINE, 4-CHLORO-	3
1467	120-71-8	# P-CRESIDINE BENZENAMINE, 2-METHOXY-5-METHYL-	5 6 (CA)
1468	106-44-5	# P-CRESOL PHENOL, 4-METHYL-	1 2 3 4 15 (CO)
1469	9032-75-1	PECTINASE POLYGALACTURONASE	12(A)
1470	19624-22-7	# PENTABORANE PENTABORANE(9)	1 2 3 15 (F3,R2)
1471	76-01-7	PENTACHLOROETHANE ETHANE, PENTACHLORO-	3
1472	1321-64-8	PENTACHLORONAPHTHALENE NAPHTHALENE, PENTACHLORO-	1 2
1473	87-86-5	PENTACHLOROPHENOL PHENOL, PENTACHLORO-	1 2 3 6 14
1474	78-11-5	PENTAERYTHRITOL TETRANITRATE PENTAERYTHRITOL, TETRANITRATE	3
1475	30586-18-6	PENTAMETHYLHEPTANE HEPTANE, PENTAMETHYL-	3
1476	109-66-0	# PENTANE	1 2 3 4 15 (F4)
1477	123-54-6	PENTANE-2, 4-DIONE 2,4-PENTANEDIONE	3 15
1478	12772-47-3	PENTOL 9-OCTADECENOIC ACID (Z)-, ESTER WITH 2,2-BIS(HYDROXYMETHYL)-1,3- * PROPANEDIOL	3
1479	8066-33-9	PENTOLITE 1,3-PROPANEDIOL, 2,2-BIS (NITROOXY)METHYL -, DINITRATE (ESTER), * MIXT. WITH 2-METHYL-1,3,5-TRINITROBENZENE	3
1480	594-42-3	PERCHLOROMETHYL MERCAPTAN METHANESULFENYL CHLORIDE, TRICHLORO-	1 2 3
1481	7616-94-6	PERCHLORYL FLUORIDE	1 2 3
1482	79-21-0	# PEROXYACETIC ACID ETHANEPEROXOIC ACID	3 6 (CO,R4)
1483	62-44-2	# PHENACETIN ACETAMIDE, N-(4-ETHOXYPHENYL)-	5 7 8 (CA)
1484	70-11-1	PHENACYL BROMIDE ETHANONE, 2-BROMO-1-PHENYL-	3
1485	136-40-3	# PHENAZOPYRIDINE HYDROCHLORIDE 2,6-PYRIDINEDIAMINE, 3-(PHENYLAZO)-, MONOHYDROCHLORIDE	5 (CA)
1486	1321-31-9	PHENETIDINE BENZENAMINE, AR-ETHOXY-	3
1487	108-95-2	# PHENOL	1 2 3 4 6 12(B) 15 (MU)
1488	98-11-3	# PHENOLSULPHONIC ACID BENZENESULFONIC ACID	3 (CO)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1489	92-84-2	PHENOTHIAZINE 10H-PHENOTHIAZINE	2
1490	140-29-4	PHENYLACETONITRILE BENZENEACETONITRILE	3 15
1491	103-80-0	# PHENYLACETYL CHLORIDE BENZENEACETYL CHLORIDE	3 (CO)
1492	622-44-6	PHENYLCARBYLAMINE CHLORIDE CARBONIMIDIC DICHLORIDE, PHENYL-	3
1493	1885-14-9	# PHENYLCHLOROFORMATE CARBONOCHLORIDIC ACID, PHENYL ESTER	3 (CO)
1494	696-28-6	PHENYLDICHLOROARSINE ARSONOUS DICHLORIDE, PHENYL-	1 3
1495	25265-76-3	PHENYLENEDIAMINE BENZENEDIAMINE	3 15
1496	101-84-8	PHENYL ETHER BENZENE, 1,1'-OXYBIS-	1 2
1497	122-60-1	PHENYL GLYCIDYL ETHER OXIRANE, (PHENOXYMETHYL)-	1 2 4 10
1498		NO SUBSTANCE LISTED	
1499	69-91-0	PHENYLGLYCINE ACID .ALPHA.-AMINO-BENZENEACETIC ACID	12(A)
1500	100-63-0	PHENYLHYDRAZINE HYDRAZINE, PHENYL-	1 2 3 4 15
1501	103-71-9	PHENYL ISOCYANATE BENZENE, ISOCYANATO-	3
1502	62-38-4	PHENYLMERCURIC ACETATE MERCURY, (ACETATO-O)PHENYL-	1 2 3
1503	100-57-2	# PHENYLMERCURIC HYDROXIDE MERCURY, HYDROXYPHENYL-	1 2 3 (TE)
1504	55-68-5	# PHENYLMERCURIC NITRATE MERCURY, (NITRATO-O)PHENYL-	1 2 3 (TE)
1505	638-21-1	PHENYLPHOSPHINE PHOSPHINE, PHENYL-	2
1506	98-13-5	# PHENYL TRICHLOROSILANE SILANE, TRICHLOROPHENYL-	3 15 (CO)
1507	57-41-0	# PHENYTOIN 2,4-IMIDAZOLIDINEDIONE, 5,5-DIPHENYL-	5 7 (CA,TE)
1508	298-02-2	PHORATE PHOSPHORODITHIOIC ACID, O,O-DIETHYL S- (ETHYLTHIO)METHYL ESTER	2 14
1509	7786-34-7	PHOSDRIN 2-BUTENOIC ACID, 3- (DIMETHOXYPHOSPHINYL)OXY -, METHYL ESTER	1 2 3 14
1510	75-44-5	PHOSGENE CARBONIC DICHLORIDE	1 2 3 4 6
1511	13396-80-0	# 9-PHOSPHABICYCLONONANE 9-PHOSPHABICYCLO 4.2.1 NONANE	3 (CO)
1512	13387-02-0	9-PHOSPHABICYCLONONANE 9-PHOSPHABICYCLO 3.3.1 NONANE	3
1513	13171-21-6	PHOSPHAMIDON PHOSPHORIC ACID, 2-CHLORO-3-(DIETHYLAMINO)-1-METHYL-3-OXD-1-PRO	14
1514	7803-51-2	# PHOSPHINE	1 2 3 15 (F4)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#" \* PAGE 61  
SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1515	52-24-4	# PHOSPHINE SULFIDE, TRIS(1-AZIRIDINYL)-AZIRIDINE, 1,1',1''-PHOSPHINOTHIOYLIDYNETRIS-	5 7 8 (CA, MU)
1516	7664-38-2	# PHOSPHORIC ACID	1 2 3 (CO)
1517	1314-56-3	# PHOSPHORIC ANHYDRIDE PHOSPHORUS OXIDE (P2O5)	3 (CO)
1518	10294-56-1	PHOSPHOROUS ACID, ORTHO O-PHOSPHOROUS ACID	3
1519	13598-36-2	PHOSPHOROUS ACID, ORTHO PHOSPHONIC ACID	3
1520	7723-14-0	PHOSPHORUS, AMORPHOUS, RED PHOSPHORUS (RED)	3 14
1521	12037-82-0	PHOSPHORUS HEPTA-SULPHIDE PHOSPHORUS SULFIDE (P4S7)	3
1522	7789-59-5	# PHOSPHORUS OXYBROMIDE PHOSPHORYL BROMIDE	3 (CO)
1523	10025-87-3	PHOSPHORUS OXYCHLORIDE PHOSPHORYL CHLORIDE	3
1524	7789-69-7	# PHOSPHORUS PENTABROMIDE PHOSPHORANE, PENTABROMO-	3 (CO)
1525	10026-13-8	# PHOSPHORUS PENTACHLORIDE PHOSPHORANE, PENTACHLORO-	1 2 3 (CO)
1526	7647-19-0	PHOSPHORUS PENTA-FLUORIDE PHOSPHORANE, PENTAFLUORO-	1 2 3
1527	1314-80-3	PHOSPHORUS PENTASULFIDE PHOSPHORUS SULFIDE (P2S5)	1 2 3
1528	1314-85-8	PHOSPHORUS SESQUISULFIDE PHOSPHORUS SULFIDE (P4S3)	3
1529	7789-60-8	# PHOSPHORUS TRIBROMIDE PHOSPHOROUS TRIBROMIDE	3 (CO)
1530	7719-12-2	# PHOSPHORUS TRICHLORIDE PHOSPHOROUS TRICHLORIDE	1 2 3 (CO, R2)
1531	7783-55-3	PHOSPHORUS TRIFLUORIDE PHOSPHOROUS TRIFLUORIDE	1 2
1532	1314-24-5	# PHOSPHORUS TRIOXIDE PHOSPHORUS OXIDE (P2O3)	3 (CO)
1533	12165-69-4	PHOSPHORUS TRISULFIDE PHOSPHORUS SULFIDE (P2S3)	3
1534	7723-14-0	# PHOSPHORUS (YELLOW) PHOSPHORUS (WHITE)	1 2 3 14 (F3)
1535	85-44-9	PHTHALIC ANHYDRIDE 1,3-ISOBENZOFURANDIONE	1 2 3 12(A, B, G) 15
1536	1918-02-1	PICLORAM 2-PYRIDINECARBOXYLIC ACID, 4-AMINO-3,5,6-TRICHLORO-	2 14
1537	1333-41-1	PICOLINE PYRIDINE, METHYL-	3 15
1538	28324-52-9	PINANE HYDROPEROXIDE HYDROPEROXIDE, 2,6,6-TRIMETHYLBICYCLO 3.1.1 HEPTYL	3
1539	1330-16-1	# PINENE BICYCLO 3.1.1 HEPTANE, 2,6,6-TRIMETHYL-, DIDEHYDRO DERIV.	3 15 (F3)
1540	110-85-0	# PIPERAZINE	3 15 (CO)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 62

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1541	142-64-3	PIPERAZINE DIHYDROCHLORIDE PIPERAZINE, DIHYDROCHLORIDE	2
1542	6094-40-2	PIPERAZINE HYDROCHLORIDE PIPERAZINE, HYDROCHLORIDE	12(A,E)
1543	110-89-4	# PIPERIDINE	3 15 (F3,R3)
1544	23103-98-2	PIRIMICARB CARBAMIC ACID, DIMETHYL-,2-(DIMETHYLAMINO)-5,6-DIMETHYL-4- * PYRIMIDYL ESTER	14
1545	23505-41-1	PIRIMPPOS-ETHYL PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-(2-(DIETHYLAMINO)-6-METHYL- * 4-PYRIMIDINYL) ESTER	14
1546	83-26-1	PIVAL 1H-INDENE-1,3(2H)-DIONE, 2-(2,2-DIMETHYL-1-OXOPROPYL)-	1 2 14
1547	7440-06-4	PLATINUM	1 2 12(A,B,D,G)
1548	100-01-6	# P-NITROANILINE BENZENAMINE, 4-NITRO-	1 2 (MU)
1549	100-00-5	# P-NITROCHLOROBENZENE BENZENE, 1-CHLORO-4-NITRO-	1 2 3 (CO,MU)
1550	138-89-6	P-NITROSODIMETHYLANILINE BENZENAMINE, N,N-DIMETHYL-4-NITROSO-	3
1551	156-10-5	# P-NITROSODIPHENYLAMINE BENZENAMINE, 4-NITROSO-N-PHENYL-	5 (CA)
1552	59536-65-1	# POLYBROMINATED BIPHENYLS FIREMASTER BP-6	5 (CA)
1553	67774-32-7	# POLYBROMINATED BIPHENYLS FIREMASTER FF1	5 (CA)
1554	1336-36-3	# POLYCHLORINATED BIPHENYLS	3 4 5 6 7 8 (CA,TE)
1555	7440-09-7	# POTASSIUM	3 (R2)
1556	7784-41-0	# POTASSIUM ARSENATE ARSENIC ACID (H3ASO4), MONOPOTASSIUM SALT	1 2 3 5 7 8 (CA)
1557	10124-50-2	# POTASSIUM ARSENITE ARSONIC ACID, POTASSIUM SALT	1 2 3 5 7 8 (CA)
1558	13762-51-1	POTASSIUM BOROHYDRIDE BORATE(1-), TETRAHYDRO-, POTASSIUM	3
1559	7758-01-2	POTASSIUM BROMATE BROMIC ACID, POTASSIUM SALT	3
1560	3811-04-9	POTASSIUM CHLORATE CHLORIC ACID, POTASSIUM SALT	3
1561	7789-00-6	# POTASSIUM CHROMATE CHROMIC ACID (H2CR04), DIPOTASSIUM SALT	1 2 3 7 (CA)
1562	151-50-8	POTASSIUM CYANIDE POTASSIUM CYANIDE (K(CN))	1 2 3 4
1563	2244-21-5	POTASSIUM DICHLORO-ISOCYANURATE 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE, 1,3-DICHLORO-, * POTASSIUM SALT	3
1564	7778-50-9	# POTASSIUM DICHROMATE CHROMIC ACID (H2CR207), DIPOTASSIUM SALT	1 2 3 5 7 8 (CA)
1565	7789-23-3	# POTASSIUM FLUORIDE POTASSIUM FLUORIDE (KF)	1 2 3 (CO)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 63

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME & CHEMICAL N.	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1566	23745-86-0	POTASSIUM FLUOROACETATE ACETIC ACID, FLUORO-, POTASSIUM SALT	1 2 3
1567	16921-30-5	POTASSIUM HEXACHLOROPLATINATE PLATINATE(2-), HEXACHLORO-, DIPOTASSIUM, (OC-6-11)-	1 2
1568	7789-29-9	# POTASSIUM HYDROGEN FLUORIDE POTASSIUM FLUORIDE	1 2 3 (CO)
1569	7646-93-7	# POTASSIUM HYDROGEN SULFATE SULFURIC ACID, MONOPOTASSIUM SALT	3 (CO)
1570	14293-73-3	POTASSIUM HYDROSULFITE DITHIONOUS ACID, DIPOTASSIUM SALT	3
1571	1310-58-3	# POTASSIUM HYDROXIDE POTASSIUM HYDROXIDE (K(OH))	2 3 (CO)
1572	7778-66-7	POTASSIUM HYPOCHLORITE HYPOCHLOROUS ACID, POTASSIUM SALT	3
1573	13769-43-2	POTASSIUM-META-VANADATE POTASSIUM VANADATE	3
1574	7757-79-1	POTASSIUM NITRATE NITRIC ACID POTASSIUM SALT	3
1575	7758-09-0	POTASSIUM NITRITE NITROUS ACID, POTASSIUM SALT	3
1576	12136-45-7	# POTASSIUM OXIDE POTASSIUM OXIDE (K2O)	3 (CO)
1577	7778-74-7	# POTASSIUM PERCHLORATE PERCHLORIC ACID, POTASSIUM SALT	3 (R2)
1578	7722-64-7	POTASSIUM PERMANGANATE PERMANGANIC ACID (HMNO4), POTASSIUM SALT	3
1579	17014-71-0	# POTASSIUM PEROXIDE POTASSIUM PEROXIDE (K2(O2))	3 (R2)
1580	7727-21-1	POTASSIUM PERSULFATE PEROXYDISULFURIC ACID ( (HO)S(O)2 2O2), DIPOTASSIUM SALT	3
1581	13659-67-1	POTASSIUM PHOSPHIDE POTASSIUM PHOSPHIDE (K(H2P))	3
1582	16871-90-2	POTASSIUM SILICOFLUORIDE SILICATE(2-), HEXAFLUORO-, DIPOTASSIUM	1 2 3
1583	37243-34-3	# POTASSIUM SULFIDE	3 (CO)
1584	12030-88-5	POTASSIUM SUPEROXIDE POTASSIUM SUPEROXIDE (K(O2))	3
1585	10025-99-7	POTASSIUM TETRACHLOROPLATINATE PLATINATE(2-), TETRACHLORO-, DIPOTASSIUM, (SP-4-1)-	1 2
1586	106-50-3	P-PHENYLENE DIAMINE 1,4-BENZENEDIAMINE	1 2 3 12(A,B)
1587	2955-38-6	# PRAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 1,3-DIHYDRO-7-CHLORO-1- * (CYCLOPROPYLMETHYL)- PHENYL-	13(E,E,FF) (TE)
1588	50-24-8	PREDNISOLONE PREGNA-1,4-DIENE-3,20-DIONE, 11,17,21-TRIHYDROXY-, (11.BETA.)-	13(Z,AA,FF)
1589	53-03-2	PREDMISONE PREGNA-1,4-DIENE-3,11,20-TRIONE, 17,21-DIHYDROXY-	13(Z,AA,FF)
1590	366-70-1	# PROCARBAZINE HYDROCHLORIDE BENZAMIDE, N-(1-METHYLETHYL)-4- (2-METHYLHYDRAZINO)METHYL -, * MONOHYDROCHLORIDE	5 7 13(D,H,L,Q) (CA,MU,TE)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 64

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1591	57-83-0	# PROGESTERONE PREGN-4-ENE-3,20-DIONE	7 (CA, MU)
1592	23950-58-5	# PRONAMIDE BENZAMIDE, 3,5-DICHLORO-N-(1,1-DIMETHYL-2-PROPYNYL)-	8 (CA)
1593	463-49-0	PROPADIENE 1,2-PROPADIENE	3
1594	74-98-6	# PROPANE	1 2 15 (F4)
1595	79869-58-2	PROPANETHIOL	3 4
1596	2312-35-8	PROPARGITE SULFUROUS ACID, 2- 4-(1,1-DIMETHYLETHYL)PHENOXY CYCLOHEXYL 2- * PROPYNYL ESTER	3
1597	107-19-7	# PROPARGYL ALCOHOL 2-PROPYN-1-OL	2 3 15 (F3, R3)
1598	123-38-6	# PROPIONALDEHYDE PROPANAL	3 15 (F3)
1599	79-09-4	# PROPIONIC ACID PROPANOIC ACID	2 3 15 (CO)
1600	123-62-6	# PROPIONIC ANHYDRIDE PROPANOIC ACID, ANHYDRIDE	3 15 (CO)
1601	107-12-0	# PROPIONITRILE PROPANENITRILE	3 4 15 (F3)
1602	79-03-8	# PROPIONYL CHLORIDE PROPANOYL CHLORIDE	3 15 (CO, F3)
1603	3248-28-0	PROPIONYL PEROXIDE PEROXIDE, BIS(1-OXOPROPYL)	3
1604	114-26-1	PROPOXUR PHENOL, 2-(1-METHYLETHOXY)-, METHYL CARBAMATE	2 6 14
1605	71-23-8	# PROPYL ALCOHOL 1-PROPANOL	1 2 3 15 (F3)
1606	107-10-8	# PROPYLAMINE 1-PROPANAMINE	3 15 (F3)
1607	103-65-1	# PROPYL BENZENE BENZENE, PROPYL-	3 15 (F3)
1608	109-61-5	# PROPYLCHLOROFORMATE CARBOCHLORIDIC ACID, PROPYL ESTER	3 (CO)
1609	115-07-1	# PROPYLENE 1-PROPENE	2 3 15 (F4)
1610	78-89-7	PROPYLENE CHLOROHYDRIN 1-PROPANOL, 2-CHLORO-	3
1611	78-90-0	# PROPYLENEDIAMINE 1,2-PROPANEDIAMINE	3 15 (CO, F3)
1612	6423-43-4	PROPYLENE GLYCOL DINITRATE 1,2-PROPANEDIOL, DINITRATE	2
1613	107-98-2	PROPYLENE GLYCOL MONOMETHYL ETHER PROPANOL, METHOXY-	2
1614	75-55-8	PROPYLENE IMINE AZIRIDINE, 2-METHYL	1 2 3
1615	75-56-9	# PROPYLENE OXIDE OXIRANE, METHYL-	1 2 3 6 15 (F4, MU, R2)
1616	110-74-7	# PROPYL FORMATE FORMIC ACID, PROPYL ESTER	3 15 (F3)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 65

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1617	110-78-1	PROPYL ISOCYANATE PROPANE, 1-ISOCYANATO-	3
1618	107-03-9	PROPYL MERCAPTAN 1-PROPANETHIOL	3
1619	141-57-1	# PROPYL TRICHLOROSILANE SILANE, TRICHLOROPROPYL-	3 15 (CO, F3, R2)
1620	98-51-1	P-TERT-BUTYLTOLUENE BENZENE, 1-(1,1-DIMETHYLETHYL)-4-METHYL-	1 2
1621	671-16-9	# P-TOLUAMIDE, N-ISOPROPYL-ALPHA-(2-METHYLHYDRAZINO)-	5 7 (CA, MU)
1622	106-49-0	P-TOLUIDINE BENZENAMINE, 4-METHYL-	3 15
1623	8003-34-7	PYRETHRUM PYRETHRINS AND PYRETHROIDS	1 2
1624	110-86-1	# PYRIDINE	1 2 3 15 (F3)
1625	7791-27-7	# PYROSULPHURYL CHLORIDE PYROSULFURYL CHLORIDE	3 (CO)
1626	123-75-1	# PYRROLIDINE	3 15 (F3)
1627	69-05-6	QUINACRINE HYDROCHLORIDE 1,4-PENTANEDIAMINE, N,N,N,N-(6-CHLORO-2-METHOXY-9-ACRIDINYL)-N, * N-DIETHYL-, DIHYDROCHLORINE	13(Y, FF)
1628	91-22-5	# QUINOLINE	3 6 15 (MU)
1629	56-57-5	# QUINOLINE, 4-NITRO-, 1-OXIDE	8 (CA, MU)
1630	82-68-8	# QUINTOZENE BENZENE, PENTACHLORONITRO-	6 8 (CA)
1631	NONE	RED SQUILL	14
1632	50-55-5	# RESERPINE YOHIMBAN-16-CARBOXYLIC ACID, 11,17-DIMETHOXY-18- (3,4,5- * TRIMETHOXYBENZOYL)OXY-, METHYL ESTER, (3.BETA.,16.BETA., * 17.ALPHA.,18.BETA.,20.ALPHA.)-	5 8 (CA, MU)
1633	NONE	# RESIN FAST BLACK WP	9 (CA)
1634	108-46-3	RESORCINOL 1,3-BENZENEDIOL	2 3 15
1635	7440-16-6	RHODIUM	1 2
1636	10049-07-7	RHODIUM TRICHLORIDE RHODIUM (III) CHLORIDE (1:3)	1 2
1637	299-84-3	RONNEL PHOSPHOROTHIOIC ACID, O,O-DIMETHYL O-(2,4,5- * TRICHLOROPHENYL) ESTER	1 2
1638	83-79-4	# ROTENONE (1) BENZOPYRANO (3,4-B) FURO (2,3-H) (1) BENZOPYRAN-6(6AH)-ONE, * 1,2,12,12A-TETRAHYDRO-8,9-DIMETHOXY-2-(1-METHYLETHENYL)-, * 2R-2.ALPHA.,6A.ALPHA.,12A.ALPHA.) -	1 2 (CO)
1639	7440-17-7	RUBIDIUM	3
1640	1310-82-3	# RUBIDIUM HYDROXIDE RUBIDIUM HYDROXIDE (Rb(OH))	3 15 (CO)
1641	81-07-2	# SACCHARIN 1,2-BENZISOTHIAZOL-3(2H)-ONE, 1,1-DIOXIDE	5 8 (CA)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 66

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1642	94-59-7	# SAFROLE 1,3-BENZODIOXOLE, 5-(2-PROPENYL)-	5 6 8 (CA, MU)
1643	626-38-0	SEC-AMYL ACETATE ACETIC ACID, SEC-PENTYL ESTER	1 2
1644	105-46-4	SEC-BUTYL ACETATE ACETIC ACID, 1-METHYLPROPYL ESTER	1 2
1645	78-92-2	SEC-BUTYL ALCOHOL 2-BUTANOL	1 2
1646	5953-49-1	SEC-HEXYL ACETATE 2-HEXANOL ACETATE	1 2
1647	7783-08-6	# SELENIC ACID	1 2 3 (CO)
1648	7782-49-2	SELENIUM	1 2 3
1649	7488-56-4	SELENIUM DISULFIDE	1 2 3
1650	7783-79-1	SELENIUM HEXAFLUORIDE SELENIUM FLUORIDE (SEF6), (OC-6-11)-	1 2 3
1651	12640-89-0	SELENIUM OXIDE	1 2 3
1652	7791-23-3	# SELENIUM OXYCHLORIDE SELENINYL CHLORIDE	1 2 3 15 (CO)
1653	56093-45-9	# SELENIUM SULFIDE	1 2 5 8 (CA)
1654	136-78-7	SESONE ETHANOL, 2-(2,4-DICHLOROPHENOXY)-, HYDROGEN SULFATE, SODIUM SALT	1 2
1655	7631-86-9	SILICA, AMORPHOUS SILICA, FUMED	1 2
1656	60676-86-0	SILICA, AMORPHOUS SILICA, FUSED	1 2
1657	14464-46-1	SILICA, CRISTOBALITE SILICA, CRYSTALLINE-CRISTOBALITE	1 2 4 10
1658	409-21-2	SILICA, GRAPHITE SILICON CARBIDE	1
1659	12001-26-2	SILICA, MICA SILICATE, MICA	1 2
1660	14808-60-7	SILICA, QUARTZ SILICA, CRYSTALLINE-QUARTZ	1 2
1661	65957-15-1	SILICATE, PORTLAND CEMENT	1
1662	NONE	SILICATE, SOAPSTONE	1 2
1663	15468-32-3	SILICA, TRIDYMITE SILICA, CRYSTALLINE-TRIDYMITE	1 2
1664	1317-95-9	SILICA, TRIPOLI	1 2
1665	39630-75-6	SILICOFLUORIC ACID SILANETRIOL, FLUORO-	1 2 3
1666	10026-04-7	SILICON TETRACHLORIDE SILANE, TETRACHLORO-	3
1667	7783-61-1	SILICON TETRAFLUORIDE SILANE, TETRAFLURO-	3
1668	7803-62-5	SILICON TETRAHYDRIDE SILANE	2 3
1669	7440-22-4	SILVER	1 2

## ADOPTIONS

## HEALTH

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "\*" • PAGE 67

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1670	7784-08-9	SILVER ARSENITE ARSENOUS ACID, TRISILVER(1+) SALT	1 3
1671	506-64-9	SILVER CYANIDE SILVER CYANIDE (AG(CN))	3
1672	7761-88-8	SILVER NITRATE NITRIC ACID SILVER(1+) SALT	1 2 3
1673	146-84-9	SILVER PICRATE PHENOL, 2,4,6-TRINITRO-, SILVER(1+) SALT	1 2 3
1674	7440-23-5	# SODIUM	3 (R2)
1675	1302-42-7	# SODIUM ALUMINATE ALUMINATE (ALO21-), SODIUM	3 (CO)
1676	15096-52-3	SODIUM ALUMINUM FLUORIDE SODIUM FLUOALUMINATE	1 4
1677	13770-96-2	SODIUM ALUMINUM HYDRIDE ALUMINATE(1-), TETRAHYDRO-, SODIUM, (T-4)-	2 3
1678	11110-52-4	SODIUM AMALGAM MERCURY ALLOY, BASE, HG,NA	1 3
1679	7782-92-5	SODIUM AMIDE SODIUM AMIDE (NA(NH2))	3
1680	13718-26-8	SODIUM AMMONIUM VANADATE SODIUM VANADATE	3
1681	127-85-5	SODIUM ARSANILATE ARSONIC ACID, (4-AMINOPHENYL)-, MONOSODIUM SALT	1 2 3
1682	7631-89-2	# SODIUM ARSENATE ARSENIC ACID (H3ASO4), SODIUM SALT	1 2 3 5 7 8 (CA,TE)
1683	7784-46-5	# SODIUM ARSENITE ARSENEOUS ACID, SODIUM SALT	1 2 3 5 7 8 (CA,MU)
1684	26628-22-8	# SODIUM AZIDE SODIUM AZIDE (NA(N3))	2 3 14 (MU)
1685	7631-90-5	# SODIUM BISULFITE SULFUROUS ACID, MONOSODIUM SALT	2 3 (CO)
1686	7789-38-0	SODIUM BROMATE BROMIC ACID, SODIUM SALT	3
1687	124-65-2	SODIUM CACODYLATE ARSINIC ACID, DIMETHYL-, SODIUM SALT	1 3
1688	7775-09-9	# SODIUM CHLORATE CHLORIC ACID, SODIUM SALT	1 3 14 (R2)
1689	7758-19-2	# SODIUM CHLORITE CHLOROUS ACID, SODIUM SALT	3 (CO,R2)
1690	3926-62-3	SODIUM CHLOROACETATE ACETIC ACID, CHLORO-, SODIUM SALT	3
1691	1307-82-0	SODIUM CHLOROPLATINATE PLATINATE(2-), HEXACHLORO-DISODIUM, TETRAHYDRATE	1 2
1692	7775-11-3	# SODIUM CHROMATE CHROMIUM SODIUM OXIDE	1 2 3 5 7 8 (CA)
1693	143-33-9	SODIUM CYANIDE SODIUM CYANIDE (NA(CN))	2 3 4 14
1694	2893-78-9	SODIUM DICHLORO-ISOCYANATE 5-TRIAZINE-2,4,6 (1H,3H,5H)-TRIONE, DICHLORO-, SODIUM SALT	3
1695	10588-01-9	# SODIUM DICHROMATE CHROMIC ACID, DISODIUM SALT	1 2 3 5 7 8 (CA)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 68

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1696	2312-76-7	SODIUM DINITRO-ORTHO-CRESOLATE O-CRESOL, 4,6-DINITRO-, SODIUM SALT	3
1697	7775-14-6	SODIUM DITHIONITE DITHIONOUS ACID, DISODIUM SALT	3
1698	25155-30-0	SODIUM DODECYLBENZENE SULFONATE BENZENESULFONIC ACID, DODECYL-, SODIUM SALT	3
1699	7681-49-4	SODIUM FLUORIDE SODIUM FLUORIDE (NAF)	1 2 3
1700	62-74-8	SODIUM FLUOROACETATE ACETIC ACID, FLUORO-, SODIUM SALT	1 2 3 14
1701	16893-85-9	SODIUM FLUOROSILICATE SILICATE(2-), HEXAFLUORO-, DISODIUM	1 2 3
1702	7646-69-7	# SODIUM HYDRIDE SODIUM HYDRIDE (NAH)	3 (F3,R2)
1703	1333-83-1	# SODIUM HYDROGEN FLUORIDE SODIUM FLUORIDE (NA(HF2))	1 2 3 (CO)
1704	7681-38-1	# SODIUM HYDROGEN SULFATE SULFURIC ACID, MONOSODIUM SALT	3 (CO)
1705	16721-80-5	# SODIUM HYDROSULFIDE SODIUM SULFIDE (NA(SH))	3 (CO)
1706	1310-73-2	# SODIUM HYDROXIDE SODIUM HYDROXIDE (NA(OH))	1 2 3 4 (CO)
1707	7681-52-9	SODIUM HYPOCHLORITE HYPOCHLOROUS ACID, SODIUM SALT	3
1708	7681-57-4	SODIUM METABISULFITE DISULFUROUS ACID, DISODIUM SALT	2 3
1709	124-41-4	SODIUM METHYLATE METHANOL, SODIUM SALT	3
1710	12401-86-4	# SODIUM MONOXIDE SODIUM OXIDE (NAO)	3 (CO)
1711	7631-99-4	SODIUM NITRATE NITRIC ACID SODIUM SALT	3
1712	131-52-2	SODIUM PENTACHLORO-PHENATE PHENOL, PENTACHLORO-, SODIUM SALT	3
1713	4452-58-8	SODIUM PERCARBONATE CARBONOPEROXIC ACID, DISODIUM SALT	3
1714	15630-89-4	SODIUM PERCARBONATE CARBONIC ACID DISODIUM SALT, C * OMPD. WITH HYDROGEN PEROXIDE (H2O2) (2:3)	3
1715	3313-92-6	SODIUM PERCARBONATE PEROXYDICARBONIC ACID, DISODIUM SALT	3
1716	7601-89-0	# SODIUM PERCHLORATE PERCHLORIC ACID, SODIUM SALT	3 (R2)
1717	10101-50-5	SODIUM PERMANGANATE PERMANGANIC ACID (HMNO4), SODIUM SALT	3
1718	1313-60-6	# SODIUM PEROXIDE SODIUM PEROXIDE (NA2(O2))	3 (R2)
1719	28831-12-1	SODIUM PERSULFATE PEROXYMONOSULFURIC ACID, MONOSODIUM SALT	3
1720	15593-29-0	SODIUM PERSULFATE PEROXYMONOSULFURIC ACID, DISODIUM SALT	3

## ADOPTIONS

## HEALTH

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 69

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1721	7775-27-1	SODIUM PERSULFATE PEROXYDISULFURIC ACID ((HO)S(O)2 2O2), DISODIUM SALT	3
1722	139-02-6	# SODIUM PHENOLATE PHENOL, SODIUM SALT	3 (CO)
1723	7558-79-4	SODIUM PHOSPHATE, DIBASIC PHOSPHORIC ACID, DISODIUM SALT	3
1724	7601-54-9	SODIUM PHOSPHATE, TRIBASIC PHOSPHORIC ACID, TRISODIUM SALT	3
1725	12058-85-4	SODIUM PHOSPHIDE	3
1726	13410-01-0	SODIUM SELENATE SELENIC ACID, DISODIUM SALT	1 2
1727	10102-18-8	SODIUM SELENITE SELENIOS ACID, DISODIUM SALT	1 2 3
1728	1313-82-2	# SODIUM SULFIDE SODIUM SULFIDE (NA2S)	3 (CO)
1729	12034-12-7	SODIUM SUPEROXIDE SODIUM SUPEROXIDE (NA(O2))	3
1730	8025-81-8	SPIRAMYCIN	12(A,G)
1731	10026-06-9	# STANNIC CHLORIDE, HYDRATED TIN(IV) CHLORIDE, PENTAHYDRATE(1:4:5)	1 2 3 (CO)
1732	12440-42-5	STANNIC PHOSPHIDE TIN PHOSPHIDE (SN3P4)	1 2 3
1733	7772-99-8	STANNOUS CHLORIDE TIN CHLORIDE (SNCL2)	1 2 3
1734	7783-47-3	STANNOUS FLUORIDE TIN FLUORIDE	1 2
1735	7803-52-3	STIBINE	1 2 3
1736	8052-41-3	STODDARD SOLVENT	1 2
1737	57-92-1	STREPTOMYCIN	13(Y,FF)
1738	18883-66-4	# STREPTOZOCIN D-GLUCOSE, 2-DEOXY-2- (METHYLNITROSOAMINO)CARBONYL AMINO -	5 8 (CA,MU)
1739	7440-24-6	STRONTIUM	3
1740	15195-06-9	STRONTIUM ARSENITE	1 2 3
1741	7791-10-8	STRONTIUM CHLORATE CHLORIC ACID, STRONTIUM SALT	3
1742	7789-06-2	# STRONTIUM CHROMATE CHROMIC ACID (H2CRO4), STRONTIUM SALT (1:1)	3 5 7 8 (CA)
1743	10042-76-9	STRONTIUM NITRATE NITRIC ACID, STRONTIUM SALT	3
1744	13450-97-0	STRONTIUM PERCHLORATE PERCHLORIC ACID, STRONTIUM SALT	3
1745	1314-18-7	STRONTIUM PEROXIDE STRONTIUM PEROXIDE (SR(O2))	3
1746	12504-13-1	STRONTIUM PHOSPHIDE	3
1747	57-24-9	STRYCHNINE STRYCHNIDIN-10-ONE	1 2 3 14
1748	100-42-5	# STYRENE MONOMER	1 2 3 6 15 (F3,MU,R2)

## WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 70

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1749	96-09-3	# STYRENE OXIDE OXIRANE, PHENYL-	6 15 (MU)
1750	1395-21-7	SUBTILISINS (PROTEOLYTIC ENZ AS 100% PURE CRYST ENZYME) BACILLUS SUBTILIS BPN	2
1751	123-23-9	SUCCINIC ACID PEROXIDE BUTANOIC ACID, 4,4'-DIOXYBIS 4-OXO-	3
1752	110-61-2	SUCCINONITRILE BUTANEDINITRILE	4 15
1753	95-06-7	# SULFALLATE CARBAMODITHIOIC ACID, DIETHYL-, 2-CHLORO-2-PROPENYL ESTER	5 (CA)
1754	723-46-6	SULFAMETHOXAZOLE BENZENESULFONAMIDE, 4-AMINO-N-(5-METHYL-3-(ISOXAZOLYL)-	13(Y,EE,FF)
1755	72-14-0	SULFATHIAZOLE BENZENESULFONAMIDE, 4-AMINO-N-2-THIAZOLYL-	12(A,B)
1756	3689-24-5	SULFOTEPP THIODIPHOSPHORIC ACID (HO)2 P(S)2 O TETRAETHYL ESTER	1 2 3 14
1757	7704-34-9	SULFUR	3
1758	12771-08-3	# SULFUR CHLORIDE	3 15 (CO,R2)
1759	7446-09-5	SULFUR DIOXIDE	1 2 3 4
1760	2551-62-4	SULFUR HEXAFLUORIDE SULFUR FLUORIDE (SF6), (OC-6-11)-	1 2 3
1761	7664-93-9	# SULFURIC ACID	1 2 3 4 (CO,R2)
1762	8014-95-7	SULFURIC ACID, FUMING SULFURIC ACID, MIXT. WITH SULFUR TRIOXIDE	3
1763	10025-67-9	SULFUR MONOCHLORIDE SULFUR CHLORIDE (S2CL2)	1 2
1764	7782-99-2	# SULFUROUS ACID SOLUTION SULFUROUS ACID (H2SO3)	3 (CO)
1765	10546-01-7	SULFUR PENTAFLUORIDE SULFUR FLUORIDE (SF5)	1 2
1766	7783-60-0	SULFUR TETRAFLUORIDE SULFUR FLUORIDE (SF4), (T-4)-	2 3
1767	7446-11-9	# SULFUR TRIOXIDE	3 (CO)
1768	7791-25-5	# SULFURYL CHLORIDE	3 (CO,R2)
1769	2699-79-8	SULFURYL FLUORIDE	1 2 3 14
1770	5329-14-6	SULPHAMIC ACID SULFAMIC ACID	3
1771	35400-43-2	SULPROFOS PHOSPHORODITHIOIC ACID, O-ETHYL O- 4-(METHYLTHIO)PHENYL S- * PROPYL ESTER	2
1772	122-10-1	SNAT GLUTACONIC ACID, 3-HYDROXY-,DIMETHYL ESTER, DIMETHYL PHOSPHATE	14
1773	14807-96-6	TALC TALC (MG3H2(SI03)4)	1 2
1774	42589-07-1	2, 4, 5-T AMINE PHENOL,2,4,5-TRICHLORO-COMPOUND WITH AMINE(1:1)	1 3
1775	7440-25-7	TANTALUM	1 2

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1776	50-31-7	2,3,6-TBA BENZOIC ACID, 2,3,6-TRICHLORO-	14
1777	13494-80-9	TELLURIUM	1 2
1778	7783-80-4	TELLURIUM HEXAFLUORIDE TELLURIUM FLUORIDE (TEF6), (OC-6-11)-	1 2 3
1779	846-50-4	# TEMAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 7-CHLORO-1,3-DIHYDRO-3-HYDROXY-1- * METHYL-5-PHENYL-	13(EE,FF) (TE)
1780	3383-96-8	TEMEPHOS PHOSPHOROTHIOIC ACID, O,O'-(THIODI-4,1-PHENYLENE) O,O,O',O'- * TETRAMETHYL ESTER	2
1781	107-49-3	TEPP DIPHOSPHORIC ACID, TETRAETHYL ESTER	1 2 3 14
1782	92-06-8	TERPHENYLS M-TERPHENYL	1 2
1783	84-15-1	TERPHENYLS O-TERPHENYL	1 2
1784	92-94-4	TERPHENYLS P-TERPHENYL	1 2
1785	586-62-9	TERPINOLENE CYCLOHEXENE, 1-METHYL-4-(1-METHYLETHYLIDENE)-	3
1786	540-88-5	TERT-BUTYL ACETATE ACETIC ACID, 1,1-DIMETHYLETHYL ESTER	1 2
1787	75-65-0	TERT-BUTYL ALCOHOL 2-PROPANOL, 2-METHYL-	1 2
1788	1189-85-1	TERT BUTYL CHROMATE CHROMIC ACID, BIS(1,1-DIMETHYLETHYL)- ESTER	1 2
1789	70042-58-9	TERT-BUTYLCYCLOHEXYLCHLOROFORMATE CARBONOCHLORIDIC ACID, (1,1-DIMETHYLETHYL)CYCLOHEXYL ESTER	3
1790	75-91-2	# TERT-BUTYL HYDROPEROXIDE HYDROPEROXIDE, 1,1-DIMETHYLETHYL	3 (MU)
1791	1609-86-5	TERT-BUTYLISOCYANATE PROPANE, 2-ISOCYANATO-2-METHYL-	3
1792	1931-62-0	TERT-BUTYL MONOPEROXYMALEATE 2-PROPENEPEROXIC ACID, 3-CARBOXY-, 1-(1,1-DIMETHYLETHYL) ESTER, * (Z)-	3
1793	107-71-1	# TERT-BUTYL PEROXYACETATE ETHANEPEROXIC ACID, 1,1-DIMETHYLETHYL ESTER	3 (F3,R4)
1794	614-45-9	# TERT-BUTYL PEROXYBENZOATE BENZENECARBOPEROXIC ACID, 1,1-DIMETHYLETHYL ESTER	3 (F3,R4)
1795	23474-91-1	TERT-BUTYL PEROXYCROTONATE 2-BUTENEPEROXIC ACID, 1,1-DIMETHYLETHYL ESTER	3
1796	3006-82-4	TERT-BUTYL PEROXY(2-ETHYL)-HEXANOATE HEXANEPEROXIC ACID, 2-ETHYL-, 1,1-DIMETHYLETHYL ESTER	3
1797	109-13-7	TERT-BUTYL PEROXYISOBUTYRATE PROPANEPEROXIC ACID, 2-METHYL-, 1,1-DIMETHYLETHYL ESTER	3
1798	2372-21-6	TERT-BUTYL PERDXYISOPROPYL CARBONATE CARBONOPEROXIC ACID, OO-(1,1-DIMETHYLETHYL) O-(1- * METHYLETHYL) ESTER	3
1799	26748-41-4	TERT-BUTYL PEROXYNEODECANOATE NEODECANEPEROXIC ACID, 1,1-DIMETHYLETHYL ESTER	3
1800	927-07-1	# TERT-BUTYL PEROXYPIVALATE PROPANEPEROXIC ACID, 2,2-DIMETHYL-, 1,1-DIMETHYLETHYL ESTER	3 (F3,R4)

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1801	25168-15-4	2,4,5-T ESTER ACETIC ACID (2,4,5-TRICHLOROPHENOXY)-ISOOCTYL ESTER	3
1802	93-79-8	2,4,5-T ESTER ACETIC ACID (2,4,5-TRICHLOROPHENOXY)-BUTYL ESTER	3
1803	93-78-7	2,4,5-T ESTER ACETIC ACID (2,4,5-TRICHLOROPHENOXY)-ISOPROPYL ESTER	3
1804	58-22-0	# TESTOSTERONE ANDROST-4-EN-5-ONE, 17-HYDROXY-	13(BB,Y,FF) (TE)
1805	25167-20-8	TETRABROMOETHANE ETHANE, TETRABROMO-	3
1806	1746-01-6	# 2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN DIBENZO B,E 1,4 DIOXIN, 2,3,7,8-TETRACHLORO-	5 7 8 (CA,TE)
1807	76-11-9	1,1,1,2-TETRACHLORO-2,2-DIFLUOROETHANE ETHANE, 1,1,1,2-TETRACHLORO-2,2-DIFLUORO-	1 2
1808	76-12-0	1,1,2,2-TETRACHLORO-1,2-DIFLUOROETHANE ETHANE, 1,1,2,2-TETRACHLORO-1,2-DIFLUORO-	1 2
1809	79-34-5	# 1,1,2,2-TETRACHLOROETHANE ETHANE, 1,1,2,2-TETRACHLORO-	1 2 3 4 6 8 (CA)
1810	127-18-4	# TETRACHLOROETHYLENE ETHENE, TETRACHLORO-	1 2 3 4 6 8 10 (CA)
1811	1335-88-2	TETRACHLORONAPHTHALENE NAPHTHALENE, TETRACHLORO-	1 2
1812	117-08-8	TETRACHLOROPHTHALIC ANHYDRIDE 1,3-ISOBENZOFURANDIONE, 4,5,6,7-TETRACHLORO-	12(A)
1813	961-11-5	TETRACHLOROVINPHOS PHOSPHORIC ACID, 2-CHLORO-1-(2,4,5- * TRICHLOROPHENYL) VINYL DIMETHMETHYL ESTER	6
1814	60-54-8	# TETRACYCLINE 2-NAPHTHACENECARBOXAMIDE, 4-(DIMETHYLAMINO)-1,4,4A,5,5A,6,11, * 12A-OCTAHYDRO-3,6,10,12,12A-PENTAHYDROXY-6-METHYL-1,11-DIOXO- * , 4S-(4.ALPHA.,4A.ALPHA.,5A.ALPHA.,6.BETA.,12A.ALPHA.) -	12(A,G) (TE)
1815	15108-81-3	TETRAETHYL DITHIOPYRO-PHOSPHATE THIODIPHOSPHORIC ACID (HO)2 P(O)S P(S) (OH)2 ESTER	1 2 3
1816	112-57-2	# TETRAETHYLENEPENTAMINE 1,2-ETHANEDIAMINE, N-(2-AMINOETHYL)-N'- 2- (2- * AMINOETHYL)AMINO ETHYL -	3 15 (CO)
1817	78-00-2	# TETRAETHYL LEAD PLUMBANE, TETRAETHYL-	1 2 3 15 (R3)
1818	78-10-4	TETRAETHYL SILICATE SILICIC ACID (H4SiO4), TETRAETHYL ESTER	3
1819	116-14-3	# TETRAFLUROETHYLENE ETHENE, TETRAFLURO-	3 15 (F4,R3)
1820	10036-47-2	TETRAFLUROHYDRAZINE NITROGEN FLUORIDE (N2F4)	1 2 3
1821	75-73-0	TETRAFLURROMETHANE METHANE, TETRAFLURO-	3
1822	1321-16-0	TETRAHYDROBENZALDEHYDE CYCLOHEXENECARBOXALDEHYDE	3 15
1823	109-99-9	# TETRAHYDROFURAN FURAN, TETRAHYDRO-	1 2 3 15 (F3)
1824	4795-29-3	TETRAHYDROFURFURYLAMINE 2-FURANMETHANAMINE, TETRAHYDRO-	3

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#" • PAGE 73

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1825	85-43-8	TETRAHYDROPHthalic ANHYDRIDE 1,3-ISOBENZOFURANDIONE, 3A,4,7,7A-TETRAHYDRO-	3
1826	694-05-3	1,2,3,6-TETRAHYDROPYRIDINE PYRIDINE, 1,2,3,6-TETRAHYDRO-	3
1827	110-01-0	TETRAHYDROTHIOPHENE THIOPHENE, TETRAHYDRO-	3
1828	771-29-9	TETRALIN HYDROPEROXIDE HYDROPEROXIDE, 1,2,3,4-TETRAHYDRO-1-NAPHTHALENYL	3
1829	75-59-2	# TETRAMETHYL AMMONIUM HYDROXIDE METHANAMINIUM, N,N,N-TRIMETHYL-, HYDROXIDE	3 (CO)
1830	56142-29-1	1,1,3,3-TETRAMETHYL BUTYL HYDROPEROXIDE BENZENE, NITRO(TRIFLUOROMETHYL)-	3
1831	75-74-1	# TETRAMETHYL LEAD PLUMBANE, TETRAMETHYL-	1 2 15 (F3,R3)
1832	51-80-9	TETRAMETHYLMETHYLENEDIAMINE METHANEDIAMINE, N,N,N',N'-TETRAMETHYL-	3
1833	75-76-3	TETRAMETHYL SILANE SILANE, TETRAMETHYL-	3
1834	3333-52-6	TETRAMETHYL SUCCINONITRILE BUTANEDINITRILE, TETRAMETHYL-	1 2 4
1835	53014-37-2	TETRANITRO-ANILINE BENZENAMINE, TETRANITRO-	3
1836	509-14-8	TETRANITROMETHANE METHANE, TETRANITRO-	1 2 3
1837	7722-88-5	TETRASODIUM PYROPHOSPHATE DIPHOSPHORIC ACID, TETRASODIUM SALT	2
1838	21732-17-2	TETRAZOL-1-ACETIC ACID 1H-TETRAZOLE-1-ACETIC ACID	3
1839	479-45-8	TETRYL BENZENAMINE, N-METHYL-N,2,4,6-TETRANITRO-	1 2 3
1840	7440-28-0	THALLIUM	1 2
1841	16901-76-1	THALLIUM NITRATE NITRIC ACID, THALLIUM SALT	1 2 3
1842	10031-59-1	THALLIUM SULFATE SULFURIC ACID, THALLIUM SALT	1 2 3
1843	3268-49-3	4-THIAPENTANAL PROPANAL, 3-(METHYLTHIO)-	3
1844	62-55-5	# THIOACETAMIDE ETHANETHIOAMIDE	5 8 (CA)
1845	507-09-5	THIOACETIC ACID ETHANETHIOIC ACID	3
1846	96-69-5	4, 4'-THIOBIS (6-TERT BUTYL-M-CRESOL) M-CRESOL, 4,4-THIOBIS (6-TERT-BUTYL)-	2
1847	139-65-1	4,4'-THIODIANILINE BENZENAMINE, 4,4'-THIOBIS-	6
1848	68-11-1	# THIOGLYCOLIC ACID ACETIC ACID, MERCAPTO-	2 3 (CO)
1849	79-42-5	THIOLACTIC ACID PROPANOIC ACID, 2-MERCAPTO-	3
1850	7719-09-7	# THIONYL CHLORIDE	3 (CO,R2)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 74

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1851	110-02-1	# THIOPHENE	3 15 (F3)
1852	463-71-8	THIOPHOSGENE CARBONOTHIOIC DICHLORIDE	3
1853	62-56-6	# THIOUREA	3 5 6 8 (CA, MU)
1854	137-26-8	THIRAM THIOPEROXYDICARBONIC DIAMIDE ((H2N)C(S) 2S2), TETRAMETHYL-	1 2 3
1855	7440-29-1	THORIUM	3
1856	1314-20-1	# THORIUM DIOXIDE THORIUM OXIDE (THO2)	5 (CA)
1857	13823-29-5	THORIUM NITRATE NITRIC ACID, THORIUM(4+) SALT	3
1858	7440-31-5	TIN	1 2
1859	7646-78-8	# TIN TETRACHLORIDE STANNANE, TETRACHLORO-	1 2 3 (CO)
1860	7440-32-6	TITANIUM	3
1861	13463-67-7	TITANIUM DIOXIDE TITANIUM OXIDE (TIO2)	1 2
1862	11140-68-4	TITANIUM HYDRIDE	3
1863	13693-11-3	# TITANIUM SULFATE SULFURIC ACID, TITANIUM(4+) SALT (2:1)	3 (CO)
1864	7550-45-0	# TITANIUM TETRACHLORIDE TITANIUM CHLORIDE (TiCl4), (T-4)-	3 (CO)
1865	7705-07-9	# TITANIUM TRICHLORIDE TITANIUM CHLORIDE (TiCl3)	3 (CO)
1866	108-88-3	# TOLUENE BENZENE, METHYL-	1 2 3 4 6 15 (F3)
1867	30143-13-6	TOLUENEDIAMINE BENZENE, METHYL-, DIAMINO DERIV.	3
1868	91-08-7	TOLUENE-2,6-DIISOCYANATE BENZENE, 1,3-DIISOCYANATO-2-METHYL-	6 15
1869	584-84-9	TOLUENE-2,4-DIISOCYANATE BENZENE, 2,4-DIISOCYANATO-1-METHYL-	1 2 3 4 6(A, B, G) 12
1870	25231-46-3	# TOLUENE SULFONIC ACID BENZENESULFONIC ACID, METHYL-	3 15 (CO)
1871	8001-35-2	# TOXAPHENE	1 2 3 5 6 8 (CA)
1872	9000-65-1	TRAGACANTH GUM GUM TRAGACANTH	12(A, B)
1873	14567-73-8	TREMOLITE TREMOLITE (Ca2Mg5H2(SiO3)8)	1
1874	299-75-2	# TREOSULFAN 1,2,3,4-BUTANETETROL, 1,4-DIMETHANESULFONATE, S-(R*, R*) -	7 (CA)
1875	102-70-5	TRIALLYLAMINE 2-PROPEN-1-AMINE, N,N-DI-2-PROPENYL-	3
1876	1693-71-6	TRIALLYL BORATE BORIC ACID (H3BO3), TRI-2-PROPENYL ESTER	3
1877	28911-01-5	# TRIAZOLAM 4H-S-TRIAZOLO (4,3-A) (1,4) BENZODIAZEPINE, 8-CHLORO-6-(0- * CHLOROPHENYL)-1-METHYL-	13(EE, FF) (TE)

## WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 75

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1878	1116-70-7	TRIBUTYL ALUMINUM ALUMINUM, TRIBUTYL-	2
1879	102-82-9	# TRIBUTYLAMINE 1-BUTANAMINE, N,N-DIBUTYL-	3 15 (CO)
1880	126-73-8	TRIBUTYL PHOSPHATE PHOSPHORIC ACID TRIBUTYL ESTER	1 2 15
1881	56-36-0	TRIBUTYL TIN ACETATE STANNANE, ACETOXYTRIBUTYL	1 2
1882	52-68-6	TRICHLORFON PHOSPHONIC ACID, (2,2,2-TRICHLORO-1-HYDROXYETHYL)-, * DIMETHYL ESTER	3 6 14
1883	76-03-9	# TRICHLOROACETIC ACID ACETIC ACID, TRICHLORO-	2 3 (CO)
1884	76-02-8	TRICHLOROACETYL CHLORIDE ACETYL CHLORIDE, TRICHLORO-	3
1885	87-61-6	1,2,3-TRICHLOROBENZENE BENZENE, 1,2,3-TRICHLORO-	3
1886	12002-48-1	TRICHLOROBENZENE BENZENE, TRICHLORO-	3
1887	120-82-1	1,2,4-TRICHLOROBENZENE BENZENE, 1,2,4-TRICHLORO-	2 3 6 15
1888	51023-22-4	TRICHLOROBUTENE BUTENE, TRICHLORO-	3
1889	79-00-5	# 1,1,2-TRICHLOROETHANE ETHANE, 1,1,2-TRICHLORO-	1 2 6 8 (CA)
1890	79-01-6	# TRICHLOROETHYLENE ETHENE, TRICHLORO-	1 2 3 4 6 8 10 15 (CA, MU)
1891	75-69-4	TRICHLOROFLUOROMETHANE METHANE, TRICHLOROFLUORO-	1 2
1892	87-90-1	TRICHLOROISOCYANURIC ACID 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE, 1,3,5-TRICHLORO-	3
1893	1321-65-9	TRICHLORONAPHTHALENE NAPHTHALENE, TRICHLORO-	1 2
1894	88-06-2	# 2,4,6-TRICHLOROPHENOL PHENOL, 2,4,6-TRICHLORO-	5 7 8 (CA)
1895	25167-83-3	TRICHLOROPHENOL PHENOL, PENTACHLORO-	1 2 3
1896	93-76-5	# 2,4,5-(TRICHLOROPHENOXY) ACETIC ACID ACETIC ACID, (2,4,5-TRICHLOROPHENOXY)-	1 2 3 14 (MU)
1897	35915-18-5	TRICHLOROPHENOXYACETIC ACID ACETIC ACID, 2,4,5(OR 2,4,6)-TRICHLOROPHENOXY -	1 3
1898	73826-29-6	TRICHLOROPHENOXYPROPIONIC ACID ESTER PROPIONIC ACID, 2-(2,4,5) TRICHLORO-PHENOXY)-,P-CHLORO- * PHENACYL ESTER	3
1899	93-72-1	TRICHLOROPHENOXYPROPIONIC ACID PROPIONIC ACID, 2-(2,4,5-TRICHLORO-PHENOXY)-	3
1900	6047-17-2	TRICHLOROPHENOXYPROPIONIC ACID ESTER PROPIONIC ACID, 3-(2,4,5) TRICHLORO-PHENOXY)-3-BUTOXY- * PROPYL ESTER	3
1901	55720-99-5	TRICHLOROPHENYL ETHER BENZENE, 1,1'-OXYBIS-HEXACHLORO DERIVATIVE	1
1902	96-18-4	# 1,2,3-TRICHLOROPROPANE PROPANE, 1,2,3-TRICHLORO-	1 2 15 (MU)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "\*"

PAGE 76

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1903	10025-78-2	# TRICHLOROSILANE SILANE, TRICHLORO-	3 15 (CO, F4, R2)
1904	76-13-1	1,1,2-TRICHLORO 1,2,2-TRIFLUOROETHANE ETHANE, 1,1,2-TRICHLORO-1,2,2-TRIFLUORO-	1 2
1905	27323-41-7	TRIETHANOLAMINE DODECYLBENZENESULFONATE ETHANOL, 2-2',2''-NITRILOTRIS-DODECYLBENZENESULFONATE (SALT)	3
1906	97-93-8	# TRIETHYLALUMINIUM ALUMINUM, TRIETHYL-	2 3 15 (F3, R3)
1907	121-44-8	# TRIETHYLAMINE ETHANAMINE, N,N-DIETHYL-	1 2 3 15 (F3)
1908	112-24-3	# TRIETHYLENE TETRAMINE 1,2-ETHANEDIAMINE, N,N'-BIS(2-AMINOETHYL)-	3 15 (CO)
1909	122-52-1	TRIETHYL PHOSPHITE PHOSPHOROUS ACID, TRIETHYL ESTER	3
1910	994-31-0	TRIETHYLTIN CHLORIDE STANNANE, CHLOROTRIETHYL	1 2
1911	76-05-1	# TRIFLUOROACETIC ACID ACETIC ACID, TRIFLUORO-	3 (CO)
1912	75-63-8	TRIFLUOROBROMOMETHANE METHANE, BROMOTRIFLUORO-	1 2 3
1913	79-38-9	# TRIFLUOROCHLOROETHYLENE ETHENE, CHLOROTRIFLUORO-	3 15 (F4)
1914	27987-06-0	TRIFLUOROETHANE ETHANE, TRIFLUORO-	3
1915	75-46-7	TRIFLUOROMETHANE METHANE, TRIFLUORO-	3
1916	98-16-8	3-TRIFLUOROMETHYL ANILINE BENZENAMINE, 3-(TRIFLUOROMETHYL)-	3
1917	88-17-5	2-TRIFLUOROMETHYL ANILINE BENZENAMINE, 2-(TRIFLUOROMETHYL)-	3
1918	1582-09-8	TRIFLURALIN BENZENAMINE, 2,6-DINITRO-N,N-DIPROPYL-4-(TRIFLUOROMETHYL)-	6
1919	100-99-2	# TRIISOBUTYL ALUMINIUM ALUMINUM, TRIS(2-METHYLPROPYL)-	2 3 15 (F3, R3)
1920	7756-94-7	TRIISOBUTYLENE 1-PROPENE, 2-METHYL-, TRIMER	3
1921	5419-55-6	TRIISOPROPYL BORATE BORIC ACID (H3BO3), TRIS(1-METHYLETHYL) ESTER	3
1922	552-30-7	TRIMELLITIC ANHYDRIDE 5-ISOBENZOFURAN CARBOXYLIC ACID, 1,3-DIHYDRO-1,3-DIOXO-	2 10
1923	127-48-0	TRIMETHADIONE 2,4-OXAZOLIDINEDIONE, 3,5,5-TRIMETHYL-	13(Y, EE, FF)
1924	738-70-5	TRIMETHOPRIM 2,4-PYRIMIDINEDIAMINE, 5-((3,4,5-TRIMETHOXY-PHENYL)METHYL)-	13(Y, EE, FF)
1925	3282-30-2	# TRIMETHYLACETYL CHLORIDE PROPANOYL CHLORIDE, 2,2-DIMETHYL-	3 (CO)
1926	75-24-1	# TRIMETHYLALUMINUM ALUMINUM, TRIMETHYL-	2 3 (F3, R3)
1927	75-50-3	# TRIMETHYLAMINE METHANAMINE, N,N-DIMETHYL-	2 3 15 (F4)
1928	108-67-8	1,3,5-TRIMETHYLBENZENE MESITYLENE	3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 77

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1929	25551-13-7	TRIMETHYL BENZENE BENZENE, TRIMETHYL-	2
1930	121-43-7	# TRIMETHYLBORATE BORIC ACID (H3BO3), TRIMETHYL ESTER	3 15 (F3)
1931	75-77-4	# TRIMETHYLCHLOROSILANE SILANE, CHLOROTRIMETHYL-	3 15 (CO, F3, R2)
1932	34216-34-7	# TRIMETHYLCYCLOHEXYLAMINE CYCLOHEXYLAMINE, TRIMETHYL-	3 (CO)
1933	25620-58-0	# TRIMETHYLHEXAMETHYLENEDIAMINE 1,6-HEXANEDIAMINE, TRIMETHYL-	3 (CO)
1934	28679-16-5	TRIMETHYLHEXAMETHYLENEDI-ISOCYANATE HEXANE, 1,6-DIISOCYANATOTRIMETHYL-	3
1935	121-45-9	TRIMETHYL PHOSPHITE PHOSPHOROUS ACID, TRIMETHYL ESTER	2 3 15
1936	26952-42-1	TRINITRO-ANILINE BENZENAMINE, TRINITRO-	3
1937	606-35-9	TRINITROANISOLE BENZENE, 2-METHOXY-1,3,5-TRINITRO	3
1938	99-35-4	# TRINITROBENZENE BENZENE, 1,3,5-TRINITRO-	3 (F4, R4)
1939	2508-19-2	TRINITROBENZENESULFONIC ACID BENZENESULFONIC ACID, 2,4,6-TRINITRO-	3
1940	35860-50-5	TRINITROBENZOIC ACID BENZOIC ACID, TRINITRO-	3
1941	28260-61-9	TRINITROCHLOROBENZENE BENZENE, CHLOROTRINITRO-	3
1942	25322-14-9	TRINITROFLUORENONE 9H-FLUOREN-9-ONE, TRINITRO-	3
1943	602-99-3	TRINITRO-M-CRESOL PHENOL, 3-METHYL-2,4,6-TRINITRO-	3
1944	55810-17-8	TRINITRONAPHTHALENE NAPHTHALENE, TRINITRO	3
1945	4732-14-3	TRINITROPHENETOLE BENZENE, 2-ETHOXY-1,3,5-TRINITRO-	3
1946	88-89-1	2,4,6-TRINITROPHENOL PHENOL, 2,4,6-TRINITRO-	1 2 3
1947	82-71-3	TRINITRORESORCINOL RESORCINOL, 2,4,6-TRINITRO	3
1948	118-96-7	# 2, 4, 6-TRINITROTOLUENE BENZENE, 2-METHYL-1,3,5-TRINITRO-	1 2 3 (F4, R4)
1949	78-30-8	TRIORTHOCRESYL PHOSPHATE PHOSPHORIC ACID, TRI-O-TOLYL ESTER	1 2 3
1950	603-34-9	TRIPHENYL AMINE BENZENAMINE, N,N-DIPHENYL-	2
1951	115-86-6	TRIPHENYL PHOSPHATE PHOSPHORIC ACID, TRIPHENYL ESTER	1 2 15
1952	639-58-7	TRIPHENYLTIN CHLORIDE STANNANE, CHLOROTRIPHENYL	1 2
1953	76-87-9	TRIPHENYLTIN HYDROXIDE STANNANE, HYDROXYTRIPHENYL	1 2 14
1954	102-67-0	# TRIPROPYLALUMINUM ALUMINUM, TRIPROPYL-	2 3 15 (F3, R3)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 78

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1955	102-69-2	# TRIPROPYLAMINE 1-PROPANAMINE, N,N-DIPROPYL-	3 15 (CO)
1956	13987-01-4	# TRIPROPYLENE 1-PROPENE, TRIMER	3 15 (F3)
1957	126-72-7	# TRIS(2,3-DIBROMOPROPYL)PHOSPHATE 1-PROPANOL, 2,3-DIBROMO-, PHOSPHATE (3:1)	5 8 (CA)
1958	9002-07-7	TRYPSIN	12(A)
1959	7440-33-7	TUNGSTEN	2 4
1960	12070-12-1	TUNGSTEN CARBIDE	2 4 12(B)
1961	7783-82-6	# TUNGSTEN HEXAFLUORIDE TUNGSTEN FLUORIDE (WF6), (OC-6-11)-	2 3 (CO)
1962	9005-90-7	# TURPENTINE	1 2 3 15 (F3)
1963	1120-21-4	UNDECANE	3 15
1964	5332-52-5	1-UNDECANETHIOL	4
1965	66-75-1	# URACIL, 5-(BIS(2-CHLOROETHYL)AMINO)- 2,4(1H,3H)-PYRIMIDINEDIONE, 5- BIS(2-CHLOROETHYL)AMINO -	8 (CA,MU)
1966	51-21-8	# URACIL, 5-FLUORO- 2,4(1H,3H)-PYRIMIDINEDIONE, 5-FLUORO-	13(C,G,R) (MU,TE)
1967	56-04-2	# URACIL, 6-METHYL-2-THIO- 4(1H)-PYRIMIDINONE, 2,3-DIHYDRO-6-METHYL-2-THIOXO-	8 (CA)
1968	51-52-5	# URACIL, 6-PROPYL-2-THIO- 4(1H)-PYRIMIDINONE, 2,3-DIHYDRO-6-PROPYL-2-THIOXO-	7 8 (CA,MU)
1969	7440-61-1	URANIUM	1 2
1970	7783-81-5	URANIUM HEXAFLUORIDE URANIUM FLUORIDE	1 2
1971	10026-10-5	URANIUM TETRACHLORIDE URANIUM (IV) CHLORIDE	1 2
1972	10049-14-6	URANIUM TETRAFLUORIDE	1 2
1973	10025-93-1	URANIUM TRICHLORIDE	1 2
1974	1344-58-7	URANIUM TRIOXIDE	1 2
1975	541-09-3	URANYL ACETATE URANIUM, BIS(ACETATO-O)DIOXO-	1 2 3
1976	7791-26-6	URANYL CHLORIDE URANIUM (6+), DICHLORODIOXY	1 2
1977	1344-57-6	URANYL DIOXIDE URANIUM DIOXIDE	1 2
1978	10102-06-4	URANYL NITRATE URANIUM, BIS(NITRATO-O)DIOXO-	1 2 3
1979	36478-76-9	URANYL NITRATE URANIUM, BIS(NITRATO-O,O')DIOXO-, (OC-6-11)-	1 3
1980	13520-83-7	URANYL NITRATE HEXAHYDRATE URANIUM, BIS(NITRATO-O)DIOXO-, HEXAHYDRATE	1 2 3
1981	19525-15-6	URANYL PEROXIDE URANIUM PEROXIDE	1 2
1982	18433-48-2	URANYL PHOSPHATE	1 2
1983	1314-64-3	URANYL SULFATE	1 2

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 79

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
1984	17687-37-5	UREA NITRATE UREA, NITRATE	3
1985	35220-04-3	UREA PEROXIDE METHANOL, DIAMINEHYDROPEROXY-	3
1986	51-79-6	# URETHANE CARBAMIC ACID, ETHYL ESTER	5 6 8 (CA, MU, TE)
1987	110-62-3	# VALERALDEHYDE PENTANAL	2 3 15 (F3)
1988	109-52-4	# VALERIC ACID PENTANOIC ACID	3 15 (CO)
1989	638-29-9	# VALERYL CHLORIDE PENTANOYL CHLORIDE	3 (CO)
1990	7440-62-2	VANADIUM	4
1991	11130-21-5	VANADIUM CARBIDE	4
1992	7727-18-6	# VANADIUM OXYTRICHLORIDE VANADIUM, TRICHLOROXYO-	3 (CO)
1993	1314-62-1	VANADIUM PENTOXIDE VANADIUM OXIDE (V205)	1 2 3 4 12(B)
1994	7632-51-1	# VANADIUM TETRACHLORIDE VANADIUM CHLORIDE (VCL4), (T-4)-	3 (CO)
1995	7718-98-1	# VANADIUM TRICHLORIDE VANADIUM CHLORIDE (VCL3)	3 (CO)
1996	1314-34-7	VANADIUM TRIOXIDE VANADIUM OXIDE (V203)	3
1997	27774-13-6	VANADYL SULFATE VANADIUM, OXO SULFATO(2-)-O -	3
1998	108-05-4	# VINYL ACETATE ACETIC ACID ETHENYL ESTER	2 3 4 15 (F3, R2)
1999	593-60-2	VINYL BROMIDE ETHENE, BROMO-	2 3 4
2000	123-20-6	# VINYL BUTYRATE BUTANOIC ACID, ETHENYL ESTER	3 15 (F3, R2)
2001	75-01-4	# VINYL CHLORIDE ETHENE, CHLORO-	1 2 3 4 5 6 7 8 15 (CA, F4, MU)
2002	2549-51-1	VINYL CHLOROACETATE ACETIC ACID, CHLORO-, ETHENYL ESTER	3
2003	106-87-6	# VINYL CYCLOHEXENE DIOXIDE 7-OXABICYCLO 4.1.0 HEPTANE, 3-OXIRANYL-	2 (MU)
2004	109-92-2	# VINYL ETHYL ETHER ETHENE, ETHOXY-	3 15 (F4, R2)
2005	75-02-5	# VINYL FLUORIDE ETHENE, FLUORO-	3 4 10 15 (F4, R2)
2006	75-35-4	# VINYLIDENE CHLORIDE ETHENE, 1,1-DICHLORO-	2 3 4 6 8 15 (CA, F4, MU, R2)
2007	75-38-7	# VINYLIDENE FLUORIDE ETHENE, 1,1-DIFLUORO-	3 4 15 (F4, R2)
2008	109-53-5	# VINYL ISOBUTYL ETHER PROPANE, 1-(ETHENYLOXY)-2-METHYL-	3 15 (F3, R2)
2009	107-25-5	# VINYL METHYL ETHER ETHENE, METHOXY-	3 15 (F4, R2)

WORKPLACE HAZARDOUS SUBSTANCE LIST WITH SPECIAL HEALTH HAZARD SUBSTANCES DENOTED BY "#"

PAGE 80

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
2010	25013-15-4	VINYL TOLUENE BENZENE, ETHENYLMETHYL-	1 2 3 15
2011	75-94-5	# VINYL TRICHLOROSILANE SILANE, TRICHLOROETHENYL-	3 15 (CO, F3, R2)
2012	81-81-2	# WARFARIN 2H-1-BENZOPYRAN-2-ONE, 4-HYDROXY-3-(3-OXO-1-PHENYLBUTYL)-	1 2 14 (TE)
2013	7440-63-3	XENON	3
2014	1330-20-7	# XYLENES	1 2 3 4 6 15 (F3)
2015	1300-71-6	XYLENOL PHENOL, DIMETHYL-	3
2016	87-62-7	2,6-XYLIDENE	6
2017	1300-73-8	XYLIDINE BENZENAMINE, AR, AR-DIMETHYL-	1 2 3 15
2018	35884-77-6	XYLYL BROMIDE BENZENE, BROMODIMETHYL-	3
2019	7440-65-5	YTTRIUM	1 2
2020	1318-02-1	ZEOLITE ZEOLITES	4
2021	7440-66-6	ZINC	3
2022	557-34-6	ZINC ACETATE ACETIC ACID, ZINC SALT	3
2023	63885-01-8	ZINC AMMONIUM NITRITE	3
2024	1303-39-5	ZINC ARSENATE	1 3
2025	10326-24-6	ZINC ARSENITE ARSENIOUS ACID, ZINC SALT	1 2 3
2026	1332-07-6	ZINC BORATE BORIC ACID, ZINC SALT	3
2027	7699-45-8	ZINC BROMIDE ZINC BROMIDE (ZNBR2)	3
2028	3486-35-9	ZINC CARBONATE CARBONIC ACID, ZINC SALT (1:1)	3
2029	10361-95-2	ZINC CHLORATE CHLORIC ACID, ZINC SALT	3
2030	7646-85-7	# ZINC CHLORIDE ZINC CHLORIDE (ZNCL2)	1 2 3 (CO)
2031	13530-65-9	# ZINC CHROMATE CHROMIC ACID (H2CR04), ZINC SALT (1:1)	1 2 5 7 8 (CA)
2032	557-21-1	ZINC CYANIDE ZINC CYANIDE (ZN(CN)2)	1 2 3
2033	7779-86-4	ZINC DITHIONITE DITHIONOUS ACID, ZINC SALT (1:1)	3
2034	7783-49-5	ZINC FLUORIDE ZINC FLUORIDE (ZNF2)	1 2 3
2035	557-41-5	ZINC FORMATE FORMIC ACID, ZINC SALT	3
2036	7779-88-6	ZINC NITRATE NITRIC ACID, ZINC SALT	3
2037	1314-13-2	ZINC OXIDE ZINC OXIDE (ZNO)	1 2

SORTED ALPHABETICALLY

SUBSTANCE NUMBER	CAS NUMBER	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S) SPECIAL HEALTH HAZARD CODE(S)
2038	23414-72-4	ZINC PERMANGANATE PERMANGANIC ACID (HMNO4), ZINC SALT	3
2039	1314-22-3	ZINC PEROXIDE ZINC PEROXIDE (ZN(O2))	3
2040	127-82-2	ZINC PHENOLSULFONATE BENZENESULFONIC ACID, 4-HYDROXY-, ZINC SALT (2:1)	3
2041	51810-70-9	ZINC PHOSPHIDE	3 14
2042	37224-57-0	ZINC POTASSIUM CHROMATE CHROMIUM POTASSIUM ZINC OXIDE	1
2043	16871-71-9	ZINC SILICOFLUORIDE SILICATE(2-), HEXAFLUORO-, ZINC (1:1)	1 2 3
2044	7733-02-0	ZINC SULFATE SULFURIC ACID, ZINC SALT (1:1)	3
2045	12122-67-7	# ZINEB ZINC, (ETHYLENE BIS(DITHIOCARBAMATE))	6 8 (CA, MU)
2046	297-97-2	ZINOPHOS PHOSPHOROTHIOIC ACID, O,O-DIETHYL, O-PYRAZINYL ESTER	14
2047	7440-67-7	# ZIRCONIUM	1 2 3 (F4)
2048	11105-16-1	ZIRCONIUM HYDRIDE	1 2 3
2049	13746-89-9	ZIRCONIUM NITRATE NITRIC ACID, ZIRCONIUM(4+) SALT	1 2 3
2050	63868-82-6	ZIRCONIUM PICRAMATE PICRAMIC ACID, ZIRCONIUM SALT	1 2 3
2051	16923-95-8	ZIRCONIUM POTASSIUM FLUORIDE ZIRCONATE(2-), HEXAFLUORO-, DIPOTASSIUM, (OC-6-11)-	1 2 3
2052	14475-73-1	ZIRCONIUM SULFATE SULFURIC ACID, ZIRCONIUM SALT	1 2 3
2053	10026-11-6	# ZIRCONIUM TETRACHLORIDE ZIRCONIUM CHLORIDE (ZRCL4)	1 2 3 (CO)
-----			
SUBSTANCE NOT IN ALPHABETICAL ORDER			
2054	101-90-6	RESORCINOL DIGLYCIDYL ETHER OXIRANE, 2,2' - 1,3-PHENYLENEBIS (OXYMETHYLENE) BIS-	10

(a)

**DRUG UTILIZATION REVIEW COUNCIL****Interchangeable Drug Products****Adopted Amendment: N.J.A.C. 8:71**

Proposed: November 7, 1983 at 15 N.J.R. 1819(a).  
 Adopted: September 10, 1984 by the Drug Utilization Review Council, Robert Kowalski, Acting Chairman.  
 Filed: September 10, 1984, as R.1984 d.427, with portions of the proposal **not adopted** and portions **not adopted but still pending**.

Authority: N.J.S.A. 24:6E-6b.

Effective Date: October 1, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

**Summary of Public Comment and Agency Responses: Regarding Naldecon substitutes:**

Bristol objected, stating that the substitutes should (but do not possess bioequivalency studies both because of the extended release nature of the products and because the lack of an identical "inner core" could cause clinical problems.

The Council agreed that bioequivalency should be required, but did not accept the contention that lack of the same "inner core" could cause clinical problems.

The following products and their respective manufacturers were **not adopted**:

Brompheniramine/Phenylephrine/Phenylpropanolamine	
E.R. tabs	Amide
Chlorzoxazone/Acetaminophen tabs	Amide

The following products remain **pending**:

Allopurinol tabs 100,300 mg	Chelsea
Chlorothiazide tabs 500 mg	Chelsea
Dipyridamole tabs 25 mg	Bolar
Indomethacin caps 25, 50 mg	Chelsea
Theophylline (Anhydrous) E.R. tabs 300 mg	Forest
Thiuridazine tabs 10, 15, 25, 50, 100 mg	Zenith

OFFICE OF ADMINISTRATIVE LAW NOTE:

See related Notices of Adoption at 16 N.J.R. 142(b) and 16 N.J.R. 1093(a).

(b)

**DRUG UTILIZATION REVIEW COUNCIL****Interchangeable Drug Products****Adopted Amendments: N.J.A.C. 8:71**

Proposed: June 18, 1984 at 16 N.J.R. 1436(a).  
 Adopted: September 5, 1984 by the Drug Utilization Review Council, Robert Kowalski, Acting Chairman.

Filed: September 10, 1984 as R.1984 d.429, with portions **not adopted** and portions **not adopted but still pending**.

Authority: N.J.S.A. 24:6E-6(b).

Effective Date: October 1, 1984.

Operative Date: October 25, 1984 for chlorpropamide tabs 100 mg (Bolar and Par) and 250 mg (Bolar, Par, Chelsea).

Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

**Summary of Public Comment and Agency Responses:****Regarding Naldecon substitutes:**

The Council agreed that bioequivalency data is needed, but does not exist; Bristol's objection was accepted and the substitute was rejected.

**Regarding Chlorpropamide:**

Pfizer contends their patent expires October 24, 1984; the Council agrees and therefore adopted the substitutes as of October 25, 1984.

**Regarding the Cortisporin otic substitute:**

Burroughs-Wellcome objected: (1) to the lack of distribution of this substitute in New Jersey; (2) to the substitute only being available as a solution; (3) to the limited indications of the solution as compared to the suspension, possibly causing clinical problems.

The Council notes that Carter-Glogau has several distributors who service New Jersey, and that the solution cannot, by law, be substituted for the suspension, thus the latter two objections are not germane.

**Regarding the Dipyridamole substitutes:**

Boehringer's comment that dipyridamole must, by law, be compared only to Persantine 25 mg has been referred to the Council's legal advisor.

**Regarding the effervescent potassium substitute:**

Mead-Johnson's objections on unsubstantiated comments that the Hudson generic may not retain its integrity in the foil package. Both independent testing and informal testing by the Council contradict this objection.

**Regarding the "kosher issue":**

Mead-Johnson contends that the substitutes for both Poly-Vi-Flor with Iron (chewable) and prenatal vitamins by Copley are not kosher, thus cannot be substituted for respective branded products.

The council points out that there are no requirements that substitutes be kosher and also that consumers may refuse the substitute if they wish.

**Regarding the prenatal vitamin substitutes:**

Copley commented that the iron dissolution data affirm the availability of iron in these products; the Council agrees.

Regarding fluoxymesterone, methylprednisolone, prednisone and prednisolone:

**ADOPTIONS**

**HEALTH**

The Council agreed with Upjohn's objection that these products should require, but do not possess, bioequivalency data; all were not adopted.

Regarding tolazamides:

The Council agreed with Upjohn's objection that these products have not yet been approved by the U.S. Food and Drug Administration.

Regarding thioridazine:

Sandoz objected, state that the Chelsea products do not meet certain bioequivalency criteria considered important by Sandoz.

The Council disagrees with Sandoz on some points and agrees on others. The high strength Chelsea products (100 mg and higher) are bioequivalent to Mellaril, but the low strength (10 to 15 mg) products are not.

The following products and their respective manufacturers were **adopted**:

Acetaminophen/Codeine tabs 15 mg, 30 mg, 60 mg	Duramed
Aminophylline Liquid 105 mg/5ml	Bay
Aspirin 325 mg/Meprobamate 200 mg tabs	Quantum
Aspirin 325 mg/Codeine 30 mg, 60 mg tablets	Towne-Paulsen
Belladonna Alk./Phenobarbital tabs	Lemmon
Betamethasone Valerate Oint., Cream, Lotion 0.1%	Savage/Byk-Gulden
Butabarbital Sodium tabs., 30 mg	Towne-Paulsen
Butalbital/Aspirin/Caffeine tabs	West-Ward
Carbinoxamine/Pseudoephedrine/Dextromethorphan Drops (Rondec DM Formula)	NPC
Chloral Hydrate Syrup, 500 mg/5ml	Bay
Chlorpropamide tabs, 100 mg, 250 mg	Bolar, PAR
Chlorpropamide tabs, 250 mg	Chelsea
Cyclandelate caps, 200 mg, 400 mg	Quantum
Cyproheptadine HCL tabs, 4 mg	Camall, Pioneer
Dicyclomine HCL caps, 10 mg	Lemmon
Dicyclomine HCL syrup, 10 mg/5ml	Bay
Dicyclomine HCL tabs, 20 mg	Lemmon
Diphenhydramine Elixir, 12.5 mg/5ml	Halsey
Diphenhydramine HCL caps, 25 mg, 50 mg	Towne-Paulsen
Doxycycline Hyclate caps, 50 mg, 100 mg	Purepac/Kalipharma, Heather
Doxycycline Hyclate caps, 100 mg	Par
Doxycycline Hyclate tabs, 100 mg	Heather
Ergoloid Mesylates Oral Tabs, 1 mg	Chelsea
Erythromycin Ophth. Oint. 5 mg/g	Pharmaderm/Byk-Gulden
	Fougera/Byk-Gulden
	Clay-Park
	Bay
	Thames
	Zenith
	Quantum
	Purepac/Kalipharma
	Towne-Paulsen
	Clay-Park
	Bay
	Bay
	Quantum
	Duramed
	Boots Pharm.
	Mylan
	Quantum
	Stiefel
	Towne-Paulsen
	Lemmon
	Copley
	Clay-Park, Thames
	Par
	Quantum, Fougera/Byk-Gulden
	Pharmaderm/Byk-Gulden
	Bay
	NPC
	Carter-Glogau
	Hudson
	Towne-Paulsen
	Par
	Lemmon, SKF

Selenium Sulfide Shampoo, 2.5%	Clay-Park
Sodium Fluoride Chewable tabs, 1.1 mg	Copley
Sodium Fluoride Chewable tabs 2.2 mg	Boots Labs, Towne-Paulsen, Copley
Thioridazine HCL Oral Solution 30 mg/ml, 100 mg/ml	NPC
Tolbutamide tabs, 0.5 g	Zenith
Triple Vits./Fluoride 1 mg Chewable tab	Copley

The following products and their respective manufacturers were **not adopted**:

Benzotropine Mesylate tabs, 0.5 mg, 1 mg, 2 mg	Quantum
Chlorthalidone tabs, 50 mg	Purepac/Kalipharma
Colchicine tabs, 0.54 mg, 0.65 mg	Towne-Paulsen
Cortisone Acetate tabs, 25 mg	Towne-Paulsen
Erythromycin E.C. tabs, 250 mg, 333 mg, 500 mg	Abbott
Fluoxymesterone tabs 2 mg, 5 mg, 10 mg	Bolar
Hydrochlorothiazide 50 mg/Reserpine 0.125 mg tabs	Towne-Paulsen
Hydrocortisone tabs, 10 mg, 20 mg	Towne-Paulsen
Isoniazid tabs, 100 mg	Towne-Paulsen
Isoniazid tabs, 100 mg, 300 mg	Duramed
Methylprednisolone tabs, 4 mg	Duramed
Phenylpropanolamine, Phenylephrine, Phenyltoloxamine, Chlorpheniramine E.R. tabs	Bolar
Prednisone tabs, 2.5 mg, 5 mg, 20 mg	Towne-Paulsen
Prednisolone tabs, 5 mg	Towne-Paulsen
Prenatal vits. (Materna 1.60 Formula)	Par
Promethazine Expect. Plain	Towne-Paulsen
Promethazine Expect. /Codeine	Towne-Paulsen
Promethazine Expect. VC/Codeine	Towne-Paulsen
Quinidine Sulfate tabs, 200 mg	Towne-Paulsen
Reserpine tabs, 0.1 mg, 0.25 mg, 1.0 mg	Towne-Paulsen

The following products and their respective manufacturers remain **pending**:

Aminophylline tabs, 100 mg, 200 mg	West-Ward
Amitriptyline HCL tabs 10 mg, 50 mg, 75 mg, 100 mg	Purepac/Kalipharma
Butalbital/Aspirin/Caffeine tabs	Purepac/Kalipharma
Dipyrindamole tabs, 25 mg, 50 mg, 75 mg	Durmed, Zenith
Dipyrindamole tabs, 50 mg	Halsey
Doxycycline Hyclate caps, 50 mg, 100 mg	Zenith
Doxycycline Hyclate tabs, 100 mg	Danbury, Zenith
Ergoloid Mesylates oral tabs, 1 mg	Danbury
Hydrochlorothiazide tabs, 25 mg, 50 mg, 100 mg	Towne-Paulsen
Prenatal Vits. (Mterna 1/60 Formula)	Copley
Prenatal Vits. (Natalins RX Formula)	Copley
Prenatal Vits. (Prmet FA Formula)	Copley
Prenatal Vits. (Stuartnatal 1 + 1 Formula)	Copley
Spiroonolactone tabs, 25 mg	Purepac/Kalipharma
Thioridazine HCL tabs 10 mg, 15 mg, 25 mg, 50 mg, 100 mg	Chelsea, PAR
Thioridazine HCL tabs, 150 mg, 200 mg	Bolar
Tolazamide tabs, 100 mg, 250 mg, 500 mg	Zenith

(a)

**DRUG UTILIZATION REVIEW COUNCIL**

**Interchangeable Drug Products**

**Adopted Amendment: N.J.A.C. 8:71**

Proposed: February 6, 1984 at 16 N.J.R. 202(a).

Adopted: September 10, 1984 by the Drug Utilization Review Council, Robert Kowalski, Acting Chairman.

Filed: September 10, 1984 as R.1984 d.430, with portions of the proposal **not adopted** and portions **not adopted but still pending**.

Authority: N.J.S.A. 24:6E-6b.

Effective Date: October 1, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

**Summary of Public Comment and Agency Responses:  
No comments received:**

The following products and their respective manufacturers were **adopted**:

<b>Butalbital/Aspirin/Caffeine tabs, caps</b>	<b>Cord</b>
<b>Furosemide tabs 20, 40 mg</b>	<b>Roxane</b>
<b>Indomethacin caps 25, 50 mg</b>	<b>Par</b>
<b>Spiroinolactone tabs 25 mg</b>	<b>Zenith</b>
<b>Spiroinolactone 25/Hydrochlorothiazide 25 tabs</b>	<b>Zenith</b>

The following products and their respective manufacturers were **not adopted**:

Brompheniramine/Phenylephrine/Phenylpropanolamine E.R. tabs	Pioneer
Chlordiazepoxide/Clidinium Br. caps	Par
Chlorpheniramine/Phenyltoloxamine/Phenylpropanolamine/Phenylephrine E.R. tabs	Par, Pioneer, Chelsea
Chlorzoxazone 250/Acetaminophen 300 tabs	Par, Pioneer, Duramed
Dexamethasone tabs 6 mg	Par
Dexchlorpheniramine Maleate E.R. tabs 4, 6 mg	Par
Nicotinyl Alcohol Tartrate tabs 150 mg	Par
Papaverine HCL 150 mg E.R. cap	Pioneer, Duramed
Prednisone tabs 5, 10, 20 mg	Duramed
Theophylline (Anhydrous) 200 mg E.R. tabs	Cord
Theophylline/Ephedrine/Hydroxyzine tabs	Par
Trichlormethiazide tabs 2, 4 mg	Par
Vitamin B Complex/Folic Acid (Iberet Folic 500 Formula)	Par

The following products remain **pending**:

Dipyridamole tabs 25, 50 and 75 mg	Cord
Prenatal Vitamins (Materna 1.60 Formula)	Amide
Thioridazine HCL tabs 10, 15, 25, 50 mg	Cord, Bolar, Danbury
Thioridazine HCL tabs 100 mg	Bolar, Mylan

OFFICE OF ADMINISTRATIVE LAW NOTE:  
A related Notice of Adoption appears at 16 N.J.R. 1092(a).

Authority: N.J.S.A. 30:1-1 et seq. and 30:4C-1 et seq.

Effective Date of Readoption: September 10, 1984.  
Effective Date of Amendments: October 1, 1984.  
Expiration Date pursuant to Executive Order No. 66(1978): September 10, 1989.

**Summary of Public Comments and Agency Responses:**

The Division received one comment from the Association for Children of New Jersey.

**Comment:** The Association for Children of New Jersey suggested that criminal history background checks should be required during the initial evaluation of the family day care provider, including all adult members of the household.

**Response:** The Division concurs with this suggestion. The State Police used to provide criminal history background information to the Division on prospective adoptive and foster parents. In 1982 that service was terminated by the State Police, who limited such background checks for law enforcement purposes, due to fiscal constraints and personnel reductions. Recently legislation has been introduced in the New Jersey Legislature concerning more extensive utilization of criminal history background checks. The Division favors legislation that would reinstate the criminal history background checks for prospective foster and adoptive parents, and agrees that extension of such checks to family day care providers is appropriate.

**Full text** of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 10:122B.

**Full text** of the adopted amendments to the readoption follows.

**SUBCHAPTER 1. GENERAL PROVISIONS**

**10:122-1.1 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Division” means the Division of Youth and Family Services, New Jersey Department of Human Services.

“Family day care” means the care of a child in the home of another family for part of a 24-hour period, provided on a regular basis.

“Parent” means a parent, guardian, or any other person having responsibility for, or custody of, a child.

“Provider” means an individual who offers family day care in his or her home.

“Shall” means a requirement in this chapter.

“Should” means a recommendation.

“Sponsor” means the responsible administrative organization or agency that provides training, monitoring, consultation and supervision to family day care homes, maintains records of activities and has the resources to provide or arrange for supportive services to family day care consumers. The Division may be a sponsor.

**10:122B-1.2 Sponsor requirements**

(a) Providers and parents of children in family day care shall be represented on a sponsor’s day care advisory committee. Opportunities should be provided for them to participate in policy development for this service.

(b) In accordance with Title IV of the Civil Rights Act of 1964 as amended in 1972 and Title 45, CFR, Part 84, family

**HUMAN SERVICES**

**(a)**

**DIVISION OF YOUTH AND FAMILY SERVICES**

**Family Day Care Standards**

**Readoption with Amendments: N.J.A.C. 10:122B**

Proposed: July 16, 1984 at 16 N.J.R. 1936(a).  
Adopted: September 10, 1984 by George Albanese, Commissioner, Department of Human Services.  
Filed: September 10, 1984 as R.1984 d.428, **without change**.

## ADOPTIONS

## HUMAN SERVICES

day care services shall be used and available without discrimination on the basis of race, color, national origin, sex or handicap when those services are provided by family day care programs or providers receiving Federal funds.

### 10:122B-1.3 Sponsor responsibilities

(a) Rules for evaluation and supervision of family day care home setting are as follows:

1. Initial evaluation: The sponsor is responsible for the evaluation and approval of family day care homes according to the standards described in N.J.A.C. 10:122B-1.4. Through interviews, references and home visits, the information needed for such an evaluation shall be obtained and made a part of the sponsor's record. A completed evaluation and approval is necessary prior to the placement of any child in the family day care home. Information obtained during the evaluation shall be kept confidential and shall be released only when written permission is granted by the provider.

2. Reevaluation: Approved homes continuously in use shall be reevaluated at least once every 12 months to determine continued compliance with standards described in N.J.A.C. 10:122B-1.4. Approved homes not in use for six or more consecutive months shall be reevaluated by the sponsor prior to placement of children. A written summary of the family day care home's current situation, including a brief assessment of demonstrated child care ability and continued compliance with standards, shall be placed by the sponsor in the provider's record as evidence of a completed reevaluation. The Division may develop an assessment form to be used in addition to/or instead of the Summary. Information obtained during the reevaluation shall be kept confidential and shall be released only when written permission is granted by the provider.

3. Supervision: The sponsor has the responsibility for providing ongoing supervision of the family day care home. Children shall be observed in the family day care home at least three times a year. These observations should be discussed with the provider.

4. Number of children in the home: The sponsor shall determine the maximum number of children for which each home is approved. This maximum shall not exceed the following limits:

- i. A day care home shall provide care for no more than five children at a time, regardless of age.
- ii. This total shall include the provider's foster children and own children only if they are age five and younger.
- iii. No more than two children shall be age 23 months or younger.

5. Agreement: The sponsor shall sign a written agreement with the provider specifying the responsibilities of each in providing a family day care program. The Division shall provide the model for this agreement.

(b) Support functions rules are as follows:

1. Division: The Division in conjunction with the sponsor shall maintain a program which offers the following:

- i. Assessment of the social services needs of the family using day care;
- ii.-iii. (No change.)
- iv. Continuous supervision and assessment of the child's adjustment in the family day care home;
- v. (No change.)
- vi. Advocacy on behalf of family if necessary.
- vii. When the Division is the sponsor the responsibility for training in nutrition and developmental activities shall reside

with Central Office staff. The Division may issue models for required records.

2. Sponsor: Sponsors shall maintain a program which offers the following:

i. Developmental activities: The sponsor shall provide consultation, technical assistance, and supervision of the activities within the family day care home through a sponsor staff member knowledgeable in this area.

ii. Nutrition: Consultation for staff and providers should be available from a qualified nutritionist or food service specialist. This may be obtained through the Child Care Food Program, Extension Services or other community organizations.

iii. Training: The sponsor shall provide or arrange for training opportunities for providers. Training may be offered as part of a one to one supervision process, through group sessions, or through printed materials.

(c) Records shall be maintained in the following manner.

1. Provider records: The sponsor shall maintain records for the family day care provider including the following:

- i. Evaluation and reevaluation of the family day care home and provider, including health statements for all family members who have regular contact with the child;
  - ii. Agreement between sponsor and provider specifying responsibilities of each party;
  - iii. (No change.)
  - iv. Records of all training completed.
2. Child records: The sponsor shall maintain records for each child placed in family day care which must include:
- i.-iv. (No change.)

### 10:122B-1.4 Provider requirements

(a) The sponsor shall approve as providers only those persons who are at least 18 years old and who in the sponsor's judgment, are mature, of good character, and have sufficient intelligence, stability, energy and flexibility to care for the children. In addition the following requirements apply:

1. Good character: Members of the household coming into contact with the children shall be of good character. A home will not be approved where the provider or any household member:

- i. Has been convicted of, admitted to or shown substantial evidence of child abuse and/or neglect, or other violent crimes.
- ii. Uses alcohol or drugs such that the effects are apparent during the hours that children are in care.

2. Physician's statement: Prior to the placement of children, the provider shall present a physician's statement verifying that the provider is in good health, free from chronic and recurrent infectious diseases and physically, emotionally and mentally capable of caring for children. Other members of the household coming into regular contact with the children shall also present a statement that they are free from chronic and recurrent infectious diseases. These statements shall be updated every two years. The sponsor may request a subsequent physician's statement on the provider if it has reason to suspect that there has been a significant change in the physical or mental ability of the provider to care for children.

3. (No change.)

(b) Rules concerning physical structure of the home are as follows.

1. Inside facilities: Each home shall provide a safe environment for a variety of activities and shall meet the following conditions:

- i. (No change.)

ii. Walls, floors, woodwork, railings, and furnishings shall be reasonably clean, non-hazardous to children's health and clothing, and free from lead paint. Chipping, flaking, or peeling paint shall be tested to determine lead content and meet prevailing state standards. The home shall be free of loose boards, projecting nails, and sharp corners. The walls and floors of rooms used by the children shall be covered with easily cleaned materials.

iii. (No change.)

iv. Each room used by the children shall have adequate light and ventilation. A flashlight should be available for emergency lighting.

v. (No change.)

vi. The temperature of rooms shall be maintained as close to 65-70 degrees as possible during the winter. Any heating device shall be adequately vented, protected by guards and clear of combustible materials. Use of kerosene heaters is prohibited.

vii. Both warm and cold running water shall be available. Sturdy steps or stools should be provided to allow small children to reach to basin safely. Each child shall have his/her own towel and washcloth, kept in a sanitary condition, or be provided with disposable towels and washcloths.

viii.-x. (No change.)

2. Building standards and outdoor facilities:

i. The building shall comply with local residential building, fire and sanitation laws. At least one smoke detector shall be installed on each floor of the family day care home.

ii. (No change.)

iii. The building should appear sound in structure and safe for children, for example:

(1) The exterior should be free of broken, cracked or loose boards which might cause harm.

(2) Barriers shall exist to prevent falls if the home has elevated walkways, porches, ramps or play areas.

iv. The outdoor play area shall be safe, for example:

(1) The yard shall be free of rubbish, deep holes, broken glass and pools of water, old refrigerators and any other attractive nuisances.

(2) Sharp tools, fertilizers, fuel oil, kerosene etc. shall be inaccessible to children.

#### 10:122B-1.5 Provider responsibilities

(a) (No change.)

(b) An approved family daycare provider shall:

1. (No change.)

2. Provide appropriate and consistent discipline. Examples of appropriate discipline are setting limits related to child's development, explaining house rules and praising desired behavior. Abusive language, humiliating or frightening treatment or punishment is not considered appropriate under any circumstances. Physical punishment is prohibited.

3. Provide each child with individual attention for some period of time each day. Positive physical reinforcement is encouraged.

4.-6. (No change.)

7. Participate in training when adequate transportation and child care arrangements can be made;

8.-9. (No change.)

10. Use an infant car seat, as required by N.J.S.A. 39:3-76.2(a) to 2(b), for a child under the age of 18 months. A child over 18 months or those weighing more than 40 pounds shall be restrained with a child passenger restraint system or a seat belt.

11. Ensure that pets are disease free, have proof of immunization and that they pose no threat to children.

(c) Program rules are as follows:

1. Developmental growth: The family day care provider shall have the ability to deal effectively with children and should provide the following:

i. Planned daily activities appropriate for the age of each child and designed to support growth in emotional, physical and intellectual areas.

ii. Equipment: Play equipment and materials should be provided that are appropriate to the developmental needs, individual interests, and ages of the children. There should be a sufficient amount of play equipment and materials so that there is not excessive competition and long waits.

iii. Play equipment and materials should include items from each of the following 6 categories:

(1) Materials for dramatic role-playing (for example, dress-up clothes, costumes, puppets, housekeeping equipment);

(2) Toys and materials for cognitive development (for example, games, books, puzzles, flash cards);

(3) Toys and materials for visual development (for example, mobiles, film viewers, non-breakable mirrors);

(4) Toys and materials for auditory development (for example, records, record player, musical instruments);

(5) Toys to handle and manipulate and art materials for tactile development (for example, clay, paint, scissors, blocks, sand, water, squeeze toys, stuffed animals, beads, rattles);

(6) Toys and equipment for large muscle development (for example, swings, balls, sports equipment, climbing apparatus, bicycles, tumbling mats, large cardboard boxes, jump ropes).

iv. Toys, play equipment, and any other equipment used by the children shall be of substantial construction and free from rough edges, sharp corners, pinch and crush points, splinters, exposed bolts, and unguarded ladders on slides.

v. Toys and objects with a diameter of less than 2 inches (5 centimeters), objects with removable parts that have a diameter of less than 2 inches (5 centimeters), plastic bags, and styrofoam objects shall not be accessible to children who are still placing objects in their mouths.

2. Health: The health care of the child remains the responsibility of his/her parents unless this responsibility has been legally assumed by other persons or agencies. During the time the child is in the day care home, however, the day care provider is responsible for obtaining emergency treatment and providing routine care. The following requirements apply.

i. Routine observation of the child shall be done by the day care providers, and evidence of illness shall be called to the attention of the parents.

ii. (No change.)

iii. The home shall be equipped with the first aid supplies necessary to treat simple medical emergencies. These should include scissors, gauze, bandaids, adhesive tape, anti-septic and a thermometer.

iv. Provider shall obtain emergency medical care for a family day care child without delay and in a manner consistent with the parents' wishes. Provider shall notify the parents or sponsor promptly when emergency medical care is needed.

v.-vi. (No change.)

vii. Space shall be available for isolation of the child who becomes ill, to provide him/her with quiet and rest and reduce the risk of contagion to others. Provider shall notify all parents when communicable disease has been introduced into the home.

viii. (No change.)

ix. Provider shall wash after each diaper change and diapers shall be disposed of in a closed container.

3. Nutrition: The family day care home shall provide adequate and nutritious meals and snacks prepared in a safe and sanitary manner as follows:

i. The kitchen shall be reasonably clean and well-lighted. Adequate provision shall be made for storage and refrigeration of food, for thorough cleaning of dishes, utensils and silverware, and for sanitary disposal of garbage.

ii. When children are in day care for more than 4 hours, the provider shall serve them food which will provide at least one-third to one-half of the Recommended Daily Dietary Allowance in one meal and two snacks. Specifics on the Recommended Daily Dietary Allowance are available from the Division. When children are in family day care longer than ten hours, at least two-thirds of the Recommended Daily Dietary Allowance shall be provided by serving two meals and two snacks. Timing of meals served in the family day care home should be coordinated with meals served by the child's parents.

4. Records: The provider shall maintain the following records for each child in care:

- i.-iii. (No change.)
iv. Medical release form signed by parents.

INSURANCE

(a)

DIVISION OF ADMINISTRATION

Administrative Orders and Declarations

Readoption with Amendments: N.J.A.C. 11:1-5

Proposed: July 2, 1984 at 16 N.J.R. 1689(a).
Adopted: September 6, 1984 by Kenneth D. Merin, Commissioner, Department of Insurance.
Filed: September 7, 1984 as R. 1984 d.426, without change.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:29C-1 et seq.

Effective Date: September 7, 1984 for Readoption; October 1, 1984 for Amendments.
Expiration Date pursuant to Executive Order No. 66(1978): September 6, 1989.

Summary of Public Comments and Agency Responses:

The Department of Insurance received one public comment on the proposed readoption of N.J.A.C. 11:1-5 dealing with Administrative Orders and Declarations. This commenter, a representative of the Independent Insurance Agents of New Jersey, suggested that certain sections of this subchapter concerning policies written through the New Jersey Insurance Underwriting Association (FAIR Plan) be amended to pro-

vide that: (1) an applicant's signature not be required on renewal applications where there has been no change in ownership; and (2) renewal policies include all endorsements added to the policy during the previous year. It was argued that these changes would cut down on time and paperwork for both the FAIR Plan and the producer, and help eliminate inadvertent coverage lapses.

In general, it is the Department's view that where completion of an application, whether initial or renewal, is required as a condition of coverage, the application must be signed by the applicant. The information and representations contained in the application are the responsibility of the insured, and the producer may not be in a position to verify the accuracy of existing policy information.

Further, the suggestions offered by this commenter are essentially outside the scope of the existing rule as it pertains to FAIR Plan coverages. In reviewing the operation of the FAIR Plan, the Department will give further consideration to the issues raised by this commenter.

Full text of the readopted rules follows.

SUBCHAPTER 5. ADMINISTRATIVE ORDERS AND DECLARATIONS

11:1-5.1 FAIR plan surcharge

(a) On May 16, 1984, the Commissioner of Insurance ascertained and determined that the net value of the New Jersey Insurance Development Fund, as of December 31, 1983, was less than five percent of the premiums written on basic property insurance in New Jersey in calendar year 1983.

(b) Application of surcharge:

1. A two percent surcharge shall be imposed on premiums of the following policies and endorsements effective on or after March 1, 1978:

i. All fire, extended coverage and other allied lines coverage (property damage and time element) written under the fire policy.

ii. All burglary and theft policies.

iii. Commercial multiple peril policies. For the purpose of this computation, 65 percent of the commercial multiple peril premium shall constitute the premium subject to the surcharge, except that on individual risks where such percentage appears unreasonable, a company may use actual division by line, provided the company maintains a separate record on those risks.

iv. Policies issued under the homeowners policy program. For the purpose of this computation, 85 percent of the homeowners premium shall constitute the premium subject to surcharge, except that on individual risks where such percentage appears unreasonable, a company may use actual division by line provided the company maintains a separate record on those risks.

2. The surcharge shall apply to all new and renewal policies effective on or after March 1, 1978, and to the additional premiums on all endorsements effective on or after March 1, 1978.

3. Policies written for a term longer than one year with an effective date on or after March 1, 1978, shall be charged in accordance with the above sections.

4. Return of surcharge is permitted on policy activity such as endorsement decreasing premium and cancellations effective March 1, 1978, and thereafter

5. For policies with effective date on or after March 1, 1978, which are subject to audit, the surcharge shall be based on the audited premium.

6. The surcharge shall be charged in full. Rounding to the nearest whole dollar is not permitted.

7. Commissions and premium taxes shall not be payable thereon, and the insurer is prohibited from absorbing such surcharge as an inducement for insurance or for any other reason.

(c) The surcharge shall be collected by each insurer and paid over to the State Treasurer of New Jersey, not later than March 1 and September 1 of each year.

(d) The method of billing:

1. The surcharge shall be a separate charge to the insured in addition to the premium to be paid and shall be shown separately or combined with the Guaranty Association charge;

2. When the surcharge is combined with the Guaranty Association charge, it shall be identified as "Surcharges", and when it is shown separately, it shall be identified as "Surcharge".

#### 11:1-5.2 Notice of cancellation and nonrenewal of fire and casualty coverage

(a) All fire and casualty policies of insurance, except accident and health policies, shall provide for the issuing company to give:

1. Thirty days' written notice to the insured of the cancellation of any policy;

2. Thirty days' written notice of cancellation of any policy to any mortgagee mentioned in said policy; and

3. Thirty days' written notice to the insured of said company's intent not to renew any policy.

(b) Provisions of policies to be effective on or after July 1, 1977, which are issued by any company doing business in New Jersey and provide for less than 30 days' notice of cancellation and nonrenewal shall be null and void, with the following exceptions:

1. Provisions for cancellations for nonpayment of premium or for "moral hazard" (such as insurance fraud) under N.J.S.A. 17:29C-2;

2. Provisions for cancellation and nonrenewal notice which are controlled by N.J.S.A. 17:29C-6 et seq., (Automobile insurance), 39:6A-3 and rules promulgated thereunder (No-fault insurance).

3. Provisions in New Jersey FAIR Plan policies for five day notice to the insured and ten days notice to the mortgagee with respect to any of the following properties or in any of the following circumstances:

i. Buildings which are unoccupied and accessible to unauthorized persons.

ii. Buildings which have been subject to damage by a peril insured against and the damage is not repaired or remedied within a reasonable time after the damage occurred.

iii. Buildings which are in danger of collapse because of serious structural conditions.

iv. The insured has been indicted for or convicted of arson or burning with intent to defraud, or there is evidence of incendiarism or attempt threat by the insured or representative of the insured, absent a clear showing of special mitigating circumstances in an unusual case.

v. Buildings which have an exceptional degree of hazard, such as fire ruins or dilapidated condition, not contemplated by the applicable rating plans, as approved by the Commissioner.

vi. Buildings which have any of the following conditions existing:

(1) Repeated failure to furnish heat, water, sewer or public lighting;

(2) Failure to correct conditions dangerous to life, health or safety;

(3) Failure to maintain the building in accordance with applicable law;

(4) Failure to pay property taxes for two years.

vii. Building with at least sixty-five percent of the rental units in the building unoccupied and at least twenty-five percent of said unoccupied units are left unprotected against trespass. A rental unit will be deemed to be unprotected against trespass when an entrance door to such unit or an exterior door to a hall, stairway, or other common passage leading to such unit is missing, unlocked, not capable of being locked, or otherwise unsecured, or when a door or window in such unit which is accessible to entry has not been replaced or boarded up within two days after the insured has been notified to replace or board up the door or window.

viii. Buildings from which fixed and salvageable items have been or are being removed and the insured can give no reasonable explanation for such removal.

ix. Buildings which have been condemned.

x. When there is reasonable knowledge and belief that the property is endangered and is not reasonably protected from possible arson for profit.

#### 11:1-5.3 FAIR Plan short notice cancellation procedures

(a) When a notice of cancellation is served by mail, three days from the date of mailing shall be added to the otherwise applicable notice period.

(b) The association shall submit to the Commissioner, no later than three days after the last day of each month, a copy of all short notice cancellations issued during that month.

(c) The association shall notify the insured of any cancellation in a writing setting forth the reason or reasons for cancellation and the effective date. The writing shall advise the insured of a right to appeal the cancellation to the association within 15 days of the date of mailing, and, if the appeal is denied, to the Department of Insurance. Nothing herein shall imply a right to hearing procedures described in the Administrative Procedure Act, particularly "contested case" procedures. The appeal shall be processed in the following manner:

1. Upon issuance of a short notice cancellation, the file will be placed into special suspense, for a period of 15 days from the date of mailing of notice. If no written notice of appeal is received from the insured or his representative within that period, cancellation will be processed and return premium (if any) forwarded to the producer of record.

2. If timely written request for appeal is received, the following steps will be taken:

i. The N.J.I.U.A. appeals committee will review and determine the appeal within five working days from receipt of request for appeal. If the result of the appeal is favorable, a letter advising the insured or his representative, the producer and the mortgagee (if any) of favorable action will be sent together with reinstatement notice stating that no lapse in coverage has occurred.

ii. If the appeals committee denies the appeal for reinstatement, a letter advising the insured or his representative, the producer or mortgagee (if any) of this action and a right to appeal to the Commissioner will be sent; a copy will be forwarded to the Department of Insurance.

(1) The file will remain in suspense for 30 days awaiting notice of appeal to the Commissioner.

(2) Upon receipt of the appeal request, the Department of Insurance will notify N.J.I.U.A. and advise that the file should be held in suspense for an additional period.

(3) If, after 35 days have elapsed from the association's decision to deny appeal and no notification has been received from the Department of Insurance of a pending appeal, cancellation will be processed and return premium (if any) forwarded to the producer of record.

(4) The Department of Insurance will advise N.J.I.U.A. of its decision. If the appeal is granted, the policy will be reinstated without lapse. If the appeal is denied, cancellation will be processed and return premium (if any) will be forwarded to the producer of record.

11:1-5.4 Distribution of fire insurance premium tax

(a) Fire insurance premium taxes paid by insurers not domiciled in the State of New Jersey are required to be distributed to the respective Firemen's Relief Associations in which the property is situated.

(b) A three digit Firemen's Relief Association Code, published in the ISO New Jersey Public Fire Protection Classifications Manual, has been promulgated by the Insurance Services Office (ISO) for the purpose of coding the policies to properly allocate the premium taxes.

(c) The following steps shall be taken to assure correct tax distribution:

1. All agents, surplus lines agents and brokers producing fire insurance on any risks located in New Jersey are required to properly describe the risk and its location on the Policy Declaration Sheet.

2. The description of the property shall contain the complete address at which the property is located including the legal name of the municipality and the Firemen's Relief Association Code as promulgated by the Insurance Services Office.

3. All insurance companies writing fire insurance on property located in New Jersey shall require their agents to designate the Firemen's Relief Association by code on each Policy Declaration Sheet and disclose the complete address at which the property is located including the legal name of the municipality.

4. Each insurance company shall use the Firemen's Relief Association code as promulgated by the Insurance Services Office in making its annual report pursuant to N.J.S.A. 54:18-1 to the respective treasurers of the duly incorporated Firemen's Relief Association in which any property on which the company has taken a fire insurance risk is located.

**LAW AND PUBLIC SAFETY**

**(a)**

**DIVISION OF MOTOR VEHICLES**

**Licensing Service**

**Licensed Motor Vehicle Dealers**

**Readoption: N.J.A.C. 13:21-15**

Proposed: August 6, 1984 at 16 N.J.R. 2060(a).  
 Adopted: September 12, 1984, by Clifford W. Snedeker, Director, Division of Motor Vehicles.

Filed: September 14, 1984 as R.1984 d.443, **without change.**

Authority: N.J.S.A. 39:10-4, 39:10-19 and 39:10-20.

Effective Date: September 14, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): September 14, 1989.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text** of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 13:21-15.

**(b)**

**DIVISION OF MOTOR VEHICLES**

**Emergency Vehicle Equipment  
 Flashing Amber Light Permit**

**Readoption with Amendment: N.J.A.C.  
 13:24-4**

Proposed: August 6, 1984 at 16 N.J.R. 2061(a).  
 Adopted: September 12, 1984, by Clifford W. Snedeker, Director, Division of Motor Vehicles.  
 Filed: September 14, 1984 as R.1984, d.442, **without change.**

Authority: N.J.S.A. 39:3-43 and 39:3-50.

Effective Date: September 14, 1984 for Readoption;  
 October 1, 1984 for Amendment.

Expiration Date pursuant to Executive Order No. 66 (1978): September 14, 1989.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

**Full text** of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 13:24-4.

**Full text** of the adopted amendment to the readoption follows.

13:24-4.5 Termination of employment

Termination of the type employment or service for which the permit was issued automatically and immediately invalidates the authority for such a light, and the permit is to be returned to the Emergency Light Unit.

(a)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules

Adopted Amendment: N.J.A.C. 13:70-9.18

Proposed: August 6, 1984 at 16 N.J.R. 2068(a).
Adopted: September 12, 1984, by Harold G. Handel,
Executive Director, New Jersey Racing Commission.
Filed: September 14, 1984, as R.1984 d.444, without
change.

Authority: N.J.S.A. 5:5-30.

Effective Date: October 1, 1984.
Expiration Date pursuant to Executive Order 66(1978):
November 7, 1988.

Summary of Public Comments and Agency Responses:

Full text of the adoption follows.

13:70-9.18 Jockey fees
(a) Jockey's fees in the absence of a contract shall be as
follows:

Table with 5 columns: Purse, Winning Mount, Second Mount, Third Mount, Losing Mount. Row 1: \$10,000-14,900, 10% of win purse, 75.00, 60.00, 45.00.

PUBLIC UTILITIES

(b)

OFFICE OF CABLE TELEVISION

Rules of Practice and Procedure

Adopted Repeal: N.J.A.C. 14:18-11.21
Adopted New Rule: N.J.A.C. 14:18-11.21

Proposed: February 21, 1984 at 16 N.J.R. 348(a).
Adopted: September 11, 1984 by Bernard R. Morris,
Director, Office of Cable Television.
Filed: September 14, 1984, as R.1984 d.436, with sub-
stantive changes not requiring additional public no-
tice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 48:5A-10, 19 and 25.

Effective Date: October 1, 1984.
Expiration Date pursuant to Executive Order No.
66(1978): August 9, 1988.

Summary of Public Comments and Agency Responses.

The Public Advocate, Division of Rate Counsel (Rate
Counsel) the New Jersey Cable Television Association
(NJCTA) and UA-Columbia Cablevision (UACC) all filed
written comments prior to the public hearing. They also filed
supplemental comments on or before April 16, 1984.

1. Comment: The Borough of Metuchen filed a resolution
stating the present rulemaking was premature in the absence
of uniform minimum service and public access requirements.

Response: The Board does not wish to link the renewal
procedures to access requirements at the present time because
of unresolved access issues at the Federal level.

2. Comment: The Township of Aberdeen proposed the
rule require "full disclosure of all relevant information con-
cerning the application" including "scientific testing data" to
determine the adequacy of service.

Response: Present Office of Cable Television (OCTV) rules
and monitoring procedures address this comment adequately.

3. Comment: Rate Counsel stated that N.J.S.A. 48:5A-25
creates for the municipalities the absolute right to deny auto-
matic renewals. Rate Counsel further argued that failure of
the incumbent CATV company to expand the system to cur-
rent community needs should also be considered as a fifth
basis for denying automatic renewal. The Division opposes
industry proposals to expand the proposed standards of
N.J.A.C. 14:18-11.21(b) to cover non-automatic renewals as
well.

Response: Rate Counsel's position is inconsistent with the
concept of automatic renewal. If no limits to the denial of
automatic renewal were intended, there would be little point
to allowing automatic renewals in the Cable Television Act,
N.J.S.A. 48:5A-1 et seq. More significantly, OCTV, through
the Board of the Public Utilities Commission (B.P.U.), has
clear and full authority to establish its own procedures for
implementation of the Cable Television Act. See In re
Promulgation of Rules of Practice, 132 N.J. Super 45, 48-49
(App. Div. 1974). That authority encompasses establishing
standards for judging what is an arbitrary refusal for renewal
purposes in order to forestall unwarranted appeals. The BPU
agrees with Rate Counsel that there is no present need or
justification for imposing automatic renewals on all fran-
chises as requested by the industry.

While the BPU does not entirely accept Rate Counsel's
position that failure to expand to current community needs
should be another basis for denying automatic renewal, it
recognizes that there can be extreme circumstances other than
those listed, in which denial would be justified. Accordingly,
in N.J.A.C. 14:18-11.21(b)3.V., good cause shall be recog-
nized as a basis for denial when continued operation would
result in substantial detriment to the public good. Such a
standard is more specific than the "otherwise unreasonable
proposal" standard in proposed Federal legislation.

4. Comment: The NJCTA questioned the need for requir-
ing a new consent application be filed at any specific time
prior to the expiration of the existing certificate of approval
and municipal consent. It also requested a three-fold standard
of review be employed upon expiration of consents without
automatic renewal provisions as well, creating an expectancy

of renewal similar to that given broadcast licensees. The Association noted that N.J.A.C. 14:18-11.21(b) (5) and (6) appear redundant. It also raised a question concerning treatment of common ordinance language requiring a municipal hearing prior to any renewal, whether automatic or not, and proposes a clarifying amendment to subparagraph (b).

Response: Subparagraph (a) 2 of the proposal required applications for non-automatic renewals to be made at least 325 days prior to the expiration of the initial certificate and ordinance, so that any uncertainties would be resolved by that date. After further review, it was decided that imposing this requirement would unnecessarily complicate the process. Existing statutory provisions cited in the comments (N.J.S.A. 48:5A-15, 16, 25) are adequate to protect the continuity of service. It is in the cable company's interest not to wait for the last minute to make such an application. The subparagraph has been amended.

OCTV also agrees with the comments that the proposed language of N.J.A.C. 14:18-11.21(b)(5) and (6) is redundant and awkward. These subparagraphs shall be rewritten.

The NJCTA points out that many CATV ordinances require a hearing even when automatic renewal is granted. OCTV does not wish to disturb these terms, nor does it seek to require a hearing under an automatic renewal clause when there is no intention to deny the automatic renewal. The present rule is independent of such an ordinance terms, and language to such effect shall be inserted in subsection (b).

5. Comment: The NJCTA requested clarification concerning any repeal of the existing rule in connection with the present proceeding.

Response: The BPU with this adoption repeals only the predecessor text of N.J.A.C. 14:17-11.21. No other provisions positions of subchapter 11 are affected.

6. Comment: Counsel for UACC also requested automatic renewal provisions extended to ordinances which do not specify any terms of renewal noting that automatic renewals were formerly prohibited by the Federal Communications Commission (FCC), and hence excluded from most ordinances. UACC considers the full imposition of Subchapter 11 procedures for initial franchise a pointless exercise where a company has an existing record of service to a municipality. The municipalities' sole concern should be whether the cable company meets the standards of N.J.A.C. 14:18-11.21(b)(3). Therefore UACC also urges a broader renewal expectation in non-automatic franchises based upon the enumerated standards. In response to the municipal comments, UACC states that either existing rules or the proposed rules meet the requested requirements.

Response: The UACC proposal for abbreviating the filing and procedural requirements in cases where there is no automatic renewal provision, has considerable merit, especially when an incumbent has no competing applicant filing. However the proceedings present an opportunity for assuring a full updating of information regarding the company and its system. Another reason for keeping the requirement is that it is not known whether a competing application will be filed until just prior to the hearing (N.J.A.C. 14:17-11), and the same current information should be available for each applicant.

7. Comment: Representatives of Suburban Cablevision (SC) met informally with (OCTV) staff on March 12, 1984 emphasizing that most CATV ordinances ambiguously refer to renewal terms without specifying whether such renewal is automatic or not.

Response: Comments by (SC) concerning ambiguous renewal provisions are well taken. Other comments address the changing position over the years of the FCC regarding auto-

matic renewals. While the BPU is unwilling to impose automatic renewals on all municipalities, those without specific renewal terms should be reminded of the option of amending the ordinance to include such a term. Any such amendment must be approved by the BPU pursuant to N.J.A.C. 14:17-6.7. This latter approach provides more flexibility for municipal input and attention to community needs while leaving a mechanism for assuring the future stability of the franchise. Therefore, subsection (a) has been amended to address situations where municipalities have not amended the consent ordinance providing for automatic renewal.

8. Comment: Three individuals gave general oral comments at the March 26, 1984 public hearing. Ms. Helen Naimark, President of the New Jersey Cable Users Association, stated that municipalities, especially when within a large system's service area, are at a disadvantage in negotiating terms of renewal. She requested that operators and municipal officials recognize the mutual interest in service continuity, and cooperate toward that end. Mr. Henry Magers considered some standards for renewal terms necessary, as municipal authorities and CATV operators often differ over the needs and wants of a community. Mr. Gary Cutro, President of the NJCTA noted that the NJCTA supports the rulemaking, subject to the written comments of counsel.

**Full text** of the adoption follows (additions to the proposal indicated in boldface with asterisks **\*thus\***; deletions from original proposal indicated in brackets with asterisks **\*[thus]\***).

#### 14:18-11.21 Renewal of Municipal Consents

(a) If the consent ordinance does not contain specific automatic renewal provisions **\*[:]\* **and the municipality has not amended the ordinance to provide for automatic renewal pursuant to N.J.S.A. 48:5A-25.\*****

1. A CATV company seeking to renew an expiring consent must apply for a municipal consent in compliance with sections 1 through 19 of this subchapter.

2. Any such application must be filed **\*for timely compliance with N.J.S.A. 48:5A-16 and 25\* [at least 325 days]\*** prior to the expiration of the Certificate of Approval.

3. In order to be heard in the same hearings as the renewal applicant, a competing applicant must file with the municipality at least 15 days prior to the scheduled hearing.

(b) The following procedures shall govern the renewal process when the consent ordinance provides for automatic renewal **\*[:]\* **whether or not the ordinance requires a hearing.\*****

1. At least 60 days prior to the expiration of the initial term either the municipality or the CATV company must serve both the other party and the Office of Cable Television with a notice of intention not to accept renewal in order to deny renewal.

2. Prior to giving notice of intention not to accept automatic renewal, a municipality must hold a public hearing with a stenographic record by a certified shorthand reporter upon 30 days' notice to the public and the cable company.

3. A notice of intention not to accept automatic renewal must be based upon substantial evidence in the record leading to a finding that:

i. The CATV company as defined in N.J.S.A. 48:5A-3(g) has been convicted of an indictable crime;

ii. The CATV company has not substantially complied with the material terms of the ordinance and certificate of approval and with applicable law;

iii. There has been a material change in the legal, technical, or financial qualifications of the CATV company that would

## PUBLIC UTILITIES

## ADOPTIONS

substantially impair the continued provision of service by such CATV company;

iv. The signal delivered by the CATV system within control of the CATV company has not generally met technical standards established by the Federal Communications Commission and the Office of Cable Television; or

**\*v. Other good cause has been shown where continued operation would result in substantial detriment to the public good.\***

4. If a municipality has arbitrarily issued a notice of intention not to accept renewal, the CATV company may file a petition for direct certification pursuant to N.J.S.A. 48:5A-17(d) prior to the expiration of the initial certificate.

\*[5. The Board shall issue a certificate of automatic renewal if satisfied.

i. No notice of intention not to accept renewal has been filed, and;

ii. There have been no violations of the terms of the Cable Television Act, N.J.S.A. 48:5A-1 et seq., the regulations pursuant thereto, or by the terms of the municipal consent.]\*

\*[(6)]\* **\*(5)\*** The Board shall issue a certificate of automatic renewal unless:

i. A notice of intention not to accept renewal has been filed; or

ii. After full hearing, upon notice to the municipality and the CATV company, the Board makes one of the findings listed in N.J.A.C. 14:18-11.21(b)(3), above.

\*[(7)]\* **\*(6)\*** Any renegotiation of the terms of a consent subject to automatic renewal must be completed and submitted to the Board for approval as an amended consent ordinance at least 60 days prior to the expiration of the initial certificate.

(c) In cases where renewal is denied:

1. The Board shall act to minimize the disruption of service to subscribers, and

2. No acquisition of an ownership interest in the system, or sale of the system to any other cable television company as defined by N.J.S.A. 48:5A-3(g) may be required at less than fair market value.

# TREASURY-GENERAL

(a)

## COMMERCE AND ECONOMIC DEVELOPMENT DIVISION OF PURCHASE AND PROPERTY

### Small Business Set-Aside Contracts

#### Jointly Adopted New Rules: N.J.A.C. 17:12-6

Proposed: July 16, 1984 at 16 N.J.R. 1958(a).

Adopted: August 31, 1984 by Michael M. Horn, State Treasurer, and Borden R. Putnam, Commissioner, Department of Commerce and Economic Development.

Filed: September 4, 1984 as R.1984 d.421, **without change.**

Authority: N.J.S.A. 52:32-17 (L.1983, c.482).

Effective Date: October 1, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): August 15, 1989.

#### Summary of Public Comments and Agency Responses:

A letter was received from the Department of Transportation (DOT), and the Department was subsequently contacted so that the Department's concerns could be discussed. DOT raised two major concerns with the proposed rules:

1. Proposed NJAC 17:12-6.6 precludes counting negotiated contracts toward an agency's set-aside goal of 15 percent. DOT noted that a large percentage of its contracts for professional services are negotiated, and that the exclusion of these contracts would be a roadblock in the agency's attempts to meet its set-aside goals. DOT also noted that these professional services contracts are likely targets for small businesses, and therefore should be included in the set-aside program.

2. The rules do not seem to contain any provision for counting sub-contracts toward an agency's set-aside goals. DOT awards many large contracts which are not as a whole appropriate for small businesses, but which might in part be appropriate for small businesses. DOT would like to be able to require the subcontracting to small businesses of parts of large contracts, and be able to count those subcontracts towards meeting its set-aside goal.

The response to the DOT's concerns is as follows:

1. As to the preclusion of negotiated contracts from the set-aside goals, the provisions of NJAC 17:12-6.6 are directly based on the statutory provisions which seem to require that set-aside contracts be publicly advertised and bid. See the definition of a "Small businesses set-aside contract" at NJSA 52:32-19F, and the procedures for set-aside contracts at NJSA

52:32-20 and 52:32-22. These statutory provisions would seem to preclude counting negotiated contracts toward the set-aside goals.

2. As to the inclusion of subcontracts towards the set-aside goals, this possibility seems to be expressly permitted by the statute. See NJSA 52:32-21. The Departments of Treasury and of Commerce and Economic Development will address this issue in the near future.

**Full text** of the adoption follows.

#### SUBCHAPTER 6. SMALL BUSINESS SET-ASIDE

##### 17:12-6.1 Applicability

(a) The rules in this subchapter are jointly promulgated by the Departments of Treasury and Commerce to implement the Small Business Set-aside Act, L.1983, c.482 (N.J.S.A. 52:32-17). The Act establishes a goal of setting-aside the award of no less than 15 percent of State agency contracts for small businesses. The Act requires the Department of Treasury to delineate those contracts which shall be set-aside for small business awards and shall be counted toward the set-aside goals, and to promulgate set-aside procedures for those contracts. The Act requires the Department of Commerce to define the size standards for small businesses eligible for set-aside contracts, to certify the eligibility of small businesses, and to promulgate other procedures for developing and monitoring small business contracts under the Act.

(b) The rules in this subchapter shall apply to contracts or a portion thereof for the purchase of goods and services which are awarded by the various State contracting agencies pursuant to the jurisdiction defined in the agencies' various authorizing statutes. Each State agency which possesses the authority to award and make its own purchasing contracts is governed by the Set-aside Act, and must comply with these rules. The State contracting agencies covered by these rules include:

1. The General Services Administration of the Department of the Treasury, encompassing the Divisions of Purchase and Property, of Building and Construction, and of Data Processing and Telecommunications;
2. The Department of Environmental Protection;
3. The Department of Transportation;
4. Rutgers University;
5. The University of Medicine and Dentistry;
6. The New Jersey Turnpike Authority;
7. The New Jersey Expressway Authority;
8. The New Jersey Broadcasting Authority;
9. The Sports and Exposition Authority; and,
10. The other independent State authorities and agencies not listed above.

(c) Questions concerning the eligibility of small businesses under the Small Business Set-aside Act should be directed to:

Office of Small Business Assistance  
Department of Commerce  
1 West State Street  
CN 823  
Trenton, NJ 08625

(d) Questions concerning the award of set-aside contracts should be directed to:

General Services Administration  
Department of the Treasury  
135 W. Hanover St.  
Trenton, NJ 08625

## 17:12-6.2 Definitions

The words and terms used in this subchapter shall have the following meanings, unless the context clearly indicates otherwise:

“Commerce” or “DCED” means the Department of Commerce and Economic Development.

“Contracting agency” means any board, commission, committee, authority or agency of the State which possesses the legal authority to award and make contracts.

“Cooperative purchasing” means an award made by the Division of Purchase and Property for the use of either local governing authorities, pursuant to N.J.S.A. 52:25-16.1 et seq., or quasi-State agencies, pursuant to N.J.S.A. 52:27B-56.1. Such an award is made as an adjunct to an award of a contract for State agency purchases.

“Delegated purchasing” means the award of a contract by a State agency pursuant to authority delegated by the Division of Purchase and Property. Under certain circumstances, the Division of Purchase and Property may delegate its authority to award contracts, pursuant to N.J.S.A. 52:25-23 (purchases up to \$2,500) and N.J.S.A. 52:34-8 (waiver of ordinary procedures). In other contracts under the authority of the Division of Purchase and Property, an award is made by the Division of Purchase and Property.

“Direct purchasing” means the issuance of a purchase order by a State agency for a specific item of goods or service, for which a contract either has already been awarded or is simultaneously being awarded. In general, a State agency may issue a purchase order for goods or services contained either in a contract awarded by the State agency pursuant to its own statutory contracting authority, or in a term contract awarded by the Division of Purchase and Property, or in a contract awarded by the State agency pursuant to purchasing authority delegated from the Division of Purchase and Property. In line-item contracts awarded by the Division of Purchase and Property, a purchase order is issued by the Division of Purchase and Property.

“Division of Purchase and Property” is the State agency which provides a centralized purchasing service for other State agencies, pursuant to N.J.S.A. 52:27B-56.

“General Services Administration” or “GSA” is that body within the Department of Treasury which encompasses and coordinates the Divisions of Purchase and Property, of Building and Construction and of Data Processing and Telecommunications.

“Line-item contract” means an award in which a specific one-time purchase of a good or service is established. In line-item contracts awarded by the Division of Purchase and Property or other contracting agency, a purchase order is also issued by the Division of Purchase and Property or other contracting agency. In line-item contracts issued by State agencies pursuant to delegated purchasing authority, a purchase order is directly issued by the using agency.

“Multiple award” means a term contract awarded by the Division of Purchase and Property or other contracting agency wherein more than one vendor is awarded a contract. In general, multiple awards are made in two situations:

1. Where the volume of business is so large or the geographical distances are so great that more than one vendor is necessary to serve the State’s needs; or,

2. Where the differences between various vendors’ versions of a product are so significant that it is useful to have a contract with a vendor of each product.

“Office” or “OSBA” is the Office of Small Business Assistance in the Department of Commerce, which administers the eligibility provisions of these rules.

“Purchase order” means the document which implements the purchase of a specific item authorized by a line-item or term contract award. Depending on the contract, purchase orders may be issued either by using agencies or by the Division of Purchase and Property.

“Request for proposals” or “RFP” means the document issued by the Purchase Bureau of the Division of Purchase and Property or any other contracting agency which forms the basis of any advertised bidding and award process conducted by the contracting agency. The RFP defines the basic terms and conditions, the specifications, and other requirements of the proposed contract for which vendors are invited to bid. RFP’s are usually of two types, for term contracts and for line-item contracts.

“Term contract” means an award made by a contracting agency in which a source of supply for a product is established for a specific period of time. The contract generally establishes a fixed, unit price or discount for items to be purchased thereunder. A term contract also usually contains a provision for some estimated dollar volume or minimum quantities to be purchased, and may contain a provision for the rebidding of any single purchase which exceeds a specified maximum amount.

“Treasurer” means the head of the Department of Treasury.

“Treasury” means the Department of Treasury.

“Using agency” means the State agency for which a purchase of goods or services is being made. Purchases for using agencies either are made for the agency by the Division of Purchase or Property or other contracting agency or are made by the using agency pursuant to delegated purchasing authority.

“Waiver” means an award process, authorized by N.J.S.A. 52:34-8, which does not conform to the usual advertised bidding and award process, required by N.J.S.A. 52:34-6 et seq. For contracts awarded under a waiver, the award process generally consists either of negotiations with a limited number of vendors or of bids solicited from a limited number of vendors. A waiver may also delegate purchasing authority to a using agency.

## 17:12-6.3 Standards of set-aside eligibility for small businesses

(a) In order to be eligible as a small business bidder on a set-aside contract, a business shall:

1. Have its principal place of business in New Jersey;
2. Be independently owned and operated; and
3. Be a sole proprietorship, partnership or corporation with 100 or fewer employees in full-time positions.

(b) In order to be certified to bid on small business set-aside contracts, a business shall establish its eligibility as a small business with the Office of Small Business Assistance (OSBA). Any application for certification as a small business under these rules shall include reasonable documentation of the firm’s principal place of business, independent status and number of employees. Where available, this documentation should include appropriate forms or reports submitted to State or Federal agencies, such as data certified and filed with the New Jersey Department of Labor.

1. A business which is unwilling or unable to document its status or number of employees shall not be certified as eligible to bid on set-aside contracts.

2. A business which knowingly supplies incomplete or inaccurate information shall be ineligible to bid on set-aside contracts and may be subject to disqualifications from doing

other business with the State, pursuant to N.J.A.C. 17:12-6.5 and N.J.A.C. 17:12-6.10.

(c) In determining whether a business has 100 or fewer employees, the tally of employees shall not include:

1. Seasonal and part-time employees employed for less than 90 days, if seasonal and casual part-time employment are common to that industry; and,

2. Consultants employed under specific contracts not related to the goods or services which are the subject of the set-aside contract.

#### 17:12-6.4 Application and certification of eligible small businesses

(a) In order to be accepted as a bidder on a set-aside contract, a business must be certified as eligible by the Office of Small Business Assistance (OSBA). A business may be certified as an eligible small business either by:

1. Applying to OSBA and thereby being accepted onto a small business bidders' list compiled by a contracting agency, or compiled by a using agency for use in awards made pursuant to the using agency's delegated purchasing authority. RFP's and/or bid solicitations for set-aside contracts shall be addressed to businesses on appropriate small business bidder's lists; or,

2. Applying to OSBA and being accepted as an eligible bidder in response to an advertised RFP issued by a contracting agency or in response to a solicitation of bids by a using agency with delegated purchasing authority. The applicant shall apply no later than the bid opening date for the award and shall include the bid opening date for the award with the application.

(b) Vendors may apply at any time to be on an appropriate small business bidders' list. Small business bidders' lists shall be developed by contracting agencies, and may be developed by using agencies, in coordination with OSBA.

1. No business shall be accepted onto a small business bidders' list without the prior approval of OSBA.

2. On or about March 1 of each year, each contracting agency, and any using agency maintaining a small business bidders' list, shall advertise in appropriate newspapers for vendors who might desire to be included on a small business bidders' list.

3. A business which wants to be accepted onto a small business bidders' list shall apply directly to OSBA for approval as a small business.

4. Upon approval, OSBA shall notify each appropriate State agency as to the vendor's qualification as a small business.

5. State agencies so notified shall thereafter include the vendor on any appropriate small business bidders' lists. There shall be no limit to the number of eligible shall include every certified small business on the appropriate bidders' lists.

i. For the convenience of using agencies making purchases pursuant to delegated purchasing authority, the Purchase Bureau of the Division of Purchase and Property shall distribute its small business bidders' lists to using agencies. The Purchase Bureau's lists shall be used by those agencies in addition to any lists developed by the using agencies.

6. On or about October 1 of each year, each contracting agency, and using agency maintaining a small business bidders' list shall submit each small business bidders' list for review and reapproval to the Office of Small Business Assistance. OSBA shall respond by December 1.

7. Unless and until disapproved by the Office of Small Business Assistance, State agencies may continue to use any existing small business bidders' lists.

8. Unless and until disapproved by the Office of Small Business Assistance, State agencies may continue to award set-aside contracts to any business previously approved for inclusion on a small business bidders' list.

9. However, if no adequate or appropriate small business bidder's list is available, RFP's or bid solicitations may be sent to vendors on other bidders' lists, as long as these vendors are informed that only certified small businesses may receive an award, and that vendors may qualify as small businesses pursuant to (c) below.

(c) No later than the bid opening date, a vendor may apply to be an eligible small business bidder in response to an RFP for a set-aside contract. The RFP or solicitation of bids for a small business set-aside contract shall clearly and conspicuously state that the award may go only to a qualified small business which is either listed on a small business bidders' list or is approved as follows:

1. The RFP for a set-aside contract shall state that a bidder either must already be on an appropriate small business bidders' list or must be certified by the Office of Small Business Assistance as an eligible small business no later than seven working days following the bid opening date.

2. A vendor who is not on a small business bidders' list may request an RFP and submit a bid, but must duly apply to be an eligible small business bidder no later than the bid opening date.

3. Any bidder who is not on an appropriate bidders' list shall apply directly to the Office of Small Assistance for approval as a small business.

4. If the contracting agency does not receive from OSBA approval of the vendor as an eligible small business no later than seven working days from the bid opening date, the vendor's bid shall be automatically rejected.

(d) In order to apply and to be an eligible bidder for small business set-aside contracts, a vendor shall:

1. Complete and submit to OSBA a State of New Jersey Vendor Data Questionnaire. This questionnaire is developed and distributed by OSBA.

2. Submit to OSBA reasonable documentation of the vendor's principal place of business, status as an independent business, and number of employees.

i. Where available, this documentation shall include appropriate forms or reports submitted to State or Federal agencies, such as data certified and filed with the Division of Unemployment Compensation in the New Jersey Department of Labor.

3. Submit to OSBA any additional information requested in order reasonably to determine a vendor's status.

4. Comply with any prequalification or other eligibility requirements legitimately established by contracting agencies to determine the qualifications of bidders and the ability of vendors to perform the agency's contracts. A vendor's certification by OSBA as a small business shall not be deemed to override or undermine any requirements, standards or procedures otherwise legitimately established by contracting agencies.

(e) OSBA shall prepare and distribute New Jersey Vendor Data Questionnaires and instructions on applying for small business eligibility. OSBA shall also periodically consult with representatives of government and business on how better to develop the set-aside procedures. At the same time:

1. Contracting agencies shall provide New Jersey Vendor Data Questionnaire to vendors upon request. OSBA shall supply these questionnaires to contracting agencies.

2. Where a contracting agency determines that a contract should be set-aside, and that agency does not have a small

business bidders' list appropriate for that contract, the agency may send RFP's to vendors on an ordinary bidders' list, but the agency must include with the RFP a New Jersey Vendor Data Questionnaire and appropriate instructions on the need and the procedures for applying to be an eligible small business bidder. Vendors shall be warned that failure to be timely certified as an eligible small business shall result in the automatic rejection of their bids.

3. Contracting agencies shall refer applicants for small business eligibility and applicants' questions to OSBA.

#### 17:12-6.5 Disqualification of vendors as bidders on small business set-aside contracts

(a) Each vendor certified as an eligible small business bidder shall immediately apprise the Office of Small Business Assistance of any circumstances which might disqualify that vendor as a small business bidder.

1. The failure of a vendor to report any such changed circumstances, or the intentional reporting by a vendor of false information about its small business status, may subject the vendor to action by the contracting agency. In the case of the Division of Purchase and Property, this action may include the rejection of a bid, the cancellation of State contracts (see N.J.A.C. 17:12-2.7(e)1.), and the debarment from State contracts (see N.J.A.C. 17:12-7.2). The failure to report or the falsification of information may also subject a vendor to action by the Department of Commerce, under section 14 of the Act (N.J.S.A. 52:32-17) and N.J.A.C. 17:12-6.10 below.

(b) No later than 10 days after the issuance of any intent to award or any proposed award of a set-aside contract, any bidder on that contract, certified as a small business, may challenge the set-aside eligibility of any other bidder certified as a small business, as follows:

1. Such challenge shall be made in writing to the Office of Small Business Assistance, with copies to the contracting agency and the challenged bidder.

2. The challenge may concern only the questions of whether the bidder has its principal place of business in New Jersey, is independently owned and operated, or has 100 or fewer employees. Any questions as to a bidder's qualifications to perform the contract shall be referred to the contracting agency pursuant to that agency's procedures.

3. The written challenge shall be accompanied and supported by documentation in support of the charges.

4. Except where emergent circumstances, disclosed to the Office of Small Business Assistance and the bidders, require the immediate implementation of an award, the State agency making the award shall withhold the final award of a small business set-aside contract for 10 working days from the date of the issuance of any intent to award or proposed award, in order to accommodate any hearing by the Office of Small Business Assistance of a challenge to a bidder's small business status. Unless the vendor whose qualifications are being challenged is disapproved by the Office within the 10 working day period, the contracting agency may accept the vendor as qualified for purposes of the pending award.

5. The contracting agency shall furnish the names, addresses and telephone numbers, and the title of the solicitation or RFP to the OSBA within seven working days of the date the agency has been notified of a challenge.

6. OSBA will resolve the challenge as follows:

i. OSBA will notify the bidder challenged, and any other bidders on that contract, of the challenge and of the procedures which will be followed, of the time and place of the hearing and of the right to attend and be represented at the hearing.

ii. The burden of proof is on the challenger. However, OSBA may use the resources of the State to verify the status or size of the bidder challenged. These resources might include data reported to the New Jersey Department of Labor or the Treasury. Contracting agencies with whom the challenged vendor has held contracts and private sector references will be contacted if appropriate.

iii. The hearing shall be conducted by the Chief of OSBA, who will issue a written report and recommendation to the Commissioner of Commerce no later than four working days after the close of the hearing.

iv. Bidders may file exceptions with the Commissioner to the chief's report no later than two working days from the issuance of the report.

v. Thereafter, the Commissioner, or his or her designee, shall issue a final decision on the challenge.

7. The right to challenge a vendor's qualification as a small business is in addition to any other protest hearing rights afforded by a contracting agency, such as those provided by the Division of Purchase and Property in N.J.A.C. 17:12-3.

8. In the event the proposed awardee of a set-aside contract is disqualified as an eligible small business by the Office of Small Business Assistance following a challenge, the award shall go to the certified eligible small business bidder whose bid was evaluated as second best by the contracting agency, subject to any rejection of the contract as a set-aside pursuant to N.J.A.C. 17:12-6.9.

#### 17:12-6.6 Standards for determining the set-aside goals and the satisfaction of those goals

(a) Each contracting agency shall make a good faith effort to ensure that no less than 15 percent of the State contracts under its jurisdiction are specifically set-aside for small businesses. See Sections 3 and 7 of the Act, L.1983, c.482 (N.J.S.A. 52:32-17). Pursuant to the Act:

1. 15 percent of all State purchase contracts shall be set-aside for bidding only by small businesses certified as eligible by the Office of Small Business Assistance;

2. In set-aside contracts, bids shall be solicited and accepted only from eligible small businesses;

3. This 15 percent small business set-aside goals is in addition to any contracts awarded to small businesses as a result of the ordinary contract award processes, authorized by N.J.S.A. 52:34-6 et seq. or other purchasing statute, wherein both large and small businesses may compete together for contracts.

(b) Each contracting agency shall initially calculate the total number of contracts (the 100 percent) which it awards, and from which at least 15 percent must be set-aside. For purposes of calculating this pool from which the set-aside contracts shall be drawn, the contracting agency shall count all contracts awarded under its jurisdiction and authority, irrespective of whether:

1. The dollar amounts of the contracts vary;

2. The contracts were awarded by another State agency through purchasing authority delegated from the contracting agency or were awarded by the contracting agency itself;

3. The contracts were awarded as a result of advertised bidding, negotiations, extensions of existing contracts or waivers; or,

4. The contracts were implemented through purchase orders issued by the contracting agency, or by a using agency.

(c) The pool of contracts (the 100 percent), from which a contracting agency must set-aside 15 percent for small businesses, shall not include any contract for which the application of the small business preference, in-state preferences or

other goals and procedures established under the Set-aside Act would jeopardize the State's participation in a program from which the State receives Federal funds or other benefits.

(d) For purposes of calculating the total number of State contracts (the 100 percent) under the contracting agency's jurisdiction, and of determining compliance with the set-aside goal (at least 15 percent), contract awards shall be counted and used as the basic unit. Each contract awarded to a vendor by the contracting agency shall count for one contract. Therefore:

1. Where a single request for bids (RFP) results in the multiple award of more than one contract, each award counts as a separate contract;

2. Where a term contract is awarded to a vendor, the award to that vendor counts as one contract, irrespective of how many purchases are made under the term contract and irrespective of whether the purchase orders are issued by the contracting agency or by a separate using agency. Term contracts awarded by the Purchase Bureau of the Division of Purchase and Property shall count toward the set-aside goals specifically set for the Purchase Bureau;

3. Where a line-item contract is awarded, either by a using agency under delegated purchasing authority or by the Division of Purchase and Property or other contracting agency, the award shall count for one contract.

(e) For purposes of achieving the set-aside goal, set-aside contracts must satisfy certain procedural requirements.

1. In order to count an award toward the set-aside goal, the contract shall be:

- i. Specifically designated in the request for bids (RFP) as a small business set-aside;
- ii. Subject to advertised bidding or the solicitation of sealed bids; and,
- iii. Awarded only after the receipt of at least three qualified bids.

2. Any contracts awarded by a using agency or by the Division of Purchase and Property or other contracting agency through negotiations or otherwise shall be counted toward the total number of contracts under that agency's jurisdiction (the 100 percent) but shall not be counted toward the number of contracts needed for compliance with the goals (at least 15 percent) of the Set-aside Act.

#### 17:12-6.7 Set-aside plans

(a) On or before June 1 of each year, each contracting agency shall prepare and submit to the Office of Small Business Assistance in the Department of Commerce a plan for meeting its set-aside goals for the next fiscal year.

(b) The plan shall include:

1. A general list and explanation of the goods and services and/or types of goods and services which are deemed appropriate and inappropriate for small business set asides;

2. A consideration of the estimated dollar amounts and purchase orders expected for various contracts and types of contracts;

3. A list of specific goods and services and/or types of goods and services which are targeted for increased small business set-aside contracts, taking into consideration dollar amounts and anticipated purchase orders;

4. A list of specific set-aside goals, designating specific categories of contracts, portions of categories, individual contracts, and or all of the above, or any other method for determining which contracts shall be set-aside for small business; and,

5. A set-aside goal of no less than 15 percent for contract awards made by the contracting agency.

(c) The Purchase Bureau of the Division of Purchase and Property shall attach to its set-aside plan a set of set-aside guidelines for contract awards made by using agencies under delegated purchasing authority. These guidelines shall contain a separate 15 percent set-aside goal for delegated purchasing contracts, and suggested categories of contracts which may be appropriate for set-aside awards.

(d) After consultation with OSBA, the contracting agency shall begin implementing the next year's set-aside plan no later than July 1. However:

1. The contracting agency shall periodically review the plan's implementation, and shall consult with OSBA as to any revisions which may be necessary to achieve the set-aside goals; and,

2. Where the contracting agency and OSBA disagree about the agency's set-aside plan, the matter shall be submitted immediately to the Administrator of the General Services Administration for prompt resolution by the Administrator or his or her designee.

(e) Upon final determination of its annual plan, delegated purchasing guidelines, and any periodic revisions, the Purchase Bureau of the Division of Purchase and Property shall distribute the delegated purchasing guidelines to those State agencies which receive delegated purchasing authority from the Division.

1. These State agencies shall make a good faith effort to conform their delegated purchasing to the set-aside goals of no less than 15 percent;

2. Where a State agency disagrees with the guidelines for the agency's small business set-aside contracts, the matter shall be submitted to the Administrator of the General Services Administration for prompt resolution by the Administrator or his or her designee.

(e) Upon final determination of its annual plan, delegated purchasing guidelines, and any periodic revisions, the Purchase Bureau of the Division of Purchase and Property shall distribute the delegate purchasing guidelines to those State agencies which receive delegated purchasing authority from the Division.

1. These State agencies shall make a good faith effort to conform their delegated purchasing to the set-aside goals of no less than 15 percent;

2. Where a State agency disagrees with the guidelines for the agency's small business set-aside contracts, the matter shall be submitted to the Administrator of the General Services Administration for prompt resolution by the Administrator or his or her designee.

#### 17:12-6.8 Factors in establishing set-aside plans

(a) The following factors are to be considered by the contracting agencies in determining whether a contract or category of contracts is appropriate for the set-aside program:

1. Whether the contract is in an area wherein small businesses do not currently obtain a significant percentage of State contracts, but wherein the price, quality of product and responsibility of small businesses are competitive with bigger businesses;

2. Whether the contract is in an area wherein the normal bidding process creates unnecessary obstacles against small businesses, irrespective of any actual ability of small businesses to perform the contract or fulfill the State's needs;

3. Whether the contract is in an area wherein small businesses are not currently competitive with bigger businesses, but wherein small businesses could become competitive if given some initial opportunity;

4. Whether the contract is in an area wherein small businesses are not competitive with big businesses, but wherein the State would not suffer any serious disadvantage if some percentage of the contracts were set-aside for small businesses;

5. Whether the contract is in an area wherein the State's long term best interests in purchasing lie in developing small business competition in areas where currently only big businesses operate;

6. Whether the contract is in an area wherein the State's long term best interests economically and socially lie in developing small businesses;

7. Whether the contract is in an area wherein the practices of the using agency create unnecessary obstacles to the award of contracts to small businesses; and,

8. Whether the contract is in an area wherein potential emergency conditions, public health and safety considerations, or the continued operation of vital State services, preclude setting the contract aside for bidding exclusively from small businesses.

#### 17:12-6.9 Rejection of all small business bids and of the set-aside designation

(a) The determination that a contract will be set-aside for small business bidding shall be made prior to the issuance of the RFP, and the RFP shall clearly and conspicuously limit bidding to eligible small businesses, duly certified by OSBA.

(b) However, a State agency awarding a contract pursuant to delegated purchasing authority or a contracting agency may determine to reject all the small business bids and the designation of the contract as a set-aside where:

1. In evaluating the small business bids, the agency determines that acceptance of any of the bids would subject the State to an unreasonable expense, or to a contract otherwise unacceptable pursuant to that agency's purchasing laws; or,

2. The agency does not receive at least three bids from vendors certified as small businesses, pursuant either to N.J.A.C. 17:12-6.4 above; and,

3. The agency notifies the bidders and the Office of Small Business Assistance the reasons for its action, and the agency maintains its records of the bidding process for at least one year from the bid opening date.

(c) Immediately, without any delay, the agency may rebid the contract as an ordinary award. The small business bidders may participate in this rebidding process.

(d) Following the proposed award resulting from the rebidding process, any of the bidders in either the set-aside bidding or the rebidding process and/or the Office of Small Business Assistant may protest the set-aside bidding and award process, the rejection of the designation of the contract as a set-aside, and the proposed award resulting from the rebidding process.

1. The protest shall be heard pursuant to the rules and procedures of the contracting agency. For the Division of Purchase and Property, these rules are found at N.J.A.C. 17:12-3.

#### 17:12-6.10 Penalties for false information

(a) Vendors shall accurately and honestly supply all information required by OSBA to determine whether the vendors are eligible for small business set-aside contracts.

(b) Vendors shall forthwith report to OSBA any changed circumstances which might disqualify that vendor as an eligible small business.

(c) The failure of a vendor to report any such changed circumstances, or the intentional reporting of false information, may subject the vendor to adverse action by the con-

tracting agency, pursuant to that agency's rules and procedures. For the Division of Purchase and Property, see N.J.A.C. 17:2-2.7 and 7.2.

(d) Where a vendor has been certified as an eligible small business on the basis of false information knowingly supplied by the vendor, and the vendor has been awarded a small business set-aside contract, the Commissioner of Commerce, after notice and opportunity for a contested case hearing pursuant to N.J.S.A. 52:14B-10, and N.J.A.C. 1:1-1.1 et seq, may:

1. Require the vendor to pay to the State any difference between the contract amount and what the State's cost would have been if the contract had not been awarded as a small business set-aside contract; and,

2. Assess the vendor a penalty in an amount of not more than 10 percent of the amount of the contract involved; and,

3. Order the vendor ineligible to transact any business with the State for a period of not less than three months and not more than 24 months.

#### 17:12-6.11 Set-aside reports

(a) On or before October 1 of each year, each contracting agency shall report to the Office of Small Business Assistance on the results of its set-aside plan for the previous fiscal year, as required by section 11 of the Small Business Set-aside Act (N.J.S.A. 52:32-17 et seq).

(b) The report shall include, where feasible:

1. The total numbers of contracts awarded the contracting agency, and by any using agencies with delegated purchasing authority;

2. The estimated total dollar amounts of contracts awarded by the contracting agency and by any of its using agencies;

3. The number of set-aside contracts awarded by the contracting agency and by its using agencies;

4. The estimated dollar amounts of set-aside contracts awarded by the contracting agency and its using agencies;

5. A breakdown of the types of contract awarded generally and awarded as set-asides by the using agencies and by the contracting agency; and,

6. An analysis of whether and how the previous year's set-aside goals were achieved by the using agencies and by the contracting agency.

(c) Each year, each State agency which has made awards pursuant to purchasing authority delegated from the Division of Purchase and Property shall submit to the Purchase Bureau of the Division of Purchase and Property a report, as required by section 11 of the Small Business Set-aside Act (N.J.S.A. 52:32-17 et seq) and including where feasible:

1. The total numbers and dollars amounts of all contracts awarded and purchase orders issued;

2. The total numbers and dollar amounts of small business set-aside contracts awarded; and,

3. A breakdown of the types of contracts awarded generally and awarded as small business set-aside.

#### 17:12-6.12 Consultation with industry

(a) OSBA shall conduct no less than two consultation sessions each year with bidders, vendors and industry representatives, for the purpose of soliciting information and suggestions on implementing the small business set-aside goals.

(b) The consultation session dates and times will be incorporated into a set-aside plan developed by OSBA for each fiscal year.

(c) Bidders, vendors and industry representatives may call the Office of Small Business Assistance for the exact time, date and location of the meetings.

## ADOPTIONS

(d) Sessions shall be open to the public and any interested parties.

(e) Industry representatives shall ask for time on the agenda if they wish to present comments.

(f) Challenges to individual bid awards will not be heard at these sessions.

(g) The Chief of OSBA shall prepare a report of the results of the sessions, the attendees and their affiliations, and any action items which require the attention of the department or contracting agencies.

(h) Notice that the sessions have been held will be included in OSBA's annual report on the implementation of the Small Business Set-aside Act.

17:12-6.13 Delegation of Treasurer's authority

(a) For purposes of implementing the Small Business Set-aside Act, the authority of the Treasurer under that Act is hereby delegated to the Administrator of the General Services Administration.

---

## TREASURY-TAXATION

### (a)

#### DIVISION OF TAXATION

##### Sales and Use Tax

##### Taxation of Rented and Leased Manufactured and Mobile Homes

##### Adopted Amendment: N.J.A.C. 18:24-7.19

Proposed: July 16, 1984 at 16 N.J.R. 1965(a).

Adopted: September 5, 1984 by John R. Baldwin, Director, Division of Taxation.

Filed: September 11, 1984, as R.1984 d.431, **without change**.

Authority: N.J.S.A. 54:32B-24 and P.L. 1983, c.400.

Effective Date: October 1, 1984.

Expiration Date pursuant to Executive Order 66(1978): August 12, 1988.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**Full text** of the adoption follows.

18:24-7.19 Taxation of rented or leased manufactured and mobile homes

(a)-(g) (No change.)

(h) The rental or lease of a manufactured or mobile home permanently installed in a mobile home park is not subject to sales tax.

## OTHER AGENCIES

## OTHER AGENCIES

### (b)

#### NEW JERSEY TURNPIKE AUTHORITY

##### Procedure for Prequalifications and Award of Construction Contracts

##### Adopted Amendment: N.J.A.C. 19:9-2.7

Proposed: August 6, 1984 at 16 N.J.R. 2075(a).

Adopted: September 12, 1984 by New Jersey Turnpike Authority, William J. Flanagan, Executive Director.

Filed: September 18, 1984 as R.1984 d.447 **without change**.

Authority N.J.S.A. 27:23-29.

Effective Date: October 1, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): July 13, 1988.

Summary of Public Comments and Agency Responses:  
**No comments received.**

**Full text** of the adoption follows.

19:9-2.7 Procedure for prequalifications and award of construction contracts

(a) (No change.)

(b) In order to prequalify in classification, prospective bidders shall submit annually or at least twenty-one calendar days prior to bid opening of a specific contract, the proof of the following:

1.-6. (No change.)

(c)-(h) (No change.)

---

### (c)

#### CASINO CONTROL COMMISSION

##### Gaming Equipment Slot Stools

##### Adopted Amendment: N.J.A.C. 19:46-1.27

Proposed: September 6, 1983 at 15 N.J.R. 1465(a).

Adopted: September 5, 1984 by the Casino Control Commission, Walter N. Read, Chairman.

Filed: September 5, 1984 as R.1984 d.422, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 5:12-63(c), -69(a) and -70(i)

Effective Date: October 1, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): May 4, 1988.

**Summary of Public Comments and Agency Responses:**

At its public meeting of July 27, 1983, the Casino Control Commission approved for publication two alternatives to N.J.A.C. 19:46-1.27. The proposed rules were published in the September 6, 1983 Register at 15 N.J.R. 1465(a).

The first alternative requires a minimum of four feet clearance in slot aisles; that is, the space between a row of slot machines and any obstructions immediately opposite that row, and the second alternative requires a minimum of five feet clearance. For testing purposes, the Commission delegated to the Division of Financial Evaluation and Control the authority to approve the placement of slot stools using either alternative.

Comments on the two proposals were received from the Division of Gaming Enforcement, Frank E. Miller, Architect, of David Jacobson Associates and the Sands Hotel and Casino.

Mr. Miller and the Sands Hotel and Casino recommended that Alternative No. 1 be adopted, which requires the four feet clearance. The Division of Gaming Enforcement recommended that the second alternative, which requires five feet clearance, be adopted.

Staff's review of both alternatives clearly indicated that there is no discernible difference in traffic flow between a six foot aisle containing slot stools with four feet clearance, and a six foot aisle without slot stools. Therefore, a five foot clearance does not appear to be necessary.

Based on staff's review of the CCTV tapes and the ongoing on-site inspection of the traffic flow, the Commission rejected the comments submitted by the Division of Gaming Enforcement and adopted Alternative No. 1.

The Commission did, however, accept a recommendation by the Division to require the casino licensees to submit an egress study to the Division. (See N.J.A.C. 19:46-1.27(i)).

Other comments received from Mr. Miller addressed changes that would foster clarity and comprehension of the rule. A review of the recommended changes indicates that they are non-substantive in nature. Thus, they have been incorporated into the adopted rule.

**Full text** of the adoption follows (additions indicated in boldface with asterisks **\*thus\***; deletions indicated in brackets with asterisks **\*[thus]\***).

19:46-1.27 Aisles; grating; electrical outlets; denominations; density; floor space; arrangement; floor plan; slot stools

Alternative No. 1

(a)-(h) No change.

(i) In requesting Commission approval for the installation of slot stools, each casino licensee shall submit to the Commission **\*and the Division\*** an egress study which shall consist of a detail floor plan depicting **\*[;]\* **\*:\*****

1.-2. No change.

3. The maximum number of people that can **\*[occupy]\* **\*pass, travel and/or exit through\***** various points along the major egress aisles.

(j) (No change.)

(k) The placement of slot stools on the casino floor shall comply with the following requirements:

1. Slot stools shall be located on only one side of a **\*[cross]\* **\*slot\***** aisle that measures less than seven feet in width. **\*A slot aisle shall be defined as the space between a row of slot machines and any obstructions immediately opposite that row;\***

2. Whenever slot stools are placed in **\*[cross]\* **\*slot\***** aisles, a minimum of four feet clearance shall exist between the back of each slot stool and the slot machine or other obstructions immediately opposite that stool;

3. Slot stools shall only be located in every other **\*[cross]\* **\*slot\***** aisle, unless the aisle width between facing machines is seven feet or greater;

4.-5. (No change.)

(a)

**PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY**

**Schedule of Charges  
Public Vehicular Parking Fees**

Adopted: August 28, 1984 by The Port Authority of New York and New Jersey, Doris E. Landre, Secretary.

Filed: September 7, 1984 as R.1984 d.424 (**Exempt, from Administrative Procedure Act** as "Exempt Agency", see N.J.S.A. 52:14B-2(a)).

Effective Date: September 14, 1984.

**Full text** of the adoption follows.

Kennedy International Airport: Revision of Schedule of Charges—Public Vehicular Parking Fees

RESOLVED, that the resolution establishing fees for parking vehicles on Public Vehicular Parking Areas at Port Authority Air Terminals, adopted by the Board at its meeting on March 11, 1948, as subsequently amended, be and the same is hereby amended, effective September 14, 1984, by revising the rate for the first 24 hours or part at Lots No. 8 and 9 at Kennedy International Airport to \$2.00 for the first 12 hours or part plus \$1.00 per six hours or part thereafter, to a maximum of \$4.00 for 24 hours.

# EMERGENCY ADOPTION

## TRANSPORTATION

(a)

### TRANSPORTATION OPERATIONS

#### Restricted Parking and Stopping Route 35 in Ocean County

#### Adopted Emergency Amendment and Concurrent Proposal: N.J.A.C. 16:28A-1.25

Emergency New Rule Adopted: August 23, 1984 by  
John P. Sheridan, Jr., Commissioner, Department of  
Transportation.

Gubernatorial Approval (see N.J.S.A. 52:14B-4(c)):  
September 17, 1984.

Emergency New Rule Filed: September 19, 1984 as  
R.1984 d.448.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-21, 39:4-  
138.1 and 39:4-199.

Emergency Amendment Effective Date: September 19,  
1984.

Emergency Amendment Expiration Date: November  
18, 1984.

**Interested persons** may submit in writing data, views or  
arguments relevant to the proposal on or before October 31,  
1984. These submissions, and any inquiries about submissions  
and responses, should be addressed to:

Charles L. Meyers  
Administrative Practice Officer  
Department of Transportation  
1035 Parkway Avenue  
CN 600  
Trenton, New Jersey 08625

These rules were adopted on an emergency basis and become  
effective upon acceptance for filing by the Office of Adminis-  
trative Law (see N.J.S.A. 52:14B-4(c) as implemented by  
N.J.A.C. 1:30-4.4). Concurrently, the provisions of these  
emergency rules are being proposed for readoption in compli-  
ance with the normal rulemaking requirements of the Adminis-  
trative Procedure Act, N.J.S.A. 52:14B-1 et seq. The re-  
adopted rules become effective upon acceptance for filing by  
the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)).

The concurrent proposal is known as PRN 1984-566.

The agency emergency adoption and concurrent proposal fol-  
lows:

#### Summary

John P. Sheridan, Jr., Commissioner, Department of  
Transportation, under authority of N.J.S.A. 27:1A-1 et seq.,  
and in particular N.J.S.A. 27:1A-5, 27:1A-44, 27:7-21(i),  
39:4-138.1, 39:4-199 and authority granted the Commissioner  
of Transportation by the provisions of N.J.S.A. 39:4-6, pro-  
poses the adoption of an emergency amendment to N.J.A.C.  
16:28A-1.25 establishing "no parking" trolley stop zones  
along Route 35 in Brick, Dover and Berkeley Townships,  
Seaside Park and Lavallette Boroughs, Ocean County. Con-  
currently, these same rules are proposed for readoption on a  
non-emergent basis.

The Department's Bureau of Traffic Engineering and  
Safety Programs, in compliance with requests from the local  
officials of Brick, Dover and Berkeley Townships, Seaside  
Park and Lavallette Boroughs, Ocean County conducted traf-  
fic investigations establishing requirements for "no parking"  
zones along the westerly (southbound) and easterly (north-  
bound) sides of Route 35 within the corporate limits of Ocean  
County. This was accomplished with the intent of enhancing  
public safety, the safe and efficient flow of traffic and the  
safe on/off loading of passengers at established trolley stops.

Enforcement of the "no parking" trolley stop zones must  
also be on a high level, because without a highly visible and  
active police effort, the violations of the regulation would be  
at an unacceptable high level. This is critical to preserve the  
integrity and continuity of efficient traffic flow.

Continuity of no parking enforcement is critical to the  
successful and efficient operation of traffic along the high-  
way. A break or interruption in this continuity of operation  
could imperil police enforcement and contribute to the de-  
stroying of the public perception of the traffic regulations  
along Route 35.

Therefore, to meet the emergent demands created by traffic  
along Route 35 in Ocean County and to maintain the integrity  
and efficient operation of traffic, this amendment has been  
adopted on an emergency basis and proposed concurrently.  
Public harm would result from the delay caused by a normal  
rulemaking processing.

#### Social Impact

The proposed amendment will establish "no parking" trol-  
ley stop zones along Route 35 in Brick, Dover and Berkeley  
Townships, Seaside Park and Lavallette Boroughs, Ocean  
County, for the safe and efficient flow of traffic, the enhance-  
ment of safety and the safe on/off loading of passengers of  
established trolley stops. Appropriate signs will be installed to  
advise the motoring public.

#### Economic Impact

The Department and local officials will incur direct and  
indirect costs for its work force for mileage, personnel and  
equipment requirements. The local officials will bear the costs  
for the installation of signs. Motorists who violate the rules  
will be assessed the appropriate fine.

**Full text** of the adopted emergency amendment and concur-  
rent proposal follows (additions indicated in boldface **thus**).

16:28A-1.25 Route 35  
(a)-(c) (No change.)

(d) The certain parts of State Highway Route 35 described in this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established trolley stops:

1. Along the southbound (westerly) side thereof in Brick, Dover and Berkeley Townships, Seaside Park and Lavallette Boroughs, Ocean County:

i. Near side trolley stops:

(1) Seabreeze Way: Beginning at the northerly curb line of Seabreeze Way and extending 80 feet northerly therefrom.

(2) 7th Avenue: Beginning at the northerly curb line of 7th Avenue and extending 80 feet northerly therefrom.

(3) Melody Avenue: Beginning at the northerly curb line of Melody Avenue and extending 80 feet northerly therefrom.

(4) "O" Street: Beginning at the northerly curb line of "O" Street and extending 80 feet northerly therefrom.

(5) Fourteenth Avenue: Beginning at the northerly curb line of Fourteenth Avenue and extending 80 feet northerly therefrom.

ii. Far side trolley stops:

(1) Strickland Boulevard: Beginning at the southerly curb line of Strickland Boulevard and extending 80 feet southerly therefrom.

(2) Ocean Bay Boulevard: Beginning at the southerly curb line of Ocean Bay Boulevard and extending 80 feet southerly therefrom.

(3) Ortley Avenue: Beginning at the southerly curb line of Ortley Avenue and extending 80 feet southerly therefrom.

(4) President Avenue: Beginning at the southerly curb line of President Avenue and extending 80 feet southerly therefrom.

(5) Washington Avenue: Beginning at the southerly curb line of Washington Avenue and extending 80 feet southerly therefrom.

(6) Jersey City Avenue: Beginning at the southerly curb line of Jersey City Avenue and extending 80 feet southerly therefrom.

(7) First Avenue—Ortley Beach: Beginning at the southerly curb line of First Avenue and extending 80 feet southerly therefrom.

(8) Sixth Avenue—Ortley Beach: Beginning at the southerly curb line of Sixth Avenue and extending 80 feet southerly therefrom.

(9) Second Avenue: Beginning at the southerly curb line of Second Avenue and extending 80 feet southerly therefrom.

(10) Ninth Avenue: Beginning at the southerly curb line of Ninth Avenue and extending 80 feet southerly therefrom.

2. Along the northbound (easterly) side thereof in Brick, Dover and Berkeley Townships, Seaside Park and Lavallette Boroughs, Ocean County:

i. Near side trolley stops:

(1) Fourth Avenue: Beginning at the southerly curb line of Fourth Avenue and extending 80 feet southerly therefrom.

(2) "F" Street: Beginning at the southerly curb line of "F" Street and extending 80 feet southerly therefrom.

(3) "K" Street: Beginning at the southerly curb line of "K" Street and extending 80 feet southerly therefrom.

(4) Coolidge Avenue—Ortley Beach: Beginning at the southerly curb line of Coolidge Avenue and extending 80 feet southerly therefrom.

(5) First Avenue—Ortley Beach: Beginning at the southerly curb line of First Avenue and extending 80 feet southerly therefrom.

(6) Camden Avenue: Beginning at the southerly curb line of Camden Avenue and extending 70 feet southerly therefrom.

(7) Kerr Avenue: Beginning at the southerly curb line of Kerr Avenue and extending 70 feet southerly therefrom.

(8) Ocean Bay Boulevard: Beginning at the southerly curb line of Ocean Bay Boulevard and extending 80 feet southerly therefrom.

(9) Kittiwake Avenue: Beginning at the southerly curb line of Kittiwake Avenue and extending 80 feet southerly therefrom.

(10) Surf Road: Beginning at the southerly curb line of Surf Road and extending 80 feet southerly therefrom.

(11) Seabreeze Way: Beginning at the prolongation of the southerly curb line of Seabreeze Way and extending 80 feet southerly therefrom.

ii. Far side trolley stops:

(1) Twenty-Fourth Avenue: Beginning at the northerly curb line of Twenty-Fourth Avenue and extending 120 feet northerly therefrom.

(2) Fourteenth Avenue: Beginning at the northerly curb line of Fourteenth Avenue and extending 80 feet northerly therefrom.

(3) Sixth Avenue—Ortley Beach: Beginning at the northerly curb line of Sixth Avenue and extending 80 feet northerly therefrom.

(4) New York Avenue: Beginning at the northerly curb line of New York Avenue and extending 70 feet northerly therefrom.

(5) Seventh Avenue: Beginning at the northerly curb line of Seventh Avenue and extending 80 feet northerly therefrom.

# MISCELLANEOUS NOTICES

## ENVIRONMENTAL PROTECTION

(a)

### DIVISION OF WATER RESOURCES

#### Amendment to the Lower Raritan/Middlesex Water Quality Management Plan

#### Public Notice

Take notice that Middlesex County has submitted for approval a plan amendment for the Lower Raritan/Middlesex Water Quality Management (WQM) Plan, according to the "Water Quality Management Planning and Implementation Process" Regulations (N.J.A.C. 7:15-3.4). The plan amendment, Amendment No. One, A Continuing Planning Process for the Lower Raritan/Middlesex County Area, provides: a description of planning priorities; a summary of certification conditions; a discussion of the implementation of the Continuing Planning Process; procedures for updating and amending the WQM Plan; procedures for WQM plan consistency reviews; and the By-Laws of the Lower Raritan/Middlesex County Water Resources Association.

This notice is being given to inform the public that a plan amendment has been developed for the Lower Raritan/Middlesex WQM Plan. All information dealing with the aforesaid WQM Plan, the "New Jersey Water Quality Planning Act," and the proposed amendment is located at the office of the New Jersey Department of Environmental Protection (NJDEP), Division of Water Resources, Bureau of Planning and Standards located at 25 Arctic Parkway in the Township of Ewing, Mercer County. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday.

Interested persons may submit written comments on the amendment to George Horzepa, Bureau of Planning and Standards, at the NJDEP address cited above. All comments must be submitted within thirty days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by NJDEP with respect to the amendment request.

Any interested person may request in writing that NJDEP hold a nonadversarial public hearing on the amendments. This request must state the nature of the issues to be raised at the proposed hearing and must be submitted within 30 days of the date of this public notice to George Horzepa at the NJDEP address cited above. If a public hearing is held, the public comment period in this notice shall automatically be extended to the close of the public hearing.

## TREASURY-GENERAL

(b)

### DIVISION OF BUILDING AND CONSTRUCTION

#### New Project Solicitation of Design Services

Applications (DBC Form 48B) for the project described below are due in DBC no later than 5:00 P.M., October 12, 1984, and shall be submitted to the attention of Ron Wengerd, Secretary of the A/E Selection Board. Submissions received after this time and date will not be considered. If not currently prequalified by DBC, applicants must have submitted a completed DBC Form 48A by the closing date of September 28, 1984. Either DBC form can be obtained by calling (609) 984-6979.

#### 1985 MISCELLANEOUS ASSIGNMENT PANELS

DBC intends to select a number of design and survey consultants to provide technical back-up services for small projects throughout the State during the 1985 calendar year. Only firms which carry or intend to carry professional liability insurance need respond. Minority-owned firms are encouraged to apply.

#### Architectural Panel

CCE: From \$10,000 to \$200,000 Per Project

The typical projects involve roof repair/replacement, minor exterior renovation, energy conservation, etc. Assignment preference on renovation projects will be given to firms which have attended the Department of Health/DBC asbestos abatement seminars. No architectural firm with a DBC pre-qualification rating in excess of \$5,000,000 will be considered.

#### Mechanical/Electrical Engineering Panel

CCE: From \$10,000 to \$200,000 Per Project

The typical projects can involve all phases of engineering with particular emphasis on electrical, mechanical, HVAC, plumbing, energy conservation, etc. Assignment preference on renovation projects will be given to firm which have attended the Department of Health/DBC asbestos abatement seminars.

#### Civil/Sanitary Engineering Panel

CCE: From \$10,000 to \$200,000 Per Project

The scopes of these projects typically involve the traditional elements of civil sanitary engineering with additional requirements for specialized fields such as sewage and water treatment, water supply, etc.

**TREASURY-GENERAL**

**MISCELLANEOUS NOTICES**

**Dam Inspection/Design Panel**  
**CCE: From \$10,000 to \$200,000 Per Project**

Applicants must have solid experience in dam design as well as inspection.

**Structural Engineering Panel**  
**CCE: From \$10,000 to \$200,000 Per Project**

Only firms which normally hold themselves out as structural engineering consultants will be considered for this panel.

**Surveying Panel**  
**CCE: Not Applicable**

Land surveyors must be licensed in the State of New Jersey and must be capable of producing surveys which conform to "State of New Jersey, Division of Building & Construction's Standard Specifications for Boundary and Topographic Surveys", as amended.

**(a)**

**DIVISION OF BUILDING AND CONSTRUCTION**

**Architect-Engineer Selection Notice of Assignments**

The following assignments have been made:

DBC NO.	PROJECT	A/E	CCE
M567	Replacement of Steam & Condensate Lines Vroom Building Trenton Psychiatric Hospital Trenton, NJ	Wagner Assoc., Inc.	\$16,000.00
C248	Medical Annex Trenton State Prison Trenton, NJ	Brown & Hale	\$439,000.00
M573	Renovation of Graewil Group Home Mantoloking, NJ	Milstein, Yezzi, Sapp	\$40,000.00
H745	Repairs to Montag, Alderice and Annex E. Buildings Montclair State College Upper Montclair, NJ	Dennis A. Mylan, AIA	\$31,000.00
M582	Emergency Roof Repairs on Double Cottages Woodbridge Developmental Center Woodbridge, NJ	L.J. Mineo, Jr., AIA	CCE Unknown
E134	Survey of Electrical System Marie Katzenbach School for the Deaf W. Trenton, NJ	H.V. Weeks	\$2,000.00 Study

M577	Repair/Upgrade Fire Alarm System-Four Residential Centers and One Group Home Vineland, Avenel, Cedar Grove and Trenton (2)	J.C. Morris	\$17,000.00
P454	Roof Repairs Twin Lights Historic Site Matawan, NJ	Eugene F. O'Connor	\$32,000.00
M581	Study for Lead Paint Removal Arthur Brisbane Child Treatment Center Farmingdale, NJ	Eugene F. O'Connor	\$2,000.00 Study
A477	HVAC Water System Review Records Storage Center Trenton, NJ	John C. Morris & Associates	\$2,500.00 Study
S177	Roof Repair Salem MV Inspection Station Salem, NJ	Glenn A. Kahley, AIA	\$20,000.00
A476	Structural Review Record Storage Center Trenton, NJ	Paulus-Sokolowski-Sartor	\$2,500.00 Study
P445-01	Study for Restoration/Conservation Kuser Mansion High Point State Park	The RBA Group	\$24,380.00 Services

**Competitive Proposals**

	The RBA Group	\$24,830 Lump Sum	
	Nadasky-Kopelson, PA	\$48,500 Lump Sum	
	Bertone-Pineles	\$75,700 Lump Sum	
M570	Water Damage & Life Safety Alterations-Administration Bldg. Life Safety Alterations-Clothing Distribution Center Woodbine Developmental Center Woodbine, NJ	Water W. Spencer & Associates	\$144,000.00

**Competitive Proposals**

	Walter W. Spencer & Associates	8.00%	
	Borda Engineers	11.20%	
	Pennonni Associates	12.00%	
M571	Reroofing & Life Safety Renovations-Auditorium Vineland Developmental Center Vineland, NJ	Bernard DeAnnuntis & Associates	\$102,000.00
	Bernard DeAnnuntis & Associates	6.87%	
	Harry A. DiFazio	7.90%	
	Lammey & Giorgio	9.00%	
S164-01	Computer Room Expansion Division of Systems & Communications (SAC) Bldg. State Police Headquarters W. Trenton, NJ	Jansen & Rogan Engrs., PA	\$1,300,000.00

**Competitive Proposals**

	Jansen & Rogan Engineers, PA	7.50%	
	Tighe, Firtion & Carrino & Associates	6.91%	
	CUH2A	15.00%	

# REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

(The research supplement to the New Jersey Administrative Code)

With this issue, OAL Publications institutes the new Register Index of Rule Proposals and Adoptions, combining the original Index of Proposed Rules and Index of Adopted Rules into a single listing published in every Register. In addition to simplifying research of State agency rulemaking, this important step refines the index in substance and form. *Rule adoptions promulgated in this issue already appear in the Index, and all adoptions in subsequent Registers will appear in the Index of the Register of promulgation.* Formerly, adoptions were not entered in the index listing until the month following adoption. This new feature will facilitate rule research by showing you at a glance all adopted rule changes in any rulemaking area since the most recent update to the Administrative Code.

Further improvements in the Index include the definition of key terms and abbreviations and the addition of an N.J.R. Citation Locator. The locator quickly leads you to the text of a proposal or adoption by converting an N.J.R. citation into the date of the Register in which the rule was published.

## HOW THE INDEX WORKS

The Register Index of Rule Proposals and Adoptions is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule changes proposed in this issue will be entered in the Index of the next Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes to a given rule, scan the citations above and below that rule to find any entries which might contain related rule adoptions, including the one you are researching.

**At the bottom of the index listing for each Administrative Code Title is the date of the latest update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the August 6, 1984 issue.**

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to timely adopt a proposed rule requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq., as amended and supplemented), implemented through the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired pursuant to N.J.A.C. 1:30-4.2(d)" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index.

### Terms and abbreviations:

*N.J.A.C. Citation.* The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

*Proposal Notice (N.J.R. Citation).* The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

*Document Number.* The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of adoption of the rule and its chronological ranking in the Registry. As an example, R.1984 d.300 means the three hundredth rule adopted in 1984.

*Adoption Notice (N.J.R. Citation).* The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

*Transmittal.* A number and date verifying the currency of rules found in each Title of the New Jersey Administrative Code: rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

# N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
15 N.J.R. 1621 and 1704	October 3, 1983	16 N.J.R. 779 and 940	April 16, 1984
15 N.J.R. 1705 and 1784	October 17, 1983	16 N.J.R. 941 and 1130	May 7, 1984
15 N.J.R. 1785 and 1908	November 7, 1983	16 N.J.R. 1131 and 1294	May 21, 1984
15 N.J.R. 1909 and 1972	November 21, 1983	16 N.J.R. 1295 and 1406	June 4, 1984
15 N.J.R. 1973 and 2084	December 5, 1983	16 N.J.R. 1407 and 1634	June 18, 1984
15 N.J.R. 2085 and 2184	December 19, 1983	16 N.J.R. 1635 and 1832	July 2, 1984
16 N.J.R. 1 and 92	January 3, 1984	16 N.J.R. 1833 and 2026	July 16, 1984
16 N.J.R. 93 and 172	January 17, 1984	16 N.J.R. 2027 and 2184	August 6, 1984
16 N.J.R. 173 and 292	February 6, 1984	16 N.J.R. 2185 and 2318	August 20, 1984
16 N.J.R. 293 and 404	February 21, 1984	16 N.J.R. 2319 and 2390	September 4, 1984
16 N.J.R. 405 and 470	March 5, 1984	16 N.J.R. 2391 and 2474	September 17, 1984
16 N.J.R. 471 and 576	March 19, 1984	16 N.J.R. 2475 and 2708	October 1, 1984
16 N.J.R. 577 and 778	April 2, 1984		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
<b>ADMINISTRATIVE LAW—TITLE 1</b>				
1:1-1.3	Reaching the merits	15 N.J.R. 1398(a)		
1:1-2.2	Jurisdiction of OAL	16 N.J.R. 1636(a)	R.1984 d.445	16 N.J.R. 2518(a)
1:1-3.3	Transcripts at public expense for use on appeal	16 N.J.R. 1834(a)	R.1984 d.446	16 N.J.R. 2518(b)
1:1-3.7, 3.12, 3.13	Lay representation in contested cases	16 N.J.R. 1408(a)		
1:1-5.2	Notification of second jurisdictional claims	16 N.J.R. 2320(a)		
1:1-12.6	Correction: Standards for participation			16 N.J.R. 2518(c)
1:1-14	Consolidation and predominant interest motions: timing of decision	16 N.J.R. 1413(a)	R.1984 d.386	16 N.J.R. 2354(a)
1:1-17.1	Approving the settlement	15 N.J.R. 1401(a)		
1:2-2.10	Lay representation in contested cases	16 N.J.R. 1408(a)		
1:2-3.4	Motor vehicle surcharge cases failure to appear at in-person hearing	16 N.J.R. 2186(a)		
1:6A-3.1	Special education hearings: emergency relief applications	16 N.J.R. 780(a)		
1:6A-4.2	Lay representation in contested cases	16 N.J.R. 1408(a)		
1:6A-5.3	Special education hearings: transfer of record	16 N.J.R. 408(a)		
1:10-17.1	Division of Public Welfare cases	16 N.J.R. 945(a)		
<b>(TRANSMITTAL 6, dated July 16, 1984)</b>				
<b>AGRICULTURE—TITLE 2</b>				
2:5-4	Area quarantine for avian influenza (with Emergency Adoption)	15 N.J.R. 2176(a)		
2:52-2.1, 2.2, 3.1, 3.2	Changes in milk suppliers: notice requirements	16 N.J.R. 2028(a)		
2:52-6.1, 6.2, 6.3	Determining the cost of milk and milk products	16 N.J.R. 2030(a)		
2:53-3.2	Determining the cost of milk and milk products	16 N.J.R. 2030(a)		
2:53-4.1, 4.2	Changes in milk suppliers: notice requirements	16 N.J.R. 2028(a)		
2:76-5	Cost-sharing for soil and water conservation projects	16 N.J.R. 1637(a)	R.1984 d.419	16 N.J.R. 2426(a)
2:76-6	Acquisition of development easements	16 N.J.R. 1639(a)	R.1984 d.418	16 N.J.R. 2427(a)
2:90-2	Eligible projects for soil and water conservation cost sharing	16 N.J.R. 1416(a)		
<b>(TRANSMITTAL 23, dated July 16, 1984)</b>				
<b>BANKING—TITLE 3</b>				
3:1-1.2	Readopted rules concerning Interest on Other Loans	16 N.J.R. 1642(a)	R.1984 d.397	16 N.J.R. 2356(a)

<b>N.J.A.C. CITATION</b>		<b>PROPOSAL NOTICE (N.J.R. CITATION)</b>	<b>DOCUMENT NUMBER</b>	<b>ADOPTION NOTICE (N.J.R. CITATION)</b>
3:19-2.1	Repealed: maximum interest rate on home repair contracts	15 N.J.R. 1788(a)	R.1984 d.334	16 N.J.R. 2084(a)
3:22-1	Repealed: maximum finance rate on insurance premiums	15 N.J.R. 1707(a)	R.1984 d.346	16 N.J.R. 2264(a)
3:24	Licensing of check cashing business	16 N.J.R. 186(b)	R.1984 d.345	16 N.J.R. 2264(b)

(TRANSMITTAL 22, dated July 16, 1984)

**CIVIL SERVICE—TITLE 4**

4:1-1.1-1.10	Purpose and application of rules	16 N.J.R. 1132(a)		
4:1-2.1	Words and phrases defined	16 N.J.R. 2187(a)		
4:1-5.5	Awarding back pay	16 N.J.R. 97(a)	R.1984 d.435	16 N.J.R. 2519(a)
4:1-10.2, 13.9, 13.10	Working test period; seniority and promotions	16 N.J.R. 1296(a)	R.1984 d.433	16 N.J.R. 2520(a)
4:1-14.6	Interim appointments and return to permanent titles	16 N.J.R. 1134(a)		
4:1-14.7	Emergency appointments	16 N.J.R. 2191(a)		
4:1-18.3	Compensation for holidays	16 N.J.R. 1421(a)		
4:2-8.1	Seniority and promotions	16 N.J.R. 1296(a)	R.1984 d.433	16 N.J.R. 2520(a)
4:2-14.1	Interim appointments and return to permanent titles	16 N.J.R. 1134(a)		
4:2-18.1, 18.2, 18.3	Compensation for holidays	16 N.J.R. 1421(a)		
4:3-6.5	Repealed: Special police officer to police officer	16 N.J.R. 1136(a)	R.1984 d.377	16 N.J.R. 2356(b)
4:3-6.8	Repealed: Unclassified appointments by assignment judges	16 N.J.R. 1137(a)	R.1984 d.378	16 N.J.R. 2356(c)
4:3-8.3	Seniority and promotions	16 N.J.R. 1296(a)	R.1984 d.433	16 N.J.R. 2520(a)
4:3-14.2	Interim appointments and return to permanent titles	16 N.J.R. 1134(a)		

(TRANSMITTAL 19, dated June 18, 1984)

**COMMUNITY AFFAIRS—TITLE 5**

5:22	Readopt tax exemption rules for improvements to residential dwellings	16 N.J.R. 2191(b)		
5:23-1.6	UCC: inspection of public school facilities	16 N.J.R. 1812(a)	R.1984 d.382	16 N.J.R. 2356(d)
5:23-3.14-3.17, 3.20	Uniform Construction Code: subcodes	16 N.J.R. 1139(a)	R.1984 d.314	16 N.J.R. 2084(b)
5:23-4.12	Uniform Construction Code: private enforcing agencies	16 N.J.R. 2321(a)		
5:23-4.12, 4.22, 4.25	UCC: private enforcing agencies; premanufactured construction	16 N.J.R. 2031(a)		
5:23-4.20	UCC: correction concerning Department fees			16 N.J.R. 2267(a)
5:23-5.4	Uniform Construction Code: inspector trainees	16 N.J.R. 1643(a)		
5:23-5.5	Uniform Construction Code: engineer and architect licensure; fire service experience	16 N.J.R. 1644(a)	R.1984 d.425	16 N.J.R. 2520(b)
5:26-1.1, 1.3, 1.4, 3.1, 4.3, 9.3, 11.3	Planned real estate full disclosure	16 N.J.R. 2032(a)	R.1984 d.434	16 N.J.R. 2522(a)
5:27-5.3	Fire safety in rooming and boarding houses	16 N.J.R. 299(a)		
5:30-10.1, 10.2	Local finance: municipal port authorities	15 N.J.R. 1304(a)	R.1984 d.381	16 N.J.R. 2357(a)
5:31	Local Finance Board: local authorities	16 N.J.R. 1835(a)		
5:80-5	Multi-family projects: transfer of ownership interests	16 N.J.R. 951(a)	R.1984 d.318	16 N.J.R. 2090(a)
5:80-6	Housing and Mortgage Finance Agency projects: Tenant Selection Standards	16 N.J.R. 954(a)		
5:80-7	Housing and Mortgage Finance Agency: housing sponsor's role	16 N.J.R. 2178(a)		

(TRANSMITTAL 20, dated July 16, 1984)

**EDUCATION—TITLE 6**

6:11-1-8	Teacher Preparation and Certification	16 N.J.R. 1646(a)		
6:11-12	Readopt Supplement to Standards for State Approval of Teacher Education	16 N.J.R. 1841(a)	R.1984 d.432	16 N.J.R. 2523(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
6:20-4 6:20-4.4	Tuition for private schools for handicapped Correction: Tuition for private schools for handicapped	16 N.J.R. 1298(a)	R.1984 d.398	16 N.J.R. 2358(a) 16 N.J.R. 2530(a)
6:20-5 6:20-7	Business services: readopt State Aid rules Business services: readopt Contracting Qualification and Debarment rules	16 N.J.R. 2392(a) 16 N.J.R. 2394(a)		
6:22-1.8 6:39-1	School districts: long-range facilities plans Evaluation: readopt Statewide Assessment rules	16 N.J.R. 1850(a) 16 N.J.R. 1852(a)		
<b>(TRANSMITTAL 22, dated July 16, 1984)</b>				
<b>ENVIRONMENTAL PROTECTION—TITLE 7</b>				
7:1G-1.2, 6	Worker and Community Right to Know: Trade Secrets (see also 8:59-3)	16 N.J.R. 1854(a)	R.1984 d.437	16 N.J.R. 2530(b)
7:1G-2.1	Worker and Community Right to Know: designation of hazardous substances	16 N.J.R. 1861(a)	R.1984 d.416	16 N.J.R. 2432(a)
7:11-2.2, 3.4, 3.5 7:6-1.37(d)	Sanitary Landfill Contingency Fund Waiver of maximum tow line length for parasailing	16 N.J.R. 958(a)	R.1984 d.351	16 N.J.R. 2268(a) 16 N.J.R. 2310(a)
7:9-13 7:10-13.15	Readopted Sewer Extension Ban rules Water and wastewater systems: licensing of operators	16 N.J.R. 660(a) 16 N.J.R. 1423(a)	R.1984 d.336 R.1984 d.350	16 N.J.R. 2096(a) 16 N.J.R. 2268(b)
7:10-14 7:10-14.7	Community drinking-water systems: interim testing schedule for hazardous contaminants Interim safe drinking water periodic testing requirements	16 N.J.R. 1301(a) 16 N.J.R. 2396(a)	R.1984 d.400	16 N.J.R. 2362(a)
7:13-1.4, 4.7, 5.2, 5.4 7:13-1.11(c)27	Flood hazard area control Floodways along Pequest River in Sussex and Warren counties	16 N.J.R. 2193(a) 16 N.J.R. 1306(a)		
7:13-1.11(d)49 7:13-1.11(d)51	Floodway delineations in Union County Floodways along North Branch Raritan (Project U)	16 N.J.R. 1146(a) 16 N.J.R. 1307(a)		
7:13-7.1(c)30 7:13-7.1(c)31	Floodway delineation along Paulins Kill Project MR floodway delineations in Warren, Hunterdon, Sussex and Morris counties	16 N.J.R. 2397(a) 16 N.J.R. 1863(a)		
7:13-7.1(d)42 7:13-7.1(d)47	Floodway delineation along Green Brook in Somerset and Union counties Floodway delineation along Bear Brook in Park Ridge, Bergen County	16 N.J.R. 1864(a) 16 N.J.R. 1865(a)	R.1984 d.438 R.1984 d.404	16 N.J.R. 2543(a) 16 N.J.R. 2432(b)
7:13-7.1(d)50 7:13-7.1(d)52	Floodway delineation along North Branch Foulerton's Brook Supplemental Project I floodway delineations in the Passaic River Basin	16 N.J.R. 2398(a) 16 N.J.R. 1865(b)		
7:14-2.13, 2.14, 2.15 7:14A-4.4, 6.1, 6.15 7:19-3.5	Construction of wastewater treatment facilities Correction: Hazardous waste land disposal Review of fee schedule for Water Allocation Permits	16 N.J.R. 1147(a) 15 N.J.R. 1997(a)	R.1984 d.339 R.1984 d.198	16 N.J.R. 2102(b) 16 N.J.R. 2433(a) 16 N.J.R. 2173(a)
7:19-4.3, 4.7, 4.9 7:19-5 7:19-6 7:19A 7:19B 7:20 7:25-2	Water supply allocation: payments for diversion Small water company takeover Water Supply Management Act Rules Emergency Water Supply Allocation Plan rules Emergency Water Surcharge Schedule Dam Safety Standards Readopt rules on Use of Land and Water Areas under DEP control	16 N.J.R. 664(a) 16 N.J.R. 563(a) 16 N.J.R. 2399(a) 16 N.J.R. 308(a) 16 N.J.R. 314(a) 16 N.J.R. 790(a) 16 N.J.R. 1309(a)	R.1984 d.335	16 N.J.R. 2103(a)
7:25-4.19 7:25-5	Endangered and Nongame Species Advisory Committee 1984-85 Game Code	16 N.J.R. 2033(a) 16 N.J.R. 972(a)	R.1984 d.317	16 N.J.R. 2106(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
7:25-5.29	1984 shotgun deer season permit quotas	16 N.J.R. 2195(a)		
7:25-6	1985-86 Fish Code	16 N.J.R. 2034(a)		
7:25-16.1	Readopt freshwater fishing license lines	16 N.J.R. 2044(a)		
7:25-17.1-17.4	Disposal of dead deer	16 N.J.R. 1148(a)	R.1984 d.352	16 N.J.R. 2271(a)
7:25-18.2	Ocean and bay pound nets	16 N.J.R. 1866(a)	R.1984 d.439	16 N.J.R. 2543(b)
7:25-22.2	Purse seine fishing of menhaden	16 N.J.R. 1668(a)		
7:25-22.2	Purse seine fishing of menhaden	Emergency	R.1984 d.315	16 N.J.R. 2171(a)
7:26	Solid and hazardous waste collector-haulers: Disclosure Statement Forms	16 N.J.R. 1425(a)		
7:26-1.4, 2.6, 2.10, 2.13, 3.5	Disposal of asbestos waste	16 N.J.R. 440(a)		
7:26-1.7	Solid waste disposal: exemption from registration	16 N.J.R. 1100(a)	R.1984 d.399	16 N.J.R. 2367(a)
7:26-6.5	Interdistrict and intradistrict solid waste flow	16 N.J.R. 1000(a)		
7:26-6.5	Interdistrict and intradistrict solid waste flow	16 N.J.R. 1149(a)		
7:26-7.3-7.6	Hazardous waste: national uniform manifest system	16 N.J.R. 2044(b)		
7:26-9.6	Correction: Hazardous waste management, Phase II authorization	_____	_____	16 N.J.R. 2119(a)
7:26-10.6, 10.8, 11.3, 12.2	Correction: Hazardous waste land disposal	15 N.J.R. 1997(a)	R.1984 d.198	16 N.J.R. 2433(a)
7:26-10.7	Hazardous waste incinerators	16 N.J.R. 2046(a)		
7:27	Air quality standards: State Implementation Plan for lead	16 N.J.R. 1669(a)		
7:27-8	Air pollution control: permits and Certificates	16 N.J.R. 1671(a)		
7:27-13.1, 13.2, 13.5-13.8	Ambient air quality standards	16 N.J.R. 1676(a)		
7:27-18.1, 18.2, 18.3, 18.4, 18.7	Air pollution control: emission offset rules	16 N.J.R. 1679(a)		
7:28-1.4, -42	Radio frequency radiation	16 N.J.R. 7(a)	R.1984 d.337	16 N.J.R. 2120(a)
7:28-19	Licensing of medical radiologic technologists	16 N.J.R. 797(a)	R.1984 d.349	16 N.J.R. 2271(a)
7:28-21.1-21.6	Analytical x-ray installations: readopted Equipment Safety Requirements	16 N.J.R. 1310(a)	R.1984 d.353	16 N.J.R. 2276(a)
7:29-1.1-1.5	Noise control	16 N.J.R. 1682(a)		
7:29-1.1-1.5	Noise control: extension of comment period	16 N.J.R. 2405(a)		
7:36	Green Acres Program	16 N.J.R. 2405(b)		

(TRANSMITTAL 21, dated July 16, 1984)

#### HEALTH—TITLE 8

8:21A-2.55	Drug manufacturing: medical gas lot or control numbers	16 N.J.R. 1685(a)		
8:31-26.1	Health Care Facilities: readopted Ownership by Convicted Persons rule	16 N.J.R. 1425(b)	R.1984 d.365	16 N.J.R. 2276(b)
8:31-26.3	Health Care Facilities: readopted Employee Physicals	16 N.J.R. 1426(a)	R.1984 d.361	16 N.J.R. 2276(c)
8:31-26.4	Health Care Facilities: readopted Child Abuse and Neglect rule	16 N.J.R. 1428(a)	R.1984 d.357	16 N.J.R. 2277(a)
8:31-26.5	Health Care Facilities: readopted Licensure Fees	16 N.J.R. 1430(a)	R.1984 d.364	16 N.J.R. 2278(a)
8:31-26.5	Licensure fees for hospital facilities	16 N.J.R. 802(a)	R.1984 d.358	16 N.J.R. 2278(b)
8:31-26.6	Reporting information to Medical Board	16 N.J.R. 804(a)	R.1984 d.359	16 N.J.R. 2279(a)
8:31-30.1	Health care facilities: computing plan review fee	16 N.J.R. 2047(a)		
8:31A-7	SHARE: Rate Review Guidelines	16 N.J.R. 1002(a)	R.1984 d.440	16 N.J.R. 2545(a)
8:31B-3	Hospital reimbursement: procedure and methodology	16 N.J.R. 2321(b)		
8:31B-3.23, 3.24, 3.43, 3.75	Hospital rate setting; outpatient dialysis reimbursement hospital-based physician costs	16 N.J.R. 669(a)		
8:31B-4.6, 4.65	Hospital reimbursement: financial elements and reporting	16 N.J.R. 2326(a)		
8:33C	Perinatal Services: readopted Certificate of Need rules	16 N.J.R. 1431(a)	R.1984 d.360	16 N.J.R. 2281(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
8:33E-1	Cardiac diagnostic facilities: readopted Certificate of Need rules	16 N.J.R. 1154(a)	R.1984 d.325	16 N.J.R. 2122(a)
8:33E-2.1-2.5, 2.10, 2.12, 2.13	Cardiac surgical centers: need review	16 N.J.R. 2196(a)		
8:33G-1	Computerized Tomography Services: readopted Certificate of Need rules	16 N.J.R. 1157(a)	R.1984 d.327	16 N.J.R. 2125(a)
8:33H-2.1, 3.1-3.6	Long term care facilities and services: need review	16 N.J.R. 2200(a)		
8:33I	Megavoltage oncology services: 1984 batching cycle deadline	_____	_____	16 N.J.R. 2310(b)
8:33I-1	Megavoltage radiation oncology services: need review	16 N.J.R. 2205(a)		
8:35	Repeal (see 8:43B-8)	16 N.J.R. 188(a)		
8:43-2	Sheltered care homes: readopted Building Requirement rules	16 N.J.R. 325(a)	R.1984 d.363	16 N.J.R. 2283(a)
8:43-4.13	Residential care facilities: personal needs allowance	16 N.J.R. 808(a)	R.1984 d.326	16 N.J.R. 2126(a)
8:43A	Ambulatory Care Facilities: readopt standards for licensure	16 N.J.R. 2208(a)		
8:43B-1.7, 1.8	Licensure fees for hospital facilities	16 N.J.R. 802(a)	R.1984 d.358	16 N.J.R. 2278(b)
8:43B-3	Hospital facilities: readopted Physical Plant rules	16 N.J.R. 327(a)	R.1984 d.366	16 N.J.R. 2284(a)
8:43B-7	Readopted Medical Records	16 N.J.R. 1433(a)	R.1984 d.362	16 N.J.R. 2284(b)
8:43B-8	Hospital licensure: obstetric and newborn services	16 N.J.R. 188(a)		
8:48	Public Health Priority Funding: readopted Administrative Policies	16 N.J.R. 1435(a)	R.1984 d.317	16 N.J.R. 2284(c)
8:59	Worker and Community Right to Know Act	16 N.J.R. 1869(a)	R.1984 d.441	16 N.J.R. 2555(a)
8:59-3	Worker and Community Right to Know: Trade Secrets (see also 7:1G-6)	16 N.J.R. 1924(a)	R.1984 d.441	16 N.J.R. 2555(a)
8:65-2	Readopt Security Requirements over Controlled Dangerous Substances	16 N.J.R. 1311(a)		
8:65-7	Prescription requirements for controlled dangerous substances	16 N.J.R. 2327(a)		
8:65-10.1	Controlled dangerous substances, Schedule I: Alfentanil	16 N.J.R. 2332(a)		
8:71	Generic drug list additions (see 16 N.J.R. 142(b), 1093(a))	15 N.J.R. 1819(a)	R.1984 d.427	16 N.J.R. 2672(a)
8:71	Additions to generic drug list (see 16 N.J.R. 1092(a), 1595(a), 1994(a))	16 N.J.R. 202(a)	R.1984 d.430	16 N.J.R. 2673(a)
8:71	Generic drug list additions	16 N.J.R. 1436(a)	R.1984 d.429	16 N.J.R. 2672(b)

(TRANSMITTAL 19, dated July 16, 1984)

#### HIGHER EDUCATION—TITLE 9

9:2-1, 2, 3, 8, 9	Repeal (See 9:6)	16 N.J.R. 2209(a)		
9:2-4, 5, 6, 7, 12, 13	Readopt Administrative Policies for colleges and universities	16 N.J.R. 2216(a)		
9:2-11	Recodify as 9:7-7	16 N.J.R. 2218(a)		
9:2-14	Monitoring of violence and hazing on campus	16 N.J.R. 1930(a)		
9:5-2	Tuition-free job training courses	16 N.J.R. 1931(a)		
9:6	State College: policies and standards	16 N.J.R. 2209(a)		
9:7-3.1	Tuition Aid Grant Award Table, 1984-85	Emergency	R.1984 d.376	16 N.J.R. 2308(a)
9:7-7	Readopt Veteran's Tuition Credit Program	16 N.J.R. 2218(a)		
9:9-1.16	Defaulted student loans: interest liability	16 N.J.R. 1012(a)		
9:9-9.2	PLUS Program: direct loan prerequisites	16 N.J.R. 1012(b)		
9:11-1.7	Educational Opportunity Fund: undergraduate grants	16 N.J.R. 1932(a)		

(TRANSMITTAL 21, dated July 16, 1984)

<b>N.J.A.C. CITATION</b>		<b>PROPOSAL NOTICE (N.J.R. CITATION)</b>	<b>DOCUMENT NUMBER</b>	<b>ADOPTION NOTICE (N.J.R. CITATION)</b>
<b>HUMAN SERVICES—TITLE 10</b>				
10:44A-1.1-1.5, 2.2, 2.4, 3.1, 3.3, 4.3, 5.2, 9	Community residences for developmentally disabled: Supportive Living Programs	16 N.J.R. 1438(a)		
10:49-1.1	Medicaid eligibility	16 N.J.R. 2219(a)		
10:49-1.7	Administration Manual: utilization of insurance benefits	16 N.J.R. 1933(a)		
10:49-1.27	Long-term care facilities: completion of field audit	16 N.J.R. 2413(a)		
10:51-1.17, 3.15	Pharmaceutical Manual: dispensing fee and capitation rates	16 N.J.R. 1313(a)	R.1984 d.329	16 N.J.R. 2127(a)
10:52-1.2, 1.3	Covered and non-covered inpatient hospital services	16 N.J.R. 483(a)		
10:53-1.2, 1.3	Covered and non-covered inpatient hospital services	16 N.J.R. 483(a)		
10:54-1.3	Progress notes for mental health providers	16 N.J.R. 2333(a)		
10:54-3	Preproposal: radioimmunoassay laboratory fees	16 N.J.R. 677(a)		
10:54-3	Procedure Code Manual revisions	16 N.J.R. 1685(b)		
10:56-1.11	Dental Services: utilization of insurance benefits	16 N.J.R. 1933(a)		
10:57-1	Podiatry Services Manual: readopted General Provisions	16 N.J.R. 1441(a)	R.1984 d.343	16 N.J.R. 2285(a)
10:59-1	Readopted Medical Supplies and Equipment rules	16 N.J.R. 1442(a)	R.1984 d.385	16 N.J.R. 2368(a)
10:59-1.2, 1.4, 1.9, 1.12	Medical Supplier Manual: recycling of durable medical equipment	16 N.J.R. 2048(a)		
10:63-1.4	Long term care: services requiring consultations or referrals	15 N.J.R. 1543(a)	R.1984 d.313	16 N.J.R. 2127(b)
10:63-1.6	Changes in level of long-term care	16 N.J.R. 2049(a)		
10:63-1.22	Long-term care facilities: completion of field audit	16 N.J.R. 2413(a)		
10:63-1.23	Long term care: final audited rate calculation	16 N.J.R. 2335(a)		
10:65-2	Medical Day Care Manual: readopt Billing Procedures	16 N.J.R. 2336(a)		
10:66-1.9	Progress notes for mental health providers	16 N.J.R. 2333(a)		
10:67-1.6	Progress notes for mental health providers	16 N.J.R. 2333(a)		
10:69A-6.9	PAAD: authorization to release prescription information	16 N.J.R. 2050(a)		
10:69A-7.1	Pharmaceutical assistance: recovery of benefits correctly made	16 N.J.R. 2051(a)		
10:80	Organization of Division of Public Welfare Organizational		R.1984 d.409	16 N.J.R. 2434(a)
10:81-3.17	PAM: Continued absence of parent	16 N.J.R. 825(a)	R.1984 d.415	16 N.J.R. 2440(a)
10:81-3.34	PAM: Temporary absence of children from home	15 N.J.R. 2134(a)		
10:81-1, 4, 5	PAM: readopted Assistance in New Jersey; Methods of Payment; continuing Eligibility in AFDC	16 N.J.R. 1446(a)	R.1984 d.405	16 N.J.R. 2437(a)
10:81-4.23	PAM: basis for recovery of overpayments	16 N.J.R. 1314(a)	R.1984 d.347	16 N.J.R. 2285(b)
10:81-6	PAM: complaints, hearings and administrative reviews	16 N.J.R. 2051(b)		
10:81-2.19	ASH: recovery of overpayments	16 N.J.R. 2055(a)		
10:82-3.1-3.7	ASH: resource eligibility in AFDC	16 N.J.R. 486(a)		
10:82-4	ASH: readopt Income rules	16 N.J.R. 2336(b)		
10:85-3.2, 4.6	GAM: nonresident eligibility; travel grants	16 N.J.R. 2219(a)		
10:85-3.3	GAM: unearned income	16 N.J.R. 2056(a)		
10:85-3.3	GAM: maternity home care	16 N.J.R. 683(a)	R.1984 d.403	16 N.J.R. 2441(a)
10:85-7	GAM: readopt Notices and Hearings rules	16 N.J.R. 2221(a)		
10:87-4.1	Food Stamp Program: resource eligibility	16 N.J.R. 1934(a)	R.1984 d.414	16 N.J.R. 2441(b)
10:87-12.3, 12.4 12.7	Food Stamp Program: maximum allowable income	16 N.J.R. 1935(a)	R.1984 d.413	16 N.J.R. 2442(a)
10:90-4.2	Monthly Reporting Policy Handbook: AFDC benefit computation	16 N.J.R. 1159(a)	R.1984 d.348	16 N.J.R. 2285(c)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
10:95-1	Organization of Commission for Blind and Visually Impaired	Organizational	R.1984 d.406	16 N.J.R. 2442(b)
10:99	Commodities and Services Council: Rehabilitation Facilities	16 N.J.R. 2338(a)		
10:100-3.8	Special Payments Handbook: CWA notice of no financial interest in certain funds	16 N.J.R. 1013(a)	R.1984 d.331	16 N.J.R. 2133(a)
10:122-1.1, 1.2, 2.1-2.5, 4.3, 5.1, 5.2, 5.4, 6.1-6.5, 6.7, 8.1-8.5	Child Care Centers: Manual of Standards	16 N.J.R. 1013(b)	R.1984 d.333	16 N.J.R. 2133(b)
10:122B	Readopt Family Day Care Standards	16 N.J.R. 1936(a)	R.1984 d.428	16 N.J.R. 2674(a)
10:123-2	Youth and Family Services: readopted Boarding Home rules	16 N.J.R. 1450(a)	R.1984 d.417	16 N.J.R. 2444(a)
10:128	Residential Child Care rules	16 N.J.R. 10(b)		
10:129	Readopt rules on Child Abuse and Neglect Cases	16 N.J.R. 2224(a)		
10:133	Aversive conditioning of autistic patients	15 N.J.R. 1432(a)		

(TRANSMITTAL 19, dated July 16, 1984)

**CORRECTIONS—TITLE 10A**

(TRANSMITTAL 8, dated July 16, 1984)

**INSURANCE—TITLE 11**

11:1-2.5	Public Advocate, Division of Rate Counsel: address change	_____	_____	16 N.J.R. 1813(b)
11:1-5	90-day waiver of expiration of N.J.A.C. 11:1-5—FAIR Plan, fire and casualty policy cancellation, other declarations	16 N.J.R. 1451(a)	_____	_____
11:1-5	Readopt Administrative Orders and Declarations (FAIR Plan, cancellation of fire-casualty coverage, fire insurance premium tax)	16 N.J.R. 1689(a)	R.1984 d.426	16 N.J.R. 2677(a)
11:1-5.5	Recertification to Legislature of Notice Requirement for Cancellation and Nonrenewal of fire and casualty coverage	_____	_____	16 N.J.R. 2018(a)
11:1-15	Petitions for rulemaking	16 N.J.R. 2224(b)		
11:2-1.1	Required courses for licensees in property and casualty field	16 N.J.R. 1940(a)		
11:2-1.3	Required courses for licensees in life and health field	16 N.J.R. 1943(a)		
11:2-18, Exh. B	Readable policies: Affidavit of Compliance	16 N.J.R. 1945(a)		
11:3-7	Automobile Reparation Reform Act rules: 90-day waiver of expiration	16 N.J.R. 2414(a)		
11:3-7.8, 7.9	PIP premium on additional automobiles	16 N.J.R. 488(a)		
11:3-8	Nonrenewal of auto insurance policies	16 N.J.R. 120(a)		
11:3-14.3, 14.4, 14.5	Auto insurance: Personal Injury Protection (PIP) options	16 N.J.R. 1692(a)		
11:3-15.6	Auto insurance: Buyer's Guide and Written Notice requirements for PIP deductibles	16 N.J.R. 1693(a)		
11:4-6	Reserve standards for individual health insurance policies	16 N.J.R. 2225(a)		
11:4-22	Individual life insurance: Use of Gender Blended Mortality Tables	16 N.J.R. 1452(a)		
11:4-22	Correction: Gender Blended Mortality Tables	16 N.J.R. 1946(a)		
11:5-1.19	Real estate branch offices	16 N.J.R. 2228(a)		
11:5-1.24	Closing or transfer of real estate brokerage	16 N.J.R. 2228(b)		
11:10-1	Dental plan organizations	16 N.J.R. 2230(a)		
11:14-1.3, 2.1, 2.4, 3.1, 3.3, 4.1, 4.2	Auto body repair facilities	16 N.J.R. 2235(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
-------------------	--	-----------------------------------	-----------------	-----------------------------------

11:15-2	Joint insurance funds for local government units	16 N.J.R. 1164(a)		
---------	--	-------------------	--	--

(TRANSMITTAL 21, dated July 16, 1984)

**LABOR—TITLE 12**

12:15-1.2	Unemployment benefit payments	16 N.J.R. 2237(a)		
12:15-1.3	Unemployment Compensation and Disability: 1985 benefit rates	16 N.J.R. 2343(a)		
12:15-1.4	Unemployment Compensation: 1985 taxable wage base	16 N.J.R. 2344(a)		
12:15-1.4	Correction: 1985 Unemployment Compensation Taxable Wage Base	16 N.J.R. 2465(a)		
12:15-1.5	Unemployment Compensations: 1985 Contribution rates for governmental entities	16 N.J.R. 2344(b)		
12:15-1.6	Base week for Unemployment Compensation and Disability	16 N.J.R. 2345(a)		
12:15-1.7	Eligibility for Unemployment Compensation and Disability: alternate earnings test	16 N.J.R. 2345(b)		
12:16-10	Hearings concerning unemployment and temporary disability insurance	16 N.J.R. 2240(a)		
12:17-1.2-1.6, 3.1, 4.1, 4.2, 5.1, 11.2, 12	Unemployment benefit payments	16 N.J.R. 2237(a)		
12:17-2.1, 2.2, 2.3	Income Security: registration for work and claims for benefits	16 N.J.R. 1456(a)		
12:17-5.1	Claim for partial unemployment benefits	15 N.J.R. 1435(b)		
12:20-3.2	Unemployment benefit payments	16 N.J.R. 2237(a)		
12:90	Boilers, pressure vessels and refrigeration systems: safe operation	16 N.J.R. 1172(a)		
12:100	Safety and health standards for public employees	16 N.J.R. 2057(a)		
12:235-1.5	1985 Workers' Compensation Benefit Rates	16 N.J.R. 2346(a)		
12:235-1.5	Correction: 1985 Workers' Compensation Benefit Rates	16 N.J.R. 2465(b)		

(TRANSMITTAL 16, dated January 3, 1984)

**COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A**

12A	Departmental rules; small business set-aside contracts (see also 17:12-6).	16 N.J.R. 1955(a)		
-----	--	-------------------	--	--

**LAW AND PUBLIC SAFETY—TITLE 13**

13:13	Discrimination against handicapped persons	16 N.J.R. 838(a)		
13:19-4	Motor Vehicles: readopted Cardiovascular Disorders rules	16 N.J.R. 1694(a)	R.1984 d.407	16 N.J.R. 2445(a)
13:19-10	Point System and Driving During Suspension: 25-day waiver of expiration of rules	16 N.J.R. 502(a)		
13:20-2.3	Commercial motor vehicles: maximum width computation	15 N.J.R. 1559(a)		
13:20-12	Motor Vehicles: readopt Accident Prevention Clinic rules	16 N.J.R. 2347(a)		
13:20-36.1, 36.2	National Guard license plates	16 N.J.R. 1188(a)	R.1984 d.319	16 N.J.R. 2142(a)
13:21-5	Motor Vehicles: readopted Registration rules	16 N.J.R. 1695(a)	R.1984 d.408	16 N.J.R. 2445(b)
13:21-8	Motor Vehicles: readopted Driver License rules	16 N.J.R. 1955(a)	R.1984 d.411	16 N.J.R. 2445(c)
13:21-15	Readopt rules for Licensed Motor Vehicle Dealers	16 N.J.R. 2060(a)	R.1984 d.443	16 N.J.R. 2679(a)
13:24-2	Motor Vehicles: readopt Emergency Vehicle Equipment rules	16 N.J.R. 2347(b)		
13:24-4	Motor Vehicles: readopt rules for Flashing Amber Light Permit	16 N.J.R. 2061(a)	R.1984 d.442	16 N.J.R. 2679(b)
13:27A-1.2	Fees for barbers and shop owners	16 N.J.R. 1189(a)	R.1984 d.340	16 N.J.R. 2143(a)
13:33-1.28, 1.41, 2.1, 2.2	Ophthalmic dispensers and technicians: minimum optical equipment	16 N.J.R. 2062(a)		

<b>N.J.A.C. CITATION</b>		<b>PROPOSAL NOTICE (N.J.R. CITATION)</b>	<b>DOCUMENT NUMBER</b>	<b>ADOPTION NOTICE (N.J.R. CITATION)</b>
13:35-2.13	Graduate physician pending licensure: privileges and conditions	16 N.J.R. 216(a)		
13:35-4.2	Termination of pregnancy	16 N.J.R. 2064(a)		
13:35-6.6	Requirement for issuing prescriptions	16 N.J.R. 2415(a)		
13:35-6.10	Advertising by medical board licensees	16 N.J.R. 1026(b)	R.1984 d.372	16 N.J.R. 2286(a)
13:35-6.14	Therapeutic treatment by unlicensed Medical aides	16 N.J.R. 2065(a)		
13:35-7.1	Chiropractic practice: standards and scope	16 N.J.R. 686(a)		
13:36	Readopted Board of Mortuary Science rules	16 N.J.R. 505(a)	R.1984 d.341	16 N.J.R. 2143(b)
13:36-9	Funeral industry practices	16 N.J.R. 1315(a)		
13:37-13.1, 13.2	Nurse anesthetist qualification	16 N.J.R. 2067(a)		
13:40-5.1	Preparation of land surveys	15 N.J.R. 1834(a)	R.1984 d.401	16 N.J.R. 2369(a)
13:40-3.1	Engineers and land surveyors: prohibited acts	16 N.J.R. 1321(a)		
13:40-8	Engineers and land surveyors: release of project records	16 N.J.R. 1027(a)		
13:40-9	Supervision of engineering and land surveying projects	16 N.J.R. 2067(b)		
13:44-2	Veterinary Examiners: readopted General Rules of Practice	16 N.J.R. 688(a)	R.1984 d.375	16 N.J.R. 2287(a)
13:45A-6	Readopt rules on deceptive practices in auto sales	16 N.J.R. 2349(a)		
13:45A-7	Readopt rules on deceptive practices in auto repair and advertising	16 N.J.R. 2350(a)		
13:45A-21.3, 21.4	Sale of Kosher food	16 N.J.R. 1696(a)	R.1984 d.402	16 N.J.R. 2371(a)
13:46	Boxing rules	16 N.J.R. 2241(a)		
13:46-18.15	Scheduling of boxing programs	16 N.J.R. 1030(a)		
13:46-8.19, 10.7	Scoring of boxing contest; announcement of decision	16 N.J.R. 1956(a)		
13:47A-12	Limited registration for securities broker-dealers and agents	15 N.J.R. 2146(a)		
13:47C	Readopted Weights and Measures rules on General Commodities	16 N.J.R. 1031(a)	R.1984 d.373	16 N.J.R. 2289(a)
13:49-1-8	Death Investigations rules: extension of comment period	15 N.J.R. 1672(a)		
13:58	Plan of operations for donations of Federal surplus property	16 N.J.R. 2010(a)	R.1984 d.420	16 N.J.R. 2446(a)
13:70-9.18	Jockey fees for place and show	16 N.J.R. 2068(a)	R.1984 d.444	16 N.J.R. 2680(a)
13:70-12.4	Harness racing: claimed horse	16 N.J.R. 2348(a)		
13:70-14A.13, 14A.15	Thoroughbred rules: breathalyzer tests for jockeys and track personnel; urine tests	16 N.J.R. 1457(a)		
13:71-18.2	Harness racing: urine tests for drivers	16 N.J.R. 1459(a)	R.1984 d.412	16 N.J.R. 2453(a)
13:75	Violent Crimes Compensation Board: practice and procedure	16 N.J.R. 846(a)	R.1984 d.342	16 N.J.R. 2291(a)

**(TRANSMITTAL 22, dated July 16, 1984)**

**PUBLIC UTILITIES—TITLE 14**

14:3-4.7	Adjustment of charges for inaccurate billings	16 N.J.R. 511(a)		
14:3-7.11A	Correction: expiration date for Budget Billing Plans	15 N.J.R. 1235(a)	R.1983 d.651	16 N.J.R. 1807(b)
14:3-8.1, 8.2	Suggested formulae for extension of utility service	16 N.J.R. 1460(a)		
14:18-1.2, 3.9	CATV: credit for service outages	15 N.J.R. 1447(a)		
14:18-11.21	CATV: renewal of municipal consents	16 N.J.R. 348(a)	R.1984 d.436	16 N.J.R. 2680(b)
14:18-14	Pre-proposal: landlord compensation for installation of cable TV	16 N.J.R. 2069(a)		

**(TRANSMITTAL 19, dated July 16, 1984)**

**ENERGY—TITLE 14A**

14A:3-4	Energy Subcode	16 N.J.R. 1462(a)	R.1984 d.370	16 N.J.R. 2296(a)
14A:3-8	Repealed: Lighting Efficiency for New and Renovated Buildings	16 N.J.R. 1464(a)	R.1984 d.371	16 N.J.R. 2298(a)

<b>N.J.A.C. CITATION</b>		<b>PROPOSAL NOTICE (N.J.R. CITATION)</b>	<b>DOCUMENT NUMBER</b>	<b>ADOPTION NOTICE (N.J.R. CITATION)</b>
14A:6-2	Business energy improvement loan subsidy program	16 N.J.R. 1190(a)	R.1984 d.323	16 N.J.R. 2148(a)
14A:8-1	Readopt Energy Facility Review Board rules	16 N.J.R. 2253(a)		
14A:11-2	Readopt reporting rules for Supplies of Home Heating Oil	16 N.J.R. 2254(a)		
14A:11-3	Reporting of Energy Information: readopted Bulk Terminal Operating Companies	16 N.J.R. 1697(a)	R.1984 d.393	16 N.J.R. 2372(a)
14A:12-1	School boards and shared-savings contracts	16 N.J.R. 2255(a)		
14A:22-6.1, 6.3, 6.4	Commercial and Apartment Conservation Service Program: auditor qualification	16 N.J.R. 1698(a)	R.1984 d.394	16 N.J.R. 2372(b)

(TRANSMITTAL 11, dated June 18, 1984)

**STATE—TITLE 15**

(TRANSMITTAL 14, dated January 3, 1984)

**PUBLIC ADVOCATE—TITLE 15A**

(TRANSMITTAL 1, dated March 20, 1978)

**TRANSPORTATION—TITLE 16**

16:20A, 20B	1984 Trust Fund Authority Act: county and municipal aid Emergency		R.1984 d.423	16 N.J.R. 2456(a)
16:21A	Bridge Rehabilitation and Improvement Fund: local aid	16 N.J.R. 437(a)	R.1984 d.344	16 N.J.R. 2299(a)
16:26	Readopted Electrical Bureau rules	16 N.J.R. 1321(b)	R.1984 d.316	16 N.J.R. 2151(a)
16:28-1.57, 1.77	Speed rates on US 30 in Galloway and Route 29 in Hopewell	16 N.J.R. 1699(a)	R.1984 d.390	16 N.J.R. 2373(a)
16:28A-1.4	Parking on Route 4 in Englewood	16 N.J.R. 1322(a)	R.1984 d.354	16 N.J.R. 2301(a)
16:28A-1.6	Handicapped parking on Route 7 in Belleville	16 N.J.R. 1323(a)	R.1984 d.355	16 N.J.R. 2301(b)
16:28A-1.6, 1.7, 1.19	Parking on Route 7 in Belleville, US 9 in Cape May County and Route 28 in Roselle Park	16 N.J.R. 1700(a)	R.1984 d.391	16 N.J.R. 2374(a)
16:28A-1.16	Parking on Route 24 in Morristown	16 N.J.R. 1702(a)	R.1984 d.410	16 N.J.R. 2454(a)
16:28A-1.25	Parking on Route 35 in Ocean Twp, Monmouth County	16 N.J.R. 2070(a)		
16:28A-1.25	Trolley stops on Route 35, Ocean County	Emergency	R.1984 d.448	16 N.J.R. 2691(a)
16:28A-1.32, 1.69	Parking on US 46 in Netcong and Route 124 in Springfield	16 N.J.R. 1703(a)	R.1984 d.388	16 N.J.R. 2375(a)
16:28A-1.55	Parking on US 202 in Morristown	16 N.J.R. 1704(a)	R.1984 d.387	16 N.J.R. 2376(a)
16:28A-1.99	Parking on Interstate and Defense System	16 N.J.R. 1323(b)	R.1984 d.392	16 N.J.R. 2377(a)
16:30-2.1	Through street: Route 56 in Cumberland and Salem Counties	16 N.J.R. 1324(a)	R.1984 d.356	16 N.J.R. 2302(a)
16:30-2.9	Yield intersections along US 130, North Brunswick	16 N.J.R. 2070(b)		
16:30-10.3, 11	Crosswalk on Route 53, Morris Plains; traffic control, I-295 Rest Area, Carney's Point	16 N.J.R. 1707(a)	R.1984 d.389	16 N.J.R. 2378(a)
16:31-1.22	Turns on US 130 in North Brunswick	16 N.J.R. 2071(a)		
16:32	Designated routes for special categories of trucks	15 N.J.R. 1644(a)		
16:32-1.2	Pre-proposal: Regulation of 102-inch-wide trucks	15 N.J.R. 1636(b)		
16:32-2	Trucks exempted from Federal bridge formula	16 N.J.R. 2072(a)		
16:41B	Newspaper dispensers on State highways	16 N.J.R. 225(a)		
16:41B	Public hearing: Newspaper dispensers on State highways	16 N.J.R. 1957(a)		
16:49	Transportation of hazardous materials	16 N.J.R. 513(a)		
16:62	Air safety and hazardous zoning	16 N.J.R. 860(b)		
16:77	Use of occupancy of NJ TRANSIT-owned property	16 N.J.R. 2415(b)		

(TRANSMITTAL 20, dated July 16, 1984)

**TREASURY-GENERAL—TITLE 17**

17:1-1.17	Administrative expenses prorated	16 N.J.R. 2420(a)		
-----------	----------------------------------	-------------------	--	--

<b>N.J.A.C. CITATION</b>		<b>PROPOSAL NOTICE (N.J.R. CITATION)</b>	<b>DOCUMENT NUMBER</b>	<b>ADOPTION NOTICE (N.J.R. CITATION)</b>
17:1-2.3	Alternate Benefit Program: salary reduction and deduction	16 N.J.R. 2350(b)		
17:1-2.18	Alternate Benefit Program: contributions	16 N.J.R. 703(a)	R.1984 d.374	16 N.J.R. 2302(b)
17:1-8.12	Social Security late filing penalties	16 N.J.R. 2421(a)		
17:9-2.3	State Health Benefits Program: annual enrollment period	16 N.J.R. 2422(a)		
17:9-2.8, 2.12, 3.4, 3.7	State Health Benefits Program: coverage; dependents	16 N.J.R. 2422(b)		
17:12	Purchase Bureau Procedures	16 N.J.R. 867(a)	R.1984 d.328	16 N.J.R. 2152(a)
17:12-6	Small business set-aside contracts	16 N.J.R. 1958(a)	R.1984 d.421	16 N.J.R. 2683(a)
17:16-42	State Investment Council: readopted Covered Call Options	16 N.J.R. 1708(a)	R.1984 d.383	16 N.J.R. 2378(b)
17:16-43	State Investment Council: readopted Mortgage-Backed Securities	16 N.J.R. 1709(a)	R.1984 d.384	16 N.J.R. 2379(a)
17:20-6.3	Deposit of lottery moneys	16 N.J.R. 2074(a)		
17:20-9	Lottery Commission Rules: civil penalties and sanctions	16 N.J.R. 1709(b)		

**(TRANSMITTAL 21, dated July 16, 1984)**

**TREASURY-TAXATION—TITLE 18**

18:7-1.17, 11.15	Casino consolidated tax return	16 N.J.R. 2423(a)		
18:7-3.15	Corporation business tax: interest on underpayments	16 N.J.R. 1043(a)	R.1984 d.322	16 N.J.R. 2152(b)
18:7-3.17, 4.17, 15.1-15.5	Corporation business tax and urban enterprise zones	16 N.J.R. 1325(a)		
18:7-4.1, 5.2, 8.16, 16.1-16.5	Corporation business tax and international banking facilities	16 N.J.R. 1327(a)		
18:12-6A.1, 6A.2	Local property tax exemptions	16 N.J.R. 2424(a)		
18:12-7.12	Homestead Rebate: filing extension for claims (with Emergency Adoption)	16 N.J.R. 252(b)		
18:12A-1.6, 1.9, 1.13, 1.15, 1.20	County tax boards: appeals	16 N.J.R. 1330(a)	R.1984 d.330	16 N.J.R. 2153(a)
18:23A-1.27	Filing of municipal tax maps	16 N.J.R. 1465(a)	R.1984 d.379	16 N.J.R. 2379(b)
18:24-7.12	Sales tax and towing of motor vehicles	16 N.J.R. 1466(a)	R.1984 d.380	16 N.J.R. 2379(c)
18:24-7.19	Sales tax and rentals in mobile home parks	16 N.J.R. 1965(a)	R.1984 d.431	16 N.J.R. 2689(a)
18:24-31.1-31.9	Sales tax and urban enterprise zones	16 N.J.R. 1332(a)		

**(TRANSMITTAL 19, dated May 21, 1984)**

**TITLE 19 SUBTITLES A-L—OTHER AGENCIES (Except Casino Control Commission)**

19:4-5.6, 5.6A, 6.28	Zoning changes	16 N.J.R. 2351(a)		
19:8-1.8	Garden State Parkway: parking for handicapped	16 N.J.R. 1466(b)	R.1984 d.395	16 N.J.R. 2380(a)
19:8-1.8	Correction: Parking for handicapped	16 N.J.R. 1466(b)	R.1984 d.395	16 N.J.R. 2445(a)
19:9-2.7	Submission of proof of bidder qualification	16 N.J.R. 2075(a)	R.1984 d.447	16 N.J.R. 2689(b)
19:25-1-13, 18, 20, 21	Campaign Contributions and Expenditures Reporting Act rules	16 N.J.R. 1044(a)	R.1984 d.324	16 N.J.R. 2154(a)
19:25-9.2	Establishment of campaign depository by designated continuing political committee	16 N.J.R. 2256(a)		
19:25-11.4, 12.4	Reporting by national political action committees	16 N.J.R. 2258(a)		
19:30-3	Readopted Payment of Prevailing Wages in Authority Projects	16 N.J.R. 1334(a)	R.1984 d.320	16 N.J.R. 2168(a)
19:30-4	Readopted Targeting of Authority Assistance	16 N.J.R. 1064(a)	R.1984 d.321	16 N.J.R. 2169(a)
19:61-5.5	State government positions with casino responsibility	16 N.J.R. 517(a)		
19:75-2.1, 2.3	Rules of operation	16 N.J.R. 1194(a)	R.1984 d.396	16 N.J.R. 2380(b)

**(TRANSMITTAL 20, dated July 16, 1984)**

**TITLE 19 SUBTITLE K—CASINO CONTROL COMMISSION**

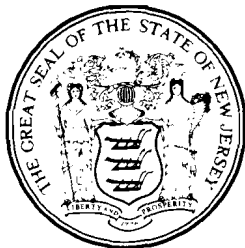
19:40-1, 3	Readopt Practices and Procedures and Confidential Information rules	16 N.J.R. 2259(a)		
------------	---	-------------------	--	--

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
19:41-7.14	Personal History Disclosure Form 4A	16 N.J.R. 1336(a)	R.1984 d.369	16 N.J.R. 2302(c)
19:41-7.14	Correction: Operative date for use of PHD Form 4A	16 N.J.R. 1336(a)	R.1984 d.369	16 N.J.R. 2455(b)
19:44	Gaming schools	15 N.J.R. 1460(a)	R.1984 d.368	16 N.J.R. 2303(a)
19:44-8.3, 9.4, 15.4	Gaming schools	16 N.J.R. 2352(a)		
19:45-1.1, 1.11, 1.25-1.29, 1.45, 1.47, 1.48	Casino Credit practices	15 N.J.R. 1743(a)		
19:45-1.1, 1.35, 1.46	Redemption of bus coupons	16 N.J.R. 2075(b)		
19:45-1.11, 1.19, 1.25-1.29	Accounting and internal controls: patron credit; tips	16 N.J.R. 2076(a)		
19:45-1.24	Patrons' cash deposits	16 N.J.R. 1710(a)		
19:46-1.5, 1.6	Use and handling of gaming tokens	16 N.J.R. 41(a)		
19:46-1.20	Inspection of gaming equipment	16 N.J.R. 1467(a)		
19:46-1.27	Gaming equipment: slot stools	15 N.J.R. 1465(a)	R.1984 d.422	16 N.J.R. 2689(c)
19:54-2	Investment obligations and investment alternative tax	15 N.J.R. 1931(a)		

**(TRANSMITTAL 7, dated July 16, 1984)**

---

## NOTES



# OFFICE OF ADMINISTRATIVE LAW PUBLICATIONS

## YOUR BASIC RULE RESEARCH STARTS WITH THE 32-VOLUME NEW JERSEY ADMINISTRATIVE CODE

### ADMINISTRATIVE CODE TITLES Prices

Full Set (includes all Titles below)	\$600
Individual Titles (prices include on year of updated replacement pages)	
1. Administrative Law .....	\$45
2. Agriculture .....	\$45
3. Banking .....	\$45
4. Civil Service .....	\$45
5. Community Affairs (two volumes) .....	\$90
6. Education (two volumes) .....	\$90
7. Environmental Protection (three volumes) .....	\$135
8. Health (three volumes) .....	\$135
9. Higher Education .....	\$45
10. Human Services (three volumes) .....	\$135
10A. Corrections .....	\$45
11. Insurance .....	\$45
12. Labor and Industry (two volumes) .....	\$90
13. Law and Public Safety (three volumes) .....	\$135
14A. Energy (includes 14-Public Utilities) .....	\$45
15. State .....	\$45
15A. Public Advocate .....	\$45
16. Transportation .....	\$45
17. Treasury—General .....	\$45
18. Treasury—Taxation (two volumes) .....	\$90
19. Other Agencies (Mortgage Finance Agency, Expressway Authority, Hackensack Meadowlands Development Commission, Highway Authority, Turnpike Authority, Public Employment Relations Commission, Sports and Exposition Authority, Election Law Enforcement Commission, Economic Development Authority, Public Broadcasting Authority) .....	\$45
19K. Casino Control Commission .....	\$45

## NEW JERSEY ADMINISTRATIVE CODE NEW JERSEY REGISTER ORDER FORM

Full Set (INCLUDES FREE NEW JERSEY REGISTER SUBSCRIPTION) [ ]

Individual Titles (specify Title number and name, and number of copies):

---



---



---

(See price list) \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

New Jersey Register only (one year)

By second class mail, \$50 [ ]

By first class mail, \$120 [ ]

**Prepayment is required.** Please make check payable to Administrative Publications, CN301, Trenton, New Jersey 08625.

**Name and Delivery Address:**

---



---



---



---

# CONTENTS

(Continued From Front Cover)

Floodway delineation along Green Brook in  
Somerset and Union counties ..... 2543(a)  
Ocean and bay pound nets ..... 2543(b)

**HEALTH**  
SHARE: Rate Review Guidelines ..... 2545(a)  
Worker and Community Right to Know Act;  
Trade Secrets ..... 2555(a)  
Generic drugs list revisions ..... 2672(a)  
Generic drug list additions ..... 2672(b)  
Generic drug list additions ..... 2673(a)

**HUMAN SERVICES**  
Readopted: Family Day Care Standards ..... 2674(a)

**INSURANCE**  
Readopted: rules concerning Fair Plan,  
cancellation of fire-casualty coverage,  
fire insurance premium tax ..... 2677(a)

**LAW AND PUBLIC SAFETY**  
Readopted: Licensed Motor Vehicle Dealers rules 2679(a)  
Motor Vehicles: readopted Flashing Amber Light  
Permit rules ..... 2679(b)  
Jockey fees for place and show ..... 2680(a)

**PUBLIC UTILITIES**  
CATV: renewal of municipal consents ..... 2680(b)

**TREASURY-GENERAL**  
Small business set-aside contracts ..... 2683(a)

**TREASURY-TAXATION**  
Sales tax and rentals in mobile home parks ..... 2689(a)

**OTHER AGENCIES**  
**TURNPIKE AUTHORITY**  
Submission of proof of bidder qualification ..... 2689(b)

**CASINO CONTROL COMMISSION**  
Gaming equipment: slot stools ..... 2689(c)  
**PORT AUTHORITY OF NY AND NJ**  
Auto parking fees at Kennedy International ..... 2690(a)

## EMERGENCY ADOPTION

**TRANSPORTATION**  
Trolley stops on Route 35, Ocean County ..... 2691(a)

## MISCELLANEOUS NOTICES

**ENVIRONMENTAL PROTECTION**  
Lower Raritan/Middlesex Water Quality  
Management Plan change ..... 2693(a)

**TREASURY-GENERAL**  
New project: solicitation of design services ..... 2693(b)  
Architect-engineer selection ..... 2694(a)

## INDEX OF PROPOSED AND ADOPTED RULES .. 2695

### Revised Filing Deadlines

**November 5 Issue:**  
Proposals ..... October 5  
Adoptions ..... October 19

**November 19 issue:**  
Proposals ..... October 19  
Adoptions ..... October 31

**December 3 issue:**  
Proposals ..... October 31  
Adoptions ..... November 13

**December 17 issue:**  
Proposals ..... November 16  
Adoptions ..... November 30

DIV. LIB., ARCH. & HIST.  
DEPT. OF EDUCATION  
CN 520  
TRENTON NJ 08625

0330  
010

9