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THE JOURNAL OF STATE AGENCY RULEMAKING

VOLUME 19 NUMBER 3
February 2, 1987 Indexed 19 N.J.R. 261-324
(Includes rules filed through January 12, 1987)

MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: NOVEMBER 17, 1986.
See the Register Index for Subsequent Rulemaking Activity.
NEXT UPDATE WILL BE DATED DECEMBER 15, 1986.

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INTERESTED PERSONS

Interested persons may submit, in writing, information or arguments concerning any of the rule proposals in this issue until **March 4, 1987**. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal or group of proposals.

On occasion, a proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-4.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

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Proposals February 2
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March 16 issue:

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Adoptions February 23

April 6 issue:

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Adoptions March 16

April 20 issue:

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1987-5-237

NEW JERSEY REGISTER

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RULE PROPOSALS

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Uniform Construction Code

Conflict of Interest

Proposed Amendment: N.J.A.C. 5:23-4.5

Authorized By: Leonard S. Coleman, Jr., Commissioner,
Department of Community Affairs.

Authority: N.J.S.A. 52:27D-124.

Proposal Number: PRN 1987-61.

The agency proposal follows:

Summary

Under the proposed amendment to N.J.A.C. 5:23-4.5, conflict of interest provisions governing building-related employment of persons who enforce the State Uniform Construction Code, which now apply only in the municipality or municipalities by which the person is employed and in adjacent municipalities within the State, are extended to apply to all locations, both within the State of New Jersey and elsewhere.

Social Impact

The purpose of the conflict of interest regulation is to insure that people will not have occasion to deal with the same person both as a code enforcement official or inspector and as a private individual engaged in a building-related trade or business. If they were to do so, they might have reason to believe that, in exchange for their business, they would get preferential treatment in code enforcement. The regulation, in its present form, seeks to prevent this by prohibiting code enforcement officials and inspectors from engaging in building-related trades or businesses in the municipalities in which they serve or in adjacent municipalities. With this limitation, however, it is still possible that the intent of the rule can be circumvented when an official or inspector does work, or has a business, in a municipality which is nearby but not adjacent to the municipality in which he is serving. As a result of the elimination of the remaining opportunity for conflict in this sensitive area of code enforcement, public confidence in the integrity of inspection personnel, which is a fundamental requirement of any enforcement program, will be enhanced.

Economic Impact

Private building-related employment and business activity by code enforcement personnel is far less frequent than it was when the State Uniform Construction Code went into effect in 1978. At that time, existing prohibitions applied only to electrical inspectors. The professionalization that has resulted from the implementation of the Code has, in turn, led to higher salaries for licensed officials and inspectors. This has reduced the need for officials and inspectors to do private work. Those relatively few officials and inspectors who are still doing building-related work in non-adjacent municipalities or across State lines, however, will face the choice of giving up either their private work or their code enforcement positions.

Regulatory Flexibility Analysis

This proposal primarily affects licensed code enforcement inspectors and officials who are public employees and not owners of small businesses. Private inspection agencies, which are most likely within the statutory definition of a "small business," are already unable to employ inspectors who work in any construction-related capacity, or hold any construction-related business interests, anywhere in the State. Any employees holding such employment or business interests outside of the State will now have to divest themselves of the same in order to continue employment with the private inspection agency. Any small business owned by, or employing, a person who also serves as an official or inspector enforcing the Uniform Construction Code will be affected by that person's having to relinquish either the business or private employment, as the case may be, or the code enforcement position.

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

5:23-4.5 Municipal enforcing agencies—administration and enforcement

(a)-(g) (No change.)

(h) Conflict of interest:

1. No person employed by an enforcing agency as a construction or subcode official, trainee, inspector or plan reviewer, shall engage in, or otherwise be connected directly or indirectly for purposes of economic gain, with any business or employment furnishing labor, materials, products or services for the construction, alteration, or demolition of buildings or structures [within any municipality in which he is so employed by an enforcing agency, and in any municipality adjacent to any municipality in which he is thus employed. The application of this subparagraph to adjacent municipalities shall not take effect until July 1, 1978].

2. [Further rules are:

i. Persons subject to (f) above, shall annually report any income or benefits received from any business furnishing materials, products, labor or services for types of work subject to the Uniform Construction Code regulations, to the municipal governing body. This report shall include the sum total of all income so received and a list of all sources of income. This reporting shall commence on July 1, 1978, and shall cover the preceding six months, and thereafter shall be required annually.

ii.] Nothing herein shall prohibit a municipality from establishing by ordinance more restrictive provisions covering conflict of interest.

3. This section shall not apply to:

i. (No change.)

ii. Any such business or employment outside the State;]

Renumber iii.-iv. as ii.-iii. (No change in text.)

ENVIRONMENTAL PROTECTION

(b)

DIVISION OF WATER RESOURCES

Sewer Connection Ban

Proposed Amendments: N.J.A.C. 7:14A-1.9 and 7:14A-12

Proposed Repeal: N.J.A.C. 7:9-13

Proposed New Rules: N.J.A.C. 7:14A-12.20 through 12.26

Take notice that the Department of Environmental Protection is extending until February 17, 1987, the period for submission of written comments on the proposed amendments to N.J.A.C. 7:14A-1.9 and 12, proposed repeal N.J.A.C. 7:9-13, and proposed new rules N.J.A.C. 7:14A-12.20 through 12.26. The original notice was published on November 3, 1986 in the New Jersey Register at 18 N.J.R. 2163(a). Please refer to the proposal notice for further information.

Interested persons may submit written comments on the proposed amendments to:

Rachel Lehr, Esq.
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, New Jersey 08625

(c)

DIVISION OF HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Management: Accumulation Areas, Rigid Structures, and Paint Filter Test

Proposed Amendments: N.J.A.C. 7:26-9.1, 9.3, 10.4, 10.8, 11.4, 12.1, and 12.2

DEP Docket No. 053-86-10.

Take notice that the Department of Environmental Protection is extending from December 31, 1986 to February 18, 1987, the period for

submission of written comments concerning the proposed amendments. The original proposal was published on December 1, 1986 in the New Jersey Register at 18 N.J.R. 2356(a). Please refer to the proposal notice for further information.

Interested persons may submit written comments to:

Ann Zeloof, Esq.
New Jersey Department of Environmental Protection
Office of Regulatory Services
CN 402
401 East State Street
Trenton, NJ 08625

HEALTH

(a)

MANAGEMENT AND ADMINISTRATIVE SERVICES

Birth Certificates

Creation of Birth Record

Take notice that the public comment period will be extended from December 17, 1986 until **March 1, 1987** for the receipt of written comments relative to a Proposed Repeal and New Rule regarding Birth Certificates and Creation of Birth Records (see N.J.A.C. 8:2-1, at 18 N.J.R. 2278(a)). Submission of comments and inquiries about the proposed regulation should be addressed to:

Charles Karkut, State Registrar
Bureau of Vital Statistics and Registration
New Jersey Department of Health
CN 360
Trenton, New Jersey 08625-0360
609-292-4087

(b)

HOSPITAL REIMBURSEMENT

Procedural and Methodological Regulations

Cost/Volume Methodology

Notice of Correction: N.J.A.C. 8:31B, Appendix IX

Please disregard the previously proposed versions of Appendix IX published at 18 N.J.R. 2285 and 19 N.J.R. 12.

The correct version follows:

APPENDIX IX Volume Variability Adjustment

D. [Determining] **Determination** of the overall average percentage change in volume/intensity between the base and rate years. This is calculated as follows:

$$\left(\frac{\text{Rate-Year [Admission] Discharges}}{\text{Base-Year [Admissions] Discharges}} \times \frac{\text{Rate-Year Weighted Avg. Payment Rate}}{\text{Base-Year Weighted Avg. Payment Rate}} \right) - 1$$

Upside [and Downside] Volume Shifts

f = average [fixed] **compensation** cost percentage for the hospital's [Direct Inpatient] **Inpatient Direct Patient Care** cost centers

Example: If the rate-year is 1982, and the base-year is 1979, if the total [volume change as measured by the] volume/intensity [and admissions measures] **change** is 6 percent between the base year and rate years, and if

$$\begin{aligned} m &= 40[\%] \text{ percent} \\ f &= 60[\%] \text{ percent} \\ x &= \$1,000 \\ b &= \frac{(6)^2}{10^2} = \frac{36}{100} = .36 \end{aligned}$$

then:

$$\begin{aligned} y &= (.40) (1000) + (.36) (.60) (1000) \\ y &= 400 + 216 = \$616. \end{aligned}$$

HIGHER EDUCATION

For the following proposals, submit comments by March 4, 1987 to:
Grey J. Dimenna, Esq.
Administrative Practice Officer
Department of Higher Education
225 West State Street
Trenton, New Jersey 08625

BOARD OF HIGHER EDUCATION

(c)

Dependent/Independent Students Defined

Proposed Repeal and New Rule: N.J.A.C. 9:5-1.1

Authorized By: Board of Higher Education,
T. Edward Hollander, Chancellor and Secretary.
Authority: N.J.S.A. 18A:62-4.
Proposal Number: PRN 1987-65.

The agency proposal follows:

Summary

P.L. 99-498, signed into law by President Reagan on October 17, 1986, amended the definition of independent student for the purpose of receiving financial aid. This proposal amends the definition of independent student found within state regulations to match the federal definition and also lists certain exceptional criteria under which a student may be considered to be independent.

Social Impact

The proposal will provide institutions and students with clear and specific information concerning the eligibility requirements necessary in establishing a student's dependent or independent status for purposes of receiving State aid. In addition, the new rule conforms with changes in the federal definition of an independent student thus allowing institutions and students to focus on a uniform set of criteria in establishing eligibility for both State and federal aid.

Economic Impact

It is estimated that most students who would qualify as independent under the previous definition would also maintain this status under the general provisions of the new definition. However, the new rule also allows students to document several categories of unusual circumstances to assure that those who are in fact independent and who do not meet the requirements of the general provisions of the definition will have an opportunity to establish eligibility for State grants and scholarships as an independent student.

Regulatory Flexibility Statement

This proposal does not require a regulatory flexibility analysis as it does not impose any requirements on small businesses.

The proposal only sets forth requirements for determining the dependency status of students receiving financial aid.

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

9:5-1.1 [Definitions] **Dependent/independent student defined**

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

"Dependent student" means a student who:

1. Resides with his or her parents or guardians for more than six consecutive weeks in the past or current year; or
2. Is dependent upon them for food, clothing, or shelter in the past or current year; or
3. Is claimed, or will be claimed, as dependent for income tax purposes for the past or current year.

"Domicile" means the place where a person has his or her true, fixed, permanent home and principal living establishment, and to which, whenever he or she is absent, he or she has the intention of returning. The domicile of a dependent student is that of his or her parents or legal guardians. Residence established solely for the purpose of attending a particular college or university cannot be considered as fulfilling the definition of domicile.

"Independent student" means a student who:

1. Has not lived, and will not live, with parents or guardians for more

than six consecutive weeks in the past or current year; and

2. Has not received, and will not receive, financial assistance from parents or more than \$750.00 in support of any kind including food, clothing, and shelter in the past or current year; and

3. Has not been claimed and will not be claimed as an exemption on parents or guardians tax return in the last or current year; and

4. Has resources, which should be at least equal to the level of public assistance in the preceding calendar year. For 1978-79 and subsequent years, unless revised, this level is \$1,400.]

(a) The term independent when used with respect to a student means any individual who:

1. Is 24 years of age or older by December 31 of the award year; or
2. Meets the requirements of (b) below.

(b) Except as provided in (c) below, an individual meets the requirements of this subsection if such individual:

1. Is an orphan or ward of the court; or
2. Is a veteran of the Armed Forces of the United States; or
3. Is a graduate or professional student who declares that he or she will not be claimed as a dependent for income tax purposes by his or her parents (or guardian) for the first calendar year of the award year; or
4. Is a married individual who declares that he or she will not be claimed as a dependent for income tax purposes of his or her parents (or guardian) for the first calendar year of the award year; or
5. Has legal dependents other than a spouse; or
6. Is a single undergraduate student with no dependents who was not claimed as a dependent by his or her parents (or guardian) for income tax purposes for the two calendar years preceding the award year and demonstrates to the student financial aid administrator total self-sufficiency during the two calendar years preceding the award year in which the initial award will be granted by demonstrating an annual total income of at least \$4,000; or
7. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances. For purposes of receiving state student assistance as an independent student due to unusual circumstances, at least one of the following criteria must be met:

i. The student has been separated from his or her parents due to an unsafe home environment or has been institutionalized in a correctional facility. Documentation of such status must be received from a court, social service agency, or other similar source acceptable to the director of the applicable student assistance program within the Department of Higher Education.

ii. The student is a recipient of either Aid to Families with Dependent Children (AFDC) or general assistance in his or her own name and complies with the provisions of (b)6 above except for the income requirement set forth therein.

iii. The student is from a foreign country but has established permanent residency in the United States, is a refugee or has received political asylum, and complies with the provisions of (b)6 above except for the income requirement set forth therein. For the purposes of eligibility under this subparagraph, the student's parents must reside outside of the United States.

iv. The student has been separated from his or her parents and comes from a documented background of historical poverty as set forth in N.J.A.C. 9:11-1.5, or as attested to by a social service agency or respected member of the student's community and acceptable to the director of the applicable student assistance program within the Department of Higher Education, is living with a relative who is providing support to the student, and complies with the provisions of (b)6 above except for the income requirement set forth therein.

v. The student was considered as an independent student for the purposes of New Jersey state student assistance programs during the 1986-87 academic year, and complies with the provisions of (b)6 above except for the income requirement set forth therein. This provision will be effective for the 1987-88 academic year only.

vi. The student's economic and personal circumstances are of such a unique or unusual nature that denial of independent student status would create an unjust hardship upon the student. Eligibility under this subparagraph is subject to the approval of the director of the applicable student assistance program within the Department of Higher Education.

(c) An individual may not be treated as an independent student described in (b)3, 4, and 6 above if the financial aid administrator determines that such individual was treated as an independent student during the preceding award year, but was claimed as a dependent by any other individual (other than a spouse) for income tax purposes for the first calendar year of such award year.

(d) The financial aid administrator may certify an individual described in (b)3, 4, and 6 above on the basis of a demonstration made by the individual

but no disbursement of an award may be made without documentation.

(e) A dependent student shall be any student who does not meet any of the eligibility criteria listed in (a) or (b) above for independent student status.

(a)

State Colleges Student Trustees Policies

Proposed New Rules: N.J.A.C. 9:6-6

Authorized By: Board of Higher Education,

T. Edward Hollander, Chancellor and Secretary.

Authority: N.J.S.A. 18A:64-3.2.

Proposal Number: PRN 1987-66.

The agency proposal follows:

Summary

N.J.S.A. 18A:64-3.1 et seq. provides for each State college board of trustees to have two students sitting as members of the board. The statute provides particular guidelines for participation of student members on the board of trustees and requires the Board of Higher Education to issue regulations to implement the statute. The proposed new rules govern eligibility, alternate representatives, participation in closed meetings and selection procedures for student member participation on the board of trustees.

Social Impact

The proposed new rules set forth guidelines for participation by students on State college board of trustees which shall serve to provide a more direct line of communication between the students and the board of trustees of each State college.

Economic Impact

The new rules have no fiscal implications or economic impact as they merely add to the membership of each State college board of trustees.

Regulatory Flexibility Statement

This proposal does not require a regulatory flexibility analysis as it does not impose any requirements on small businesses.

The proposal only sets forth requirements for student trustee members of State college boards of trustees.

Full text of the proposed new rules follows:

SUBCHAPTER 6. STUDENT TRUSTEE POLICIES

9:6-6.1 Eligibility of student representatives

(a) Eligibility to sit as a student representative on a State college board of trustees shall be limited to individuals who:

1. Are 18 years of age or older; and
2. Are citizens of the United States; and
3. Are full-time, regularly matriculated undergraduate students in good academic standing; and
4. Meet all requirements set by his or her college for participation as an officer in student government.

9:6-6.2 Alternate student representatives

Alternate student representatives shall be entitled to all rights afforded other non-voting members of the board of trustees with the exception of participation in matters set forth in N.J.A.C. 9:6-6.3.

9:6-6.3 Participation in closed meetings

Both the voting student representative member of the board of trustees and the alternate student representative shall be eligible to participate in and be present at all open and closed meetings of the board of trustees, as defined under N.J.S.A. 10:4-6 et seq., with the exception of any discussions within such closed meetings of topics set forth in N.J.S.A. 10:4-12(b)(5), (b)(7) or (b)(8).

9:6-6.4 Selection of student representatives

Every five years subsequent to the initial determination by a college board of trustees as to the method of selecting student representatives to the board, the college board of trustees may reconsider its current method of selecting student representatives pursuant to the provisions set forth under N.J.S.A. 18A:64-3.1 et seq. (P.L. 1986, c.136) for such purpose.

(a)

EDUCATIONAL OPPORTUNITY FUND BOARD
Dependent/Independent Students Defined
Proposed Repeal and New Rule: N.J.A.C. 9:11-1.4

Authorized By: Board of Directors of the Educational Opportunity Fund, T. Edward Hollander, Chairman.
Authority: N.J.S.A. 18A:71-33.
Proposal Number: PRN 1987-64.
The agency proposal follows:

Summary

P.L. 99-498, signed into law by President Reagan on October 17, 1986, amended the definition of independent student for the purpose of receiving financial aid. This proposal amends the definition of independent student found within State regulations to match the federal definition and also lists certain exceptional criteria under which a student may be considered to be independent.

Social Impact

The proposal will provide institutions and students with clear and specific information concerning the eligibility requirements necessary in establishing a student's dependent or independent status for purposes of receiving State aid. In addition, the new rule conforms with changes in the federal definition of an independent student thus allowing institutions and students to focus on a uniform set of criteria in establishing eligibility for both State and federal aid.

Economic Impact

It is estimated that most students who would qualify as independent under the previous definition would also maintain this status under the general provisions of the new definition. However, the new rule also allows students to document several categories of unusual circumstances to assure that those who are in fact independent and who do not meet the requirements of the general provisions of the definition will have an opportunity to establish eligibility for State grants and scholarships as an independent student.

Regulatory Flexibility Statement

This proposal does not require a regulatory flexibility analysis as it does not impose any requirements on small businesses.

The proposal only sets forth requirements for determining the dependency status of students receiving financial aid.

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

9:11-1.4 Dependent/independent student defined

[(a) Resides with his or her parent(s) or guardian(s) for more than six consecutive weeks last, this, or next year; or

2. Is dependent upon them for more than \$750 in support of any kind including food, clothing, or shelter last, this, or next year; or

3. Is claimed, or will be claimed, as dependent for income tax purposes for last, this, or next year.]

[(b) An independent student is one who:

1. Has not lived, and will not live, with parent(s) for more than six consecutive weeks last, this, or next year, or is a recipient of Aid for Dependent Children who resides with parent(s); and

2. Has not received, and will not receive, financial assistance from parent(s) of more than \$750.00 in support of any kind including food, clothing, and shelter last, this, and next year; and

3. Has not been claimed and will not be claimed as an exemption on parent(s) or guardian(s) tax return last, this, and next year; and

4. Has demonstrated ability for self-support through own resources, which should be at least equal to the level of public assistance in the preceding calendar year. For 1978-79 and subsequent years this level is \$1,400.

i. If circumstances have prevented the student(s) from having resources of at least \$1,400 for the preceding calendar year and the student(s) has qualified for independent status based on other three criteria, an alternative in kind support equivalent to at least \$1,400 must be documented and placed in the student's file before he or she is considered an independent student. Such documentation must be furnished to the Office of Student Assistance, Department of Higher Education in writing through the use of a properly completed change form.]

[(c) A student whose parent(s) or guardian(s) have died within the

period discussed in subsection (b) of this section, is eligible for consideration as an independent student even if the above tests are not met. However, the economic background of the student's parent(s) or guardian(s) must be examined according to the criteria set forth hereafter in section 5 of this subchapter, financial eligibility for undergraduate students.]

[(d) A foster child or ward of the State is eligible for consideration as an independent student. The economic background of the student's parent(s) or nearest guardian(s) need not be examined. The benefits provided the student must be considered in the need analysis.]

[(e) Students who receive Aid for Dependent Children for their dependent children may be considered for independent status without regard to their domicile.]

(a) The term independent when used with respect to a student means any individual who:

1. Is 24 years of age or older by December 31 of the award year; or
2. Meets the requirements of (b) below.

(b) Except as provided in (c) below, an individual meets the requirements of this subsection if such individual:

1. Is an orphan or ward of the court; or
2. Is a veteran of the Armed Forces of the United States; or
3. Is a graduate or professional student who declares that he or she will not be claimed as a dependent for income tax purposes by his or her parents (or guardian) for the first calendar year of the award year; or
4. Is a married individual who declares that he or she will not be claimed as a dependent for income tax purposes by his or her parents (or guardian) for the first calendar year of the award year; or
5. Has legal dependents other than a spouse; or
6. Is a single undergraduate student with no dependents who was not claimed as a dependent by his or her parents (or guardian) for income tax purposes for the two calendar years preceding the award year and demonstrates to the student financial aid administrator total self-sufficiency during the two calendar years preceding the award year in which the initial award will be granted by demonstrating an annual total income of \$4,000; or
7. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances for the purposes of receiving financial assistance under the E.O.F. Program as an independent student due to unusual circumstances, at least one of the following criteria must be met:

i. The student has been separated from his or her parents due to an unsafe home environment or has been institutionalized in a correctional facility. Documentation of such status must be received from a court, social service agency, or other similar source acceptable to the Executive Director of the E.O.F. Program.

ii. The student is a recipient of either Aid to Families with Dependent Children (AFDC) or general assistance in his or her own name and complies with the provisions of (b)6 above except for the income requirement set forth therein;

iii. The student is from a foreign country but has established permanent residency in the United States, is a refugee or has received political asylum, and complies with the provisions of subsection (b)6 above except for the income requirement set forth therein. For the purposes of eligibility under this subparagraph, the student's parents must reside outside of the United States.

iv. The student has been separated from his or her parents and comes from a documented background of historical poverty as set forth in N.J.A.C. 9:11-1.5, is living with another relative who is providing support to the student, and complies with the provisions of (b)6 above, except for the income requirement set forth therein.

v. The student was considered an independent student for the purposes of New Jersey state student assistance programs during the 1986-87 academic year, and complies with provisions of (b)6 above, except for the income requirement set forth therein. This provision will be effective for the 1987-88 academic year only.

vi. The student's economic and personal circumstances are of such a unique or unusual nature that denial of independent student status would create an unjust hardship upon the student. Eligibility under this subparagraph is subject to the approval of the Executive Director of the Educational Opportunity Fund.

(c) An individual may not be treated as an independent student pursuant to (b)3, 4, and 6 above if the financial aid administrator determines that such individual was treated as an independent student during the preceding award year, but was claimed as a dependent by any other individual (other than a spouse) for income tax purposes for the first academic year of such award year.

(d) The financial aid administrator may certify an individual described

in (b)3, 4, and 6 above on the basis of a demonstration made by the individual, but no disbursement of an award may be made without documentation.

(e) A dependent student shall be any student who does not meet any of the eligibility criteria listed in (a) or (b) above for independent student status.

LABOR

(a)

DIVISION OF WORKPLACE STANDARDS

Safety and Health Standards for Public Employees Standards on Toxic and Hazardous Substances

Proposed Amendments: N.J.A.C. 12:100-4.2, 5.2 and 6.2

Proposed New Rules: N.J.A.C. 12:100-7

Authority: N.J.S.A. 34:6A-25 et seq., specifically 34:6A-30, 31 and 32.

Proposal Number: PRN 1987-3.

Submit comments by March 4, 1987 to:

William J. Clark, Assistant Commissioner
Division of Workplace Standards
New Jersey Department of Labor
CN 054
Trenton, NJ 08625-0054

The agency proposal follows:

Summary

The New Jersey Public Employees Occupational Safety and Health Act, N.J.S.A. 34:6A-25 et seq., was enacted on January 17, 1984, to ensure that all public employees are provided with a safe and healthful workplace free from recognized hazards. Under N.J.S.A. 34:6A-25 et seq., applicable standards under the Federal Occupational Safety and Health Administration (OSHA) program were to be adopted by the State.

On November 5, 1984, at 16 N.J.R. 3051(a), the Department of Labor adopted new rules, N.J.A.C. 12:100, and incorporated by reference the Federal safety and health standards which included general industry standards, construction standards and agriculture standards.

Among the general industry standards adopted as part of N.J.A.C. 12:100-4 were the tables of permissible exposure levels of Subpart Z, Toxic and Hazardous Substances of 29 CFR Part 1910. The purpose of these tables is to set permissible exposure limits for airborne concentrations of materials to which nearly all employees may be exposed day after day without adverse effects. The OSHA tables of regulated substances were substantially established by adoption of the 1968 American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Value list. Except for a limited number of substances, the OSHA Toxic and Hazardous Substances tables have not been updated since 1968.

The Department of Labor proposes to adopt an expanded and updated Toxic and Hazardous Substances table of permissible exposure levels to reflect current knowledge concerning toxic and hazardous materials. N.J.S.A. 34:6A-30 states in part "where standards more stringent than the federal standards are deemed advisable, the Commissioner shall . . . provide for the development of state standards as may be necessary in special circumstances." The proposed Toxic and Hazardous Substances Table 7.3 was compiled from current information from the National Institute for Occupational Safety and Health (NIOSH) and the American Conference of Governmental Industrial Hygienists (ACGIH), in addition to the OSHA Subpart Z tables.

Under the Occupational Safety and Health Act of 1970 (P.L. 91-596), NIOSH has the responsibility for developing criteria and recommending standards for toxic and hazardous substances to the Occupational Safety and Health Administration. The Federal Secretary of Labor has the responsibility for promulgating the Federal standards.

NIOSH has devised a formal system of research, with priorities determined on the basis of specified indices, to provide relevant data from which valid criteria for effective standards can be derived. Some of the criteria used in selecting substances to be evaluated include the availability of scientific and medical data, the appropriateness of sampling and analytical methods, and the potential for employee exposure in the United States. Recommended standards for occupational exposure, which are the result of this work, are based on the health effects of exposure. These

include recommended levels of contaminants averaged over a work shift or shorter period of time. They also include work practices, labelling, medical surveillance, recordkeeping, respirator use, and notification requirements. The Federal Secretary of Labor is responsible for adopting the applicable regulations.

Recommended standards developed by NIOSH are reviewed by consultants with input from other federal agencies, private industry, organized labor and trade associations. Most, however, have not been incorporated into regulations. The recommended standards used for the proposed Toxic and Hazardous Substance Table were published in *Morbidity and Mortality Weekly Report Supplement*, Vol. 32, No. 15, October 1983.

The American Conference of Governmental Industrial Hygienists has established and maintains the Chemical Substances Threshold Limit Value Committee. The committee is charged with developing threshold limit values for worker health protection. Chemical substances covered by ACGIH threshold limit values are nominated by committee members and consultants based upon their knowledge of occupational exposure and upon request by organizations or individuals.

The Threshold Limit Value Committee of the ACGIH is composed of practicing industrial hygienists, toxicologists, industrial physicians, engineers, and chemists from governmental agencies and universities. The Threshold Limit Value Committee publishes an annual booklet, under the sponsorship of the ACGIH, that lists two types of limits; a recommended limit that comprises the bulk of the list, and a tentative value assigned for a period of years (at least two) to all newly added substances. The list is reviewed and updated annually. The *ACGIH TLV's for Chemical Substances in the Work Environment (1983-1984)* lists approximately 700 substances with threshold limit value—time weighted averages, threshold limit value—short term exposure limits, and threshold limit value—ceilings.

The selection of chemicals and their threshold limit values is based on the best available information from the industrial experience, from experimental human and animal studies and, when possible, from a combination of the three. The basis on which the values are established may differ from substance to substance. Protection against impairment of health may be a guiding factor for some, whereas reasonable freedom from irritation, narcosis, nuisance or other forms of chemical toxicity may form the basis for others.

The threshold limit values for chemical substances, as issued by the ACGIH, are recommendations. However, these values have been used or included by reference in the development of the Federal Occupational Safety and Health Administration's tables of permissible exposure limits and various State statutes and regulations. In these cases the threshold limit values have the force and effect of law. In addition, the American Conference of Governmental Industrial Hygienists threshold limit values list is widely used and cited by occupational health professionals throughout the United States and many foreign countries.

The proposed table was compiled by comparing exposure limits from OSHA, NIOSH and the ACGIH. The exposure limit which afforded the most protection was adopted for inclusion into the new proposed table.

The complete standards (which include medical surveillance, controls, recordkeeping, labelling, etc.) for 22 substances (29 CFR Parts 1910.1001 through 1910.1046) promulgated by OSHA have been adopted under the State program but the permissible exposure limits of five of these substances have been changed or added where the NIOSH or ACGIH maximum recommended exposure level is more stringent than OSHA's or where no OSHA exposure limit is stated. N.J.A.C. 12:100-7.3(b) through (f) define the terms and abbreviations used in Table 7.3. N.J.A.C. 12:100-7.3(g) describes how permissible exposure limits are to be calculated. N.J.A.C. 12:100-7.3(h) describes how these limits are to be achieved.

The new table of permissible exposure limits will better insure worker safety and health. As stated in the general purpose clause of the State rules, N.J.A.C. 12:100-1.3, "The purpose of this chapter is to protect employees in the public sector by providing standards which are at least as effective as the standards promulgated under Section 6 of the Federal Occupational Safety and Health Act of 1970, 29 USC 651 et seq." This new table updates the procedure OSHA used to promulgate its standards in 1972 and certainly is at least as effective as the OSHA standards.

Social Impact

This proposal will protect the health, safety and welfare of public employees. As a result of employment in a variety of occupations, public employees are exposed to a large number of toxic and hazardous substances. There is documented scientific information that exposure to

these substances at concentrations above the proposed permissible exposure limits is associated with occupational diseases and health symptoms.

It is estimated that approximately 17,000 Americans die each year from occupational cancer. According to authoritative estimates, 100,000 Americans die and 390,000 are disabled by occupational diseases each year. One recent estimate suggests that 1,800,000 Americans are now disabled by occupational diseases.

The public employees likely to be exposed to toxic and hazardous substances include laboratory personnel, plumbers, maintenance personnel, auto repair personnel, motor vehicle operators, utility authority personnel, construction personnel, buildings and grounds personnel, highway and maintenance personnel, painters, fire fighters, motor vehicle inspectors, asbestos control inspectors and hazardous waste site mitigation inspectors. These public employees are exposed to solvents, paints, combustion gases, asbestos pesticides and other products which contain toxic substances.

Implementation of this proposal will reduce illness occurring among public employees. The proposal will improve working conditions, enhance the welfare and morale of public employees, and reduce the risk of occupational disease.

Economic Impact

Compliance with these rules will impose some increased costs on public employers. For example, it may be necessary for public employers to install or improve engineering controls (for example, local ventilation) to reach the proposed permissible exposure limits.

The legislature was aware that there would be increased costs associated with providing public employees with the benefits of an occupational and health program but found that the safety and health of public employees in the workplace is of primary public concern. The legislature also acknowledged that personal injuries and illnesses arising out of work situations result not only in ways loss and increased medical expenses for employees but also in decreased productivity and increased workers' compensation expenses for employers.

Although all State agencies will incur some added costs associated with the implementation of this proposal, the Departments of Environmental Protection, Health, Human Services and Transportation will probably be most affected. In addition to these State departments, municipal and county agencies such as fire services, utility authorities and transportation services will be most affected at a local level.

The added costs of implementing a program of compliance with these rules will be offset with benefits these agencies and public employees will receive from reduction in workers compensation payments, medical and social security rehabilitation expenses as well as less lost work time.

Regulatory Flexibility Statement

This proposal does not impact upon small businesses. The rules address the allowable concentration of certain toxic and hazardous substances in the atmosphere at the workplace of public employees. Public employers will be directly affected since it will be their responsibility to provide a safe and healthy workplace. Small businesses are not affected and therefore no burden is imposed upon them.

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

12:100-4.2 Adoption by reference

(a) The standards contained in 29 CFR Part 1910, General Industry Standards, are adopted as occupational safety and health standards for the protection of public employees engaged in general operations and shall include:

1.-8. (No change.)

9. **Subpart K—Medical and First Aid.**

[9.]10. **Subpart L—Fire Protection.**

[10.]11. **Subpart M—Compressed Gas and Compressed Air Equipment.**

[11.]12. **Subpart N—Materials Handling and Storage.**

[12.]13. **Subpart O—Machinery and Machine Guarding.**

[13.]14. **Subpart P—Hand and Portable Power Tools and Other Hand Held Equipment.**

[14.]15. **Subpart Q—Welding, Cutting, and Brazing.**

[15.]16. **Subpart R—Special Industries.**

[16.]17. **Subpart S—Electrical.**

[17.]18. **Subpart T—Commercial Driving Operations.**

[18. **Subpart Z—Toxic and Hazardous Substances.]**

[i. The standards contained in Subpart Z of 29 CFR Part 1910 are adopted except that the following health standards are not adopted:

(1) 1910.1001. Asbestos

(2) 1910.1200. Hazard communication.]

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

12:100-5.2 Adoption by reference

(a) The standards contained in 29 CFR Part 1926, Construction Industry Standards, are adopted as occupational safety and health standards for the protection of public employees engaged in construction operations and shall include:

1. (No change.)

2. Subpart D—Occupational Health and Environmental Controls, **other than 29 CFR Part 1926.55;**

3.-22. (No change.)

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

12:100-6.2 Adoption by reference

(a) The standards contained in 29 CFR Part 1928, Agriculture are adopted as occupational safety and health standards for the protection of public employees engaged in agricultural operations and shall include:

1. Subpart B—Applicability of Standards;

2. Subpart C—Roll-Over Protective Structures; **and**

3. Subpart D—Safety for Agricultural Equipment [; and] .

[4. Subpart I—Toxic and Hazardous Substances.]

(b) (No change.)

Full text of the proposed new rules follows.

SUBCHAPTER 7. STANDARDS ON TOXIC AND HAZARDOUS SUBSTANCES

12:100-7.1 Scope of subchapter

(a) This subchapter addresses the permissible exposure limits of toxic and hazardous substances to which an employee may be exposed.

(b) This subchapter shall apply to public employees who are employed in general operations, construction and agriculture as covered by N.J.A.C. 12:100-4, 5 and 6 respectively.

12:100-7.2 Definitions applicable to this subchapter

“Engineering control” means a method utilized to reduce the concentration of a toxic or hazardous substance by substitution, isolation, ventilation or modification of equipment.

“Work practice control” means a method by which the employer modifies the manner in which the employee performs assigned work, such as changing work habits, improving sanitation, or improving hygiene practices.

12:100-7.3 Adoption of standards

(a) The permissible exposure limits set forth in Table 7.3, below, are adopted as occupational safety and health standards for the protection of public employees. An employee's exposure to any substance listed in Table 7.3 shall be limited in accordance with (b) through (h) below.

(b) This subsection defines terms and abbreviations pertaining to any material listed in Table 7.3 that makes reference to “OSHA” in the source column. These terms and abbreviations are used in the Occupational Safety and Health Administration in 29 CFR Part 1910, Subpart Z—Toxic and Hazardous Substances.

1. “TWA” means eight hour time weighted average. An employee's exposure to a material the name of which is not preceded by “C” in any eight hour work shift of a 40 hour work week shall not exceed the eight hour time weighted average given for that material in the table.

2. “C” means ceiling value. An employee's exposure to a material with a “C” notation shall at no time exceed the ceiling value given for that material in the table.

3. “R” means complete standard. Materials with an “R” notation have been adopted as complete health standards (see N.J.A.C. 12:100-7.4 Specific health standards).

(c) This subsection defines terms and abbreviations pertaining to any material listed in Table 7.3 that makes reference to “ACIGH” in the source column. These terms and abbreviations are used in the American Conference of Governmental Industrial Hygienists, *Threshold Limit Value for Chemical Substances and Physical Agents in the Work Environment and Biological Exposure Indices with intended Changes for 1984-85.*

1. “TWA” means time weighted average. An employee's exposure to a material in any eight hour work shift of a 40 hour week shall not exceed the eight hour time weighted average given for that material in the table.

2. “Excursion limits” means that short term exposures should exceed three times the TWA for no more than a total of 30 minutes during a work day and under no circumstances should they exceed five times the TWA, provided that the TWA is not exceeded.

3. “STEL” means short term exposure limit. Materials have a 15

minute time weighted average exposure which shall not be exceeded at any time during a work day even if the eight hour time weighted average is within the TWA. Employee exposures at the STEL shall not be longer than 15 minutes and shall not be repeated more than four times a day. There should be at least 60 minutes between excessive exposures at the STEL.

4. "C" means ceiling value. An employee's exposure to materials with a "C" notation shall at no time be exceeded even instantaneously.

5. "E" means simple asphyxiant, "inert" gases or vapors. Employers shall limit the concentration of these materials, taking the following into account:

i. A number of gases, when present in high concentrations in air, act primarily as simple asphyxiants without other significant physiologic effects. A permissible exposure limit may not be recommended for each simple asphyxiant because the limiting factor is the available oxygen. The minimal oxygen content shall be 18 percent by volume under normal atmospheric pressure (equivalent to an oxygen partial pressure of 135 mm of mercury). Atmospheres deficient in oxygen do not provide adequate warning and most simple asphyxiants are odorless. Several simple asphyxiants present an explosion hazard.

6. "A1a" means human carcinogens. These are substances, or substances associated with industrial processes, recognized to have carcinogenic or cocarcinogenic potential. An employee's exposure shall not exceed the permissible exposure limit.

7. "A1b" means human carcinogen substances. For a material with an "A1b" notation no employee exposure or contact by any route (respiratory, skin or oral as detected by the most sensitive methods) shall be permitted. The employee shall be properly equipped to insure virtually no contact with the carcinogen.

8. "A2" means industrial substances suspect of carcinogenic potential for humans. An employee's exposure by all routes to a material with an "A2" notation shall be carefully controlled to levels consistent with the animal and human experience data including those substances with a listed TWA.

9. "B1" means polytetrafluoroethylene decomposition products. Thermal decomposition of the fluorocarbon chain in air leads to the formation of oxidized products containing carbon, fluorine and oxygen. Because these products decompose in part by hydrolysis in alkaline solution, they can be quantitatively determined in air as fluoride to provide an index of exposure. No permissible exposure limit is recommended pending determination of the toxicity of the products, but air concentrations shall be kept as low as possible.

10. "B2" means welding fumes. The total particulates not otherwise classified shall not exceed a permissible exposure limit of five milligrams per cubic meter (mg/m³). The employer shall prevent over-exposure to other potentially hazardous compounds, taking the following into account:

i. Welding fumes cannot be classified simply. The composition and quantity of both are dependent on the alloy being welded and the process and electrodes used. Reliable analysis of fumes cannot be made without considering the nature of the welding process and system being examined. Reactive metals and alloys such as aluminum and titanium are arc-welded in a protective, inert atmosphere such as argon. These arcs create relatively little fume, but an intense radiation which can produce ozone. Similar processes are used to arc-weld steels, also creating a relatively low level of fumes. Ferrous alloys also are arc-welded in oxidizing environments which generate considerable fume, and can produce carbon monoxide instead of ozone. Such fumes generally are composed of discrete particles of amorphous slags containing iron, manganese, silicon and other metallic constituents depending on the alloy system involved. Chromium and nickel compounds are found in fumes when stainless steels are arc-welded. Some coated and flux-cored electrodes are formulated with fluorides and the fumes associated with them can contain significantly more fluorides than oxides. Because of the above factors, arc-welding fumes frequently must be tested for individual constituents which are likely to be present to determine whether specific permissible exposure limits are exceeded. Conclusions based on total fume concentration are generally adequate if no toxic elements are present in welding rod, metal or metal coating and conditions are not conducive to the formation of toxic gases.

11. "D" means nuisance particulates. An employee's exposure to a material with a "D" notation shall not exceed the TWA of 10 mg/m³ of total dust or 5 mg/m³ of respirable dust. However, if there is greater than one percent quartz in the total dust sample than the TWA for quartz shall be used.

12. "T" means the respirable quartz TWA value shall be used if the

coal dust has greater than five percent quartz.

13. "U" means the TWA for cotton dust shall be lint free dust as measured by the vertical elutriator cotton dust sample method described in *Transaction of the National Conference on Cotton Dust*, p. 33, by J.R. Lynch (May 2, 1970).

14. "BB" means for exposed employees, biological monitoring shall be performed.

15. "DD" means an employee's exposure to a material with a "DD" notation shall not exceed the TWA given. However, if there is greater than one percent quartz in the total dust sample then the TWA for quartz shall be used.

16. "FF" means the air samples shall be based on "high volume" (4-12 liters per minute) sampling.

17. "VV" means the air samples shall be collected by a method that does not collect vapor.

(d) This subsection defines terms and abbreviations pertaining to any material listed in Table 7.3 that makes reference to "NIOSH" in the source column. These terms and abbreviations are used in the United States Department of Health and Human Services, National Institute for Occupational Safety and Health, Center for Disease Control, "NIOSH Recommendations for Occupational Health Standards." *Morbidity and Mortality Weekly Report Supplement*, Vol. 32, No. 1S, October, 1983.

1. "TWA" means time weighted average. An employee's exposure to materials in any 10 hour shift of a 40 hour work week shall not exceed the 10 hour time weighted average given for that material in the table.

2. "Ceiling" means materials have a variable time weighted average (the time is specified in the table) exposure which shall not be exceeded at any time during a workday even if the ten hour TWA is not exceeded.

3. "F" means materials with an "F" notation must have a TWA which represents the lowest reliably detectable level as determined by NIOSH.

4. "G" means an employee's exposure to asbestos shall not exceed 100,000 fibers/cubic meter (m³) over five micrometers in length for an eight hour TWA or 500,000 fibers/m³ over five micrometers in length as a 15 minute ceiling.

5. "H" means an employee's exposure to halogenated anaesthetic agents shall not exceed two parts per million (ppm) ceiling (one hour). Employee exposure to nitrous oxide shall not exceed 25 ppm TWA during periods of use.

6. "J" means an employee's exposure to a substance shall never exceed the value cited in the column with an accompanying "J" notation.

7. "K" means stringent work practices and controls shall be enforced to reduce employee exposure. Where applicable, benzidine-based dyes shall be replaced by less toxic materials.

8. "L" means an employee's exposure to fibrous glass shall not exceed 3 million fibers/m³ TWA (fibers less than or equal to 3.5 micrometers in diameter and greater than or equal to 10 micrometers in length) or 5 mg/m³ TWA (total fibrous glass).

9. "M" means the entries with an "M" notation refer to a TWA value of respirable free silica. Respirable dust is defined as the portion of the dust small enough to penetrate to the pulmonary spaces.

10. "N" means the entries with an "N" notation refer to a TWA value of total dust. Total dust is defined as total weight of dust collected.

11. "P" means for tetrachloroethylene, a ceiling concentration determined by 15 minute samples twice daily.

12. "Q" means an employee's exposure to a material with a "Q" notation shall be the same as promulgated for vinyl chloride with the eventual goal of zero.

13. "V" means ethylene thiourea must be used in encapsulated form in industry and worker exposure shall be minimized.

14. "W" means the TWA for methylene chloride shall be lowered in the presence of exposure to carbon monoxide (CO) in the work environment at more than 9 ppm determined as a TWA exposure for up to a 10-hour workday. Exposure limits of CO, or methylene chloride, or both shall be reduced to satisfy the relationship:

$$\frac{C(\text{CO})}{L(\text{CO})} + \frac{C(\text{CH}_2\text{Cl}_2)}{L(\text{CH}_2\text{Cl}_2)} \text{ less than or equal to one}$$

where:

C(CO) = TWA exposure concentration of CO in ppm.

L(CO) = the recommended TWA exposure limit of CO = 35 ppm.

C(CH₂Cl₂) = TWA exposure concentration of methylene chloride in ppm.

L(CH₂Cl₂) = the recommended TWA exposure limit of methylene chloride = 75 ppm.

15. "X" means for dust of cemented tungsten carbide containing > 2% cobalt (CO) the TWA shall be $\frac{0.1 \text{ mg Co.}}{\text{m}^3}$.

16. "Y" means for dust of cemented tungsten carbide containing > 0.3% nickel (Ni) the TWA shall be $\frac{0.15 \text{ ug Ni.}}{\text{m}^3}$.

(e) This subsection defines other abbreviations found in Table 7.3.

1. "PPM" means parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg pressure.

2. "Mg/m³" means approximate milligrams of particulate per cubic meter of air.

3. "NOC" means not otherwise classified.

4. "CAS" means Chemical Abstracts Service number.

(f) For substances cited in Table 7.3 with a skin notation, appropriate measures shall be taken for the prevention of employee's cutaneous absorption (including mucous membranes and eye either by airborne or more particularly by direct contact).

(g) This subsection applies to the computation of time weighted averages.

1. The cumulative exposure for an 8-hour work shift shall be computed as follows:

$$E = \frac{CaTa + CbTb + \dots C^nT^n}{8}$$

Where:

E is the equivalent exposure for the working shift.

C is the concentration during any period of time "T" where the concentration remains constant.

T is the duration in hours of the exposure at the concentration "C".

The value of E shall not exceed the 8-hour time weighted average limit in Table 7.3 for the material involved. (For NIOSH values substitute 10 hours for 8 hours.)

To illustrate the formula prescribed in this section the following example is provided. Note that isoamyl acetate has an 8-hour time weighted average limit of 100 ppm (Table 7.3). Assume that an employee is subject to the following exposure:

Two hours exposure at 150 ppm

Two hours exposure at 75 ppm

Four hours exposure at 50 ppm

Substituting this information in the formula results in:

$$\frac{(2 \times 150 + 2 \times 75 + 4 \times 50)}{8} = 81.25 \text{ ppm}$$

Since 81.25 ppm is less than 100 ppm, the 8-hour time weighted average limit, the exposure is acceptable.

2. In the case of two or more of air contaminants which act upon the same organ system the employer shall compute the equivalent exposure as follows:

$$Em = \frac{C_1}{L_1} + \frac{C_2}{L_2} + \dots \frac{C_n}{L_n}$$

Where:

Em is the equivalent exposure for the mixture.

C is the concentration of a particular contaminant.

L is the exposure limit for that contaminant from Table 7.2.

The value of Em shall not exceed unity (1).

To illustrate the formula prescribed in this paragraph the following example is provided.

Material	Actual concentration of 8-hour exposure	8-hour time weighted average exposure limit
Ethyl Alcohol	500 ppm	1,000 ppm
Methyl Ethyl Ketone	45 ppm	200 ppm
Toluene	20 ppm	100 ppm

Substituting this information in the formula results in:

$$Em = \frac{500}{1000} + \frac{45}{200} + \frac{20}{100}$$

$$Em = 0.500 + 0.225 + 0.200$$

$$Em = 0.925$$

Since Em is less than unity (1), the exposure combination is within acceptable limits.

(h) To achieve compliance with (a) through (g) above, engineering controls or work practice controls shall be implemented and maintained to reduce environmental concentrations to the permissible exposure levels or lower. Personal protective equipment is not an acceptable substitute for proper engineering controls although such equipment shall be available for use in emergencies and during maintenance and repair procedures.

(i) Where the permissible exposure level for asbestos; bis(chloromethyl) ether; 1,2-dibromo-3-chloropropane; beta-propiolactone; and inorganic arsenic, set forth in (a) above is more stringent than the permissible exposure level contained in the health standard listed in N.J.A.C. 12:100-7.4, the permissible exposure level set forth in Table 7.3 shall apply.

12:100-7.4 Specific health standards adopted by reference

(a) The health standards listed below and contained in Subpart Z of 29 CFR Part 1910 are adopted herein by reference as occupational safety and health standards for the protection of public employees, except as provided in N.J.A.C. 12:100-7.3(i).

1. (Reserved)
2. 29 CFR 1910.1002 Coal tar pitch volatiles;
3. 29 CFR 1910.1003 4-Nitrobiphenyl;
4. 29 CFR 1910.1004 alpha-Naphthylamine;
5. 29 CFR 1910.1005 (Reserved)
6. 29 CFR 1910.1006 Methyl chloromethyl ether;
7. 29 CFR 1910.1007 3,3-Dichlorobenzidine (and its salts);
8. 29 CFR 1910.1008 bis-Chloromethyl ether;
9. 29 CFR 1910.1009 beta-Naphthylamine;
10. 29 CFR 1910.1010 Benzidine;
11. 29 CFR 1910.1011 4-Aminodiphenyl;
12. 29 CFR 1910.1012 Ethyleneimine;
13. 29 CFR 1910.1013 beta-Propiolactone;
14. 29 CFR 1910.1014 2-Acetylaminofluorene;
15. 29 CFR 1910.1015 4-Dimethylaminoazobenzene;
16. 29 CFR 1910.1016 N-Nitrosodimethylamine;
17. 29 CFR 1910.1017 Vinyl chloride;
18. 29 CFR 1910.1018 Inorganic arsenic;
19. 29 CFR 1910.1025 Lead;
20. 29 CFR 1910.1029 Coke oven emissions;
21. 29 CFR 1910.1043 Cotton dust;
22. 29 CFR 1910.1044 1,2-dibromo-3-chloropropane;
23. 29 CFR 1910.1045 Acrylonitrile;
24. 29 CFR 1910.1047 Ethylene oxide.

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
75-07-0	ACETALDEHYDE	100.00	180.00	ACGIH	150.00	270.00		ACGIH
64-19-7	ACETIC ACID	10.00	25.00	OSHA	15.00	37.00		ACGIH
108-24-7	ACETIC ANHYDRIDE	C 5.00	C 20.00	ACGIH				
67-64-1	ACETONE	250.00	590.00	NIOSH	1000.00	2375.00		ACGIH
75-86-5	ACETONE CYANOHYDRIN				1.00	4.00	15	NIOSH
75-05-8	ACETONITRILE (SKIN)	20.00	34.00	NIOSH	60.00	105.00		ACGIH
53-96-3	2-ACETYLAMINOFLUORENE	R		OSHA				
74-86-2	ACETYLENE	2500.00	2662.00	OSHA				
		J	J	NIOSH				
79-27-6	ACETYLENE							
	TETRABROMIDE	1.00	14.00	OSHA				
50-78-2	ACETYLSALICYLIC ACID		5.00	ACGIH				
107-02-8	ACROLEIN	0.10	0.25	OSHA	0.30	0.80		ACGIH
79-06-1	ACRYLAMIDE (SKIN)		0.30	ACGIH		0.60		ACGIH
79-10-7	ACRYLIC ACID	10.00	30.00	ACGIH				
107-13-1	ACRYLONITRILE (SKIN)	2.00	R	OSHA				
		C 10.00		OSHA				
111-69-3	ADIPONITRILE	4.00	18.00	NIOSH				
309-00-2	ALDRIN (SKIN)		F 0.15	NIOSH				
NONE	ALKANE MIXTURES		350.00	NIOSH		1800.00	15	NIOSH
107-18-6	ALLYL ALCOHOL (SKIN)	2.00	5.00	OSHA	4.00	10.00		ACGIH
107-05-1	ALLYL CHLORIDE	1.00	3.00	OSHA	2.00	6.00		ACGIH
106-92-3	ALLYL GLYCIDYL ETHER (SKIN)	5.00	22.00	ACGIH	10.00	44.00		ACGIH
2179-59-1	ALLYL PROPYL DISULFIDE	2.00	12.00	OSHA	3.00	18.00		ACGIH
1344-28-1	ALUMINA		D 10.00	ACGIH				
7429-90-5	ALUMINUM, AS AL METAL & OXIDE		10.00	ACGIH				
	PYRO POWDERS		5.00	ACGIH				
	WELDING FUMES		5.00	ACGIH				
	SOLUBLE SALTS		2.00	ACGIH				
	ALKYLS (NOC)		2.00	ACGIH				
92-67-1	4-AMINODIPHENYL (SKIN)	R		OSHA				
504-29-0	2-AMINOPYRIDINE	0.50	2.00	OSHA				
61-82-5	AMITROLE		0.20	ACGIH				
7664-41-7	AMMONIA	25.00	18.00	ACGIH	35.00	27.00		ACGIH
12125-02-9	AMMONIUM CHLORIDE (FUME)		10.00	ACGIH		20.00		ACGIH
7773-06-0	AMMONIUM SULFAMATE		10.00	ACGIH				
628-63-7	N-AMYL ACETATE	100.00	525.00	OSHA	150.00	800.00		ACGIH
626-38-0	SEC-AMYL ACETATE	125.00	670.00	OSHA	150.00	800.00		ACGIH
NONE	ANESTHETIC GASES AND VAPORS, WASTE	H		NIOSH				
62-53-3	ANILINE & HOMOLOGUES (SKIN)	2.00	10.00	ACGIH				
29191-52-4	ANISIDINE (SKIN) (O-, P- ISOMERS)	0.10	0.50	ACGIH				
7440-36-0	ANTIMONY & COMPOUNDS, AS Sb		0.50	OSHA				
1309-64-4	ANTIMONY TRIOXIDE HANDLING & USE, AS Sb PRODUCTION		0.50	ACGIH				
			A2	ACGIH				
86-88-4	ANTU (ALPHA NAPHTHYL THIOUREA)		0.30	OSHA				
7440-37-1	ARGON	E		ACGIH				
NONE	ARSENIC INORGANIC, AS As	R		OSHA		0.002	15	NIOSH
NONE	ARSENIC ORGANIC, AS As SOLUBLE COMPOUNDS		0.20	ACGIH				
	INSOLUBLE COMPOUNDS		0.50	OSHA				
7784-42-1	ARSINE	0.05	0.20	OSHA				
1332-21-4	ASBESTOS	SEE N.J.A.C. 12:100-12						

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
8052-42-4	ASPHALT FUMES (PETROLEUM DERIVED) (SKIN)					5.00	15	NIOSH
1912-24-9	ATRAZINE		5.00	ACGIH				
7440-39-3	BARIUM, SOLUBLE COMPOUNDS, AS Ba		0.50	OSHA				
7727-43-7	BARIUM SULFATE	DD	N 10.00	ACGIH				
17804-35-2	BENOMYL	0.80	10.00	ACGIH				
71-43-2	BENZENE	A2	A2	ACGIH	1.00	3.20	60	NIOSH
108-98-5	BENZENETHIOL	0.50	2.00	ACGIH	0.10	0.50	15	NIOSH
92-87-5	BENZIDINE (SKIN)	R		OSHA				
NONE	BENZIDINE BASED DYES	K		NIOSH				
50-32-8	BENZO(A)PYRENE	A2		ACGIH				
106-51-4	P-BENZOQUINONE	0.10	0.40	OSHA	0.30	1.00		ACGIH
94-36-0	BENZOYL PEROXIDE		5.00	OSHA				
100-44-7	BENZYL CHLORIDE	1.00	5.00	OSHA		5.00	15	NIOSH
7440-41-7	BERYLLIUM	J	0.0005	NIOSH				
1304-82-1	BISMUTH TELLURIDE Se DOPED		10.00 5.00	ACGIH ACGIH				
1303-96-4	BORATES, TETRA SODIUM SALTS							
	ANHYDROUS		1.00	ACGIH				
	DECAHYDRATE		5.00	ACGIH				
	PENTAHYDRATE		1.00	ACGIH				
1303-86-2	BORON OXIDE		10.00	ACGIH				
10294-33-4	BORON TRIBROMIDE	C 1.00	C 10.00	ACGIH				
7637-07-2	BORON TRIFLUORIDE	C 1.00	C 3.00	OSHA				
314-40-9	BROMACIL	1.00	10.00	ACGIH				
7726-95-6	BROMINE	0.10	0.70	OSHA	0.30	2.00		ACGIH
7789-30-2	BROMINE PENTAFLUORIDE	0.10	0.70	ACGIH				
75-25-2	BROMOFORM (SKIN)	0.50	5.00	OSHA				
106-99-0	1,3-BUTADIENE	A2 10.00	A2 22.00	ACGIH				
106-97-8	BUTANE	800.00	1900.00	ACGIH				
111-76-2	2-BUTOXY ETHANOL (SKIN)	25.00	120.00	ACGIH	75.00	360.00		ACGIH
123-86-4	N-BUTYL ACETATE	150.00	710.00	OSHA	200.00	950.00		ACGIH
105-46-4	SEC-BUTYL ACETATE	200.00	950.00	OSHA	250.00	1190.00		ACGIH
540-88-5	TERT-BUTYL ACETATE	200.00	950.00	OSHA	250.00	1190.00		ACGIH
141-32-2	BUTYL ACRYLATE	10.00	55.00	ACGIH				
71-36-3	N-BUTYL ALCOHOL (SKIN)	C 50.00	C 150.00	ACGIH				
78-92-2	SEC-BUTYL ALCOHOL	100.00	305.00	ACGIH	150.00	455.00		ACGIH
75-65-0	TERT-BUTYL ALCOHOL	100.00	300.00	OSHA	150.00	450.00		ACGIH
109-73-9	BUTYLAMINE (SKIN)	C 5.00	C 15.00	OSHA				
1189-85-1	TERT-BUTYL CHROMATE, AS CrO3 (SKIN)		C 0.10	OSHA				
2426-08-6	N-BUTYL GLYCIDYL ETHER				4.40	30.00	15	NIOSH
138-22-7	N-BUTYL LACTATE	5.00	25.00	ACGIH				
109-79-5	BUTYL MERCAPTAN				0.50	1.80	15	NIOSH
89-72-5	O-SEC-BUTYLPHENOL (SKIN)	5.00	30.00	ACGIH				
98-51-1	P-TERT-BUTYL TOLUENE	10.00	60.00	OSHA	20.00	120.00		ACGIH
109-74-0	BUTYRONITRILE	8.00	22.00	NIOSH				
7440-43-9	CADMIUM DUST & SALTS, AS Cd		0.04	NIOSH		0.20	15	NIOSH
156-62-7	CALCIUM CYANAMIDE		0.50	ACGIH				
1305-62-0	CALCIUM HYDROXIDE		5.00	ACGIH				
1305-78-8	CALCIUM OXIDE		2.00	ACGIH				
1344-95-2	CALCIUM SILICATE		D 10.00	ACGIH				
76-22-2	CAMPHOR		2.00	OSHA	3.00	18.00		ACGIH
105-60-2	CAPROLACTAM DUST VAPOR	5.00	1.00 20.00	ACGIH ACGIH	10.00	3.00 40.00		ACGIH ACGIH
2425-06-1	CAPTAFOF (SKIN)		0.10	ACGIH				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
133-06-2	CAPTAN		5.00	ACGIH				
63-25-2	CARBARYL		5.00	OSHA				
1563-66-2	CARBOFURAN		0.10	ACGIH				
1333-86-4	CARBON BLACK IN THE PRESENCE OF POLYCYCLIC AROMATIC HYDROCARBONS		3.50	OSHA				
			.10	NIOSH				
124-38-9	CARBON DIOXIDE	5000.00	9000.00	OSHA	3000.00	5400.00	10	NIOSH
75-15-0	CARBON DISULFIDE (SKIN)	1.00	3.00	NIOSH	10.00	30.00	15	NIOSH
630-08-0	CARBON MONOXIDE	35.00	40.00	NIOSH	J 200.00	J 229.00		NIOSH
558-13-4	CARBON TETRABROMIDE	0.10	1.40	ACGIH	0.30	4.00		ACGIH
56-23-5	CARBON TETRACHLORIDE (SKIN)	A2	A2	ACGIH	2.00	12.60	60	NIOSH
353-50-4	CARBONYL FLUORIDE	2.00	5.00	ACGIH	5.00	15.00		ACGIH
9004-34-6	CELLULOSE		D 10.00	ACGIH				
21351-79-1	CESIUM HYDROXIDE		2.00	ACGIH				
57-74-9	CHLORDANE (SKIN)		0.50	OSHA		2.00		ACGIH
55720-99-5	CHLORINATED DIPHENYL OXIDE		0.50	OSHA		2.00		ACGIH
7782-50-5	CHLORINE				0.50	1.45	15	NIOSH
10049-04-4	CHLORINE DIOXIDE	0.10	0.30	OSHA	0.30	0.90		ACGIH
7790-91-2	CHLORINE TRIFLUORIDE	C 0.10	C 0.40	OSHA				
107-20-0	CHLOROACETALDEHYDE	C 1.00	C 3.00	OSHA				
532-27-4	alpha- CHLOROACETOPHENONE	0.05	0.30	OSHA				
79-04-9	CHLOROACETYL CHLORIDE	0.05	0.20	ACGIH				
108-90-7	CHLOROBENZENE	75.00	350.00	OSHA				
2698-41-1	O-CHLOROBENZYLIDENE MALONONITRILE (SKIN)	C 0.05	C 0.40	ACGIH				
74-97-5	CHLOROBROMOMETHANE	200.00	1050.00	OSHA	250.00	1300.00		ACGIH
75-45-6	CHLORODIFLUORO- METHANE	1000.00	3500.00	ACGIH	1250.00	4375.00		ACGIH
111-44-4	BIS (2-CHLOROETHYL) ETHER (DICHLOROETHYL ETHER)	5.00	30.00	ACGIH	10.00	60.00		ACGIH
67-66-3	CHLOROFORM	A2	A2	ACGIH	2.00	9.78	60	NIOSH
542-88-1	BIS (2-CHLOROMETHYL) ETHER	R 0.001	0.005	OSHA ACGIH				
107-30-2	CHLOROMETHYL METHYL ETHER	R		OSHA				
600-25-9	1-CHLORO-1- NITROPROPANE	2.00	10.00	ACGIH				
76-15-3	CHLOROPEN- TAFLUOROETHANE	1000.00	6320.00	ACGIH				
76-06-2	CHLOROPICRIN	0.10	0.70	OSHA	0.30	2.00		ACGIH
126-99-8	CHLOROPRENE (SKIN)				1.00	3.60	15	NIOSH
2039-87-4	O-CHLOROSTYRENE	50.00	285.00	ACGIH	75.00	430.00		ACGIH
95-49-8	O-CHLOROTOLUENE	50.00	250.00	ACGIH	75.00	375.00		ACGIH
NONE	CHROMITE ORE PROCESSING (CHROMATE), AS Cr		1A 0.05	ACGIH				
2921-88-2	CHLORPYRIFOS (SKIN)		0.20	ACGIH		0.60		ACGIH
13530-68-2	CHROMIC ACID		0.05	NIOSH		0.1	15	NIOSH
7440-47-3	CHROMIUM METAL		0.50	ACGIH				
22541-79-3	CHROMIUM (II) COMPOUNDS, AS Cr		0.50	ACGIH				
16065-83-1	CHROMIUM (III) COMPOUNDS, AS Cr		0.50	ACGIH				
18540-29-9	CHROMIUM (VI) CARCINOGENIC OTHER		0.001 .025	NIOSH NIOSH		0.05	15	NIOSH
218-01-9	CHRYSENE	A2	A2	ACGIH				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
2971-90-6	CLOPIDOL		10.00	ACGIH		20.00		ACGIH
NONE	COAL DUST		T 2.00	ACGIH				
65996-79-4	COAL TAR NAPHTHA	100.00	400.00	OSHA				
NONE	COAL TAR PRODUCTS		0.10	NIOSH				
7440-48-4	COBALT METAL, DUST & FUME, AS COBALT		0.05	ACGIH		0.10		ACGIH
10210-68-1	COBALT CARBONYL		0.10	ACGIH				
16842-03-8	COBALT HYDROCARBONYL		0.10	ACGIH				
NONE	COKE OVEN EMISSIONS	R	0.15	OSHA				
7440-50-8	COPPER FUME	0.10		OSHA				
	DUST & MIST, AS Cu	1.00		OSHA				
NONE	COTTON FIBER AS RAW COTTON	R		OSHA				
			U 0.20	ACGIH				
1319-77-3	CRESOL (ALL ISOMERS) (SKIN)	2.30	10.00	NIOSH				
123-73-9	CROTONALDEHYDE	2.00	6.00	OSHA	6.00	18.00		ACGIH
299-86-5	CRUFOMATE		5.00	ACGIH		20.00		ACGIH
98-82-8	CUMENE (SKIN)	50.00	245.00	OSHA	75.00	365.00		ACGIH
420-04-2	CYANAMIDE		2.00	ACGIH				
NONE	CYANIDE & CYANIDE SALTS, AS CN (SKIN)				4.70	5.00	10	NIOSH
460-19-5	CYANOGEN	10.00	20.00	ACGIH				
506-77-4	CYANOGEN CHLORIDE	C 0.30	C 0.60	ACGIH				
110-82-7	CYCLOHEXANE	300.00	1050.00	OSHA	375.00	1300.00		ACGIH
1569-69-3	CYCLOHEXANETHIOL				0.50	2.40	15	NIOSH
108-93-0	CYCLOHEXANOL	50.00	200.00	OSHA				
108-94-1	CYCLOHEXANONE	25.00	100.00	ACGIH	100.00	400.00		ACGIH
110-83-8	CYCLOHEXENE	300.00	1015.00	OSHA				
108-91-8	CYCLOHEXYLAMINE (SKIN)	10.00	40.00	ACGIH				
121-82-4	CYCLONITE (SKIN)		1.50	ACGIH		3.00		ACGIH
542-92-7	CYCLOPENTADIENE	75.00	200.00	OSHA	150.00	400.00		ACGIH
287-92-3	CYCLOPENTANE	600.00	1720.00	ACGIH	900.00	2580.00		ACGIH
13121-70-5	CYHEXATIN		5.00	ACGIH				
94-75-7	2,4-D		10.00	OSHA				
96-12-8	DBCP	R		OSHA				
	(DIBROMOCHLORO-PROPANE)	0.01	0.10	NIOSH				
50-29-3	DDT							
	(DICHLORODIPHENYLTRI-CHLOROETHANE) (SKIN)		F 0.50	NIOSH				
17702-41-9	DECABORANE (SKIN)	0.05	0.30	OSHA	0.15	0.90		ACGIH
143-10-2	1-DECANETHIOL				0.50	3.60	15	NIOSH
8065-48-3	DEMETON (SKIN)	0.01	0.10	OSHA				
123-42-2	DIACETONE ALCOHOL	50.00	240.00	OSHA	75.00	360.00		ACGIH
333-41-5	DIAZINON (SKIN)		0.10	ACGIH				
334-88-3	DIAZOMETHANE	0.20	0.40	OSHA				
19287-45-7	DIBORANE	0.10	0.10	OSHA				
102-81-8	2-N-DIBUTYLAMINO-ETHANOL (SKIN)	2.00	14.00	ACGIH				
107-66-4	DIBUTYL PHOSPHATE	1.00	5.00	OSHA	2.00	10.00		ACGIH
84-74-2	DIBUTYL PHTHALATE		5.00	OSHA		10.00		ACGIH
7572-29-4	DICHLOROACETYLENE	C 0.10	C 0.40	ACGIH				
95-50-1	1,2-DICHLOROBENZENE	C 50.00	C 300.00	OSHA				
106-46-7	1,4-DICHLOROBENZENE	75.00	450.00	OSHA	110.00	675.00		ACGIH
91-94-1	3,3'-DICHLOROBENZIDINE (SKIN)	R		OSHA				
75-71-8	DICHLORODIFLUORO-METHANE	1000.00	4950.00	OSHA				
118-52-5	1,3-DICHLORO-5,5-DIMETHYL HYDANTOIN		0.20	OSHA		0.40		ACGIH

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
75-34-3	1,1-DICHLOROETHANE (ETHYLIDENE CHLORIDE)	100.00	400.00	OSHA	250.00	1010.00		ACGIH
107-06-2	1,2-DICHLOROETHANE (ETHYLENE DICHLORIDE)	1.00	4.00	NIOSH	2.00	8.00	15	NIOSH
75-43-4	DICHLOROFUORO- METHANE	10.00	40.00	ACGIH				
540-59-0	1,2-DICHLOROETHYLENE	200.00	790.00	OSHA	250.00	1000.00		ACGIH
594-72-9	1,1-DICHLORO-1-NITRO- ETHANE	C 10.00 2.00	C 60.00 10.00	OSHA ACGIH				
78-87-5	1,2-DICHLOROPROPANE	75.00	350.00	OSHA	110.00	510.00		ACGIH
542-75-6	1,3-DICHLOROPROPENE (SKIN)	1.00	5.00	ACGIH				
75-99-0	2,2-DICHLOROPROPIONIC ACID	1.00	6.00	ACGIH				
1320-37-2	DICHLOROTETRA- FLUOROETHANE	1000.00	7000.00	OSHA				
62-73-7	DICHLORVOS (SKIN)	0.10	1.00	ACGIH				
141-66-2	DICROTOPHOS (SKIN)		0.25	ACGIH				
77-73-6	DICYCLOPENTADIENE	5.00	30.00	ACGIH				
102-54-5	DICYCLOPENTADIENYL IRON		10.00	ACGIH				
60-57-1	DIELDRIN (SKIN)		F 0.15	NIOSH				
111-42-2	DIETHANOLAMINE	3.00	15.00	ACGIH				
109-89-7	DIETHYLAMINE	10.00	30.00	ACGIH	25.00	75.00		ACGIH
100-37-8	DIETHYLAMINOETHANOL (SKIN)	10.00	50.00	OSHA				
111-40-0	DIETHYLENE TRIAMINE (SKIN)	1.00	4.00	ACGIH				
60-29-7	DIETHYL ETHER	400.00	1200.00	OSHA	500.00	1500.00		ACGIH
96-22-0	DIETHYL KETONE	200.00	705.00	ACGIH				
84-66-2	DIETHYL PHTHALATE		5.00	ACGIH		10.00		ACGIH
75-61-6	DIFLUORODIBROMO- METHANE	100.00	860.00	OSHA				
2238-07-5	DIGLYCIDYL ETHER	0.10	0.50	ACGIH	0.20	1.00	15	NIOSH
120-80-9	1,2-DIHYDROXYBENZENE (CATECHOL)	5.00	20.00	ACGIH				
NONE	DIISOCYANATES OTHER THAN THOSE LISTED	0.005		NIOSH	0.02		10	NIOSH
108-18-9	DI-ISOPROPYLAMINE (SKIN)	5.00	20.00	OSHA				
127-19-5	DIMETHYL ACETAMIDE (SKIN)	10.00	35.00	OSHA				
124-40-3	DIMETHYLAMINE	10.00	18.00	OSHA				
60-11-7	4-DIMETHYLAMINO- AZOBENZENE	R		OSHA				
121-69-7	DIMETHYLANILINE (SKIN)	5.00	25.00	OSHA	10.00	50.00		ACGIH
79-44-7	DIMETHYLCARBAMOYL CHLORIDE	A2	A2	ACGIH				
300-76-5	DIMETHYL 1,2-DIBROMO-2,2- DICHLOROETHYL PHOSPHATE (NALED)		3.00	OSHA				
68-12-2	DIMETHYLFORMAMIDE (SKIN)	10.00	30.00	OSHA				
108-83-8	2,6-DIMETHYLHEPTANONE (DIISOBUTYL KETONE)		140.00	NIOSH				
57-14-7	1,1-DIMETHYLHYDRAZINE (SKIN)	A2	A2	ACGIH	0.06	0.15	120	NIOSH
131-11-3	DIMETHYL PHTHALATE		5.00	OSHA				
77-78-1	DIMETHYL SULFATE (SKIN)	A2 0.10	A2 0.50	ACGIH				
148-01-6	DINITOLMIDE		5.00	ACGIH		10.00		ACGIH
25154-54-5	DINITROBENZENE (SKIN) (ALL ISOMERS)		1.00	OSHA				
534-52-1	4,6-DINITRO-O-CRESOL (SKIN)		0.20	OSHA				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
121-14-2	2,4-DINITROTOLUENE (SKIN)		1.50	OSHA				
123-91-1	1,4-DIOXANE (SKIN)				1.00	3.60	30	NIOSH
78-34-2	DIOXATHION (SKIN)		0.20	ACGIH				
92-52-4	DIPHENYL	0.20	1.00	OSHA	0.60	4.00		ACGIH
122-39-4	DIPHENYLAMINE		10.00	ACGIH				
34590-94-8	DIPROPYLENE GLYCOL METHYL ETHER (SKIN)	100.00	600.00	OSHA	150.00	900.00		ACGIH
123-19-3	DIPROPYL KETONE	50.00	235.00	ACGIH				
85-00-7	DIQUAT		0.50	ACGIH				
97-77-8	DISULFIRAM		2.00	ACGIH				
298-04-4	DISULFOTON		0.10	ACGIH				
128-37-0	2,6-DI-TERT-BUTYL-P- CRESOL		10.00	ACGIH		20.00		ACGIH
330-54-1	DIURON		10.00	ACGIH				
108-57-6	DIVINYL BENZENE	10.00	50.00	ACGIH				
112-55-0	DODECANETHIOL				0.50	4.10	15	NIOSH
112-62-9	EMERY		D 10.00	ACGIH				
115-29-7	ENDOSULFAN (SKIN)		0.10	ACGIH				
72-20-8	ENDRIN (SKIN)		0.10	OSHA				
106-89-8	EPICHLOROHYDRIN (SKIN)		2.00	NIOSH		19.00	15	NIOSH
2104-64-5	EPN (SKIN)		0.50	OSHA				
556-52-5	2,3-EPOXY 1-PROPANOL (GLYCIDOL)	25.00	75.00	ACGIH	100.00	300.00		ACGIH
74-84-0	ETHANE	E		ACGIH				
141-43-5	ETHANOLAMINE	3.00	6.00	OSHA	6.00	15.00		ACGIH
563-12-2	ETHION (SKIN)		0.40	ACGIH				
110-80-5	2-ETHOXYETHANOL (SKIN)	5.00	19.00	ACGIH				
111-15-9	2-ETHOXYETHYLACETATE (SKIN)	5.00	27.00	ACGIH				
141-78-6	ETHYL ACETATE	400.00	1400.00	OSHA				
140-88-5	ETHYL ACRYLATE (SKIN)	5.00	20.00	ACGIH	25.00	100.00		ACGIH
64-17-5	ETHYL ALCOHOL	1000.00	1900.00	OSHA				
75-04-7	ETHYLAMINE	10.00	18.00	OSHA				
541-85-5	ETHYL AMYL KETONE	25.00	130.00	OSHA				
100-41-4	ETHYL BENZENE	100.00	435.00	OSHA	125.00	545.00		ACGIH
74-96-4	ETHYL BROMIDE	200.00	890.00	OSHA	250.00	1110.00		ACGIH
106-35-4	ETHYL BUTYL KETONE	50.00	230.00	OSHA	75.00	345.00		ACGIH
75-00-3	ETHYL CHLORIDE	1000.00	2600.00	OSHA				
74-85-1	ETHYLENE	E		ACGIH				
107-07-3	ETHYLENE CHLOROHYDRIN (SKIN)	C 1.00	C 3.00	ACGIH				
107-15-3	ETHYLENEDIAMINE	10.00	25.00	OSHA				
106-93-4	ETHYLENE DIBROMIDE (SKIN)	A2	A2	ACGIH	0.13	1.00	15	NIOSH
	(1,2-DIBROMOETHANE)	0.045	0.38	NIOSH				
107-21-1	ETHYLENE GLYCOL (VAPOR)	C 50.00	C 125.00	ACGIH				
628-96-6	ETHYLENE GLYCOL DINITRATE (SKIN)					0.10	20	NIOSH
151-56-4	ETHYLENEIMINE (SKIN)	R 0.50	1.00	OSHA				
75-21-8	ETHYLENE OXIDE	A2 1.00	A2 2.00	ACGIH				
96-45-7	ETHYLENE THIOUREA	V		NIOSH				
109-94-4	ETHYL FORMATE	100.00	300.00	OSHA	150.00	450.00		ACGIH
117-81-7	BIS (2-ETHYLHEXYL) PHTHALATE (DI-SEC, OCTYL PHTHALATE)		5.00	OSHA		10.00		ACGIH
16219-75-3	ETHYLIDENE NORBORNENE	C 5.00	C 25.00	ACGIH				
75-08-1	ETHYL MERCAPTAN				0.50	1.30	15	NIOSH
100-74-3	N-ETHYLMORPHOLINE (SKIN)	5.00	23.00	ACGIH				
78-10-4	ETHYL SILICATE	10.00	85.00	ACGIH				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
22224-92-6	FENAMIPHOS (SKIN)		0.10	ACGIH				
115-90-2	FENSULFOTHION		0.10	ACGIH				
55-38-9	FENTHION (SKIN)		0.20	ACGIH				
14484-64-1	FERBAM		10.00	ACGIH				
12604-58-9	FERROVANADIUM (DUST)					0.05	15	NIOSH
NONE	FIBROUS GLASS		L	NIOSH				
16984-48-8	FLUORIDES, AS F		2.50	OSHA				
7782-41-4	FLUORINE	0.10	0.20	OSHA	2.00	4.00		ACGIH
944-22-9	FONOFOS (SKIN)		0.10	ACGIH				
50-00-0	FORMALDEHYDE	A2 1.00	A2 1.20	ACGIH	1.00	1.20	30	NIOSH
75-12-7	FORMAMIDE	20.00	30.00	ACGIH				
64-18-6	FORMIC ACID	5.00	9.00	OSHA				
98-01-1	FURFURAL (SKIN)	2.00	8.00	ACGIH	10.00	40.00		ACGIH
98-00-0	FURFURYL ALCOHOL (SKIN)	10.00	40.00	ACGIH	15.00	60.00		ACGIH
8006-61-9	GASOLINE	300.00	900.00	ACGIH	500.00	1500.00		ACGIH
7782-65-2	GERMANIUM HYDRIDE	0.20	0.60	ACGIH				
111-30-8	GLUTARALDEHYDE	C 0.20	C 0.70	ACGIH				
56-81-5	GLYCERIN (MIST)		D 10.00	ACGIH				
107-16-4	GLYCOLONITRILE				2.00	5.00	15	NIOSH
NONE	GRAIN DUST		4.00	ACGIH				
86-50-0	GUTHION (SKIN)		0.20	OSHA				
10101-41-4	GYPNUM		D	ACGIH				
7440-58-6	HAFNIUM		0.50	OSHA				
7440-59-7	HELIUM	E		ACGIH				
680-31-9	HEMPA (SKIN) (HEXAMETHYL- PHOSPHORAMIDE)	A2	A2	ACGIH				
76-44-8	HEPTACHLOR (SKIN)		0.50	OSHA				
142-82-5	HEPTANE	400.00	1600.00	ACGIH	500.00	2000.00		ACGIH
1639-09-4	1-HEPTANETHIOL				0.50	2.70	15	NIOSH
87-68-3	HEXACHLOROBUTADIENE (SKIN)	A2 0.02	A2 0.24	ACGIH				
77-47-4	HEXACHLOROCYCLOPENTADIENE	0.01	0.10	ACGIH				
67-72-1	HEXACHLOROETHANE (SKIN)	1.00	10.00	OSHA				
1335-87-1	HEXACHLORO-NAPHTHALENE (SKIN)		0.20	OSHA				
2917-26-2	1-HEXADECANETHIOL				0.50	5.30	15	NIOSH
684-16-2	HEXAFLUOROACETONE (SKIN)	0.10	0.70	ACGIH				
822-06-0	HEXAMETHYLENE DIISOCYANATE	0.005	0.035	NIOSH	0.02	0.14	10	NIOSH
110-54-3	HEXANE N-HEXANE OTHER ISOMERS	50.00 500.00	180.00 1800.00	ACGIH ACGIH	1000.00	3600.00		ACGIH
111-31-9	1-HEXANETHIOL				0.50	2.40	15	NIOSH
108-84-9	SEC-HEXYL ACETATE	50.00	300.00	OSHA				
107-41-5	HEXYLENE GLYCOL	C 25.00	C 125.00	ACGIH				
302-01-2	HYDRAZINE (SKIN)	A2 0.10	A2 0.10	ACGIH	0.03	0.04	120	NIOSH
1333-74-0	HYDROGEN	E		ACGIH				
92-94-4	HYDROGENATED TERPHENYLS	0.50	5.00	ACGIH				
10035-10-6	HYDROGEN BROMIDE	C 3.00	C 10.00	ACGIH				
7647-01-0	HYDROGEN CHLORIDE	C 5.00	C 7.00	OSHA				
74-90-8	HYDROGEN CYANIDE, AS CN (SKIN)				4.70	5.00	10	NIOSH
7664-39-3	HYDROGEN FLUORIDE, AS F	C 3.00	C 2.50	ACGIH				
7722-84-1	HYDROGEN PEROXIDE	1.00	1.40	OSHA				
7783-07-5	HYDROGEN SELENIDE	0.05	0.20	OSHA				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
7783-06-4	HYDROGEN SULFIDE				10.00	15.00	10	NIOSH
123-31-9	HYDROQUINONE				0.44	2.00	15	NIOSH
999-61-1	HYDROXYPROPYLA-CRYLATE (SKIN)	0.50	3.00	ACGIH				
95-13-6	INDENE	10.00	45.00	ACGIH	15.00	70.00		ACGIH
7440-74-6	INDIUM & COMPOUNDS, AS In		0.10	ACGIH				
7553-56-2	IODINE	C 0.10	C 1.00	OSHA				
75-47-8	IODIFORM	0.60	10.00	ACGIH				
1309-37-1	IRON OXIDE FUME (Fe2O3), AS Fe	B2	5.00	ACGIH				
13463-40-6	IRON PENTACARBONYL, AS Fe	0.10	0.80	ACGIH	0.20	1.60		ACGIH
NONE	IRON SALTS, SOLUBLE, AS Fe		1.00	ACGIH				
123-92-2	ISOAMYL ACETATE	100.00	525.00	OSHA	125.00	655.00		ACGIH
123-51-3	ISOAMYL ALCOHOL	100.00	360.00	OSHA	125.00	450.00		ACGIH
110-19-0	ISOBUTYL ACETATE	150.00	700.00	OSHA	187.00	875.00		ACGIH
78-83-1	ISOBUTYL ALCOHOL	50.00	150.00	ACGIH	75.00	225.00		ACGIH
78-82-0	ISOBUTYRONITRILE	8.00	22.00	NIOSH				
26952-21-6	ISOOCTYL ALCOHOL	50.00	270.00	ACGIH				
78-59-1	ISOPHORONE	C 5.00	C 25.00	ACGIH				
4098-71-9	ISOPHORONE DIISOCYANATE (SKIN)	0.005	0.045	NIOSH	0.02	0.18	10	NIOSH
98-83-9	ISOPROPENYL BENZENE (METHYL STYRENE)	50.00	240.00	ACGIH	100.00	485.00		ACGIH
109-59-1	ISOPROPOXYETHANOL	25.00	105.00	ACGIH	75.00	320.00		ACGIH
108-21-4	ISOPROPYL ACETATE	250.00	950.00	OSHA	310.00	1185.00		ACGIH
67-63-0	ISOPROPYL ALCOHOL	400.00	980.00	OSHA	500.00	1225.00		ACGIH
75-31-0	ISOPROPYLAMINE	5.00	12.00	OSHA	10.00	24.00		ACGIH
643-28-7	ISOPROPYLANILINE (SKIN)	2.00-10.00	ACGIH					
108-20-3	ISOPROPYLETHER	250.00	1050.00	ACGIH	310.00	1320.00		ACGIH
4016-14-2	ISOPROPYL GLYCIDYL ETHER				50.00	240.00	15	NIOSH
NONE	KAOLIN		D 10.00	ACGIH				
143-50-0	KEPONE					0.001	15	NIOSH
8008-20-6	KEROSENE		100.00	NIOSH				
463-51-4	KETENE	0.50	0.90	OSHA	1.50	3.00		ACGIH
7439-92-1	LEAD	R	0.05	OSHA				
10102-48-4	LEAD ARSENATE, AS Pb3(AsO4)2	R		OSHA				
7758-97-6	LEAD CHROMATE, AS Cr	R	A2 0.05	OSHA				
1317-65-3	LIMESTONE		D 10.00	ACGIH				
58-89-9	LINDANE (SKIN)		0.50	OSHA				
68476-85-7	LIQUIFIED PETROLEUM GAS	1000.00	1800.00	OSHA	1250.00	2250.00		ACGIH
7580-67-8	LITHIUM HYDRIDE		0.025	OSHA				
546-93-0	MAGNESITE		D 10.00	ACGIH				
1309-48-4	MAGNESIUM OXIDE (FUME)		10.00	ACGIH				
121-75-5	MALATHION (SKIN)		10.00	ACGIH				
108-31-6	MALEIC ANHYDRIDE	0.25	1.00	OSHA				
109-77-3	MALONONITRILE	3.00	8.00	NIOSH				
7439-96-5	MANGANESE, AS Mn (FUME) DUST & COMPOUNDS		1.00	ACGIH		3.00		ACGIH
12079-65-1	MANGANESE CYCLOPENTADIENYL CARBONYL (SKIN)		0.10	ACGIH				
NONE	MANGANESE TETROXIDE		1.00	ACGIH				
1317-65-3	MARBLE (CALCIUM CARBONATE)		D 10.00	ACGIH				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
7439-97-6	MERCURY, AS Hg (SKIN)		0.01	ACGIH		0.03		ACGIH
	ALKYL COMPOUNDS		0.05	ACGIH				
	ALL EXCEPT ALKYL		0.05	NIOSH				
	VAPOR							
	ARYL & INORGANIC							
141-79-7	MESITYL OXIDE	10.00	40.00	NIOSH	25.00	100.00		ACGIH
79-41-4	METHACRYLIC ACID	20.00	70.00	ACGIH				
74-82-8	METHANE	E		ACGIH				
16752-77-5	METHOMYL (SKIN)		2.50	ACGIH				
72-43-5	METHOXYCHLOR		10.00	ACGIH				
109-86-4	2-METHOXYETHANOL (SKIN)	5.00	16.00	ACGIH				
110-49-6	2-METHOXYETHYL ACETATE (SKIN)	5.00	24.00	ACGIH				
150-76-5	4-METHOXYPHENOL		5.00	ACGIH				
79-20-9	METHYL ACETATE	200.00	610.00	OSHA	250.00	760.00		ACGIH
76-99-7	METHYL ACETYLENE	1000.00	1650.00	OSHA	1250.00	2040.00		ACGIH
NONE	METHYL ACETYLENE PROPADIENE MIXTURE	1000.00	1800.00	OSHA	1250.00	2250.00		ACGIH
96-33-3	METHYL ACRYLATE (SKIN)	10.00	35.00	OSHA				
126-98-7	METHYLACRYLONITRILE (SKIN)	1.00	3.00	ACGIH				
109-87-5	METHYLAL	1000.00	3100.00	OSHA	1250.00	3875.00		ACGIH
67-56-1	METHYL ALCOHOL (SKIN)	200.00	260.00	OSHA	250.00	310.00		ACGIH
74-89-5	METHYLAMINE	10.00	12.00	OSHA				
108-11-2	METHYL AMYL ALCOHOL (SKIN)	25.00	100.00	OSHA	40.00	165.00		ACGIH
110-43-0	METHYL (N-AMYL) KETONE	50.00	235.00	ACGIH	100.00	465.00		ACGIH
100-61-8	METHYLANILINE (SKIN)	0.50	2.00	ACGIH				
74-83-9	METHYL BROMIDE (SKIN)	5.00	20.00	ACGIH				
591-78-6	METHYL N-BUTYL KETONE	1.00	4.00	NIOSH				
74-87-3	METHYL CHLORIDE	50.00	105.00	ACGIH	100.00	205.00		ACGIH
71-55-6	METHYL CHLOROFORM	350.00	1900.00	OSHA	450.00	2450.00		ACGIH
137-05-3	METHYL 2-CYANOACRYLATE	2.00	8.00	ACGIH	4.00	16.00		ACGIH
108-87-2	METHYLCYCLOHEXANE	400.00	1600.00	ACGIH	500.00	2000.00		ACGIH
25639-42-3	METHYL CYCLOHEXANOL	50.00	235.00	ACGIH	75.00	350.00		ACGIH
583-60-8	O-METHYLCYCLOHEXANONE (SKIN)	50.00	230.00	ACGIH	75.00	345.00		ACGIH
12108-13-3	METHYLCYCLOPENTADIENYL MANGANESE TRICARBONYL, AS Mn (SKIN)		0.20	ACGIH				
8022-00-2	METHYL DEMETON (SKIN)		0.50	ACGIH				
101-68-8	METHYLENE BISPHENYL ISOCYANATE (MDI)	C 0.02 0.005	C 0.20 0.05	OSHA NIOSH				
75-09-2	METHYLENE CHLORIDE	W 75.00	W 261.00	NIOSH	W 500.00	W 1740.00	15	NIOSH
101-14-4	4,4'-METHYLENE BIS (2-CHLOROANILINE) (SKIN)	A2	A2 F 0.003	ACGIH NIOSH				
5124-30-1	METHYLENE BIS (4-CYCLOHEXYLISOCYANATE)	C 0.01	C 0.11	ACGIH				
101-77-9	4,4'-METHYLENE DIANILINE (SKIN)	A2 0.10	A2 0.80	ACGIH				
78-93-3	METHYL ETHYL KETONE (2-BUTANONE)	200.00	590.00	OSHA	300.00	885.00		ACGIH
1338-23-4	METHYL ETHYL KETONE PEROXIDE	C 0.20	C 1.50	ACGIH				
107-31-3	METHYL FORMATE	100.00	250.00	OSHA	150.00	375.00		ACGIH
541-85-5	5-METHYL-3-HEPTANONE	25.00	130.00	OSHA				
60-34-4	METHYL HYDRAZINE (SKIN)				0.04	0.08	120	NIOSH
74-88-4	METHYL IODIDE (SKIN)	A2 2.00	A2 10.00	ACGIH				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
110-12-3	METHYL ISOAMYL KETONE	50.00	230.00	NIOSH				
108-10-1	METHYL ISOBUTYL KETONE	50.00	205.00	ACGIH	75.00	300.00		ACGIH
624-83-9	METHYL ISOCYANATE (SKIN)	0.02	0.05	OSHA				
563-80-4	METHYL ISOPROPYL KETONE	200.00	700.00	OSHA				
74-93-1	METHYL MERCAPTAN				0.50	1.00	15	NIOSH
80-62-6	METHYL METHACRYLATE	100.00	410.00	OSHA	125.00	510.00		ACGIH
681-84-5	METHYL ORTHOSILICATE	1.00	6.00	ACGIH				
298-00-0	METHYL PARATHION (SKIN)		0.20	ACGIH				
107-87-9	METHYL PROPYL KETONE	150.00	530.00	NIOSH	250.00	875.00		ACGIH
21087-64-9	METRIBUZIN		5.00	ACGIH				
NONE	MINERAL WOOL FIBER		D 10.00	ACGIH				
7439-98-7	MOLYBDENUM, AS Mo, SOLUBLE INSOLUBLE COMPOUNDS		5.00 10.00	OSHA ACGIH				
6923-22-4	MONOCROTOPHOS		0.25	ACGIH				
110-91-8	MORPHOLINE (SKIN)	20.00	70.00	OSHA	30.00	105.00		ACGIH
91-20-3	NAPHTHALENE	10.00	50.00	OSHA	15.00	75.00		ACGIH
3173-72-6	NAPHTHALENE DIISOCYANATE	0.005	0.04	NIOSH	0.02	0.17	10	NIOSH
134-32-7	1-NAPHTHYLAMINE	R		OSHA				
91-59-8	2-NAPHTHYLAMINE	R		OSHA				
7440-01-9	NEON	E		ACGIH				
7440-02-0	NICKEL & COMPOUNDS, AS Ni		0.015	NIOSH				
13463-39-3	NICKEL CARBONYL	F 0.001	F 0.007	NIOSH				
54-11-5	NICOTINE (SKIN)		0.50	OSHA				
1929-82-4	NITRAPYRIN		10.00	ACGIH		20.00		ACGIH
7697-37-2	NITRIC ACID	2.00	5.00	OSHA	4.00	10.00		ACGIH
10102-43-9	NITRIC OXIDE	25.00	30.00	OSHA				
100-01-6	P-NITROANILINE (SKIN)		3.00	ACGIH				
98-95-3	NITROBENZENE (SKIN)	1.00	5.00	OSHA				
100-00-5	P-NITROCHLOROBENZENE (SKIN)		1.00	OSHA				
92-93-3	4-NITRODIPHENYL	R		OSHA				
79-24-3	NITROETHANE	100.00	310.00	OSHA				
10102-44-0	NITROGEN DIOXIDE				1.00	1.80	15	NIOSH
7783-54-2	NITROGEN TRIFLUORIDE	10.00	29.00	OSHA				
55-63-0	NITROGLYCERIN (SKIN)					0.10	20	NIOSH
75-52-5	NITROMETHANE	100.00	250.00	OSHA				
108-03-2	1-NITROPROPANE	25.00	90.00	OSHA				
79-46-9	2-NITROPROPANE	A2 10.00	A2 35.00	ACGIH	A2 20.00	A2 70.00		ACGIH
62-75-9	N-NITROSODI- METHYLAMINE (SKIN)	R		OSHA				
1321-12-6	NITROTOLUENE (SKIN)	2.00	11.00	ACGIH				
111-84-2	NONANE	200.00	1050.00	ACGIH	250.00	1300.00		ACGIH
1455-21-6	1-NONANETHIOL				0.50	3.30	15	NIOSH
2234-13-1	OCTACHLORO- NAPHTHALENE (SKIN)		0.10	OSHA		0.30		ACGIH
2885-00-9	1-OCTADECANETHIOL				0.50	5.90	15	NIOSH
111-65-9	OCTANE	300.00	1450.00	ACGIH	375.00	1800.00		ACGIH
111-88-6	1-OCTANETHIOL				0.50	3.00	15	NIOSH
8012-95-1	OIL MIST, MINERAL		W 5.00	ACGIH		10.00		ACGIH
20816-12-0	OSMIUM TETROXIDE, AS Os	0.0002	0.002	OSHA	0.0006	0.006		ACGIH
144-62-7	OXALIC ACID		1.00	OSHA		2.00		ACGIH
1120-71-4	1,2-OXATHIOLANE 2,2- DIOXIDE (PROPANE SULTONE)	A2	A2	ACGIH				
7783-41-7	OXYGEN DIFLUORIDE	0.05 C	0.10 C	OSHA ACGIH				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
10028-15-6	OZONE	0.10	0.20	OSHA	0.30	0.60		ACGIH
8002-74-2	PARAFIN WAX (FUME)		2.00	ACGIH		6.00		ACGIH
1910-42-5	PARAQUAT (SKIN) (RESPIRABLE SIZE)		0.10	ACGIH				
56-38-2	PARATHION (SKIN)		0.05	NIOSH				
53469-21-9	PCB-1242 (CHLORODI- PHENYL (42% Cl))(SKIN)		0.001	NIOSH				
11097-69-1	PCB 1254 (CHLORODIPHENYL (54% Cl))(SKIN)		0.001	NIOSH				
19624-22-7	PENTABORANE	0.005	0.01	OSHA	0.015	0.03		ACGIH
1321-64-8	PENTACHLORO- NAPHTHALENE (SKIN)		0.50	OSHA				
87-86-5	PENTACHLOROPHENOL (SKIN)		0.50	OSHA				
115-77-5	PENTAERYTHRITOL		D 10.00	ACGIH				
109-66-0	PENTANE	600.00	1800.00	ACGIH	750.00	2250.00		ACGIH
110-66-7	PENTANETHIOL				0.50	2.10	15	NIOSH
594-42-3	PERCHLOROMETHYL MERCAPTAN	0.10	0.80	OSHA				
7616-94-6	PERCHLORYL FLUORIDE	3.00	14.00	OSHA	6.00	28.00		ACGIH
NONE	PERLITE	DD	N 10.00	ACGIH				
108-95-2	PHENOL (SKIN)	5.00	19.00	OSHA	10.00	38.00		ACGIH
92-84-2	PHENOTHIAZINE (SKIN)		5.00	ACGIH				
106-50-3	P-PHENYLENE DIAMINE (SKIN)		0.10	OSHA				
101-84-8	PHENYL ETHER	1.00	7.00	OSHA	2.00	14.00		ACGIH
122-60-1	PHENYL GLYCIDYL ETHER	1.00	6.00	ACGIH	1.00	5.00	15	NIOSH
100-63-0	PHENYLHYDRAZINE (SKIN)	A2	A2	ACGIH	10.00	45.00		ACGIH
					0.14	0.60	120	NIOSH
638-21-1	PHENYLPHOSPHINE	C 0.05	C 0.25	ACGIH				
298-02-2	PHORATE (SKIN)		0.05	ACGIH		0.20		ACGIH
7786-34-7	PHOSDRIN (SKIN)	0.01	0.10	OSHA	0.03	0.30		ACGIH
75-44-5	PHOSGENE	0.10	0.40	OSHA	0.20	0.80	15	NIOSH
7803-51-2	PHOSPHINE	0.30	0.40	OSHA	1.00	1.00		ACGIH
7664-38-2	PHOSPHORIC ACID		1.00	OSHA		3.00		ACGIH
10025-87-3	PHOSPHOROUS OXYCHLORIDE	0.10	0.60	ACGIH	0.50	3.00		ACGIH
10026-13-8	PHOSPHORUS PENTACHLORIDE	0.10	1.00	OSHA				
1314-80-3	PHOSPHORUS PENTASULFIDE		1.00	OSHA		3.00		ACGIH
7719-12-2	PHOSPHORUS TRICHLORIDE	0.20	1.50	ACGIH	0.50	3.00		ACGIH
7723-14-0	PHOSPHORUS (YELLOW)		0.10	OSHA				
85-44-9	PHTHALIC ANHYDRIDE	1.00	6.00	ACGIH	4.00	24.00		ACGIH
626-17-5	M-PHTHALODINITRILE		5.00	ACGIH				
1918-02-1	PICLORAM		10.00	ACGIH		20.00		ACGIH
142-64-3	PIPERAZINE DIHYDROCHLORIDE		5.00	ACGIH				
83-26-1	PIVAL		0.10	OSHA		0.30		ACGIH
NONE	PLASTER OF PARIS		D 10.00	ACGIH				
7440-06-4	PLATINUM METAL SOLUBLE SALTS, AS Pt		1.00 0.002	ACGIH OSHA				
NONE	POLYTETRAFLUORO- ETHYLENE DECOMPOSITION PRODUCTS		B1	ACGIH				
1310-58-3	POTASSIUM HYDROXIDE		C 2.00	ACGIH				
74-98-6	PROPANE	1000.00	1800.00	OSHA				
107-03-9	PROPANETHIOL				0.50	1.60	15	NIOSH
107-19-7	PROPARGYL ALCOHOL (SKIN)	1.00	2.00	ACGIH	3.00	6.00		ACGIH

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
57-57-8	beta-PROPIOLACTONE	R 0.50	1.50	OSHA ACGIH	1.00	3.00		ACGIH
79-09-4	PROPIONIC ACID	10.00	30.00	ACGIH	15.00	45.00		ACGIH
107-12-0	PROPIONITRILE	6.00	14.00	NIOSH				
114-26-1	PROPOXUR (DDVP) (SKIN)		0.50	ACGIH		2.00		ACGIH
109-60-4	N-PROPYL ACETATE	200.00	840.00	OSHA	250.00	1050.00		ACGIH
71-23-8	PROPYL ALCOHOL (SKIN)	200.00	500.00	OSHA	250.00	625.00		ACGIH
115-07-1	PROPYLENE	E		ACGIH				
6423-43-4	PROPYLENE GLYCOL DINITRATE (SKIN)	0.05	0.30	ACGIH				
107-98-2	PROPYLENE GLYCOL MONOMETHYL ETHER	100.00	360.00	ACGIH	150.00	540.00		ACGIH
75-55-8	PROPYLENE IMINE (SKIN)	2.00 A2	5.00 A2	OSHA ACGIH				
75-56-9	PROPYLENE OXIDE	20.00	50.00	ACGIH				
627-13-4	N-PROPYL NITRATE	25.00	110.00	OSHA	40.00	170.00		ACGIH
8003-34-7	PYRETHRUM		5.00	OSHA		10.00		ACGIH
110-86-1	PYRIDINE	5.00	15.00	OSHA	10.00	30.00		ACGIH
NONE	REFINED PETROLEUM DISTILLATES (EXCEPT KEROSENE)		350.00	NIOSH		1800.00	15	NIOSH
108-46-3	RESORCINOL	10.00	45.00	ACGIH	20.00	90.00		ACGIH
7440-16-6	RHODIUM, METAL FUME AND DUSTS		0.10	OSHA				
	SOLUBLE COMPOUNDS		0.001	OSHA				
299-84-3	RONNEL		10.00	ACGIH				
NONE	ROSIN CORE SOLDER PYROLYSIS PRODUCTS AS FORMALDEHYDE		0.10	ACGIH		0.30		ACGIH
83-79-4	ROTENONE (COMMERCIAL)		5.00	OSHA		10.00		ACGIH
NONE	ROUGE		D 10.00	ACGIH				
NONE	RUBBER SOLVENT (NAPHTHA)		350.00	NIOSH		1800.00	15	NIOSH
7782-49-2	SELENIUM COMPOUNDS, AS Se		0.20	OSHA				
7783-79-1	SELENIUM HEXAFLUORIDE, AS Se	0.05	0.20	ACGIH				
136-78-7	SESONE		10.00	ACGIH				
7631-86-9	SILICA, AMORPHOUS DIATOMACEOUS EARTH PRECIPITATED SILICA & SILICA GEL	DD	N 10.00	ACGIH				
		DD	N 10.00 M 5.00	ACGIH ACGIH				
60676-86-0	SILICA, FUSED	USE	QUARTZ VALUE	ACGIH				
14464-46-1	SILICA, CRISTOBALITE		M 0.05	ACGIH				
7782-42-5	SILICA, GRAPHITE SYNTHETIC	DD	N 10.00	ACGIH				
	NATURAL	DD	M 2.50 N 5.00	ACGIH ACGIH				
12001-26-2	SILICA, MICA	DD	M 3.00	ACGIH				
14808-60-7	SILICA, QUARTZ		M 0.05	NIOSH				
65997-15-1	SILICATE, PORTLAND CEMENT		D 10.00	ACGIH				
NONE	SILICATE, SOAPSTONE	DD	N 6.00	ACGIH				
		DD	M 3.00	ACGIH				
15468-32-3	SILICA, TRIDYMIT		M 0.05	ACGIH				
1317-95-9	SILICA, TRIPOLI		M 0.05	NIOSH				
7440-21-3	SILICON		D 10.00	ACGIH				
409-21-2	SILICON CARBIDE		D 10.00	ACGIH				
7803-62-5	SILICON TETRAHYDRIDE	5.00	7.00	ACGIH				
7440-22-4	SILVER, AS Ag, METAL & SOLUBLE COMPOUNDS		0.01	OSHA				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
26628-22-8	SODIUM AZIDE	C 0.10	C 0.30	ACGIH				
7631-90-5	SODIUM BISULFITE		5.00	ACGIH				
62-74-8	SODIUM FLUOROACETATE (SKIN)		0.05	OSHA		0.15		ACGIH
1310-73-2	SODIUM HYDROXIDE		C 2.00	ACGIH				
7681-57-4	SODIUM METABISULFITE		5.00	ACGIH				
9005-25-8	STARCH		D 10.00	ACGIH				
7803-52-3	STIBINE	0.10	0.50	OSHA				
8052-41-3	STODDARD SOLVENT		350.00	NIOSH		1800.00	15	NIOSH
57-24-9	STRYCHNINE		0.15	OSHA				
100-42-5	STYRENE MONOMER	50.00	215.00	ACGIH	100.00	425.00		ACGIH
9014-01-1	SUBTILISINS (PROTEOLYTIC ENZ AS 100% PURE CRYST ENZ)		FF C .00006	ACGIH ACGIH				
57-50-1	SUCROSE		D 10.00	ACGIH		20.00		ACGIH
110-61-2	SUCCINONITRILE	6.00	20.00	NIOSH				
3689-24-5	SULFOTEP (SKIN) (TEDP)		0.20	OSHA				
7446-09-5	SULFUR DIOXIDE	0.50	1.30	NIOSH				
2551-62-4	SULFUR HEXAFLUORIDE	1000.00	6000.00	OSHA				
7664-93-9	SULFURIC ACID		1.00	OSHA				
10025-67-9	SULFUR MONOCHLORIDE	C 1.00	C 6.00	ACGIH				
5714-22-7	SULFUR PENTAFLUORIDE	C 0.01	C 0.10	ACGIH				
7783-60-0	SULFUR TETRAFLUORIDE	C 0.10	C 0.40	ACGIH				
2699-79-8	SULFURYL FLUORIDE	5.00	20.00	OSHA	10.00	40.00		ACGIH
35400-43-2	SULPROFOS		1.00	ACGIH				
14807-96-6	TALC, FIBROUS CONTAINING NO ASBESTOS FIBERS	USE DD	ASBESTOS LIMITS M 2.00	ACGIH OSHA				
7440-25-7	TANTALUM		5.00	OSHA				
13494-80-9	TELLURIUM & COMPOUNDS, AS Te		0.10	OSHA				
7783-80-4	TELLURIUM HEXAFLUORIDE	0.02	0.20	OSHA				
3383-96-8	TEMEPHOS		10.00	ACGIH				
107-49-3	TEPP (SKIN)	0.004	0.05	OSHA				
92-94-4	TERPHENYLS	C 0.50	C 5.00	ACGIH				
76-11-9	1,1,1,2-TETRACHLORO-2,2- DIFLUOROETHANE	500.00	4170.00	OSHA				
76-12-0	1,1,2,2-TETRACHLORO-1,2- DIFLUOROETHANE	500.00	4170.00	OSHA				
79-34-5	1,1,2,2-TETRACHLORO- ETHANE (SKIN)	1.00	7.00	ACGIH				
127-18-4	TETRACHLOROETHYLENE	50.00	335.00	ACGIH	100.00	678.00	P 15	NIOSH
1335-88-2	TETRACHLORO- NAPHTHALENE (SKIN)		2.00	OSHA				
78-00-2	TETRAETHYL LEAD, AS Pb (SKIN)		0.075 BB	OSHA OSHA				
109-99-9	TETRAHYDROFURAN	200.00	590.00	OSHA	250.00	735.00		ACGIH
75-74-1	TETRAMETHYL LEAD, AS Pb (SKIN)		0.075 BB	OSHA OSHA				
3333-52-6	TETRAMETHYL SUCCINONITRILE (SKIN)	0.50	3.00	OSHA	1.00	6.00	15	NIOSH
509-14-8	TETRANITROMETHANE	1.00	8.00	OSHA				
7722-88-5	TETRASODIUM PYROPHOSPHATE		5.00	ACGIH				
479-45-8	TETRYL (SKIN)		1.50	OSHA				
7440-28-0	THALLIUM (SKIN) SOLUBLE COMPOUNDS, AS TI		0.10	OSHA				
96-69-5	4, 4'-THIOBIS (6-tert-BUTYL-m- CRESOL)		10.00	ACGIH				
68-11-1	THIOGLYCOLIC ACID	1.00	5.00	ACGIH				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
7719-09-7	THIONYL CHLORIDE	C 1.00	C 5.00	ACGIH				
137-26-8	THIRAM		5.00	OSHA				
7440-31-5	TIN, AS Sn							
	METAL		2.00	ACGIH				
	ORGANIC COMPOUNDS (SKIN)		0.10	ACGIH				
	INORGANIC COMPOUNDS (EXCEPT SnH4)		2.00	ACGIH				
13463-67-7	TITANIUM DIOXIDE		D 10.00	ACGIH				
119-93-7	O-TOLIDINE (SKIN)	A2	A2	ACGIH		0.02	60	NIOSH
108-88-3	TOLUENE	100.00	375.00	ACGIH	150.00	560.00		ACGIH
584-84-9	TOLUENE-2,4-DIISOCYANATE	C 0.02	C 0.14	OSHA				
		0.005	0.04	NIOSH				
108-44-1	M-TOLUIDINE (SKIN)	2.00	9.00	ACGIH				
95-53-4	O-TOLUIDINE (SKIN)	A2 2.00	A2 9.00	ACGIH				
108-49-0	P-TOLUIDINE (SKIN)	A2 2.00	A2 9.00	ACGIH				
8001-35-2	TOXAPHENE (SKIN)		0.50	OSHA		1.00		ACGIH
126-73-8	TRIBUTYL PHOSPHATE	0.20	2.50	ACGIH				
76-03-9	TRICHLOROACETIC ACID	1.00	5.00	ACGIH				
120-82-1	1,2,4-TRICHLOROBENZENE	C 5.00	C 40.00	ACGIH				
79-00-5	1,1,2-TRICHLOROETHANE (SKIN)	10.00	45.00	OSHA				
79-01-6	TRICHLOROETHYLENE	50.00	270.00	ACGIH	150.00		10	NIOSH
75-69-4	TRICHLOROFLUOROMETHANE	C 1000.00	C 5600.00	ACGIH				
1321-65-9	TRICHLORONAPHTHALENE (SKIN)		5.00	OSHA				
93-76-5	(2,4,5-TRICHLOROPHENOXY) ACETIC ACID		10.00	OSHA				
96-18-4	1,2,3-TRICHLOROPROPANE	50.00	300.00	OSHA	75.00	450.00		ACGIH
76-13-1	1,1,2-TRICHLORO 1,2,2-TRIFLUOROETHANE	1000.00	7600.00	OSHA	1250.00	9500.00		ACGIH
121-44-8	TRIETHYLAMINE	10.00	40.00	ACGIH	15.00	60.00		ACGIH
75-63-8	TRIFLUOROBROMOMETHANE	1000.00	6100.00	OSHA				
552-30-7	TRIMELLITIC ANHYDRIDE	0.005	0.04	ACGIH				
75-50-3	TRIMETHYLAMINE	10.00	24.00	ACGIH	15.00	36.00		ACGIH
25551-13-7	TRIMETHYL BENZENE	25.00	125.00	ACGIH	35.00	170.00		ACGIH
121-45-9	TRIMETHYL PHOSPHITE	2.00	10.00	ACGIH				
88-89-1	2,4,6-TRINITROPHENOL (SKIN)		0.10	OSHA		0.30		ACGIH
118-96-7	2,4,6-TRINITROTOLUENE (SKIN)		0.50	ACGIH				
78-30-8	TRIOORTHOCRESYL PHOSPHATE		0.10	OSHA				
603-34-9	TRIPHENYL AMINE		5.00	ACGIH				
115-86-6	TRIPHENYL PHOSPHATE (SKIN)		3.00	OSHA				
7440-33-7	TUNGSTEN, AS W							
	INSOLUBLE COMPOUNDS		5.00	ACGIH		10.00		ACGIH
	SOLUBLE COMPOUNDS (X)		1.00	ACGIH		3.00		ACGIH
	(Y)		0.10	NIOSH				
			0.015	NIOSH				
8006-64-2	TURPENTINE	100.00	560.00	OSHA	150.00	840.00		ACGIH
5332-52-5	1-UNDECANETHIOL				0.50	3.90	15	NIOSH
7440-61-1	URANIUM, AS U							
	INSOLUBLE COMPOUNDS		0.20	ACGIH		0.60		ACGIH
	SOLUBLE COMPOUNDS		0.05	OSHA				
110-62-3	VALERALDEHYDE	50.00	175.00	ACGIH				
7440-62-2	VANADIUM, AS V							
	COMPOUNDS					0.05	15	NIOSH
	METAL		1.00	NIOSH				

TABLE 7.3
PERMISSIBLE EXPOSURE LIMITS FOR TOXIC AND HAZARDOUS SUBSTANCES

CAS #	SUBSTANCE	TWA			ACGIH-STEL OR NIOSH-CEILING			
		PPM	MG/M ³	SOURCE	PPM	MG/M ³	TIME (MIN)	SOURCE
11130-21-5	VANADIUM CARBIDE		1.00	NIOSH				
NONE	VEGETABLE OIL MISTS (EXCEPT CASTOR, CASHEW NUT OR SIMILAR IRRITANT OILS)		D 10.00	ACGIH				
108-05-4	VINYL ACETATE				4.00	15.00	15	NIOSH
593-60-2	VINYL BROMIDE	Q		NIOSH				
75-01-4	VINYL CHLORIDE	R		OSHA				
106-87-6	VINYL CYCLOHEXENE DIOXIDE	A2 10.00	A2 60.00	ACGIH				
75-02-5	VINYL FLUORIDE	Q		NIOSH				
75-35-4	VINYLDENE CHLORIDE	Q		NIOSH				
75-38-7	VINYLDENE FLUORIDE	Q		NIOSH				
25013-15-4	VINYL TOLUENE	50.00	240.00	ACGIH	100.00	485.00		ACGIH
8030-30-6	VM&P NAPHTHA		350.00	NIOSH		1800.00	15	NIOSH
81-81-2	WARFARIN		0.10	OSHA		0.30		ACGIH
NONE	WELDING FUMES (NOC)		B2 5.00	ACGIH				
NONE	WOOD DUST SOFT WOOD CERTAIN HARDWOODS SUCH AS BEECH & OAK		5.00	ACGIH		10.00		ACGIH
1330-20-7	XYLENES	100.00	435.00	OSHA	150.00	655.00		ACGIH
1477-55-0	M-XYLENE alpha, alpha'- DIAMINE (SKIN)		C 0.10	ACGIH				
1300-73-8	XYLIDINE (SKIN)	2.00	10.00	ACGIH				
7440-65-5	YTTRIUM		1.00	OSHA		3.00		ACGIH
7646-85-7	ZINC CHLORIDE (FUME)		1.00	OSHA		2.00		ACGIH
13530-65-9	ZINC CHROMATE, AS Cr		A2 0.05	ACGIH				
1314-13-2	ZINC OXIDE DUST FUME		5.00	NIOSH		15.00	15	NIOSH
			5.00	OSHA		10.00		ACGIH
557-05-1	ZINC STEARATE		D 10.00	ACGIH				
7440-67-7	ZIRCONIUM COMPOUNDS, AS Zr		5.00	OSHA		10.00		ACGIH

RULE ADOPTIONS

AGRICULTURE

(a)

DIVISION OF ANIMAL HEALTH

Biological Products for Diagnostic or Therapeutic Purposes

Adopted Amendment: N.J.A.C. 2:6-1.1

Adopted New Rules: N.J.A.C. 2:6-1.2, 1.3, 1.4, 1.5 and 1.6

Adopted Repeal: N.J.A.C. 2:6-1.7, 1.8 and 1.9

Proposed: November 3, 1986 at 18 N.J.R. 2151(a).

Adopted: December 30, 1986 by State Board of Agriculture,

Arthur R. Brown, Jr., Secretary, Department of Agriculture.

Filed: January 6, 1987 as R.1987 d.85, **without change.**

Authority: N.J.S.A. 4:5-107 through 112.

Effective Date: February 2, 1987.

Expiration Date: September 3, 1990.

Summary of Public Comments and Agency Responses:

Two comments were received in response to the request for comments. The first was from a Farm Supply and Food Marketing Cooperative and the second from a Feed Industry Association. Additionally, the Director of the Division of Animal Health met with representatives of the Cooperative to discuss the proposal.

After considering comments and information received, the State Board of Agriculture adopted the Amendments, Repeal and New Rule as proposed.

COMMENT: The first comment pointed out that because no other state has such limitation, an economic hardship would be imposed on New Jersey animal owners. It stated that Federal law requires the farmer to have a "Herd Health Management Program" and that this plan, coupled with State licensing, effects practical and effective control programs. The letter points out that other states have established standards that allow only qualified people to sell biologics. It argues that experience has shown the value of over-the-counter sales in preventing common diseases and providing economic benefits. The company offered its services in setting up alternative license systems.

COMMENT: The second comment states that the proposed regulation (N.J.A.C. 2:6-1.5) is not justified on the basis of safety and creates a conflict with Federal standards which will "cause negative impacts" on the State. It points out that USDA biologics are safe and effective for lay use. It claims that under the proposed regulations, cost of treatment will rise dramatically. The letter stated that the regulations would require special labeling, leading to increased costs. It argues that an impermissible burden would be placed on interstate commerce, and that the requirements might lead to a shortage of biologics and "adverse public health implications." It opposed the prohibition of 11 biological products (N.J.A.C. 2:6-1.2(c)), arguing that the products are safe and effective, restrictions are in conflict with the Federal regulatory scheme, and that the rule burdens interstate commerce without serving a legitimate State purpose.

RESPONSE: The fact that other states do not have such regulations will not cause an economic hardship on New Jersey farmers. While it is likely that an initial increase in cost per animal may result, increases in efficiencies and safety will actually reduce animal owner costs. There is no Federal law requiring purchasers of biologics to have a herd health program; products are sold to anyone freely. No evidence could be found to support the claim that other states have effective over-the-counter controls in place, nor that such sales have effectively prevented common diseases. Calls to State veterinarians and biologics dealers provided negative evidence of these claims; scientific literature and professional experience record both ineffectiveness and dangers associated with biologics, for example, "Survey of Vaccination Practice with Particular Reference to Bovine Respiratory Disease," Purdy and Loan, USAHA, 1945; "Recent Research on Bovine Viral Diarrhea Virus: Relation to Vaccines and Vaccination," Bolin, United States Animal Health Association, 1985; "Hog Cholera and its Eradication," Wise, 1981; an article on Pseudorabies vaccine transmission from swine to cattle, Journal of

the American Association of Veterinary Laboratory Diagnosticians, 1985; Diamond Scientific advertisement, Journal of the American Veterinary Association, October-November, 1986, and New Jersey Department of Agriculture records of Eastern Encephalitis cases in New Jersey.

USDA licensing of biologics does not constitute "a finding by USDA that the products are safe and effective for lay use." Licensed products are considered to be free of foreign agents, but may not be safe or effective under all circumstances. If the regulations are adopted, there will be no requirement for special labeling. In other cases of State restrictions of biologics, USDA has not found that special labeling has been necessary, nor does it believe that it will be necessary in the future. The prohibition of the 11 specified products is deemed essential based on accumulated scientific evidence.

The Department of Agriculture does not believe that the regulations will be an impermissible burden on Interstate Commerce nor will they be a violation of the Supremacy Clause of the Constitution, for Federal law does not, and has not since its original promulgation in the 1910's, preempted State regulations in this field unless they conflict directly with the Federal law. The New Jersey law does not do so. The Federal law is aimed at the efficacy and purity of the biologic, not its distribution and use by the end consumer.

Full text of the adoption follows.

2:6-1.1 Definitions

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

"Accredited veterinarian" means any licensed Doctor of Veterinary Medicine who has fulfilled the requirements for Federal and State accreditation, pursuant to 9 C.F.R. sec. 160.1 et seq. in the State of New Jersey.

"Biologic product" or "biologic", "biological" and "biological drug" mean any product utilizing virus (whether active or inactive) or any molecular part thereof, bacteria or any genetic equivalent thereof, or toxin as its basic component, or any product derived from the serum of any other animal, in the diagnosis (diagnostic biologic) or prevention (prophylactic biologic) of animal disease. This includes any and all products covered by the Animal Virus, Serum, and Toxin Act, 21 U.S.C.A. secs. 151 et seq., and the regulations issued pursuant thereto, 9 C.F.R. sec. 101.1 et seq.

"Diagnostic biologic" means a preparation of bacterial, viral or parasitic agents, products, fractions, serums, or fractions of serums utilized to determine experience with a disease causing agent.

"Distribution" means the preparation, sale, barter, exchange, or giving away of any regulated product.

"Prophylactic biologic" means any and all vaccines or toxoids used to initiate immunity against disease in domestic animals.

2:6-1.2 Distribution of biologics

(a) No biologic, diagnostic biologic or prophylactic biologic shall be distributed without a license or written permission by the Director, or exemption by these regulations.

(b) The distribution of any Brucella Vaccine and Contagious Ecthyma of sheep vaccines for use in New Jersey is prohibited except by the Division of Animal Health.

(c) The distribution and use of the following biological products in New Jersey is prohibited:

1. Anthrax Spore Vaccine;
2. Avian Influenza Vaccine;
3. Bluetongue Vaccine;
4. Chlamydia Psittaci Bacterin;
5. Duck Virus Enteritis Vaccine;
6. Duck Virus Hepatitis Vaccine;
7. Mycobacterium Paratuberculosis Bacterin;
8. Mycoplasma Gallisepticum Bacterin;
9. Ovine Ecthyma Vaccine;
10. Pseudorabies Vaccine;
11. Salmonella Dublin Bacterin.

(d) The Director may prohibit the distribution of any other diagnostic product or prophylactic biologic, based upon the scientific evidence and/or the usefulness, desirability and value of the biologic product to the overall health and safety of the industry, in accordance with the

Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:30 et seq.

2:6-1.3 Persons required to be licensed

(a) This subsection applies to any person who distributes, or intends to distribute any biologic product.

(b) Any person that distributes a biologic product which is not licensed under the Animal Virus, Serum, and Toxin Act, 21 U.S.C.A. sec. 154, and the Federal regulations issued pursuant thereto, 9 C.F.R. sec. 101.1 et seq., requires a license by the Director to distribute the biologic product.

(c) If the United States Department of Agriculture grants a conditional license for a biologic product, pursuant to the Animal Virus, Serum, and Toxin Act, 21 U.S.C.A. sec. 154, or sec. 154a, and the Federal Regulations issued pursuant thereto 9 C.F.R. sec. 101.1, et seq., any person that distributes such biologic product must either be licensed or given permission to use such biologic product by the Director.

2:6-1.4 Licensing procedure

(a) License or written permission to distribute, use, sell, or give away by the Director upon a showing to the Director's satisfaction in writing of:

1. The purpose, purity, safety, potency and efficacy of the product;
2. The procedures to insure the same;
3. Reporting procedures to track the product; and
4. The credibility and reliability of the person applying for the license, based on their credentials and past performance in handling these materials.

(b) License or written permission to distribute, use, sell or give away a biologic product may be granted for more than one biologic product upon a showing of the need for scientific research or testing.

2:6-1.5 Use of biologic products, diagnostic biologics and prophylactic biologics

(a) Only approved biologic products may be used in New Jersey in accordance with N.J.A.C. 2:6-1.2 and 2:6-1.3, and the Administrative Procedures Act, N.J.S.A. 52:14B-1, et seq.

(b) All biologic products, including rabies vaccines, shall be administered only by or on the order of a licensed veterinarian, except in the following instances:

1. Prophylactic biologics used to immunize poultry;
2. The use of diagnostic biologics for any reportable animal disease as enumerated in N.J.S.A. 4:5-4 et seq., shall only be by or on the order of an accredited veterinarian;
3. Only accredited veterinarians may administer prophylactic biologics for the immunization of domestic animals against Brucella contagious ecthyma of sheep and any other disease which may be designated by the Director;
4. Only the Animal Health Laboratory of the Division of Animal Health, New Jersey Department of Agriculture may use any and all diagnostic biologics to be used in the invitro diagnosis of Equine Infectious Anemia, Brucellosis or Paratuberculosis (Johne's Disease), unless specific written permission is granted by the Director, except for other government agencies who may be cooperating with the New Jersey Department of Agriculture, or where in the opinion of the Director, there is an emergent situation requiring immediate action.

2:6-1.6 Revocation of license or permission to distribute or use

(a) A license or permission to distribute or use any biologic product may be revoked by the Director when there has been a violation of State or Federal laws or regulations, or where the public health, welfare or safety shall warrant such revocation, subject to notice and opportunity to be heard.

(b) Any hearing to be conducted under this section shall be so conducted pursuant to N.J.A.C. 2:1-3.8 and the Administrative Procedure Act, N.J.S.A. 52:14B-1, et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(a)

DIVISION OF REGULATORY SERVICES

Jersey Fresh Quality Grading Program Logo

Adopted Amendments: N.J.A.C. 2:71-2.2, 2.3, 2.4, 2.5, 2.6, 2.7

Proposed: December 1, 1986 at 18 N.J.R. 2347(a).

Adopted: January 7, 1987 by Arthur R. Brown, Jr., Secretary of Agriculture.

Filed: January 9, 1987 as R.1987 d.89 **without change.**

Authority: N.J.S.A. 4:10-3, 4:10-13 and 4:10-20.

Effective Date: January 12, 1987.

Expiration Date: September 1, 1988.

Summary of Public Comments and Agency Responses:

COMMENT: Nectarines should be included in the program under peaches, using the peach standards.

RESPONSE: Nectarines, while they may be nothing more than fuzzless peaches, are treated differently by the buyer and markets. Further, the Grading Standards for nectarines are different from peaches. To combine the two under one standard will create confusion and may lead to lower prices for nectarines and bring the program into question. In addition, the Department of Agriculture feels that it must consult with nectarine growers to ascertain their wishes to be in the program.

COMMENT: A specific count as to cabbages should be included in their packaging.

RESPONSE: The Department of Agriculture feels that the range on cabbage size of 2 and 1/2 pounds to 4 pounds limits the number in a standard 50 pound container to a count of 12 to 14, and the range of two heads is acceptable in the industry as a first class pack. However, the Department feels that consulting with the industry on the matter may show a desire to alter this in the future.

COMMENT: There should be a maximum storage time on peaches.

RESPONSE: The question on the storage times on product has much merit. However, the inclusion of a storage time must be considered a major change in the proposal significant to require republication. This change would require consultation with not just growers, but all members of the food distribution chain, Cook College and the Extension Service. Further, if it is done for one crop, what about the others? The nature of the question, its scope and implications for a major change in the program would require republication. The Department feels that this would be a three to six month project to adequately consult with all concerned. Needless to say, this would delay the implementation of the program well into the growing and harvest seasons, thereby delaying, and possibly rendering the program inapplicable to the 1987 season.

The Department of Agriculture feels the comments are worthy of further consideration and will do so, implementing them in the 1988 season, if desired by the affected persons.

Full text of the adoption follows.

2:71-2.2 Use of the "Jersey Fresh Quality Grading Program" Logo (referred to as the "logo") on containers of certain fresh fruits and vegetables

(a) (No change.)

(b) The configuration of the Jersey Fresh Quality Grading Program Logo follows:

OFFICE OF ADMINISTRATIVE LAW NOTE: The logos now in the New Jersey Administrative Code are being replaced by the logo reproduced below, which does not contain any designation of "U.S. No. 1 or Better" or "U.S. Extra No. 1 or Better," pursuant to U.S.D.A. requirements.



(c) Only those persons, firms, partnerships, corporations or associations licensed by the New Jersey Department of Agriculture pursuant to N.J.S.A. 4:10-5 to use the Jersey Fresh Quality Grading Program Logo shall be permitted to attach the printed label to or have it printed upon a panel of the container in which the agricultural commodity is to be marketed or to employ its use in advertising or in any manner whatsoever. All containers are subject to the approval of the New Jersey Department of Agriculture.

(d) (No change.)

(e) Any person, firm, partnership, corporation or co-operative wishing to transfer ownership of containers bearing the "logo" to licensed registrants shall make application to the New Jersey Department of Agriculture for a license. The application shall be made in writing, upon a form provided by the department. Information given in the application shall be held confidential and not subject to review or reproduction under the provisions of N.J.S.A. 47:1A-1 et seq.

(f) (No change in text.)

2:71-2.3 Charges for Jersey Fresh Quality Grading Program logo labels and Use of Jersey Fresh Quality logo imprinted containers

(a) (No change.)

(b) Licensees may purchase Jersey Fresh logo labels in increments of 1,000. The charge for Jersey Fresh logo labels shall be \$10.00 per thousand. Checks are to be made payable to New Jersey Farm Products Publicity Fund.

(c) The licensed packer using the "logo" on approved containers shall pay to the New Jersey Farm Products Publicity Fund \$1.00 per 1,000 containers on which the "logo" is imprinted. However, for produce in retail packages of 20 pounds or less, the charge shall be based on the weight of the wholesale package. Such charge shall be levied on the quantity of containers delivered to the packer. A copy of each shipping invoice or a statement shall be supplied to the department by the licensed person, firm, partnership, corporation or co-operative that transfers ownership of containers bearing the "logo" to the licensed registrant. Said copy of each shipping invoice or statement shall include: licensed packer's name and address, the registration number, the number of containers delivered, the type of containers and the date of delivery. The amount of said charge shall be paid by the licensed packer within ten days after date of billing by the department.

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

(f) No charge will be levied for a license to transfer ownership of containers bearing the "logo".

2:71-2.4 Agricultural commodities intended to be marketed under the Jersey Fresh Quality Grading Program

(a) Only blueberries, cabbage, green corn, cucumbers, eggplants, iceberg lettuce, common green onions, peaches, sweet peppers, sweet potatoes, white potatoes, summer squash, fall and winter type squash, and tomatoes (fresh market), may be identified by the "logo."

(b) All agricultural commodities marketed under the "logo" program shall be produced and packed in New Jersey.

2:71-2.5 Commodity grades, packing requirements, packer identification and containers

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

(c) Cabbage, Domestic type, shall be U.S. No. 1, Green grade, with the heads being of two and one-half pound minimum weight to four pound maximum weight. Each head shall be fairly well trimmed. Containers shall be marked "U.S. No. 1, Green". All containers shall be new.

(d)-(l) (No change.)

(m) Squash, Fall and Winter (acorn and butternut) shall be U.S. No. 1 grade and shall meet the following size specifications: Acorn shall be a minimum of 1½ pounds and a maximum of 2½ pounds in weight. Butternut shall be a minimum of 1½ pounds and a maximum of 3½ pounds in weight. All containers shall be new.

(n) Squash, Summer (yellow and green) shall be U.S. No. 1 grade and shall meet the following size specifications: green type shall be a maximum of eight inches in length and a maximum of 2¼ inches in diameter; yellow type shall be a maximum of eight inches in length and a maximum of 2½ inches in diameter at the bulb. All containers shall be at least fairly well filled. All containers shall be new.

(o) (No change.)

2:71-2.6 Definitions

"Hydrocooled" means using the process of conveying produce through cold water (as near to 32°F or 0°C as possible) to remove field heat quickly.

"Mixed Colors" means that a lot of tomatoes may contain not more than 5 percent of tomatoes which are green in color. "Green" means that

the surface of the tomato is completely green in color. The shade of green color may vary from light to dark.

2:71-2.7 Penalties

(a) (No change.)

(b) After the second violation of any part of this subchapter of the same regulated product packed by the same licensed packer during the same calendar year, the license to pack under the Jersey Fresh Quality Grading program will be revoked for the remainder of the license year.

(c) Any entity licensed to transfer ownership of containers bearing the "logo" which violates any part of the regulations shall be subject to a penalty of not more than \$50.00 for the first offense and revocation of license for a subsequent offense, except for violators of N.J.S.A. 4:10-5 which the penalty shall be \$50.00.

(d) Prior to the imposition of penalties under (a), (b) or (c) above the individual charged with a violation of the regulations shall be afforded the opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq. and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1 et seq.

(e) (No change in text.)

DIVISION OF RURAL RESOURCES

(a)

**State Agriculture Development Committee
Soil and Water Conservation Cost-Sharing
Adopted Amendment: N.J.A.C. 2:76-5.3**

Proposed: October 6, 1986 at 18 N.J.R. 1981(a).

Adopted: January 6, 1987 by Arthur R. Brown, Jr., Chairman,
State Agriculture Development Committee.

Filed: January 9, 1987 as R.1987 d.90, **without change.**

Authority: N.J.S.A. 4:1C-5f.

Effective Date: February 2, 1987.

Expiration Date: August 29, 1989.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

2:76-5.3 Approved practices and cost-share provisions

(a) (No change.)

(b) The following cost-share provisions shall be applicable for soil and water conservation projects:

1. The State Agriculture Development Committee shall dedicate \$4.9 million from the fund for the purpose of providing grants to landowners for approved soil and water conservation projects.

i. No more than 25 percent of the \$4.9 million dedicated for soil and water conservation projects shall be aggregately obligated for approved projects in any one county.

2. Upon certification of a farmland preservation program or a municipally approved program, the committee shall determine the total eligible state soil and water cost-share funds based on common deed ownership in accordance with the following formula:

0 to 50 acres at \$400/acre

51 to 100 acres at \$100/acre

101 to 516.7 acres at \$60/acre

i. For acreage exceeding 516.7 acres, no additional funding will be available to the landowner.

ii. The total eligible amount determined shall remain in effect for the duration of the farmland preservation program or municipally approved program.

3. Upon State Soil Conservation Committee approval and recommendation for funding of an application for soil and water project cost sharing in compliance with N.J.A.C. 2:76-5.6, and upon State Agriculture Development Committee approval, the State Agriculture Development Committee shall obligate funds as approved in the application for up to three years from the date of approval.

i. Approval of funds shall not exceed the amount determined in (b)2 above.

ii. The term of obligation may be extended due to seasonal constraints or other unavoidable delays only upon the approval of the local soil conservation district, the State Soil Conservation Committee and the State Agriculture Development Committee.

BANKING**DIVISION OF BANKING****(a)****Eligibility of Proposed Interstate Acquisitions****Notice of Correction: N.J.A.C. 3:13-4.2**

Take notice that an error appears in the December 15, 1986 issue of the New Jersey Register at 18 N.J.R. 2441 concerning the definition of "Reciprocal legislation". The definition should appear as follows:

3:13-4.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicated otherwise:

"Reciprocal legislation" means statutory law of a state of the United States (including the District of Columbia) which authorizes or permits a bank holding company located in New Jersey to acquire banks or bank holding companies located in that state on terms and conditions substantially the same as the terms and conditions pursuant to which a bank holding company located in that state may acquire banks or bank holding companies located in that state. The fact that the law of that other state imposes limitations or restrictions on the acquisition of banks or bank holding companies located in that state by a bank or bank holding company located in New Jersey shall not necessarily mean that the law of that state is not reciprocal legislation; provided, however, that if the law of the other state limits acquisitions by a bank or bank holding company located in New Jersey to banks or bank holding companies which are not in competition with banks or bank holding companies located in or chartered by that state or to banks or bank holding companies which do not have customary banking deposit and commercial loan powers, the law of that other state shall not be reciprocal legislation. If the reciprocal legislation of that other state imposes limitations or restrictions on the acquisition or ownership of a bank or bank holding company located in *that state by a bank holding company located in* New Jersey, substantially the same limitations and restrictions shall be applicable to the eligible bank holding company located in that other state with respect to its acquisition of banks or bank holding companies located in New Jersey.

DIVISION OF BANKING**(b)****Consumer Credit Bureau****Credit Union Parity****Adopted New Rule: N.J.A.C. 3:21-2.1**

Proposed: November 17, 1986 at 18 N.J.R. 2237(a).

Adopted: January 7, 1987 by Mary Little Parell, Commissioner, Department of Banking.

Filed: January 9, 1987 as R.1987 d.93, **without change**.

Authority: N.J.S.A. 17:13-90.

Effective Date: February 2, 1987.

Expiration Date: February 2, 1992.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

3:21-2.1 Credit union parity with Federally chartered credit unions

In addition to other authority granted by law and unless contrary to State law, a credit union may exercise any power, right, benefit or privilege which is now or hereafter authorized for Federal credit unions to the same extent as Federal credit unions pursuant to Federal law or rules and regulations of the National Credit Union Administration. A credit union in exercising those powers shall do so in accordance with the terms, conditions and requirements established for Federal credit unions. Such powers shall be automatically exercisable upon the expiration of 30 days from the date of adoption of the enabling regulation by the Federal regulatory agency, except if the Commissioner of Banking within that

time provides notice that the power shall not be granted to New Jersey credit unions. Such notice shall be provided to each credit union, and to the New Jersey Credit Union League for publication. The Commissioner of Banking may permit credit unions to begin exercise of a power prior to the expiration of the 30 day period by providing notice of permission to each credit union and the New Jersey Credit Union League.

COMMUNITY AFFAIRS**(c)****DIVISION OF HOUSING AND DEVELOPMENT****Uniform Construction Code****Barrier-Free Subcode****Adopted Amendments: N.J.A.C. 5:23-2.23 and 7.57**

Proposed: December 1, 1986 at 18 N.J.R. 2348(a).

Adopted: January 9, 1987, by Leonard S. Coleman, Jr.,

Commissioner, Department of Community Affairs.

Filed: January 9, 1987, as R.1987 d.91, **without change**.

Authority: N.J.S.A. 52:27D-123.

Effective Date: February 2, 1987.

Expiration Date: April 1, 1988.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

5:23-2.23 Certificate of occupancy requirements

(a)-(h) (No change.)

(i) Limitations: Equipment herein below listed, having been determined to create a significant potential for hazard to public health and safety shall be granted a certificate of approval by the appropriate subcode official or other approved agency for the duration specified herein:

1. Elevators: six months;

2. Platform lifts: six months;

Renumber existing 2. through 9. as 3. through 10. (No change in text.)

(j)-(k) (No change.)

5:23-7.57 Accessible toilet and bathing facilities: urinals

(a) (No change.)

(b) A vertical grab bar shall be located next to at least one urinal at standard height.

(d)**Uniform Construction Code****Plumbing Subcode****Adopted Amendment: N.J.A.C. 5:23-3.15**

Proposed: November 17, 1986 at 18 N.J.R. 2237(b).

Adopted: December 29, 1986, by Leonard S. Coleman, Jr.,

Commissioner, Department of Community Affairs.

Filed: January 5, 1987 as R.1987 d.81, **without change**.

Authority: N.J.S.A. 52:27D-124.

Effective Date: February 2, 1987.

Expiration Date: April 1, 1988.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

5:23-3.15 Plumbing subcode

(a) (No change.)

(b) The following pages, chapters, sections or appendices of the plumbing subcode are amended as follows:

1.-4. (No change.)

5. Chapter 4 of the plumbing subcode entitled "Joints and connections" is amended as follows:

i. Section 4.2.4 is amended to delete the phrase "properly soldered

together" on line 4 and to add after line 4 the sentence "Joints for potable water used in copper, brass, or wrought copper fittings shall be made with a solder and flux having a lead content of not more than 0.2 percent."

Redesignate existing i.-iii. as ii.-iv. (No change in text.)

6.-19. (No change.)

(c) (No change.)

EDUCATION

STATE BOARD OF EDUCATION

(a)

Pupil Transportation Small Vehicle Regulations

Adopted New Rule: N.J.A.C. 6:21-10.1

Proposed: October 1, 1986 at 18 N.J.R. 2155(a).

Adopted: January 8, 1987 by State Board of Education,
Saul Cooperman, Secretary.

Filed: January 12, 1986 as R.1987 d.94, **with technical changes**
not requiring additional public notice and comment (see
N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 18A:1-1, 4-15 and 39-21.

Effective Date: February 2, 1987.

Expiration Date: August 9, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

After agency review, the Department deleted "local" from references to the "district board of education", for consistency throughout Title 6.

Full text of the adoption follows (deletions from the proposal shown in brackets with asterisks *[thus]*).

6:21-10.1 Motor vehicle registration

(a) The owner of a private small vehicle wishing to enter into a contract with a *[local]* district board of education for the purpose of transporting pupils, to and from school and to and from related school activities, must register his or her vehicle with the Division of Motor Vehicles. The Division of Motor Vehicles will recall the present passenger plates of the owner and issue school vehicle type 2 license plates at the prescribed registration fee. Owners of private and small vehicles must renew the vehicle registration on an annual basis.

(b) A district board of education wishing to transport pupils in a district-owned vehicle to and from school and to and from related school activities must register the vehicle with the Division of Motor Vehicles. The Division of Motor Vehicles will provide the district board of education with school vehicle type 2 license plates at no registration fee. All no fee registration transactions with district boards of education will be valid for 36 months.

(c) Other types of motor vehicle registrations available for vehicles used to transport pupils to and from school and to and from school related activities are as follows:

1. Omnibus registration is for contracted small vehicles that are chartered for hire and used for 10 or more passengers excluding the driver.

2. Livery registration is for contracted small vehicles that are chartered for hire and used for nine passengers or less excluding the driver.

3. Handicapped registration plates are issued to family members or individuals who own or lease a vehicle for transportation of the handicapped.

6:21-10.2 Transportation to and from related school activities

District boards of education may authorize the use of private vehicles with a capacity of eight or less for the transportation of public school pupils to and from related school activities, in accordance with policy and regulations adopted by the district board of education. The policy shall clearly stipulate procedures under which such transportation shall take place safely, including provision for appropriate and adequate insurance coverage and approval of activities and drivers.

HEALTH

(b)

PUBLIC HEALTH COUNCIL Environmental Health Services Chapter IX—State Sanitary Code Public Recreational Bathing

Adopted Amendments: N.J.A.C. 8:26-3.9, 4.8, 5.6, 5.7, 5.9, 7.6 and Appendix

Proposed: November 17, 1986 at 18 N.J.R. 2281(a).

Adopted: January 12, 1987 by Evelyn Geddes, Chairperson,
Public Health Council.

Filed: January 12, 1987 as R.1987 d.99, **with technical changes**
not requiring additional public notice and comment (see
N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 26:1A-7.

Effective Date: February 2, 1987.

Expiration Date: August 4, 1991.

Summary of Public Comments and Agency Responses:

Three written comments were received by the Department of Health and the Department's responses follow in summary form. (The commenters received individual responses from the Department on the issues of particular interest to them.)

COMMENT: A comment was received that 600 feet 1/4 inch poly rope at each lifeguard stand in a confined area is dangerous and at a swimming pool it can cause additional injury to people in need of assistance.

RESPONSE: This requirement is applicable only to ocean bathing beaches, not swimming pools, and is considered standard equipment.

COMMENT: The Department received a comment from the Boy Scouts of America that supported the proposal, but suggested that Aquatic Instructor BSA be included, as well as BSA Lifeguard.

RESPONSE: It is the Department's intention to set minimum standards. Although the Aquatic Instructor BSA is required to have BSA Lifeguard initially, the Aquatic Instructor BSA may not keep the BSA Lifeguard certificate current and therefore may not meet the standards set by the Department.

COMMENT: The Department received a comment from the National Spa and Pool Institute stating they had reviewed the proposal and were in support of it. However, they requested that a space be inserted between the Y.M.C.A. and the National Swimming Pool Foundation in the Appendix for Certified Pool Operators in order to differentiate between the two groups.

RESPONSE: The change requested was made.

There were no comments received at the public hearing on January 12, 1987.

Full text of the adoption follows (additions to the proposal shown in boldface with asterisks ***thus***; deletions from the proposal shown in brackets with asterisks *[thus]*).

8:26-3.9 Overflow collection system

(a)-(f) (No change.)

8:26-4.8 Circulation systems

(a)-(c) (No change.)

(d) Filters shall be designated to maintain hot tub or spa water under anticipated operating conditions in accordance with (a) above.

1.-3. (No change.)

4. Filters shall meet such safety and performance standards as will provide safe operation which is not hazardous to the operator or maintenance personnel. The National Sanitation Foundation (NSF) standards covering filters are recommended. (Information concerning these standards can be obtained from NSF, National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106.)

5.-6. (No change.)

8:26-5.6 Hot tubs and spas

(a) Supervision of a hot tub or spa, when open for use, shall be provided by a designated adult supervisor, who is knowledgeable of these rules and shall be responsible for all phases of the operation, and as follows:

1. At least one person currently certified in standard first aid and cardiopulmonary resuscitation (CPR) shall be present at all times when

the spa is in use. These certifications shall be from an organization recognized by the New Jersey State Department of Health. (See Appendix)

2. Within three years of the promulgation of this chapter, the maintenance and mechanical operation of a hot tub or spa, when open for use, shall be under the supervision of a certified pool operator. The certification of a pool operator shall be from an organization acceptable to the New Jersey State Department of Health. (See Appendix)

(b)-(e) (No change.)

8:26-5.7 Bathing beaches

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

(c) A bathing beach open for use shall establish and post hours of operation and shall be under the management of a designated adult supervisor who is familiar with these regulations and who shall be responsible for all phases of the operation, during said hours, which shall include a reasonable time period, such as 9:00 a.m. to 5:00 p.m., or similar time period, reflecting hours of maximum use.

1. A lifeguard training program, certified by the United States Life-saving Association, Office of Certification, Mid-Atlantic Region, P.O. Box 1, Avon, N.J. 07717, shall be established by the owner or operator for ocean and tidal waters.

2.-8. (No change.)

(d). (No change.)

8:26-5.9 Lifesaving equipment for bathing beaches

(a) Lifesaving equipment shall be provided in case of an emergency. The equipment shall include, but not be limited to:

1. (No change.)

2. A 600 foot 1/4 inch poly rope with brass swivel snap hooks, which shall be provided at each lifeguard station for ocean bathing beaches;

3.-8. (No change.)

8:26-7.6 Microbiological water quality standards for swimming pools and wading pools

(a) (No change.)

(b) Total coliform densities:

1. (No change.)

2. Standard: If the membrane filtration technique is used, the number of coliform organisms shall be less than 1 colony per 100 milliliter sample.

i. (No change.)

APPENDIX

The following organizations are currently recognized by the New Jersey State Department of Health of certify the personnel and/or program required in N.J.A.C. 8:26-5.

First Aid Certification
American Red Cross

CPR Certification
American Red Cross
American Heart Association

Lifesaving/Lifeguarding Certification
Swimming Pools and Lake Bathing
American Red Cross—Advanced lifesaving certificate
Lifeguarding certificate
Boy Scouts of America—BSA Lifeguard Certificate
YMCA—Advanced lifesaving certificate
Lifeguarding certificate

Ocean and Tidal Waters
United States Lifesaving Association
*[P.O. Box 366
Huntington Beach, CA 92648]*
Office of Certification
Mid-Atlantic Region
P.O. Box 1
Avon, N.J. 07717

Certified Pool Operators Certification
YMCA
National Swimming Pool Foundation
10803 Gulfdale
Suite 300
San Antonio, Texas 78216

24 UNIT FIRST AID KIT CONTENTS

2 Units—1 inch Adhesive Compress
2 Units—2 inch Bandage Compress

2 Units—3 inch Bandage Compress
2 Units—4 inch Bandage Compress
1 Unit—3 inches by 3 inches Plain Gauze Pads
2 Units—Gauze Roller Bandage
1 Unit—Eye Dressing Packet
4 Units—Plain Absorbent Gauze—1/2 square yard
3 Units—Plain Absorbent Gauze—24 inches by 72 inches
4 Units—Triangular Bandages
1 Unit—Tourniquet—Scissors—Tweezers

INSURANCE

(a)

DIVISION OF ACTUARIAL SERVICES

Minimum Standards

Required Disclosure Provisions

Adopted Amendment: N.J.A.C. 11:4-16.8

Proposed: October 20, 1986 at 18 N.J.R. 2103(a).

Adopted: January 12, 1987, by Kenneth D. Merin,
Commissioner, Department of Insurance.

Filed: January 12, 1987 as R. 1987 d.96, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:26-1 et seq., specifically 17B:26-45 and 17B:26A-1 et seq., specifically 17B:26A-7(c) and (e).

Medicare Supplement Policies and Contracts
Required Disclosure Provisions

Adopted Amendment: N.J.A.C. 11:4-23.8

Proposed: October 20, 1986 at 18 N.J.R. 2107(a).

Adopted: January 12, 1987, by Kenneth D. Merin,
Commissioner, Department of Insurance.

Filed: January 12, 1987 as R.1987 d.95, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:35C-1 et seq., and 17B:26A-1 et seq., specifically 17B:26A-7(c) and (e).

Effective Date: February 2, 1987.

Expiration Date: December 2, 1990.

Summary of Public Comments and Agency Responses:

The Department received six public comments concerning the proposed amendments to N.J.A.C. 11:4-16.8 and 11:4-23.8, which set forth the text and provide printing specifications for the Department's new Medicare supplement guidebook. One commenter stated that the book was very clearly written and was an improvement over the last version.

COMMENT: Several commenters asserted that the printing specifications for the new guide are expensive and will result in increased administrative costs. In particular, the writers noted that the size and quality of paper required by the rule will necessitate use of oversized envelopes and extra postage.

RESPONSE: The Department recognizes that the printing requirements that are applicable to the new guide may increase insurer costs. However, these commenters have not demonstrated that such costs will be unduly burdensome. Further, the Department believes that the benefit to senior citizens, in terms of the convenience and enhanced readability that arise from these printing specifications, outweighs any associated increase in administrative cost.

For example, the larger page size which is required by the Department for the new guide makes the booklet easier for senior citizens to handle. The Department notes that the booklet size which it has selected is comparable to standards utilized by the American Association of Retired Persons (AARP), an organization that provides information to seniors. The AARP requires that all publications be in at least an 8 1/2 by 11 inch format.

Further, the Department believes that the larger page size more readily accommodates the larger print size which is required by the rule to

promote the guide's readability. Of course, larger print size could be used in a smaller guide; however, if print size were increased without an accompanying increase in the size of the guide, the result would be a much thicker publication, which, like the new guide, would require extra postage for mailing.

With respect to the quality of paper to be used in the new guide, the Department requires coated paper because printing on such paper makes the words appear sharper and, therefore, easier to read.

COMMENT: One commenter asserted that insurers with small market shares will not be able to produce small numbers of the booklets on an economical basis, and will be driven out of state. The writer suggested that one printer supply booklets for purchase by all insurers.

RESPONSE: The Department does not find it appropriate to require that all insurers purchase guides from a central supplier. However, it should be noted that the rule would not prohibit a printer or other business concern from producing guides for purchase by insurers.

COMMENT: Blue Cross/Blue Shield complained that it will have to reprint the booklet and chart whenever any of the other insurers alter their dollar amounts. It claimed that this will be extremely expensive, given the amount of booklets it must produce.

RESPONSE: The commenter has misunderstood the provisions of the regulation. The comparison chart to which the commenter refers shows all of the Medicare supplement policies marketed by insurers in New Jersey, along with other statistics including the monthly premium charge and the benefits provided. This chart is provided by the Department of Insurance for consumers to aid them in comparing policies, and is included in the guides distributed by the Department to consumers. Companies are not required to include this chart in the guides that they distribute. The text of the guidebook itself was designed so that no figures or dollar amounts appear in the guide.

COMMENT: One commenter stated that the references in the booklet to Blue Cross/Blue Shield are inappropriate. This commenter suggested that, in effect, other insurers are being asked to pay for the advertising of Blue Cross/Blue Shield, since they must print the booklet with these references.

RESPONSE: In presenting information on health care coverages, it is important to establish a practical and understandable framework on which to base discussion. Because of the wide use of Blue Cross/Blue Shield throughout the State, the booklet can be readily adapted for this purpose. References cannot properly be viewed as promoting Blue Cross/Blue Shield but merely as providing a frame or reference to enhance the reader's understanding.

As a result of internal comments, a technical change has been made to N.J.A.C. 11:4-16.8. The reference to service corporations has been deleted in paragraph 16, as the minimum standards regulation is not applicable to service corporations.

Additionally, the Department has decided, because of the length of the text of the guidebook, to publish it at the end of chapter 4 as an appendix to both subchapter 16 and 23, rather than at the end of each rule. The text for the guidebook is the same for both N.J.A.C. 11:4-16.8 and 11:4-23.8. Likewise, the chart for copayments and deductibles is being published at the end of chapter 4.

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

11:4-16.8 Required disclosure provisions

(a)1.-13. (No change.)

14. An informational brochure for persons eligible for Medicare by reason of age which is intended to improve the buyer's ability to select the most appropriate coverage and improve the buyer's understanding of Medicare, shall be furnished by each insurer to each such Medicare eligible person in connection with the purchase of a health insurance policy other than a short-term nonrenewable policy. The full text of the approved guide *[is appended to this subchapter as "Appendix B."]* ***appears as an Appendix to Chapter 4 and is entitled "Bridging the Medicare Gaps: A Guide to Medicare Supplements."***

15. To ensure uniformity in the content, form and printing of the guide, *[which is entitled "Bridging the Medicare Gaps: A Guide to Medicare Supplements,"]* each insurer shall comply with the following requirements:

i. Insurers or their printers shall use only the printing negatives authorized by the Department of Insurance. Information concerning the purchase of the negatives is available from the Department of Insurance, Division of Public Affairs;

ii. The guide shall be printed according to the following specifications:

- (1) The size of the pages shall be 7 x 10 inches;
- (2) The guide shall be printed in two colors, black and PMS 321;
- (3) The inside pages of the guide shall be printed on 70 pound coated Matte, Patina or approved equal;
- (4) The cover of the guide is to be printed on 9 pt. Carolina cover, coated two sides;
- (5) The cover shall be die cut on back to form a glued pocket two inches deep; and
- (6) The guide is to be saddle stitched (two staples);

iii. A chart entitled "Medicare Deductibles and Copayments for 1986" must be included in the back pocket of each guide. A sample copy of this chart *[is appended to this subchapter as "Appendix C."]* ***appears as an Appendix to Chapter 4.***

(1) To ensure uniform design, content and printing of the chart, the Department of Insurance, Division of Public Affairs will provide sample copies of the chart to insurers. Insurers must adhere exactly to the format of the chart, and must include the chart in the back pocket of each guide.

(2) Certain dollar amounts, such as the copayments, are updated every January 1. These figures will be published by the Department in a Public Notice in the New Jersey Register as they become available.

16. Delivery of the guide shall be made at the time of application except in the case of direct response solicitations where the guide shall be delivered with the policy. Acknowledgment of receipt of the guide shall be obtained by all insurers *[other than direct response insurers or service corporations]*.

(b)-(o) (No change.)

11:4-23.8 Required disclosure provisions

(a)1.-5. (No change.)

6. Insurers and hospital or medical service corporations issuing policies, certificates or subscriber contracts which provide hospital or medical expense coverage on an expense incurred, indemnity, or service benefit basis, other than incidentally, to a person(s) eligible for Medicare by reason of age shall provide for delivery to all applicants an informational brochure, which is intended to improve the buyer's ability to select the most appropriate coverage and improve the buyer's understanding of Medicare. The full text of the approved guide *[is appended to this subchapter as "Appendix A."]* ***appears an Appendix to Chapter 4, and is entitled "Bridging the Medicare Gaps: A Guide to Medicare Supplements."***

7. To ensure uniformity in the content, form and printing of the guide, *[which is entitled "Bridging the Medicare Gaps: A Guide to Medicare Supplements,"]* each insurer shall comply with the following requirements:

i. Insurers or their printers shall use only the printing negatives authorized by the Department of Insurance. Information concerning the purchase of the negatives is available from the Department of Insurance, Division of Public Affairs;

ii. The guide shall be printed according to the following specifications:

- (1) The size of the pages shall be 7 x 10 inches;
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- (3) The inside pages of the guide shall be printed on 70 pound coated Matte, Patina or approved equal;
- (4) The cover of the guide is to be printed on 9 pt. Carolina cover, coated two sides;
- (5) The cover shall be die cut on back to form a glued pocket two inches deep; and
- (6) The guide is to be saddle stitched (two staples);

iii. A chart entitled "Medicare Deductibles and Copayments for 1986" must be included in the back pocket of each guide. A sample copy of this chart *[is appended to this subchapter as "Appendix B."]* ***appears as an Appendix to Chapter 4.***

(1) To ensure uniform design, content and printing of the chart, the Department of Insurance, Division of Public Affairs will provide sample copies of the chart to insurers. Insurers must adhere exactly to the format of the chart, and must include the chart in the back pocket of each guide.

(2) Certain dollar amounts, such as the copayments, are updated every January 1. These figures will be published by the Department in a Public Notice in the New Jersey Register as they become available.

8. Except in the case of direct response insurers or service corporations, delivery of the guide shall be made to the applicant at the time of application, and acknowledgment of receipt of the guide shall be obtained by the insurer or service corporation. Direct response insurers or service corporations shall deliver the guide to the applicant upon request but not later than the time of policy or certificate delivery.

9. Except as otherwise provided in (c) below, the terms "Medicare Supplement," "Medigap," and words of similar import shall not be used unless the policy or contract is issued in compliance with N.J.A.C. 11:4-23.6.

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

APPENDIX
BRIDGING THE MEDICARE GAPS:
A GUIDE TO MEDICARE SUPPLEMENT
INTRODUCTION

Medicare. The word can be both a comfort and a puzzle. A comfort because Medicare is a program which provides a good, basic health coverage at minimal cost. A puzzle because the program's structure makes it look harder to understand than it really is.

Medicare historically has paid a relatively stable share of health care costs for older citizens, ranging from about 40 percent in 1977 to 45 percent in 1984, according to the U.S. House of Representatives Select Committee on Aging.

But health care costs have been rising faster than inflation—which means higher medical bills. So even though older people have been paying a relatively constant percentage of their medical bills, the bills themselves are larger. The bottom line is that older citizens are paying more total dollars for their share of health care costs.

Some people can afford to pay their health care bills. But others, who fear being caught between their fixed incomes and rising health care costs, will want to buy additional insurance to shield themselves.

Before making a decision about what kind of insurance to buy, everyone should assess his or her own needs. Assessing the need for additional protection is easier if one understands the basic structure of Medicare. The first section of this booklet is designed with that in mind.

The Building Blocks of Medicare

Medicare coverage comes in two parts—Part A, hospital insurance; and Part B, medical insurance.

The two parts in the program parallel the divisions in the medical community between hospitals and physicians. Although hospitals are filled with doctors, few doctors actually work for hospitals. Most physicians are independent businesspeople. So, if you go to the hospital with the flu, you receive separate bills—one for the things the hospital provides such as a room, nurses, food and drugs; and another for the doctors who treat you. Similarly, Medicare has two parts, A, which pays inpatient hospital bills, and B, which pays doctors' bills and outpatient hospital expenses.

Part A, the hospitalization portion of Medicare, is free, and most senior citizens participate automatically.

Part B, the medical portion is not free. It requires a monthly premium, which is deducted from your Social Security check. You don't have to take Part B, medical insurance, but for most people, it is a good buy. If you choose not to enroll in Part B when you sign up for Medicare, you can join the program later. But if you wait, the premiums will be higher.

Each of the two parts has a deductible, an amount of money which you have to pay before Medicare starts paying.

Each also requires a co-payment, which means you have to pay a part of each bill.

And each has its own rules about when these payments are required. The specific dollar amounts have been increasing over time, so they are not listed here. However, the chart in the back pocket will tell you the exact cost of the deductibles and co-payments this year.

Medicare Part A—Hospital Insurance

Medicare Part A, the heart of the Medicare program, pays hospital room and board fees. It also pays for some goods and services (such as laboratory costs, physical therapy and prescriptions) you receive while you are a patient in the hospital.

Part A does not cover all hospital bills. It covers a portion of them, depending on how long you are in the hospital, and on the basis of benefit periods (see p. 5).

Drawn on a graph like the one on page 11, the system resembles a three-step staircase. First, you pay the Part A hospital deductible (which is roughly equal to the average national cost of one day in the hospital).

Then, for 60 days, Medicare pays 100 percent of the covered hospital expenses.

After 60 days, you take the first step down. For days 61 through 90, Medicare covers most of the hospital bills, but you have to pay a co-payment for each day you're there. (The co-payment is about 25 percent of the average national cost of a day in the hospital.)

If, after 90 days, you're still in the hospital, you have to make a decision. You either begin paying all the hospital bills yourself, or you take a half-step and dip into the **lifetime reserve days that Medicare provides.**

Your lifetime reserve is a "bank" with 60 days of partial coverage. The daily co-payment rises to about 50 percent of the average national daily hospital charge. You can use all or some of the 60 days for any hospitalization between 91 and 150 days. Once you use up all 60 lifetime reserve days, however, you can't get them back.

Although the increases in co-payments may seem steep, the odds of experiencing a prolonged hospital stay are small. Only 2 percent of Medicare subscribers exhaust their coverage in any given year, according to the U.S. Health Care Financing Administration. And national statistics indicate that the average hospital stay for a person over 65 has been ranging between 7.5 and 11 days.

What Part A Also Covers

Medicare also pays for three of the newer, less expensive alternatives to hospitalization—skilled nursing facilities, home health care and hospice care.

Let's say you've had a stroke and have been in the hospital for several weeks. You no longer need the intensive care a hospital provides, but you do need daily rehabilitation therapy before going home. Your doctor may refer you to a **skilled nursing facility**, where you will get professional nursing care and rehabilitation services. Although there are some restrictions, Medicare will generally pay all the facility's bills for the first 20 days and a portion of the bills for days 21 through 100, providing the care is reasonable and necessary.

Medicare also will pay for **home health care** to help you leave a hospital or skilled nursing facility if your condition meets certain requirements, among them a need for part-time skilled nursing care or therapy.

In addition, Medicare covers **hospice care** for terminally ill patients who want to stay home during their final weeks of life. Hospices (special organizations, which help dying patients and their families) will supply doctors' services, nursing care, home health aides, homemaker services, counseling, and medical appliances and supplies. There are some restrictions and some minimal co-payments for a few services, but Medicare will pick up the majority of the bills.

How Often Can You Collect?

Medicare Part A pays hospital expenses on the basis of **benefit periods.** A benefit period starts when you enter a hospital and ends when you have been out of the hospital or skilled nursing home for 60 days in a row.

Benefit periods determine whether you have to pay a deductible and how much of the hospital bill Medicare will pay. Let's say, for instance, that you were in the hospital for 60 days, went home for two weeks and then went back to the hospital for another two weeks. You would only have to pay one deductible, because both hospitalizations occurred in the same benefit period. You would, however, have to pay a co-payment for each day of the two weeks you were hospitalized the second time, because you exhausted your 100 percent coverage during the first 60 days of the benefit period.

When Will Medicare Refuse to Pay?

Medicare covers time in skilled nursing facilities, which are sometimes called nursing homes. But **Medicare does not cover custodial nursing home care** that only provides a place to live and help with personal needs such as bathing, feeding, dressing and taking medicine.

Usually Medicare pays hospitalization fees only for Medicare-approved hospitals. **Although all New Jersey hospitals are approved**, some hospitals and treatment centers in other states may not be.

Medicare also may refuse to pay for **experimental or controversial procedures.**

If you plan to travel, or if you're not sure whether the treatment or hospital you're considering has Medicare approval, check ahead of time with your local Social Security office to see if benefits are available.

Medicare Part B—Medical Insurance

Medicare Part B, medical insurance, is the section that helps to pay your doctor, whether you are in or out of the hospital. It also serves as a catch-all for the wide range of services people use when they are not patients in hospitals—outpatient visits to hospitals, physical therapy, laboratory tests, medical equipment (like wheelchairs or oxygen), and home health visits.

The medical insurance portion, Part B, has an annual deductible, an amount which you must pay once each year before Medicare will pay any bills related to Part B. The deductible can change, so the chart in the pocket on the back page shows the amount for this year.

How Much Does It Pay?

The medical insurance portion of Medicare was designed to pay 80 percent of the cost of most covered services. You pay the other 20 percent, which is the Part B co-payment.

You could wind up paying more than 20 percent. Fees charged by doctors, therapists, suppliers and hospitals may vary, even within one town. But Medicare has a fixed schedule of fees, known as the "approved amount," for procedures done in your area. Medicare will pay only 80 percent of the approved amount. So, if your bill from the doctor or hospital outpatient clinic is higher than the approved amount, you must pay the difference.

Example: Suppose the Medicare approved amount for a medical procedure is \$40, but your doctor charges you \$100. Medicare will pay 80 percent of the \$40 approved amount, or \$32; you pay the 20 percent co-payment, or \$8. But you also make up the difference between the \$100 bill and Medicare's \$40 approved amount (\$60). So the total bill to you is \$68.

Some doctors "accept assignment." This means the doctor agrees to accept the Medicare-approved amount for the services provided. You still have to pay the 20 percent co-payment, or \$8.

Some doctors accept assignment some of the time, some accept it all the time, while others never accept it at all. Find out, before treatment, whether your doctor will accept assignment. Each year, doctors and medical service suppliers can sign agreements to become Medicare-participating doctors or suppliers. This means they agree in advance to accept assignment on all Medicare claims. The "Medicare-Participating Physician/Supplier Directory," which is available in Social Security offices and county Offices on Aging, gives the names and addresses of Medicare-participating doctors and suppliers. You can also get this directory from Prudential, the Medicare carrier in New Jersey.

For a detailed description of the Medicare program, ask your local Social Security office for a free copy of **Your Medicare Handbook**.

FILLING IN THE GAPS

You can bridge the gaps in Medicare in a variety of ways. But there are choices to make. Different policies tend to plug different holes in the Medicare program, so you probably won't find one policy that pays for all your health care costs.

To decide which policy suits you best, begin by evaluating your needs and financial circumstances. How much can you afford to pay for insurance? Do you need help in paying day-to-day health care costs? Or are you more concerned about covering yourself against the possibility of a months-long hospital stay that exhausts your Medicare benefits? Will you find it easier to budget regular insurance payments than to worry about later medical bills you might not be able to pay?

Medicaid

For some people, paying even small amounts for medical expenses or another health policy may be a real hardship. If you are one of them, start by checking with your local Social Security office or the state or county welfare agency to see if you are eligible for Medicaid, a free health care program for low-income people funded by the state and federal governments.

If you are eligible for Medicaid, you will not need any other coverage, because the combination of Medicare and Medicaid pays almost all medical expenses. Anything not covered by both is probably not covered by private health insurance policies either.

Prescription Aid

New Jersey also has a special prescription drug program, called Pharmaceutical Assistance to the Aged and Disabled (PAAD), to help pay for prescription medicines and some pharmacy items such as insulin syringes and needles.

To qualify, you must be 65 or older and meet certain income limits. The limits, which are higher than those for Medicaid, change each year.

For information on this year's limits, call the toll-free hotline, (800) 792-9745, or write to the New Jersey Department of Human Services, Division of Medical Assistance and Health Services, PAAD Program, CN 715, Trenton, N.J. 08625.

What Does Your Employer Offer?

The ideal time to start thinking about how you will supplement Medicare is several months before you reach age 65, particularly since you may be able to take advantage of insurance coverage you have as an employee.

If you are covered by a health plan at work, your employer may allow you to remain insured under the plan after you retire and may continue to pay all or part of the premium. This is sometimes referred to as "continuation."

Your employer may also offer a different arrangement called "conversion." This permits you to buy insurance from the same insurance company you had at work, but it doesn't necessarily mean your new policy will have the same benefits. Nor does it mean the policy will be cheaper than similar policies you may find by shopping around on your own.

Continuation and conversion offer two advantages: you will probably not be required to produce a medical history or undergo a medical examination; and, you will not have to wait to receive benefits.

One kind of insurance you may be able to secure through continuation or conversion is a **major medical** or catastrophic coverage policy.

As the name applies, major medical coverage is designed to cover very large medical bills, usually after you have paid a substantial deductible. The deductibles may be as high as \$1,000, but the coverage can amount to as much as \$1 million.

If you feel you can afford to pay Medicare's deductibles and co-payments out of your own pocket, but would like to insure against major expenses, you might consider this type of coverage. However, it isn't appropriate if you are worried about covering day-to-day health costs.

There are no hard and fast rules about continuation or conversion policies. Ask your employer's personnel office to explain your options. Can you continue or convert? How much will the coverage cost? Will the policy cover your spouse? (Some do and some don't.) What will the policy pay for?

Health Maintenance Organizations

Membership in a health maintenance organization—HMO—is another way to fill the gaps in Medicare. HMOs are prepaid health care programs which provide health services through one organization. Some HMOs have contracts with Medicare. As a Medicare beneficiary, you are eligible to join one of these if you participate in both parts of Medicare and live in a county where an HMO that contracts with Medicare is available.

If you join an HMO, you don't have to pay the Medicare deductibles and co-payments or file claims. You pay a monthly premium to the HMO, which provides doctors' services and most other health care for an additional fee of \$1 to \$5 per visit.

The trade-off is that you have to use the HMO doctors. If you need a specialist, you must go to one recommended by the HMO. If you choose to see a non-HMO physician on your own, you have to pay the bills yourself.

There are different kinds of HMOs. Some resemble hospitals, with all their doctors located in facilities owned by the HMO. Some are networks of physicians who maintain their own offices and serve HMO patients as a part of their regular practice.

HMO plans and premiums also vary. A "low option" HMO plan generally covers at least the services included under the regular Medicare program. A "high option" plan sometimes includes eye care, for example.

For further information on HMOs, write the New Jersey Department of Health, Alternative Health Systems, American Bridge Building, CN 367, Trenton, N.J. 08625.

Medicare Supplement Policies

If you are looking for a policy specifically designed to coordinate with Medicare, you may want to consider a Medicare supplement policy. The phrase "Medicare supplement" is a special term reserved in New Jersey for policies that meet minimum standards set by the state. Most policies sold to individuals are required to cover at least:

- the Medicare Part A (hospitalization) co-payments;
- 90% of hospital expenses after 150 days (when Medicare runs out), up to a total of 365 days;
- some expenses that Medicare doesn't pay under Part B up to a maximum of \$5,000 a year; and
- the co-payment for days 21-100 in a skilled nursing facility.

The exception is the Blue Cross and Blue Shield Medicare supplement policy.

We have established separate minimum standards for group policies and the Blue Cross and Blue Shield individual Medicare supplement policy. These do not have to cover the co-payment for days 21-100 in a skilled nursing facility.

Medicare supplement policies vary widely in price, depending on what they cover. Some supplements, for example, also cover the Part A hospital deductible, a part of private duty nursing care, prescription drugs and the Part B deductible. Generally, the more comprehensive the coverage, the more expensive the policy will be.

The Department of Insurance maintains a chart listing the individual Medicare supplement policies for sale in New Jersey. The listing includes the cost of the policy and the benefits it offers. The chart is updated each

year.

If you need a copy of the chart or other help, write the department.

Blue Cross and Blue Shield Coverage

Blue Cross and Blue Shield of New Jersey, Inc. is a non-profit health service corporation offering three plans designed to coordinate with Medicare.

Blue Cross and Blue Shield Super 65 meets New Jersey's minimum standards for Medicare supplements. It pays the Part A deductible and co-payments. It pays the Part B annual deductible, the 20 percent co-payments for doctors who see you while you're hospitalized, and costs for home and office medical visits and other out of hospital services without any dollar maximums. After 150 days in a hospital when Medicare stops paying, Super 65 covers 100 percent of Medicare eligible expenses for an unlimited number of days. You may enroll for Super 65 any time during the year. However, there is a six month waiting period for pre-existing conditions.

The following two plans do not meet New Jersey's minimum standards for Medicare supplements:

Blue Cross and Blue Shield 65 is designed to provide basic hospitalization coverage. It pays the part A hospital deductible and co-payments, and the Part B annual deductible and 20 percent co-payments for doctors who see you while you're hospitalized. Blue Cross and Blue Shield 65 will also pay co-payments for some services outside a hospital but there are annual dollar maximums. It will not pay for hospitalization after 150 days (when Medicare runs out) or for skilled nursing home care.

Blue Cross and Blue Shield 65 Select is primarily aimed at covering the costs for people who fear the expense of a long hospital stay. You pay the everyday health care cost—the Part A and Part B deductibles and some medical co-payments—yourself. 65 Select will pay the Part B co-payment for physician care in the hospital, the Part A hospitalization co-payments, and 90 percent of hospital costs after Medicare runs out. It also pays the Part B co-payments for some services performed outside a hospital, subject to annual dollar maximums.

If you don't apply for Blue Cross and Blue Shield 65 or 65 Select coverages 60 days before or 31 days after your 65th birthday, you can only apply during the open enrollment period from February 1 through April 30 of each year.

Hospital Indemnity Policies

Frequently advertised by celebrities, indemnity policies pay a fixed amount of money per day, week or month while you are in the hospital. They are not designed, however, to fill Medicare's gaps.

The advantages are that they pay you regardless of whether you have other hospital coverage, and the money is yours to spend as you see fit.

The disadvantage is the fact that they pay only if you're hospitalized. No matter what your medical bills are, you can't collect unless you're in the hospital.

And depending on the policy you choose, you may not collect much even then. Under New Jersey's minimum standards, policies must begin paying by day four of your hospital stay. But they don't have to pay before the fourth day, so if you go home after three, you may not see a dime. Some policies stop paying after 31 days.

The other thing to be careful about is the fact that the payments made to you may be much lower than your bills—even though the payments are required to be at least \$40 a day. Also, the amount of the benefit can remain the same year after year, so unless you update your coverage occasionally, inflation will take its toll on the value of the payments. If you do buy a hospital indemnity policy, try to update it every few years.

Don't buy a hospital indemnity policy as your only additional health coverage to supplement Medicare.

Nursing Home Policies

"Nursing Home" is a term that causes much confusion. Both skilled nursing facilities and custodial care facilities are called "nursing homes." But neither Medicare nor most insurance policies pay for custodial care. And custodial care facilities are the places most people associate with the phrase "nursing home."

Before you buy a nursing home policy, be sure to read the policy provisions carefully. If a policy does not pay benefits for custodial care, it will state that in the Outline of Coverage under "Exclusions."

Accidents Only

Accident-only policies provide coverage for death, dismemberment, or hospital and medical care due to an **accident**. They are not designed to pay routine health care costs.

A Bad Buy

You may have received advertisements in the mail for "dread disease policies"—policies that will cover you for specific diseases, like cancer.

They are such a bad buy that **they are banned for sale** in New Jersey.

Dread disease policies are a bad buy because they pay in so few situations that odds are heavily stacked against the company ever having to pay you anything.

Be An Educated Consumer

Now that you know what Medicare does and does not cover, and what kinds of policies are out there, you are ready to set your strategy.

If you are concerned about day-to-day expenses, look for a policy that pays in as many situations as possible. Generally speaking, your money would be better spent on something like a Medicare supplement policy which covers a broad spectrum of medical expenses than on a hospital indemnity policy which pays only a small portion of the total daily hospital cost.

Don't duplicate coverage. Some policies will not pay for an expense already covered under another policy. So if you buy two of the same kind of policy, you can wind up with two sets of payments but only one set of benefits. **It is a federal crime** for someone to knowingly sell you a policy that duplicates Medicare or any private health policy you already have.

If you have a good basic supplement policy and want to add a hospital indemnity policy to it, be sure to update the coverage every few years, so that inflation doesn't erode the value of the coverage.

Other Considerations

Policies are contracts, and like other legal documents, they use a special vocabulary, including:

Waiting periods. If you're buying a new policy, you may have to wait up to 30 days before you will be eligible to collect anything. Some policies also have waiting periods of up to six months for specific conditions (for example, varicose veins) unless the conditions are considered a medical emergency and treated as such.

If you're considering converting or continuing your employee coverage, you are less likely to have a waiting period. If you're thinking about buying a new policy, don't rush out and cancel an existing policy. Keep the old policy until the new one begins paying benefits.

Pre-existing conditions exclusions. Policies may not pay bills for a health condition you had before you bought the policy. This usually isn't a problem with coverage extended by employers, and in New Jersey, Medicare supplements must pay for any conditions after you have had a policy for six months. But policies that are not called Medicare supplements, such as hospital indemnity policies, can have pre-existing condition exclusions of up to two years.

Also, watch out for these key phrases:

Maximums. A policy may have a maximum dollar amount that it will pay under the entire policy, a maximum it will pay within a given period of time or a limit on what it will pay for specific treatments. Hospital indemnity policies, for instance, may pay a specific amount per day, \$40 for example, up to a maximum amount per month.

Renewal. Find out if and when a company can refuse to renew the policy. There are three common types of renewal conditions:

Guaranteed renewable. This means that the company agrees to renew each year until you reach a certain age or for life as long as you pay the premium. Policies with a guaranteed renewal clause sold in New Jersey guarantee your right to renew for at least five years after the date of issue.

Conditionally renewable. This means that the company agrees to renew as long as the company continues to insure people in the state with the same kind of policy. If the company decides to discontinue selling that kind of policy here, the coverage can be cancelled and the end of the policy year. Most policies are conditionally renewable.

Renewable at company option. A policy with this provision can be cancelled for any reason at the end of the policy year. **This kind of clause is banned in New Jersey**, but you may see sales materials for these types of policies from outside the state.

Outline of Coverage. Don't be pressured or frightened into buying something you may not ever be able to use, like a cancer policy. If the literature you have doesn't discuss the important items mentioned here, ask for an Outline of Coverage, which companies are required to supply.

A Few Cautions

Don't be fooled into thinking that a company or agent represents Medicare or any other federal or state sponsored insurance program. The N.J. Department of Insurance sets minimum standards for policies and companies, but it **does not endorse or sell policies**.

Be honest on your application. If you lie or don't give a complete medical history, the company can refuse to pay. If someone else helps

you fill out the application, check it before signing. It is **your** claim that will be denied if incorrect medical history is on the application.

Don't pay in cash. Use a check, money order or bank draft and be sure it is payable to the company, not the agent or anyone else. Remember, even a guaranteed renewable policy can be cancelled if you don't pay your premium, so you want a record of your payments.

By law, you have a 10-day "free look" period, or 30 days if you're buying a mail order policy, to read the policy and return it for a full refund if you are not satisfied.

If you don't receive the policy within 30 days after applying, contact the company and obtain in writing a reason for the delay. If 60 days go by without information, call or write the Department of Insurance.

It is a violation of state regulations for your doctor to charge you a fee for filling out your claim form. If your doctor does charge you, you

can file a complaint with the State Board of Medical Examiners, 28 W. State Street, Room 602, Trenton, NJ 08608.

Claim payments should be mailed promptly. So if you experience delays, don't be afraid to assert your rights. Insurance companies sometimes make mistakes; your inquiry or complaint may help to bring a faster or fairer claim settlement.

Reminder

The Department of Insurance maintains a chart listing the individual Medicare supplement policies for sale in New Jersey. The listing includes the cost of the policy and the benefits it offers. The chart is updated each year.

If you need a copy of the chart or other help, write the department at 201 East State Street, CN-325, Trenton, New Jersey 08625.

APPENDIX
MEDICARE DEDUCTIBLES AND CO-PAYMENTS FOR 1986

MEDICARE PART A

Service	Length of Stay	You Pay	Medicare Pays
Hospitalization	First 60 days	\$492 deductible	Balance
	61st-90th day	\$123 co-payment per day	Balance
	91st-150th day	\$246 co-payment per day	Balance
Post-hospital Skilled Nursing Facility Care	First 20 days	Nothing	All Costs
	21st-100th day	\$61.50 co-payment per day	Balance
Home Health Care		Nothing	All Costs
		*provided all conditions are met (see Your Medicare Handbook)	
Hospice Care		Nothing	All Costs
	*Nursing care, physician's services, physical/occupational therapy, medical supplies, home health aide services, counseling services (except for bereavement counseling).		
	*Drugs and biologicals	5% co-payment	Balance
*Respite Care		5% co-payment	Balance
MEDICARE PART B			
Medical Expenses		\$75 annual deductible 20% of Medicare-approved amount after deductible	80% of Medicare approved amount after deductible

LAW AND PUBLIC SAFETY

STATE BOARD OF DENTISTRY

(a)

Dental Hygienists and Registered Dental Assistants Continuing Education Requirements

Adopted Amendment: N.J.A.C. 13:30-2.16

Proposed: October 20, 1986, at 18 N.J.R. 2113(b).
Adopted: December 12, 1986, by the State Board of Dentistry, Richard J. Van Sciver, D.D.S., President.
Filed: January 12, 1987 as R.1987 d.97, **without change**.
Authority: N.J.S.A. 45:6-50.
Effective Date: February 2, 1987.
Expiration Date: April 14, 1990.

Summary of Public Comments and Agency Responses:

Comments were received in support of the amended rule from The New Jersey Dental Hygienists' Association, The New Jersey Dental Association, and an individual dental hygienist.

Full text of the adoption follows.

13:30-2.16 Continuing education requirements

(a) All licensed dental hygienists and registered dental assistants in the State of New Jersey shall attend or participate in 20 hours of continuing education every four years. Effective in the renewal period commencing January 1, 1987, every licensee/registrant shall submit proof of comple-

tion of 10 hours of continuing education every two years on the biennial renewal form.

(b)-(e) (No change.)

(b)

Dental X-Rays; Lead Shields

Adopted New Rule: N.J.A.C. 13:30-8.16

Proposed: October 20, 1986, at 18 N.J.R. 2113(c).
Adopted: December 12, 1986 by the State Board of Dentistry, Richard J. Van Sciver, D.D.S., President.
Filed: January 12, 1987 as R.1987 d.98, **without change**.
Authority: N.J.S.A. 45:6-1 et seq.
Effective Date: February 2, 1987.
Expiration Date: April 15, 1990.

Summary of Public Comments and Agency Responses:

Comments were received in support of the new rule from The New Jersey Dental Hygienists' Association, The New Jersey Dental Association, and an individual dental hygienist.

Full text of the adoption follows.

13:30-8.16 Dental X-rays; lead shields

Every licensee, as well as any employee or agent of such licensee duly licensed by the Department of Environmental Protection shall be required to use a lead shield to provide protection to the greatest extent possible to the torso and thyroid areas of patients during all dental X-ray procedures.

(a)**STATE BOARD OF PHYSICAL THERAPY****Credentialing of Applicants****Adopted New Rules: N.J.A.C. 13:39A-5.2, 5.3, 5.4, 5.6, 5.7, 5.8, 5.9**

Proposed: June 2, 1986 at 18 N.J.R. 1179(a).

Adopted: October 14, 1986 by Royce Buczek, P.T., Chairman, New Jersey State Board of Physical Therapy.

Filed: January 5, 1987 as R.1987 d.84 with substantive changes not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 45:9-37.11, and N.J.S.A. 45:9-37.18(f).

Effective Date: February 2, 1987.

Expiration Date: July 7, 1991.

Summary of Public Comments and Agency Responses:

Several written comments were received relating to N.J.A.C. 13:39A-5.2 through 5.9.

COMMENT: The Administrative Rehabilitation Coordinator of Hunterdon Medical Center objected to the provision set forth at N.J.A.C. 13:39A-5.3, which allows an alternative route to licensure as a physical therapist assistant. Specifically, the writer objected to the substitution of portion of a physical therapist curriculum for the assistant program. It was pointed out that the scheme as proposed would allow an applicant to obtain licensure, without having had any exposure to clinical practice.

RESPONSE: While N.J.S.A. 45:9-37.26 expressly authorizes the Board to establish "alternate standards for examination of an applicant as a physical therapist assistant," the Board, in consideration of this comment, has amended N.J.A.C. 13:39A-5.3 so as to require that some credits represent clinical work. It was always assumed that a component of the training would reflect clinical experience. The additional language clarifies this.

COMMENT: The State Board of Nursing noted that the test scores referred to in N.J.A.C. 13:39A-5.2, 5.4, and 5.6 were insufficiently clear.

RESPONSE: The Board believes that the references are sufficiently clear to those familiar with the standardized examination and that no rewording appeared necessary.

COMMENT: The New Jersey Hospital Association objected to the requirement set forth at N.J.A.C. 13:39A-5.2 that applicants pass each portion of the exam at the same sitting, thus making the test more difficult and, in the Association's view, exacerbating "the problem of physical therapy shortage."

RESPONSE: Since the examination has been devised to assure that applicants have achieved a minimum level of competence, the Board felt it reasonable, and protective of the public interest, to require applicants to display that knowledge in a comprehensive, rather than a piecemeal, fashion.

COMMENT: Finally, one writer urged that a passing score on the TOEFL examination be required prior to issuance of a temporary license.

RESPONSE: While the Board does not dispute that "clear communication and understanding must exist between the therapist and the supervisor, physician, and patient," it is cognizant that many foreign-born and foreign-trained therapists are granted visas on the basis of their ability to secure temporary licenses. The logistics of having to take TOEFL prior to the issuance of a temporary license would pose significant problems to such applicants. The Board deems the "direct supervision" requirements of N.J.S.A. 45:9-37.29(a) to be adequately protective of the public interest during this limited time period.

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

13:39A-5.2 Examination standards for applicants for licensure as physical therapists

Applicants for licensure as physical therapists submitting satisfactory proof of educational attainment as set forth in N.J.A.C. 13:39A-5.1 shall be admitted to take the written examination administered by the Board or such standardized examination as the Board may select pursuant to N.J.S.A. 45:9-37.25. Upon satisfactory passage of such examination, an applicant shall be deemed eligible for licensure. Satisfactory passage of the examination shall be attained upon receipt of a converted score of 70 percent which corresponds to 1.5 standard deviations below the mean

raw score of the national norm. Applicants must pass every portion of the examination at the same sitting and will not be permitted to take only those portions of the examination which previously have been failed.

13:39A-5.3 Educational credentials for applicants for licensure as physical therapist assistants

(a) Applicants for examination as physical therapist assistants shall submit to the Board satisfactory proof of:

1. Graduation from a physical therapist assistant program which has been approved for the education and training of physical therapist assistants by an accrediting agency recognized by the Council on Post-secondary Accreditation and the United States Department of Education, or;

2. Successful completion, in an approved physical therapy program, of at least 90 credits, of which 45 or more shall be in courses relating to the practice of physical therapy*, including course work in clinical practice,* and at least 30 of which shall be in courses of general academic study. English General College Equivalent A level courses will be accepted toward the necessary credits in general education.

13:39A-5.4 Examination standards for applicants for licensure as physical therapist assistants

Applicants for licensure as physical therapist assistants submitting satisfactory proof of educational attainment as set forth in N.J.A.C. 13:39A-5.3 shall be admitted to take the written examination administered by the Board or such standardized examination as the Board may select pursuant to N.J.S.A. 45:9-37.25. Upon satisfactory passage of such examination, an applicant shall be deemed eligible for licensure. Satisfactory passage of the examination shall be attained upon receipt of a converted score of 70 percent which corresponds to 1.5 standard deviations below the mean raw score of the national norm. Applicants must pass every portion of the examination at the same sitting and will not be permitted to take only those portions of the examination which previously have been failed.

13:39A-5.6 Recognition of scores on standardized examinations administered in other states

The Board will recognize standardized examination scores obtained as a result of an examination administered in another state or jurisdiction in satisfaction of its examination requirement provided that the applicant has obtained a converted score of 70 percent which corresponds to 1.5 standard deviations below the mean raw score of the national norm and has passed all portions of the examination at the same sitting.

13:39A-5.7 Language comprehension requirements

Any applicant for licensure as a physical therapist or a physical therapist assistant who has received his or her physical therapy training in a country wherein the primary language is other than English, shall submit to the Board evidence of attainment of a score of at least 600 on the Test of English as a Foreign Language (TOEFL) examination, within the two years immediately preceding the filing of the application for licensure. Such evidence must be submitted prior to the issuance of a physical therapist or physical therapist assistant license, but need not be submitted prior to the scheduling of an examination or the issuance of a temporary license.

13:39A-5.8 Re-examination of applicants for licensure as physical therapists and physical therapist assistants

An examinee who fails the examination on his first attempt, may re-take the examination once in this state, without filing another application, provided he is rescheduled for the examination within two years of his initial date of application and he pays the required examination fee to the Board. If any examinee fails the examination on his second attempt, in the Board's discretion, he may be required to re-submit an application before being rescheduled for another examination.

13:39A-5.9 Non-appearance at examination

Failure to appear at any scheduled examination shall be deemed to be a failure unless, in the Board's discretion, good cause has been shown for the absence.

DIVISION OF CONSUMER AFFAIRS

(a)

**State Board of Physical Therapy
Temporary Licenses**

Adopted New Rules: N.J.A.C. 13:39A-6

Proposed: June 2, 1986 at 18 N.J.R. 1179(b).
Adopted: October 14, 1986 by Royce Burzek, P.T., Chairman,
New Jersey State Board of Physical Therapy.
Filed: January 5, 1987 as R.1987 d.83, **without change**.
Authority: N.J.S.A. 45:37-11, 45:9-37.18(f) and 45:9-37.29.
Effective Date: February 2, 1987.
Expiration Date: July 7, 1991.

Summary of Public Comments and Agency Responses:

COMMENT: The Board received three letters commenting on provisions of N.J.A.C. 13:39A-6. The New Jersey Hospital Association expressed its concern that the regulation made no provision for notifying employers of the expiration of temporary licenses under which its employees may be practicing.

RESPONSE: Since information concerning the present status of a temporary license is a matter of public record and interested employers may verify that status by contacting the Board office, the Board felt an additional regulatory mechanism would be unnecessary and burdensome.

COMMENT: The New Jersey State Board of Nursing and the supervisor of Physical Therapy at the University of Medicine and Dentistry both addressed the provision as set forth at N.J.A.C. 13:39A-6.3, which allows the applicant to take the examination twice before he is required to surrender his temporary license. The Board of Nursing objected to the allowance of a six month extension after one failure and the supervisor of physical therapy endorsed the requirement of automatic surrender after two failures.

RESPONSE: Since this provision is derived directly from N.J.S.A. 45:9-37.29, which allows the holder of a temporary license only two attempts to pass the exam and continue practicing, the Board was unable to consider these suggested changes.

Full text of the adoption follows.

SUBCHAPTER 6. TEMPORARY LICENSES FOR PHYSICAL THERAPISTS

13:39A-6.1 Temporary license

Any person deemed eligible to sit for an examination for licensure as a physical therapist or physical therapist assistant, may apply for the issuance of a temporary license, by indicating such on the application for examination. No additional fee shall be required for the issuance of a temporary license.

13:39A-6.2 Expiration of temporary license

A temporary license issued to a person who has applied for licensure automatically expires upon notice to the applicant that he has failed the examination in this State or the same standardized examination in any other state in which he has taken the examination.

13:39A-6.3 Renewal; consequences of second failure

The holder of a temporary license receiving notice that he has failed the first examination for which he has been scheduled, in this State or any other State, may renew his temporary license for a period not to exceed six months, by indicating such in writing. However, if the holder of the temporary license retakes the examination administered in this State or the same standardized examination administered in any other State and fails it, within the six-month period, he will be required to surrender his license to the Board. Holders of temporary licenses are required to give notice to the Board of their intention to take the examination in other states or jurisdictions and the results of those out-of-state examinations must be reported.

13:39A-6.4 Failure to appear at a scheduled second examination

If an applicant holding a temporary license fails to appear on the scheduled date of his second examination, the temporary license shall automatically expire on that date. That license, however, can be reinstated if the Board, in the exercise of its discretion, concludes that good cause has been shown for the absence.

13:39A-6.5 Temporary visiting licenses

Any person having made application to the Board pursuant to N.J.S.A. 45:9-37.29(b) for the issuance of a temporary license to practice physical

therapy in this State on a temporary basis to assist in a medical emergency or to engage in a special project or teaching assignment relating to the practice of physical therapy, may be issued a temporary visiting license without examination, which shall remain valid for a period not to exceed one year, provided that said person can demonstrate to the Board that he is licensed, registered or otherwise authorized to engage in the practice of physical therapy in another state or jurisdiction and that permitting his practice in this state would not be inconsistent with the public interest. A temporary visiting license, upon its expiration, may be renewed, at the discretion of the Board, for an additional year. Any holder of a temporary visiting license is required to give notice to this Board if his authority to engage in the practice of physical therapy is revoked, suspended or otherwise limited by any state, agency or authority.

LEGALIZED GAMES OF CHANCE CONTROL COMMISSION

(b)

Prohibited Prizes

Adopted Amendment: N.J.A.C. 13:47-6.19

Proposed: June 2, 1986 at 18 N.J.R. 1180(a).
Adopted: December 23, 1986 by Legalized Games of Chance Control Commission, William J. Reed, Executive Officer.
Filed: January 5, 1987 as R.1987 d.82, **without change**.
Authority: N.J.S.A. 5:8-6.
Effective Date: February 2, 1987.
Expiration Date: February 2, 1992.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

13:47-6.19 Prohibited prizes†

No licensee shall offer, distribute or give any prize consisting of real estate or an interest therein, bonds, shares of stock, securities or evidences of indebtedness, weapons, live animals, personal services or any merchandise refundable in any of the foregoing or in money or cash.

†Alcoholic beverages may not be awarded as a prize. See ruling of Director of Alcoholic Beverage Control, dated May 25, 1954, Bulletin 1017, Page 12.

ENERGY

(c)

COMMUNITY AFFAIRS

Division of Housing and Urban Development

Uniform Construction Code

Energy Subcode

Thermal Efficiency Standards

Adopted Amendment: N.J.A.C. 14A:3-4

Proposed: December 1, 1986 at 18 N.J.R. 2349(a).
Adopted: January 9, 1987 by Leonard S. Coleman, Jr.,
Commissioner, Department of Community Affairs.
Filed: January 9, 1987, as R.1987 d.92, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).
Authority: N.J.S.A. 52:27D-124 and 52:27F-27; Executive Reorganization Plan No. 001-1986.
Effective Date: February 2, 1987.
Expiration Date: April 1, 1988.

Summary of Public Comments and Agency Responses:

Comments were submitted by the New Jersey Department of Energy (NJDOE) and the New Jersey Builders Association (NJBA) which provided added information as to the social and economic impact of the proposed amendments and recommendations for changes.

1. COMMENT: NJDOE questions the validity of lower thermal transmittance values for cathedral ceilings and claims that there will be a substantial adverse energy impact. NJBA endorses the lower values but questions BOCA language which limits the lower level (.080) to those cathedral ceilings in which the finished interior surface is essentially the underside of the roof deck.

RESPONSE: The Department agrees with the NJBA that the lower values should apply to all cathedral ceilings. This was the intention of the proposal and clarifying language has been added.

The Department recognizes that the Energy Master Plan calls for use of FmHA construction standards in conjunction with the Energy Subcode. N.J.S.A. 52:27F-15(b) requires that determinations of State agencies with regard to energy conform to the Energy Master Plan "to the maximum extent practicable and feasible." However, having considered the practical construction difficulties and added costs that would result if FmHA standards were applied to cathedral ceilings, the Department finds that adoption of those standards would result in the elimination of cathedral ceilings as a home design option except for those willing and able to make substantial additional expenditures. This cannot reasonably be justified as something that would be practicable and feasible to require, in light of the minimal overall energy impact of allowing cathedral ceilings in the approximately 10 percent of new homes that have them.

2. COMMENT: NJDOE objects to BOCA's lower thermal transmittance values for floors over outdoor air and urges use of FmHA ceiling values. NJBA objects to the value of .045 because this value, it is claimed, requires more insulation than can be accommodated by a 2' x 8' floor overhang.

RESPONSE: The Department find that NJDOE fails to take account of construction difficulties, thereby rendering strict compliance with the Energy Master Plan not practicable and feasible for the same reasons as set forth with regard to cathedral ceilings in the previous paragraph, while NJBA calculations fail to account for the entire assembly. The Department is therefore making no change from the rule as proposed.

3. COMMENT: NJDOE notes that section E-301.3.7 of the BOCA code (which concerns thermal transmittance values for floors exposed to outside air) makes reference to Table E-301.2.3 of the BOCA code, which NJDOE deleted in rules effective August 4, 1986 when it had responsibility for the Energy Subcode, and assumes that the Department will use the FmHA thermal transmittance value of .030 rather than BOCA's .045 in correcting this oversight. (The same oversight was made with regard to section E-301.3.3, which concerns heating criteria for floors over unheated interior spaces.) NJBA comments that the cross reference leaves commercial buildings with overhang thermal transmittance standards which exceed those for ceilings in commercial buildings.

RESPONSE: The Department's response is that it will use the BOCA "other building" standard of .045 for this purpose as it is consistent with the Energy Master Plan's intent that standards for other buildings be based on BOCA, and not FmHA, standards. The standard for floors over unheated interior space is kept at .080.

4. COMMENT: NJDOE correctly comments that the outdoor design temperature standards proposed to be added after section E-301.4.3 belong in section E-401.1.1.

RESPONSE: The standards have been moved to that section in the adoption.

5. COMMENT: NJBA questions whether the proposed statewide degree day number of 5500 is indeed the average for the State but offers no contrary data.

RESPONSE: The Department responds that the figure of 5500 is based upon extensive climatic data evaluated for the Department by Stevens Institute in 1977.

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

14A:3-4.4 Thermal efficiency standards

(a) (No change.)

(b) The Energy Subcode is amended as follows:

1.-2. (No change.)

3. The following amendments are made to Article 3 of the energy subcode entitled "Building Envelope"*:

i. In Section E-301.2.1, delete the words "those specified in Figure E-301.2.1a" and add the words "0.135 Btu/hr.-ft.² °F."

ii. Delete Figure E-301.2.1a.

(Delete Table E-301.2.1, Note 1 and Note 2.)

iii. (No change.)

iv. In Section E-301.2.2, delete the words "as specified in Table

E-301-2.2" and add the words "not exceeding 0.03 Btu/hr.-ft.² °F." Delete Figure E-301-2.2.

(Delete Table E-301.2.2.)

v. *[Reserved]* *In Exception 1 to Section E-301.2.2, delete the word "deck" and substitute the word "assembly".*

vi. In Section E-301.2.3, delete the words "combined thermal transmittance value U₀ as specified in Figure E-301.2.3" and add the words "maximum allowable transmittance value U₀ of 0.052 Btu/hr.-ft.² °F.". Delete the words "meet the same requirements as for roofs in Section E-301.2.2" and add the words "be 0.045".

vii. (No change.)

viii. In Section E-301.2.4, delete the words "those specified in Figure E-301.2.4" and add the words "6.7 if the slab is heated, or 4.5 if the slab is unheated".

ix. Delete Figure E-301.2.4.

(Delete Table E-301.2.4.)

x. In Section E-301.3.1, delete the words "those specified in Figure E-301.2.1" and add the words "0.345 Btu/hr.-ft.² °F. for buildings over three stories, and 0.285 Btu/hr.-ft.² °F. for buildings of three stories and under".

xi. Delete Figure E-301.3.1.

(Delete Table E-301.3.1.)

xii. In Section E-301.3.2, delete the words "those specified in Figure E-301.3.2" and add the words "0.080 Btu/hr.-ft.² °F.".

xiii. Delete Figure E-301.3.2.

(Delete Table E-301.3.2.)

xiv. (No change.)

xv. In Section E-301.3.4, delete the words "Figure E-301.2.4" and add the words "Section E-301.2.4".

xvi.-xvii. (No change.)

[xviii. After Section E-301.4.3, add the words "Design temperatures shall be as follows: Winter 14°F.; Summer DB 90°F.; Summer WB 76°F."]

*xviii. In Section E-301.3.3, delete the words "those specified in Figure E-301.2.3" and substitute ".080".

xix. In Section E-301.3.7, delete the words "those specified in Figure E-301.2.3 and substitute ".045".*

4. The following amendments are made to Article 4 of the Energy Subcode entitled "Warm Air Heating*[:]**, Ventilating and Air Conditioning Systems and Equipment":

i. In Section E-401.1.1, delete "Except where established by local weather data, outdoor design temperature shall be selected for listed local locations in the ASHRAE Handbook, Fundamentals Volume, listed in Appendix A, from columns of 97 1/2 percent values for heating and 2 1/2 percent values for cooling. A list of selected locations may also be found in Appendix B." and substitute the words "Design temperatures shall be as follows: Winter 14 degrees F.; Summer DB 90 degrees F.; Summer WB 76 degrees F."

Renumber existing i.-iv. as ii.-v.

5. The following changes are made to Article 5 of the energy subcode entitled "Plumbing Systems".

i. (No change.)

ii. Add Section E-504.0 SWIMMING POOLS as follows:

(1) E-504.1 Pool Heaters.

(A)-(C) (No change.)

(2)-(3) (No change.)

6.-7. (No change.)

(Delete Figure A.)

COMMERCE AND ECONOMIC DEVELOPMENT

(a)

DIVISION OF ENERGY PLANNING AND CONSERVATION

Adopted New Rule: N.J.A.C. 14A:13

Proposed: November 3, 1986 at 18 N.J.R. 2187(a).

Adopted: December 8, 1986 by Borden R. Putnam,

Commissioner, Department of Commerce and Economic Development.

Filed: December 31, 1986 as R.1987 d.80 without change.

Authority: P.L. 1980 c. 68, N.J.S.A. 52:27F-8.

Effective Date: February 2, 1987.

Expiration Date: February 2, 1992.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adopted new rule follows.

14A:13-1.2 Definitions

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

“Autonomous agency” means any State department, division, or facility such as Rutgers—The State University, the New Jersey Institute of Technology (NJIT), the New Jersey Department of Defense (NJDOD), the University of Medicine and Dentistry of New Jersey (UMDNJ), the state colleges upon approval of the Department of Higher Education (DHE), or any other agency which uses its own procurement and contract administration procedures.

“Commissioner” means the Commissioner of the Department of Commerce and Economic Development.

“Energy audit” means a study of a building or facility conducted by an engineer or an architectural/engineering firm to determine operating and maintenance procedures and renovations which will result in reduced energy consumption. The energy audit shall provide the estimated costs of implementation and the expected dollar and energy savings for the recommended operation and maintenance procedures. The energy audit shall include but not be limited to the energy conserving renovations listed in N.J.A.C. 14A:13-1.11. The energy audit shall provide the estimated cost of implementation and the expected dollar and energy savings for the recommended energy conserving renovations.

“Energy conserving renovation” or “renovation” means the planning, improvement, reconstruction and rehabilitation of public buildings, institutions and educational facilities for the purpose of accomplishing a net reduction in the amount of energy consumed.

Payback = Total capital cost of renovation(s) divided by Net energy cost savings per year.

14A:13-1.3 Submission of plan to the treasurer and the commission

[(c)] (a) (No change in text.)

14A:13-1.4 Submission of plan to the Legislature

Beginning with fiscal year 1983, immediately following the submission to the Legislature of the Governor's Annual Budget Message and the Commissioner shall submit to the relevant standing committees of the Legislature, as designated by the President of the Senate and the Speaker of the General Assembly and to the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature, as reconstituted and continued by the Legislature from time to time a copy of the plan called for under section 24 of the act, together with such changes therein as may have been required by the Governor's budget message.

14A:13-1.6 Project submittal procedure

(a) The chief executive officer of each department which has supervision and control over public buildings, institutions or educational facilities shall submit the following to NJDOE, the State Treasurer and the commission by the deadline prescribed by the Commissioner.

1-2. (No change.)

3. All requests for funding to perform energy audits for the upcoming fiscal year. These requests shall include:

i.-ii. (No change.)

4.-6. (No change.)

14A:13-1.8 Project authorization: Energy audits

(a) Upon encumbrance of funds, the NJDOE shall submit to the DBC a list of the energy audits to be performed. However, the autonomous agencies shall use their own procurement procedure, provided that they use the auditors on NJDOE's approved list and that the contents of the audit are consistent with N.J.A.C. 14A:13-1.13.

(b) (No change.)

(c) The DBC shall select and retain an engineer or architectural/engineering firm which meets the auditor qualifications set forth in N.J.A.C. 14A:13-1.14 and shall perform the energy audits in accordance with the DBC's Architect/Engineer Selection Procedures, N.J.A.C. 17:19-10.

(d) (No change.)

(e) The consultant shall submit the audit to the DBC, the using agency, and the NJDOE. When the using agency is autonomous, the consultant shall submit the audit to the using agency and the NJDOE. The NJDOE or when applicable, the autonomous agency and the using agency shall have 15 working days after receipt of the audit to notify the DBC, of acceptance or of any deficiencies in the audit with regard to conformance with general auditing procedure, completion of specific tasks in the work assignment and compliance with the audit requirements contained in N.J.A.C. 14A:13-1.13. If there are any deficiencies, the DBC, or when applicable the autonomous agency, shall return the work product to the contractor marked unacceptable.

(f) Upon acceptance of the completed audit, the NJDOE shall transmit written approval of the audit to the using agency and the DBC. Final payment may not be made until NJDOE approval is on record.

14A:13-1.9 Project ranking: Energy conserving renovations

(a)-(c) (No change.)

(d) Maximum payback established for any renovation shall not exceed 10 years.

(e) (No change.)

14A:13-1.10 Project authorization: Energy conserving renovations

(a) Upon selection and approval of energy conserving renovations for funding, the NJDOE shall notify the using agency in writing and provide the funds for the renovation. For projects with a construction cost estimate (CCE) less than \$500,000, the NJDOE shall provide the funds for design (planning, programming, design and preparation of plans and specifications), and construction (acquisition, installation and construction). For projects with a CCE of \$500,000 or greater, the NJDOE shall provide funds for design only. Funds for construction shall be provided based on the CCE at the end of the schematic design phase.

(b) The using agency shall encumber the funds for the renovations.

(c) The using agency shall submit the initial scope of work to the NJDOE for approval. The using agency and the DBC shall be responsible for ensuring that the scope of work does not deviate from that approved by the NJDOE. Revision of the scope of work without NJDOE written approval shall result in the using agency being responsible for the funds.

(d) The DBC shall select and retain an engineer or architectural/engineering firm for the design of energy conserving renovations in accordance with the DBC's Architect/Engineer Selection Procedures, N.J.A.C. 17:19-10. If the using agency is autonomous, it may use its own procurement procedures, provided the architectural/engineering firm is prequalified with the DBC for projects of similar scope.

(e)-(f) (No change.)

(g) Those projects with an aggregate cost of \$25,000 or less shall be carried out in accordance with the rules the Administrator of the General Services Administration.

(h) Renovation projects shall be advertised and bid by the DBC or when applicable, the autonomous agency, in accordance with its established procedures. All contractors bidding on renovation projects shall be pre-qualified in accordance with applicable law and DBC regulation.

(i) In the event the lowest responsible bid or sum of low bids exceeds the construction cost estimate by more than five percent, the bid(s) shall be subject to rejection by the Director of the DBC. The DBC shall consider the effect of the bids on projected payback, and other related factors.

l. The DBC shall coordinate with the appropriate Using Agency and the NJDOE to determine if the project should be reduced in scope and rebid to meet available funds and NJDOE payback requirements or

should be abandoned.

2. (No change.)

(j)-(k) (No change.)

(l) When an autonomous Agency determines that the scope of the project should be changed, the Using Agency shall notify the NJDOE, in writing, of the proposed change in scope and describe in detail the proposed change. The NJDOE shall have 15 working days from receipt of said notice to determine whether the project sufficiently conforms with the objectives of the original project to be funded.

(m) (No change in text.)

14A:13-1.11 Project review and control

(a) Renovation projects authorized for funding (or for which funding has been obligated) shall be monitored in accordance with the following procedure:

1.-2. (No change.)

3. Prior to final acceptance of the project the NJDOE and the using agency shall be notified by the DBC in writing within a reasonable time prior to closeout and final acceptance of the project in order that NJDOE may participate therein. Both the NJDOE and the Using Agency shall have 15 days from the receipt of the notice from DBC to sign the final acceptance certificate (DBC Form 20) or to provide reasons for objection. When the using agency is autonomous, the Using Agency shall notify the NJDOE in writing within a reasonable time prior to closeout and final acceptance of the project in order that NJDOE may participate therein. No project may be closed out without the written approval of the NJDOE.

4. (No change.)

5. The using agency shall be responsible for keeping the NJDOE informed throughout all stages of the project. This shall include sending the NJDOE copies of all Requisition Encumbrance forms (DBC 2), Requisition Change forms (DBC 2A), Refund of Disbursement forms, Transfer of Appropriation forms and all relevant correspondence in a timely fashion. The autonomous agencies shall send the NJDOE copies of the equivalent forms, according to their own procurement procedures.

6. The DBC shall consider the NJDOE as a co-using agency and as such shall place the NJDOE on its distribution list for all documents that the NJDOE deems necessary to fulfill its statutory obligation to monitor projects funded by the Energy Conservation Fund.

(b) The using agency shall be responsible for operating, maintaining, and servicing all equipment in accordance with the manufacturer's recommendations to obtain the maximum energy savings over its useful life.

(c) The using agency shall be responsible for pursuing all legal and administrative channels to ensure that the architect and/or engineering firms and contractors' obligations to the State are met.

(d) The using agency shall be held financially liable for failing to comply with (b) and/or (c) above.

(e) The using agency shall be responsible for any design fees paid to the architect and/or engineering firm if the agency makes changes which adversely affect the original architect and/or engineering estimate and cause the project to be cancelled. This shall include escalations due to delays caused by the using agency.

(f) All change orders shall be subject to NJDOE review and approval in accordance with guidelines agreed upon by the NJDOE and the DBC.

(g) The using agency shall begin construction within 18 months from the date funds are transferred. Failure to meet this deadline shall result in funds being returned to the Energy Conservation Fund.

(h) The using agency shall return all unused funds to the Energy Conservation fund after project closeout or at the request of NJDOE.

(i) The using agency must petition the NJDOE in writing for any funds in addition to those originally authorized. Unauthorized expenditures shall result in funds being returned to the Energy Conservation Fund.

(j) The using agency shall be responsible for reporting its monthly energy consumption to the NJDOE in the form prescribed by the NJDOE. This shall include manual and computerized reporting procedures. The NJDOE will not consider funding requests for using agencies which do not comply with this provision.

14A:13-1.13 Energy audits: Contents

(a) The energy audits shall be submitted to the DBC, or when applicable to the autonomous agencies, in a final report in a format prescribed by NJDOE. The energy audit shall include the following:

1. (No change.)

2. A description and analysis of all potential energy conserving operating and maintenance procedures including each of the following.

i. (No change.)

ii. An estimate of the annual energy and energy cost savings (using

energy prices designated by NJDOE) expected from the implementation of each procedure.

(1) (No change.)

iii. (No change.)

3. A description and analysis of all potential renovations setting forth the following.

i.-v. (No change.)

vi. An estimate of the annual energy and energy cost savings (using energy prices designated by NJDOE) expected from the acquisition and installation of each renovation. In calculating the potential energy and energy cost savings the analyst shall:

(1)-(4) (No change.)

4.-6. (No change.)

14A:13-1.14 Auditor and designer qualifications

(a) In order to be qualified to perform energy audits and design projects pursuant to this subchapter an individual must meet the following requirements:

1. Be a New Jersey licensed professional engineer or architect, or a member of an architect-engineer team, the principal team members of which are licensed in New Jersey;

2. Be free from any financial interests which may conflict with the proper performance of his/her duties; and

3. In the case of an auditor, the auditor must have completed a prior analysis which is substantially the same as the study required under the Institutional Building Grants Program as specified in 10 C.F.R. Part 455.42 (50 FR 18353, April 30, 1985), or have completed an NJDOE approved Technical Assistance Analyst Training Course.

(a)

DIVISION OF ENERGY PLANNING AND CONSERVATION

Home Energy Savings Program

Adopted Amendments: 14A:21-1.2, 2.2, 2.3, 3.4, 3.5, 3.6, 3.7, 5.2, 6.1, 6.2, 7.1, 7.2, 7.5, 7.6, 7.7, 8.1, 8.2, 8.3, 9.4, 10.1, 11.2, 11.3

Proposed: October 6, 1986 at 18 N.J.R. 2001(a).

Adopted: January 6, 1987 by Borden R. Putnam, Commissioner, Department of Commerce and Economic Development.

Filed: January 9, 1987 as R.1987 d.88, **without change.**

Authority: N.J.S.A. 52:27H-6.

Effective Date: February 2, 1987.

Expiration Date: November 21, 1990.

Summary of Public Comments and Agency Responses:

No comments received.

Full text of the adoption follows.

14A:21-1.2 Definitions.

...
"Energy conservation measures" means the following measures in a residential building:

1.-11. (No change.)

12. Storm window or door.

13. Thermal window or door.

14.-18. (No change.)

19. Solar sunspace.

20. (No change.)

...
"Master Record" means the record of qualified installers and suppliers compiled by the Department pursuant to N.J.A.C. 14A:21-9.

...
"Program auditor" means any individual employed by the Department or by a covered utility or home heating supplier or under contract with a covered utility, home heating supplier or the Department who meets all of the qualifications contained in N.J.A.C. 14A:21-5.2 and has successfully passed a Department auditor test.

"Program inspector" means any individual employed by the Department or by a covered utility or home heating supplier or under contract with a covered utility, home heating supplier or the Department who meets all of the qualifications contained in N.J.A.C. 14A:21-5.3 and has successfully passed a Department inspector test.

...
"Residential building" means any building used for residential occupancy which:

1. On the date of the program audit request has had a certificate of occupancy for more than two years;
2. Has a system for heating, cooling or both heating and cooling living spaces; and
3. Contains at least one, but not more than four, dwelling units. Multi-family dwellings not centrally heated or cooled, mobile homes, townhouses and rowhouses in rows of more than four separate houses are included in this definition.

...
"Solar domestic hot water systems" means equipment designed to absorb the sun's energy, using South-facing solar collectors (+ or -30 degrees of True South), and to use this energy to heat water for use in a residential building other than for space heating.

"Solar sunspace" means a structure of glass, fiberglass or similar transparent material which is South-facing (+ or - 30 degrees of True South) and is attached to the existing residence in such a way as to allow for air circulation to bring heat into the residence, and which is able to be closed off from the residential structure during periods of low solar insolation.

"Window heat gain and loss retardant" means those mechanisms which significantly reduce summer heat gain through windows and/or which significantly reduce heat loss through windows in winter by use of devices such as awnings, insulated rollup shades (external or internal), metal or plastic solar screens and films, or moveable rigid insulation.

14A:21-2.2 Contents and prohibitions

(a) The program announcement may include all of the following for a typical New Jersey residential building, as specified from time to time by the Department:

- 1.-2. (No change.)
3. A description and offer of available program services, instructions regarding how to apply for them, and the cost, if any, for each service, including instructions on how to apply for a program audit.

(b) (No change.)

14A:21-2.3 New customers

(a) Each covered utility shall identify and send a program announcement to each new eligible customer within 60 calendar days of the date service is established in the customer's name.

(b) (No change.)

14A:21-3.4 Applicability of program measures

(a) (No change.)

(b) A program measure is applicable in a residence if:

1.-13. (No change.)

14. With respect to solar sunspaces, an evaluation is made only if a site exists which is of sufficient size and orientation and is free of major obstruction of solar radiation during the heating season.

14A:21-3.5 Cost, savings and payback estimates

(a) (No change.)

(b) All costs, savings and payback estimates for a gas-fired heating unit shall be based upon an evaluation of the unit's seasonal efficiency. This evaluation shall be based upon steady state efficiency corrected for cycling losses, pursuant to a procedure provided to the auditor by the Department.

(c)-(d) (No change.)

(e) All costs, savings and payback estimates for applicable solar sunspaces shall be based upon the following information:

1.-3. (No change.)

14A:21-3.6 Results of the program audit

(a) As part of every program audit each auditor shall provide a written list on a form provided or approved by the Department of Energy conserving practices at the time of onsite evaluation. The auditor shall:

1.-2. (No change.)

3. Explain the importance of completing applicable program practices before any energy conservation measure is installed.

(b) (No change.)

(c) Program audits results shall include the following:

1.-2. (No change.)

3. An estimate of the total cost, expressed in dollars, of installation by the customer of each applicable program measure addressed in the program audit; however, such estimates shall not be provided for replacement central air conditioners, wall insulation, furnace efficiency modifications, devices associated with load management techniques, and thermal windows;

4.-6. (No change.)

7. An example of the effect that the installation of one energy conservation measure has on the energy savings of a related energy conservation measure, which example shall be in a form provided or approved by the Department;

8. The possible economic benefits to the customer of existing federal or state tax incentives, with one sample calculation of the effect of the tax benefit on the cost to the customer of installing an applicable energy conservation measure.

14A:21-3.7 Additional information

(a) Every auditor shall present the following to an eligible customer upon the completion of the program audit:

1.-4. (No change.)

14A:21-5.2 Qualifications of auditors

(a) Persons conducting a program audit shall have the following qualifications:

1.-4. (No change.)

5. The capability to conduct the program audit, including:

i.-ii. (No change.)

iii. A proficiency in the pertinent auditing procedures for each applicable program measure.

6.-7. (No change.)

i. Insolation;

ii.-iii. (No change.)

iv. Where appropriate, heat transfer for hot water and space heating.

8. (No change.)

(b) (No change.)

14A:21-6.1 Mandatory inspections

(a) All inspections of the following installations of program measures shall be conducted pursuant to the Uniform Construction Code, N.J.A.C. 5:23-1.1 et seq.:

1. Flue opening modifications;
2. Solar water heating systems and solar sunspaces;
3. (No change in text.)
4. (No change in text.)

(b) (No change.)

14A:21-6.2 Random inspections

(a)-(c) (No change.)

(d) The Department shall promptly notify a covered utility, which services the geographic area of the installation, of the name, address and telephone number of the audit recipient, and the type of installation needed to be inspected. The covered utility shall promptly contact the audit recipient and inform him or her of the proposed inspection, and arrange an appointment within two weeks. The covered utility shall provide an inspector, qualified by the Department to inspect that type of installation, to make an inspection report of the site to determine compliance with applicable installation standards. In no case may an inspector inspect his or her own work or the work performed directly by the inspector's employer.

(e)-(j) (No change.)

14A:21-7.1 General requirements

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

(c) The Department shall update the Master Record every 60 days and shall promptly notify covered utilities of any changes in its content.

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

14A:21-7.2 Installers: Requirements for participation

(a) To be eligible for inclusion on the Master Record an installer must submit a certified application to the Department which shall include the following:

1.-3. (No change.)

4. A detailed list of any liens, stop notices or claims filed against or by reason of any project undertaken or supervised by the installer within the past three years, including any administrative or judicial complaints and any claims filed with the Better Business Bureau, the New Jersey Division of Consumer Affairs or its subdivisions, or any similar state, county or municipal agency, and the disposition of same;

5.-7. (No change.)

8. A statement that the installer agrees not to discriminate among audit recipients participating in the HESP Program;

9.-11. (No change.)

(b) The installer shall agree to provide the following to any audit recipient who selects that installer from a program list:

1.-4. (No change.)

5. Written assurance that all program measures installed by the installer carry a manufacturer's and/or installer's warranty pursuant to N.J.A.C. 14A:21-7.2(a)10; and

6. (No change.)

(c) Installers of program measures shall be thoroughly familiar with applicable installation standards.

(d) All installers shall have a minimum of six months' experience in the installation of each program measure they are applying to be listed for.

(e) Installers of vent dampers and solar sunspaces shall provide proof that they have successfully completed the following:

1. Manufacturer's installation training;
2. Private or county vocational school training; or,
3. Any other Department-approved training program.

14A:21-7.5 Exclusion

(a) (No change.)

(b) (No change.)

1.-5. (No change.)

6. Any other cause affecting the responsibility of an installer, or supplier of such a serious and compelling nature as may be determined by the Department to warrant exclusion, including but not limited to unresolved claims, liens or stop notices or such conduct as may be prescribed by law or regulation even though such conduct has or may not be prosecuted as a violation of such law or regulation;

7. Failure to fully comply with the listing requirements contained in this subchapter; and

8. Falsification or willful omission of any information required by the Department of any applicant and/or participant.

14A:21-7.6 Removal

(a) (No change.)

(b) Grounds for removal may include, but are not limited to, the following:

1. Any ground which is a ground for exclusion pursuant to N.J.A.C. 14A:21-7.5;

2.-4. (No change.)

14A:21-7.7 Procedures for removal or exclusion

(a) (No change.)

(b) A person who has been excluded or removed from the Master Record by the Department may reapply after one year.

14A:21-8.1 General contents

(a) (No change.)

(b) All lists shall contain an effective date and expiration date on the first page. The expiration date shall be 75 days after the effective date, and the list shall include the following statement:

"EFFECTIVE FOR SEVENTY-FIVE DAYS"

14A:21-8.2 Installer lists

(a) All lists of installers may contain information that any eligible customer who receives an installer list, and has program measures installed by an installer chosen from that list, is entitled to the following program benefits:

1.-4. (No change.)

5. Assurance that a listed installer has agreed to comply with all applicable program requirements;

6. That in order to ensure program benefits, appropriate forms should be returned to the New Jersey Department of Energy;

7. That installers on this list must be informed that the work is being done under the New Jersey Home Energy Savings Program (HESP);

8. That inclusion of any installer on this list does not imply that the installer is recommended or selected by the New Jersey Department of Energy, nor does the Department in providing this list guarantee or warranty the type of quality of the work to be performed.

14A:21-8.3 Supplier lists

(a) All lists of suppliers may contain the following information that any eligible customer who purchases any program measure from a listed supplier who indicates that the program measure meets applicable material standards or carries program measures warranty is entitled to the following benefits:

1.-3. (No change.)

4. That inclusion of a supplier on this list does not imply that the supplier is recommended or selected by the New Jersey Department of Energy.

14A:21-9.4 Disqualification

(a) (No change.)

(b) Grounds for disqualification include, but are not limited to, the following:

1.-4. (No change.)

5. Any other cause affecting the responsibility of a home heating supplier of such a serious and compelling nature as may be determined by the Department to warrant disqualification, including such conduct as may be prescribed by law or regulation even though such conduct has or may not be prosecuted as a violation of such or regulation;

6. Failure to fully comply with all applicable requirements of this chapter; or

7. Falsification or willful omission of any information required by the Department.

14A:21-10.1 Reporting: Covered utilities

(a) Each covered utility shall submit the following information in writing to the Department on May 30, 1986 and annually thereafter through May 30, 1990 for the 12 month period ending in preceding April 1:

Renumber 2.-13. as 1.-12. (No change in text.)

(b) Each covered utility shall submit the following information in writing and in a form provided or approved by the Department on the 15th of each month for the preceding month:

1.-5. (No change.)

6. The total number of service requests completed pursuant to N.J.A.C. 14A:21-3.1;

7.-10. (No change.)

14A:21-11.2 General exception

(a) The prohibition contained in N.J.A.C. 14A:21-11.1 shall not apply to any program measure supplied or installed by a covered utility through contracts between such utility and independent suppliers or installers where the customer requests such supply or installation and each such supplier or installer:

1. Is on the Master Record of suppliers and installers referred to in N.J.A.C. 14A:21-7;

2.-3. (No change.)

(b) (No change.)

1. (No change.)

i. Covered utilities must use certified licensed contractors where such skills are required by the nature of the work and the New Jersey Uniform Construction Code (N.J.S.A. 32:27-119 et seq.);

ii. (No change.)

2. (No change.)

3. Shall be undertaken in a manner which provides, subject to reasonable conditions the utility may establish to insure the quality of supply and installation of program measures, that any financing by the utility of such measures shall be available for the supply or installation by any supplier or installer on the Master Record referred to in N.J.A.C. 14A:21-7 or for the purchase of such measures to be installed by the customer;

4.-5. (No change.)

14A:21-11.3 Exception for certain measures

(a) The prohibition contained in N.J.A.C. 14A:21-11.1 shall not apply to the supply or installation of:

1.-3. (No change.)

14A:21-11.4 Exception for existing supply and installation

(a) Any supply or installation of any program measure that the covered utility was engaged in on November 9, 1978, shall not be subject to the prohibition contained in N.J.A.C. 14A:21-11.1:

1.-2. (No change.)

(b) Any supply or installation of any program measure which the covered utility had by November 9, 1978, broadly advertised that it would supply or install, or with respect to which the utility had by November 9, 1978, completed substantial preparations for supplying or installing shall not be subject to the prohibition contained in N.J.A.C. 14A:21-11.1:

1.-2. (No change.)

TREASURY-GENERAL

DIVISION OF PENSIONS

(a)

Administration Enrollment Schedules

Adopted Amendment: N.J.A.C. 17:1-4.4

Proposed: November 17, 1986, at 18 N.J.R. 2320(a).
Adopted: December 23, 1986, by Douglas R. Forrester, Director,
Division of Pensions.
Filed: December 24, 1986 as R.1987 d.76, **without change**.
Authority: N.J.S.A. 52:18A-96.
Effective Date: February 2, 1987.
Expiration Date: June 6, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

17:1-4.4 Enrollment schedules

- (a) Employees appointed on or after the 17th of a month will be enrolled as of the first of the following month.
- (b) An optional enrollee is enrolled as of the first of the month following the date the enrollment application is received.

DIVISION OF INVESTMENT

(b)

Common Pension Fund A Distribution of Realized Appreciation Adopted Amendment: N.J.A.C. 17:16-32.11

Proposed: December 1, 1986 at 18 N.J.R. 2377(b).
Adopted: January 2, 1987 by Roland M. Machold, Director,
Division of Investment and State Investment Council.
Filed: January 7, 1987 as R.1987 d.86, **without change**.
Authority: N.J.S.A. 52:18A-91.
Effective Date: February 2, 1987.
Expiration Date: December 2, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

17:16-32.11 Distribution of realized appreciation

- (a) Each year, subsequent to the receipt of audited financial statements for the prior fiscal year, the State Investment Council shall consider the realized appreciation in the Common Fund per unit. The Council may, in its sole discretion, choose any or all of the following options:
 1. Declare as income to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made the percentage of such appreciation of principal to be income shall be deducted from the total principal in the Common Fund and added to income in the Common Fund prior to the next regular monthly valuation. Following such declaration, the amount declared as income shall be treated and distributed as income to the participating funds monthly or quarterly in cash and/or units.
 2. Declare as capital gains to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made the percentage of such appreciation of principal declared shall be deducted from the total principal in the Common Fund and distributed monthly or quarterly in cash and/or units.
 3. Retain any or all realized appreciation for future investments within the Common Fund.

(c)

Common Pension Fund B Distribution of Realized Appreciation Adopted Amendment: N.J.A.C. 17:16-36.11

Proposed: December 1, 1986 at 18 N.J.R. 2378(a).
Adopted: January 2, 1987 by Roland M. Machold, Director,
Division of Investment and State Investment Council.
Filed: January 7, 1987 as R.1987 d.87, **without change**.
Authority: N.J.S.A. 52:18A-91.
Effective Date: February 2, 1987.
Expiration Date: December 2, 1990.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

17:16-36.11 Distribution of realized appreciation

- (a) Each year, subsequent to the receipt of audited financial statements for the proper fiscal year, the State Investment Council shall consider the realized appreciation in the Common Fund per unit.
- (b) The Council may, in its sole discretion, choose any or all of the following options:
 1. Declare as income to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made the percentage of such appreciation of principal declared to be income shall be deducted from the total principal in the Common Fund and added to income in the Common Fund prior to the next regular monthly valuation. Following such declaration, the amount declared as income shall be treated and distributed as income to the participating funds monthly or quarterly in cash and/or units.
 2. Declare as capital gains to the participating funds such percentage of said realized appreciation of principal as it may deem prudent. When such declaration is made the percentage of such appreciation of principal declared shall be deducted from the total principal in the Common Fund and distributed monthly or quarterly in cash and/or units.
 - (c) Retain any or all realized appreciation for future investments within the Common Fund.

NEW JERSEY STATE LOTTERY COMMISSION

(d)

Rules of the Lottery Commission Adopted Amendments: N.J.A.C. 17:20-4.4, 5.1, 6.2, 6.4

Proposed: September 22, 1987 at 18 N.J.R. 1927(a).
Adopted: December 26, 1986 by Joseph A. Mule, Acting
Executive Director, New Jersey State Lottery Commission.
Filed: December 29, 1986 at R.1987 d.77, **without change**.
Authority: N.J.S.A. 5:9-7(a), 5:9-8(g), 5:9-11, 5:9-12.1, 5:9-14,
5:9-14.1, 5:9-15, 5:9-16.
Effective Date: February 2, 1987.
Expiration Date: November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

17:20-4.4 Issuance of license

- (a)-(c) (No change.)
 - (d) All applicants and agents shall report any change in status, such as ownership, control, address or other data relevant to licensure, within 10 days of occurrence. Failure to do so shall be cause for discipline under N.J.A.C. 17:20-5.1.
- 17:20-5.1 Reasons for denial, revocation, suspension or imposition of civil penalties
- (a) An application may be denied or a license suspended, revoked or its renewal rejected by the Director in the exercise of discretion for any one or more of the following reasons:

1.-2. (No change.)

3. Whenever a person:

i. Has been indicted, arrested for or convicted of a crime, disorderly persons offense or violation of ordinance or administrative regulation relating adversely to the duties of a lottery agent; or

ii. Has been the subject of a complaint or accusation for such offense; or

iii. Has failed to notify the Director in writing within five days of any of the above actions.

4.-9. (No change.)

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

17:20-6.2 Sale of lottery tickets

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

(f) Lottery ticket sales shall not be combined with the sale of any other product or service without the express written approval of the Director. This prohibition shall not apply to promotions, conducted entirely at the expense of the Agent, involving losing tickets, tickets for which the

drawing date or claiming period has expired, or other tickets which no longer have value for Lottery purposes.

17:20-6.4 Lost or stolen tickets

(a) Agents are responsible to the Lottery for lost, damaged, destroyed, stolen or missing lottery receipts and tickets notwithstanding the degree of care which they may have exercised with regard to the tickets and receipts.

(b) Agents are responsible to the Lottery for the consequences of the loss of tickets or claim forms, or for other breaches of these rules or game rules. Such responsibility includes reimbursement to the Lottery for prizes paid to ticket holders.

(c) Agents shall make prompt reports to the Lottery regarding any theft from, or unauthorized entry upon, licensed premises, whether or not any lottery monies or property appear to be missing at the time.

(d) No prize shall be paid to any agent with respect to stolen tickets or regarding unclaimed winning tickets unless the Director so determines.

MISCELLANEOUS NOTICES

ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCES

(a)

Proposed Statewide Sludge Management Plan

Take notice that the Department of Environmental Protection is extending until February 17, 1987, the period for submission of written comments on the proposed Statewide Sludge Management Plan. The original notice was published on November 3, 1986 in the New Jersey Register at 18 N.J.R. 2217. Please refer to the notice for further information.

Interested persons may submit written comments on the proposed Plan to:

Helen Pettit-Chase
Division of Water Resources
Department of Environmental Protection
CN 029
Trenton, New Jersey 08625

(b)

Amendment to the Northeast Water Quality Management Plan Public Notice

Take notice that an amendment to the Northeast Water Quality Management (WQM) Plan has been submitted for approval. This amendment is to adopt the Borough of Edgewater's Wastewater Management Plan. This plan addresses the expansion of the Edgewater Sewage Treatment Plant from 3.0 million gallons per day (mgd) to 6.0 mgd to handle the expected growth of the Borough.

This notice is being given to inform the public that a plan amendment has been developed for the Northeast WQM Plan. All information dealing with the aforesaid WQM Plan, and the proposed amendment is located at the office of NJDEP, Division of Water Resources, Bureau of Water Resources Management Planning, 401 East State Street, 3rd Floor, CN-029, Trenton, N.J. 08625. 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 Water Resources Management Planning, at the NJDEP address cited above. All comments must be submitted within 30 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 amendment. 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 Mr. 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.

(c)

Amendment to the Northeast Water Quality Management Plan Public Notice

Take notice that an amendment to the Northeast Water Quality Management (WQM) Plan has been submitted for approval. This amendment is to adopt the Chatham Glen's Wastewater Management Plan. This plan addresses the expansion of the existing Chatham Glen Sewage Treatment Plant from .12 million gallons per day (mgd) to .155 mgd to provide treatment for additional growth as part of a Mount Laurel settlement.

This notice is being given to inform the public that a plan amendment

has been developed for the Northeast WQM Plan. All information dealing with the aforesaid WQM Plan, and the proposed amendment is located at the office of NJDEP, Division of Water Resources, Bureau of Water Resources Management Planning, 401 East State Street, 3rd Floor, CN-029, Trenton, N.J. 08625. 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 Water Resources Management Planning, at the NJDEP address cited above. All comments must be submitted within 30 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 amendment. 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 Mr. 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.

HEALTH

(d)

Petition For Rulemaking Advertising By Hospitals and Licensed Ambulatory Care Facilities

N.J.A.C. 8:43B and N.J.A.C. 8:43A

Petitioners: The New Jersey Board of Medical Examiners

Take notice that on December 1, 1986, the New Jersey Board of Medical Examiners petitioned the State Department of Health to amend its Manuals of Standards for Hospital Facilities (N.J.A.C. 8:43B) and Ambulatory Care Facilities (N.J.A.C. 8:43A) concerning advertising by those facilities. There are currently no regulations regarding such advertising in either Manual.

Specifically, petitioners request that the above Manuals be amended to prohibit or at least limit,

1. self-laudatory statements made in an advertisement by a hospital or ambulatory care facility which contain no substantiation on which a consumer could rely,
2. advertisements containing testimonials from presumably satisfied patients, which cannot be substantiated,
3. advertisements containing assertions of services of better quality than the services offered by other facilities, without substantiation.

Petitioners point out that such advertising has long been considered improper and unlawful for individual health care licensees.

Petitioners state that they do not feel it is in the public's best interest to permit a facility to praise itself by denigrating other, similarly licensed, facilities, without factual substantiation. Petitioner further points out that, in its opinion, it is deceptive and misleading to permit testimonials by patients about the quality of care provided at an institution, when there is no guarantee that the medical condition of the "testimonial-giver" is close enough to that of the reader of the advertisement to assure the reader of a similar outcome.

Essentially, the Board is requesting that the Department of Health amend its rules to prohibit advertising by licensed facilities which asserts that a given facility "excels" over other, similarly licensed, facilities, unless factual substantiation supporting the claims made in the advertisement appears.

Take further notice that, pursuant to N.J.A.C. 1:30-3.6(c)(3), this petition has been referred to the Division of Health Facilities Evaluation, within the Department of Health, for review and a determination as to how the Department should respond.

Technical staff within that Division is currently reviewing the petition and supporting documentation attached thereto, in an effort to evaluate the validity of the arguments raised in the petition. Once that review is completed, the Department will be in a position to respond, in a rational manner, to the request for amendment made by petitioner.

The review described above, as well as a decision on how to proceed regarding the petition, will be concluded by mid-February, 1987. By that time, a Notice of Proposed Action will be submitted to the Office of Administrative Law, for publication in the New Jersey Register on March 16, 1987.

(a)**DIVISION OF HEALTH PLANNING AND RESOURCES
DEVELOPMENT****Specialized Long-Term Care Bed and Unit Standards
Public Notice**

Take notice that the Department of Health has proposed the development of planning regulations to govern the establishment of "Specialized" long-term care units and beds by health care facilities under Certificate of Need authority. This action is being taken to provide reviewing authorities with appropriate standards and criteria for the evaluation of Certificate of Need applications to establish a category of long-term care that is not adequately addressed within current Departmental rules.

The Department proposes the following definition of "Specialized Long-Term Care":

Specialized long-term care means care provided for special medical conditions or diagnoses which require on-going treatment with technologically complex equipment or highly specialized techniques. Such treatment is not usually and customarily made available in long-term care beds, and by its nature, necessitates that staff members have specialized knowledge, training, education, and/or certification in order to safely and effectively meet the extraordinary needs of patients with the designated conditions. Specialized long-term care shall apply only to beds/units for ventilator-dependent patients.

Such units/beds, whether proposed to be offered in an existing or new facility, are considered to be a new health care service, as defined at N.J.A.C. 8:33-1.6. Thus, they are subject to all applicable Certificate of Need rules.

The Department of Health is currently in the process of developing the Standards and Criteria for this service as amendments to N.J.A.C. 8:33H, the Policy Manual for Planning and Certificate of Need Review of Long-Term Care Facilities and Services within the State of New Jersey. Once the proposed criteria have completed the regulatory process with their final adoption and publication in the New Jersey Register, copies may be obtained from:

John A. Calabria
Chief,
Health Systems Review Program
New Jersey State Department of Health
CN 360, Room 604
Trenton, New Jersey 08625

The Department anticipates that the proposed planning regulations will be promulgated and adopted by summer, 1987. Until such time that the proposed rules become effective, the Department will not accept Certificate of Need applications proposing any specialized long-term care units or beds, either in existing or new facilities.

HUMAN SERVICES**(b)****DIVISION OF PUBLIC WELFARE****General Assistance Manual****Notice of Correction: N.J.A.C. 10:85-2.2, 10:85-3.1,
10:85-3.2, 10:85-3.3, 10:85-3.4**

Take notice that errors appear in the New Jersey Administrative Code at N.J.A.C. 10:85-2.2, 10:85-3.1, 10:85-3.2, 10:85-3.3 and 10:85-3.4 concerning the General Assistance Manual regulations. The correct text of N.J.A.C. 10:85-2.2, 10:85-3.1, 10:85-3.2, 10:85-3.3 and 10:85-3.4 as it should appear in the New Jersey Administrative Code is as follows:

10:85-2.2 Establishment of local assistance board

(a)-(c) (No change in text.)

(d) Rules concerning appointment of director of welfare are:

1.-5. (No change in text.)

6. Prohibition to engage in political activities: The director of welfare or any employee of the municipal welfare department shall not:

i. Hold any elective governmental office, be a member of a county committee of any political party, serve on a local election board, or hold office in a political club. (These limitations are not relevant to elections or positions which are clearly outside of the political process, such as local school board elections);

ii.-viii. (No change in text.)

(e)-(i) (No change in text.)

10:85-3.1 Persons eligible for General Assistance

(a) General assistance shall be provided to all needy persons who, while in the State, are entitled to receive such assistance. Entitlement does not extend to persons who have been found eligible for or are recipients of public assistance programs administered by the county welfare agency, or who have been found ineligible for such programs due to voluntary refusal to comply with program requirements. (See also subsections (c) and (d) of this section.)

1. Exceptions relevant to medical care:

i. Individuals and families who are ineligible for public assistance (general assistance, AFDC, Cuban or Indochinese Refugee Assistance) or for SSI payments because their income exceeds the standards established for the applicable program may apply to the MWD on a monthly basis for assistance in paying excessive medical costs. The provisions of this section are not applicable to the payment of bills for inpatient hospitalization or for medical services rendered to an inpatient;

ii. See N.J.A.C. 10:85-3.3(g)2 regarding Medicaid coverage for individuals under age 21.

iii. When an individual, whose application for SSI is pending, requires inpatient hospital care or care in a long term care facility, the MWD shall withhold payment for such care in accordance with N.J.A.C. 10:85-5.7.

2. Citizen/alien status: Eligibility for General Assistance is not related to citizenship. No inquiry about citizenship need be made except for purposes of obtaining support from the sponsor of an alien admitted for permanent residence in accordance with N.J.A.C. 10:85-3.4(b)1.

(b)-(f) (No change in text.)

10:85-3.2 Application Process

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

(e) Rules concerning verification and sources of evidence are:

1.-3. (No change in text.)

4. Verification of income and resources:

i. (No change in text.)

ii. Unearned income: All unearned income must be verified by examination of benefit check or by contact with the company or agency granting such benefit. (Note: The Social Security Administration will release information only with written consent of the client.)

(1) For situations of incomplete or inconsistent information about Unemployment/Disability Insurance benefits from the client himself/herself, or, where the agency experiences difficulty in securing verification, the MWD may send Form PA-24 (Verification of Unemployment/Disability Insurance) to DPW, Attn: Integrity Control Section.

iii.-v. (No change in text.)

5. (No change in text.)

(f)-(i) (No change in text.)

10:85-3.3 Financial eligibility

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

(f) Assistance allowance standards are as follows:

1.-3. (No change in text.)

4. Room and board living arrangements: When an individual is purchasing a room and board living arrangement, the following shall apply:

i. (No change in text.)

ii. Other boarding homes: When an individual is purchasing room and board in a group facility or a boarding home (including a private home) other than a Residential Health Care Facility as in (f)4i above, or a center for treatment of drug or alcohol abuse as in (f)4iv below, the total monthly allowance shall be the amount for a single individual in a household of one as given in Schedule I or Schedule II, as appropriate, less any countable income.

(1)-(2) (No change in text.)

iii.-v. (No change in text.)

5. (No change in text.)

(g) Medical care: Persons found eligible for General Assistance maintenance payments in accordance with the procedures and standards established in this subchapter (N.J.A.C. 10:85-3) are likewise eligible for medical care (see N.J.A.C. 10:85-5 regarding provision of medical care). In

addition, certain other individuals and families are eligible for medical assistance from the MWD or for referral to the county welfare agency.

1. (No change in text.)

2. Medicaid Special: Certain low income persons under age 21 and certain low income pregnant women, regardless of age, may be eligible for Medicaid even though they may or may not be living with parents, may or may not be eligible for General Assistance, and may not be eligible for cash assistance from a county welfare agency.

i. The MWD will, via Form PA-14, refer all GA recipients under age 21 and all pregnant recipients to the county welfare agency for Medicaid Special. Referral of those who have income marginally above GA eligibility standards is also indicated. The CWA will advise as to the eligibility determination made.

ii. Persons found eligible for Medicaid Special are not thereby disqualified for grants of General Assistance but the MWD will make no medical payments for such persons.

3. (No change in text.)

4. Payment for hospitalization being provided by a third party at the time of application is not considered as income in establishing eligibility.

10:85-3.4 Resources

(a) Definition: For purposes of this manual, resources are defined as real or personal property which is within the control of one or more of the individuals applying for General Assistance or to which he or she (they) may have a valid claim; and certain other benefits and contributions of support which may become available.

1. (No change in text.)

2. No person shall be eligible for assistance within two years after having disposed of a resource for less than adequate consideration or after having abandoned a resource of value when such disposal or abandonment was made for the purpose of qualifying for assistance or of avoiding repayment of assistance. Any assistance granted by reason of non-disclosure during such two year period represents an overpayment and is to be processed accordingly.

i. (No change in text.)

ii. Any disposal or abandonment for reasons other than to qualify or to avoid repayment shall be reviewed by the MWD to determine whether or not recovery can be effected. If so, the matter is subject to the provisions of (d) below, potential resources. If recovery cannot be effected, the matter shall be disregarded in the determination of eligibility and computation of assistance grants.

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

(d) Potential resources are resources which are neither exempt nor currently available for expendable use.

1.-4. (No change in text.)

5. Trust Funds: When a trust fund exists for a member of the eligible unit, the MWD shall determine whether or not funds are currently accessible. If accessible, the funds represent an available resource and must be considered in determining eligibility.

i. (No change in text.)

ii. When funds in trust are not currently accessible and the trust came into being during the term of the assistance case, the agency will with the aid of counsel present a petition to the appropriate court for release of funds for current and future support. The client must, as a condition of continuing eligibility, provide whatever cooperation may be necessary in the presentation of the petition.

(e)-(g) (No change in text.)

TREASURY-GENERAL

(a)

DIVISION OF BUILDING AND CONSTRUCTION

Architect-Engineer Selection

Notice of Assignments—Month of December

Solicitations of design services for major projects are made by notices published in construction trade publications and newspapers and by direct notification of professional associations/societies and listed, pre-qualified New Jersey consulting firms. For information on DBC's pre-qualification and assignment procedures, call (609) 984-6979.

Last list dated December 2, 1986.

The following assignments have been made:

DBC NO.	PROJECT	A/E	CCE
P531	Pipeline Stabilization Double Trouble State Park Ocean County, NJ	Long Engineering & Survey Company	\$50,000
M717	Transformer Replacement Service Building Johnstone Developmental Center Bordentown, NJ	Amin Engineering	\$32,800
A312	Aluminum Plate Sculpture General Office Building Trenton, NJ	Ann Gillen	\$70,000 (Artist Services)
P529	Feasibility Study Hermitage House Ho Ho Kus, NJ	Maitra Assoc., Inc.	\$25,720 Services
M720	Installation & Testing of Monitoring Wells New Lisbon Developmental Center New Lisbon, NJ	Lippincott Engr.	\$13,300
A312	Artwork General Office Building Trenton, NJ	Lydia Benglis, Inc.	\$1,000 (Artist Honorarium)
A312	Artwork General Office Building Trenton, NJ	Nina Yankowitz	\$1,000 (Artist Honorarium)
A312	Artwork General Office Building Trenton, NJ	Herk Van Tongeren	\$1,000 (Artist Honorarium)
A312	Artwork General Office Building Trenton, NJ	Rose Viggrano	\$1,000 (Artist Honorarium)
A312	Artwork General Office Building Trenton, NJ	Ann Gillen	\$1,000 (Artist Honorarium)
A312	Artwork General Office Building Trenton, NJ	Richard Anuszkiewicz	\$1,000 (Artist Honorarium)
A313	Artwork Annex Office Building Dept. of Transportation Trenton, NJ	Rosemarie Castoro	\$1,000 (Artist Honorarium)
A313	Artwork Annex Office Building Dept. of Transportation Trenton, NJ	Marjorie Strider	\$1,000 (Artist Honorarium)
A313	Artwork Annex Office Building Dept. of Transportation Trenton, NJ	Issac Witkin	\$1,000 (Artist Honorarium)
A313	Artwork Annex Office Building Dept. of Transportation Trenton, NJ	William King	\$2,000 (Artist Honorarium)
A313	Artwork Annex Office Building Dept. of Transportation Trenton, NJ	Arman	\$2,000 (Artist Honorarium)
A313	Artwork Annex Office Building Dept. of Transportation Trenton, NJ	Melvin Edwards	\$2,000 (Artist Honorarium)
P320	Paint Analysis Absecon Lighthouse Historic Site Atlantic City, NJ	Shimel & Sor Laboratories, Inc.	\$1,000 Services
P515	Renovations to Ocean Bathing Unit #2 Island Beach State Park Seaside Park, NJ	Dinklage-Sebring Associates	\$600,000

COMPETITIVE PROPOSALS

Dinklage-Sebring Associates	8.0%	
Lammey & Giorgio, PA	8.75%	
James N. Lindemon, AIA	12.48%	
P517 Mansion Restoration Allaire State Park Monmouth County, NJ	Clarke & Caton	\$250,000

COMPETITIVE PROPOSALS

Clarke & Caton	11.95%	
Sang J. Lee Architect/ David V. Abramson & Associates, J.V.	22.50%	
Gibson Bauer Associates	24.00%	
M673 Replacement of Wastewater Treatment Plant Woodbine Developmental Center Woodbine, NJ	Speitel Assoc.	\$1,675,000

COMPETITIVE PROPOSALS

Speitel Associates	9.40%	
Kupper Associates	12.00%	
EMJ/Mc Farland-Johnson Engineers, Inc.	20.00%	
C312-01 Relocation of 48 Man Modular Housing Unit to A.D.T.C. Avenel, NJ	Vaughn Organization	\$315,000

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

**Average Wholesale Price of Cigarettes
Cigarette Surtax Rate**

For the purpose of complying with the requirements of Chapter 40, P.L. 1982, Sec. 4 (N.J.S.A. 54:40A-8.2), John R. Baldwin, Director of the Division of Taxation, hereby gives notice that, based upon the best available current data, the average wholesale price of cigarettes in this state during the succeeding six months commencing January 1, 1987 is \$0.4958 for each 10 cigarettes or fraction thereof.

Therefore, the cigarette surtax due for such six months, pursuant to Sec. 302 P.L. 1948, c.65 (C. 54:40A-8), as amended, shall remain at \$.03 for each 10 cigarettes or fraction thereof.

COMPETITIVE PROPOSALS

	Vaughn Organization	9.21%	
	BBM Architects	11.00%	
	Brown & Hale Architects	11.50%	
M705	Electrical Distribution Study	Stone & Webster	\$14,900
	Woodbine Developmental Center	Engineering Corp.	Services
	Woodbine, NJ		

COMPETITIVE PROPOSALS

	Stone & Webster Engineering Corp.	\$14,900 Lump Sum	
	A & A Engineering Associates	\$28,300 Lump Sum	
	Gannett-Fleming	No Proposal Received	
C298	Plumbing Renovations	Louis Berger	\$1,500,000
	Wings 1 and 4	& Assoc., Inc.	
	Rahway State Prison		
	Rahway, NJ		

COMPETITIVE PROPOSALS

	Louis Berger & Associates, Inc.	5.45%	
	Brownworth, Mosher & Doran	5.95%	
	Turek Associates	6.44%	
	Tighe Firtion Carrino Associates	8.5%	
M908	Energy Management Systems	Joseph R. Loring	\$55,000
	Feasibility Study	Assoc., Inc.	Services
	Hunterdon and Woodbine Developmental Centers:		
	Ancora Psychiatric Hospital		
	Dept. of Human Services		

COMPETITIVE PROPOSALS

	Study	Future Projects	Total Amount
Joseph R. Loring & Assoc., Inc.	\$55,000 +	\$195,000 =	\$250,000
Ambrosino De Pinto & Schmieder	\$95,000 +	\$140,000 =	\$235,000
King-Lindquist, Inc.	\$78,000 +	\$197,850 =	\$275,850

EXECUTIVE ORDER NO. 66(1978) EXPIRATION DATES

Pursuant to N.J.A.C. 1:30-4.4, all expiration dates are now affixed at the chapter level. The following table is a complete listing of all current New Jersey Administrative Code expiration dates by Title and Chapter. If a chapter is not cited, then it does not have an expiration date. In some instances, however, exceptions occur to the chapter-level assignment. These variations do appear in the listing along with the appropriate chapter citation, and are noted either as an exemption from Executive Order No. 66(1978) or as a subchapter-level date differing from the chapter date.

Current expiration dates may also be found in the loose-leaf volumes of the Administrative Code under the Title Table of Contents for each executive department or agency and on the Subtitle page for each group of chapters in a Title. Please disregard all expiration dates appearing elsewhere in a Title volume.

This listing is revised monthly and appears in the first issue of each month.

OFFICE OF ADMINISTRATIVE LAW—TITLE 1

N.J.A.C.	Expiration Date
1:1	5/15/90
1:2	5/15/90
1:5	10/20/91
1:6	8/18/91
1:6A	1/1/88
1:7	8/9/90
1:10	3/4/90
1:10A	9/16/90
1:10B	10/6/91
1:11	3/4/90
1:20	8/1/88
1:21	7/15/90
1:30	2/14/91
1:31	8/12/87

N.J.A.C.	Expiration Date
3:7	9/16/90
3:11	3/19/89
(Except for 3:11-2 which expired 6/3/85)	
3:13	11/17/91
3:17	6/18/91
3:19	3/17/91
3:21	2/2/92
3:22	5/21/89
3:23	5/3/87
3:24	8/20/89
3:26	12/31/90
3:27	9/16/90
3:28	12/17/89
3:30	10/17/88
3:38	9/7/87
3:41	10/16/90

AGRICULTURE—TITLE 2

N.J.A.C.	Expiration Date
2:1	9/3/90
2:2	10/3/88
(Except for 2:2-9 which expired 6/11/84)	
2:3	6/18/89
(Except for 2:3-4 which expired 1/8/86)	
2:5	6/18/89
2:6	9/3/90
2:7	9/29/88
2:9	7/7/91
2:16	5/7/90
2:22	1/18/87
2:23	6/6/88
2:24	2/11/90
2:32	2/3/91
2:48	11/27/90
2:50	7/15/87
2:52	6/7/90
2:53	3/3/91
2:54	Exempt (7 U.S.C. 601 et seq. 7 C.F.R. 1004)
2:68	8/1/88
2:69	10/3/88
2:70	5/7/90
2:71	9/1/88
2:72	9/1/88
2:73	7/18/88
2:74	9/1/88
2:76	8/29/89
2:90	6/24/90

CIVIL SERVICE—TITLE 4

N.J.A.C.	Expiration Date
4:1	1/28/90
4:2	1/28/90
4:3	6/4/89
4:4	12/5/91
4:6	5/5/91

COMMUNITY AFFAIRS—TITLE 5

N.J.A.C.	Expiration Date
5:3	9/1/88
5:10	12/1/88
5:11	3/1/89
5:12	1/1/90
5:13	1/1/88
5:14	12/1/90
5:17	6/1/89
5:18	2/1/90
5:18A	2/1/90
5:18B	2/1/90
5:22	12/1/90
5:23	4/1/88
5:24	9/1/90
5:25	3/1/91
5:26	3/1/91
5:27	6/1/90
5:28	12/20/90
5:29	6/18/91
5:30	6/1/88
5:31	12/1/89
5:37	11/18/90
5:38	11/7/88
5:51	9/1/88
5:70	8/16/87
5:71	3/1/90
5:80	5/20/90
5:91	6/16/91
5:92	6/16/91
5:100	5/7/89

BANKING—TITLE 3

N.J.A.C.	Expiration Date
3:1	1/6/91
3:2	4/15/90
3:6	3/3/91
(Except for 3:6-8 which expired 4/9/85)	

DEPARTMENT OF DEFENSE—TITLE 5A

N.J.A.C.	Expiration Date
5A:2	5/20/90

EDUCATION—TITLE 6

N.J.A.C.	Expiration Date
6:2	3/1/89
6:3	8/18/88
6:8	1/5/92
6:11	12/12/90
6:12	4/2/91
6:20	8/9/90
6:21	8/9/90
6:22	9/3/90
6:24	4/2/91
6:26	1/24/90
6:27	1/24/90
6:28	6/1/89
6:29	3/25/90
6:30	8/31/88
6:31	1/24/90
6:39	10/18/89
6:43	4/7/91
6:46	12/1/87
6:53	9/1/87
6:64	5/1/88
6:68	4/12/90
6:70	1/25/90
6:79	2/1/88

ENVIRONMENTAL PROTECTION—TITLE 7

N.J.A.C.	Expiration Date
7:1 (Except for 7:1-3 which expired 3/5/87)	9/16/90
7:1A	6/7/87
7:1C	6/17/90
7:1D	12/1/88
7:1E	7/15/90
7:1F	3/27/87 (Governor's Waiver)
7:1G	10/1/89
7:1H	7/24/90
7:1I	11/18/88
7:2	7/19/88
7:4	Expired 8/16/84
7:6	12/19/88
7:7	5/7/89
7:7E	7/24/90
7:7F	12/6/87
7:8	2/7/88
7:9	1/21/91
(Except for 7:9-1 which expired 4/25/85)	
7:10	9/4/89
7:11	6/6/88
7:12	6/6/88
7:13	5/4/89
7:14	4/27/89
(Except for 7:14-5 which expired 6/23/85)	
7:14A	6/4/89
7:15	4/2/89
7:17	4/7/91
7:18	8/6/91
7:19	4/15/90
7:19A	2/19/90
7:19B	2/19/90
7:20	5/6/90
7:20A	12/19/88
7:22	1/5/92
7:23	6/18/89
7:24	5/19/91

N.J.A.C.	Expiration Date
7:25 (Except for 7:25-1 which expired 9/17/85)	2/18/91
7:25A	5/6/90
7:26	11/4/90
(Except for 7:26-5 which expired 10/7/85)	
7:27	Exempt
7:27A	Expired 10/7/85
7:27B-3	Exempt
7:28	10/7/90
7:29	3/18/90
7:29B	4/5/87
7:30	12/6/87
7:36-1	8/5/90
7:36-2	Expired 1/9/86
7:36-3	Expired 1/9/86
7:36-4	8/5/90
7:36-5	Expired 1/9/86
7:36-6	Expired 1/9/86
7:36-7	8/5/90
7:37	Exempt
7:38	9/18/90
7:45	Expired 1/11/85

HEALTH—TITLE 8

N.J.A.C.	Expiration Date
8:7	9/16/90
8:8	5/21/89
8:9	2/18/91
8:13	8/2/87
8:19	6/28/90
8:20	3/4/90
8:21	11/18/90
(Except for 8:21-1 which expired 5/15/85; 8:21-4 which expired 7/21/83; 8:21-6 which expired 9/18/85)	
8:21A	4/1/90
8:22	8/4/91
8:23	12/17/89
8:24	4/4/88
8:25	5/20/88
8:26	8/4/91
8:31	11/5/89
8:31A	3/18/90
8:31B	10/15/90
(Except for 8:31B-1 which expired 7/19/84)	
8:32	Expired 3/12/85
8:33	10/7/90
8:33A	4/15/90
8:33B	10/7/90
8:33C	8/20/89
8:33D	2/1/87
8:33E	2/4/90
8:33F	1/14/90
8:33G	7/20/89
8:33H	7/19/90
8:33I	9/15/91
8:33J	5/17/89
8:33K	4/16/89
8:34	11/18/88
8:39	6/20/88
8:40	4/15/90
8:42	3/18/90
8:42A	6/12/91
8:42B	8/1/88
8:43	1/21/91
8:43A	9/3/90
8:43B	1/21/91
8:43E	1/17/88
8:43F	3/18/90

N.J.A.C.	Expiration Date
8:43G	9/8/91
8:44	11/7/88
8:45	5/20/90
8:48	8/20/89
8:51	9/16/90
8:52	12/15/91
8:53	8/4/91
8:57	6/18/90
8:58	Expired 5/1/84
8:59	10/1/89
8:60	5/3/90
8:61	10/6/91
8:65	12/2/90
8:70	9/17/88
8:71	4/2/89

N.J.A.C.	Expiration Date
10:67	3/3/91
10:68	7/7/91
10:69A	4/26/88
10:69B	11/21/88
10:70	6/16/91
10:80	8/23/89
10:81	10/15/89
10:82	10/29/89
10:85	1/30/90
10:87	3/1/89
10:89	9/11/90
10:90	11/15/87
10:94	1/6/91
10:95	8/23/89
10:97	4/16/89
10:98	7/12/87
10:99	2/19/90
10:100	2/6/89
10:109	3/17/91
10:112	2/17/89
10:120	9/26/88
10:121	3/13/89
10:121A	8/6/87
10:122	8/6/89
10:122A	Exempt
10:122B	9/10/89
10:123	7/20/90
10:124	7/19/87
10:125	7/16/89
10:127	9/19/88
10:129	10/11/89
10:130	9/19/88
10:131	9/20/87
10:132	1/5/92
10:140	12/31/86
10:141	2/21/89

HIGHER EDUCATION—TITLE 9

N.J.A.C.	Expiration Date
9:1	1/17/89
9:2	6/17/90
9:3	10/17/88
9:4	10/30/91
9:5	1/21/91
9:6	5/20/90
9:7	4/13/88
9:8	11/4/90
9:9	10/3/88
9:11	1/17/89
9:12	1/17/89
9:14	5/20/90
9:15	10/25/88

HUMAN SERVICES—TITLE 10

N.J.A.C.	Expiration Date
10:1	5/6/88
10:2	1/5/92
10:3	9/19/88
10:4	1/3/88
10:5	12/19/88
10:6	2/21/89
10:12	1/5/92
10:36	8/18/91
10:37	11/4/90
10:38	5/28/91
10:40	3/15/89
10:42	8/18/91
10:43	9/1/88
10:44	10/3/88
10:44A	2/7/88
10:44B	4/15/90
10:45	9/19/88
10:47	11/4/90
10:48	1/21/91
10:49	8/12/90
10:50	3/3/91
10:51	10/28/90
10:52	2/19/90
10:53	4/29/90
10:54	3/3/91
10:55	3/11/90
10:56	8/26/91
10:57	3/3/91
10:58	3/3/91
10:59	3/3/91
10:60	8/27/90
10:61	3/3/91
10:62	3/3/91
10:63	11/29/89
10:64	3/3/91
10:65	11/5/89
10:66	12/15/88

CORRECTIONS—TITLE 10A

N.J.A.C.	Expiration Date
10A:3	10/6/91
10A:4	7/21/91
10A:5	10/6/91
10A:9	1/20/92
10A:17	12/15/91
10A:31	2/4/90
10A:32	3/4/90
10A:33	7/16/89
10A:70	Exempt
10A:71	4/15/90

INSURANCE—TITLE 11

N.J.A.C.	Expiration Date
11:1	2/3/91
11:1-20	7/7/88
11:1-22	7/7/88
11:2	12/2/90
11:3	1/6/91
11:4	12/2/90
11:5	11/7/88
11:10	7/15/90
11:12	10/27/91
11:13	12/6/87
11:14	7/2/89
11:15	12/3/89
11:16	2/3/91

LABOR—TITLE 12

N.J.A.C.	Expiration Date
12:15	8/19/90
12:16	4/1/90

N.J.A.C.	Expiration Date
12:17	1/6/91
12:20	11/5/89
12:35	8/5/90
12:45	5/2/88
12:46	5/2/88
12:47	5/2/88
12:48	5/2/88
12:49	5/2/88
12:51	6/30/91
12:56	9/26/90
12:57	9/26/90
12:58	9/26/90
12:90	12/17/89
12:100	11/5/89
12:105	1/21/91
12:120	5/3/90
12:175	12/9/88
12:190	9/5/87
12:195	9/6/88
12:200	8/5/90
12:235	5/5/91

COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A

N.J.A.C.	Expiration Date
12A:100-1	9/8/91

LAW AND PUBLIC SAFETY—TITLE 13

N.J.A.C.	Expiration Date
13:1	7/19/88
13:1C	Expired 12/1/83
13:2	8/5/90
13:3	8/1/88
13:4	1/21/91
13:10	5/27/89
13:13	6/17/90
13:18	4/1/90
13:19	8/23/89
13:20	12/18/90
13:21	12/16/90
13:22	1/7/90
13:23	6/4/89
13:24	11/5/89
13:25	3/18/90
13:26	10/17/88
13:27	4/1/90
13:27A	11/1/87
13:28	9/3/90
13:29	6/3/90
13:30	4/15/90
13:31	12/12/91
13:32	11/1/87
13:33	3/18/90
13:34	11/21/88
13:35	11/19/89
13:36	11/19/89
13:37	2/11/90
13:38	10/7/90
13:39	1/6/91
13:39A	7/7/91
13:40	9/3/90
13:41	9/3/90
13:42	11/3/88
13:43	9/8/88
13:44	8/20/89
13:44A	Expired 5/17/84
13:44B	5/3/87
13:44C	6/2/91
13:45A	12/16/90
13:46	6/3/90
13:47	2/2/92

N.J.A.C.	Expiration Date
13:47A	8/16/87
(Except for 13:47A-25 which expired 8/14/83)	
13:47B	1/4/89
13:47C	8/20/89
13:48	1/21/91
13:49	12/19/88
13:51	6/21/87
13:54	10/5/91
13:58	9/7/89
13:59	9/16/90
13:60	1/20/92
13:70	2/25/90
13:71	2/25/90
13:75	8/20/89
13:76	9/6/88

PUBLIC UTILITIES—TITLE 14

N.J.A.C.	Expiration Date
14:1	12/16/90
14:3	5/6/90
14:5	12/16/90
14:6	3/3/91
14:9	4/15/90
14:11	2/1/87
14:10	9/8/91
14:17	5/7/89
14:18	7/29/90

ENERGY—TITLE 14A

N.J.A.C.	Expiration Date
14A:2	4/17/89
14A:3	10/7/90
(Except for 14A:3-10 which expired 9/1/85)	
14A:4	10/19/88
14A:5	10/19/88
14A:6	8/6/89
14A:7	9/16/90
14A:8	9/20/89
14A:9	Expired 4/27/84
14A:11	9/20/89
14A:12	2/7/88
14A:13	2/2/92
14A:14	2/6/89
14A:20	2/3/91
14A:21	11/21/90
14A:22	6/4/89

STATE—TITLE 15

N.J.A.C.	Expiration Date
15:2	3/7/88
15:3	7/7/91
15:10	2/18/91

TRANSPORTATION—TITLE 16

N.J.A.C.	Expiration Date
16:1	8/5/90
16:2	10/3/88
16:6	9/3/90
16:13	5/7/89
16:16	11/7/88
16:17	11/7/88
16:20A	12/17/89
16:20B	12/17/89
16:21	9/3/90
16:21A	8/20/89
16:22	2/3/91

N.J.A.C.	Expiration Date
16:25-12	Expired 2/5/84
16:25-13	Expired 2/5/84
16:26	8/6/89
16:27	9/8/91
16:28	11/7/88
16:28A	11/7/88
16:29	11/7/88
16:30	11/7/88
16:31	11/7/88
16:31A	10/20/88
16:32	4/15/90
16:33	9/3/90
16:41	11/15/87
16:41A	2/19/90
16:41B	3/4/90
16:43	9/3/90
16:44	10/3/88
16:49	3/18/90
16:53	3/19/89
16:53A	4/15/90
16:53B	Expired 8/21/84
16:53C	9/19/88
16:53D	5/7/89
16:54	4/7/91
16:55	11/7/88
16:56	6/4/89
16:60	11/7/88
16:61	11/7/88
16:62	4/15/90
16:72	3/31/91
16:73	2/16/87
16:75	6/6/88
16:76	12/19/88
16:77	1/21/90
16:78	10/7/90
16:79	10/20/91

TREASURY-GENERAL—TITLE 17

N.J.A.C.	Expiration Date
17:1	6/6/88
17:2	12/17/89
17:3	6/6/88
17:4	7/1/90
17:5	12/2/90
17:6	2/19/89
17:7	6/6/88
17:8	6/27/90
17:9	6/6/88
17:10	6/6/88
17:12	8/15/89
17:16	12/2/90
17:19	3/18/90
(Except for 17:19-10 which expired 3/3/85)	
17:19A	Expired 2/1/84
17:20	11/7/88
17:25	6/18/89
17:27	11/7/88
17:28	9/13/90
17:29	10/18/90

TREASURY-TAXATION—TITLE 18

N.J.A.C.	Expiration Date
18:3	4/23/89
18:5	4/16/89
18:6	4/2/89
18:7	4/2/89
18:8	4/2/89
18:9	8/12/88
18:12	8/12/88
18:12A	8/12/88
18:14	8/12/88
18:15	8/12/88
18:16	8/12/88
18:17	8/12/88
18:18	4/2/89
18:19	4/6/89
18:22	4/2/89
18:23	4/2/89
18:23A	8/5/90
18:24	8/12/88
18:25	1/6/91
18:26	8/12/88
18:30	4/2/89
18:35	8/12/88
18:36	2/4/90
18:37	8/5/90

OTHER AGENCIES—TITLE 19

N.J.A.C.	Expiration Date
19:3	6/19/88
19:3B	Exempt (N.J.S.A. 13:17-1)
19:4	11/7/88
19:4A	5/2/88
19:8	6/1/88
19:9	7/13/88
19:12	8/7/91
19:16	8/7/91
19:17	7/15/88
19:25	1/9/91
19:30	10/7/90
19:40	9/26/89
19:41	5/17/88
19:42	5/17/88
19:43	4/27/89
19:44	10/13/88
19:45	4/7/88
19:46	5/4/88
19:47	5/4/88
19:48	10/13/88
19:49	3/29/88
19:50	5/23/88
19:51	8/14/91
19:52	9/25/91
19:53	5/4/88
19:54	4/15/88
19:61	7/7/91
19:65	7/7/91
19:75	1/17/89

REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

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 proposals in this issue will be entered in the Index of the next issue of the 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 change 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, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf 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 December 1, 1986 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 adopt a proposed rule on a timely basis 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 implemented by 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" 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. See: N.J.A.C. 1:30-4.2(d).

Terms and abbreviations used in this Index:

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.1987 d.1 means the first rule adopted in 1987.

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 certifying 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. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: NOVEMBER 17, 1986.

NEXT UPDATE WILL BE DATED DECEMBER 15, 1986.

Note: If no changes have occurred in a Title during the previous month, no update will be issued for that Title.

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
18 N.J.R. 235 and 376	February 3, 1986	18 N.J.R. 1641 and 1726	August 18, 1986
18 N.J.R. 377 and 446	February 18, 1986	18 N.J.R. 1727 and 1862	September 8, 1986
18 N.J.R. 447 and 506	March 3, 1986	18 N.J.R. 1863 and 1978	September 22, 1986
18 N.J.R. 507 and 582	March 17, 1986	18 N.J.R. 1979 and 2078	October 6, 1986
18 N.J.R. 583 and 726	April 7, 1986	18 N.J.R. 2069 and 2148	October 20, 1986
18 N.J.R. 727 and 868	April 21, 1986	18 N.J.R. 2149 and 2234	November 3, 1986
18 N.J.R. 869 and 1018	May 5, 1986	18 N.J.R. 2235 and 2344	November 17, 1986
18 N.J.R. 1019 and 1122	May 19, 1986	18 N.J.R. 2345 and 2408	December 1, 1986
18 N.J.R. 1123 and 1222	June 2, 1986	18 N.J.R. 2409 and 2472	December 15, 1986
18 N.J.R. 1223 and 1326	June 16, 1986	19 N.J.R. 1 and 164	January 5, 1987
18 N.J.R. 1327 and 1432	July 7, 1986	19 N.J.R. 165 and 260	January 20, 1987
18 N.J.R. 1433 and 1504	July 21, 1986	19 N.J.R. 261 and 324	February 2, 1987
18 N.J.R. 1505 and 1640	August 4, 1986		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1				
1:1, 1:2—1:21	Administrative hearings	18 N.J.R. 1728(a)		
1:1-15.10	Prior transcribed testimony	18 N.J.R. 1865(a)	R.1986 d.468	18 N.J.R. 2381(a)
(TRANSMITTAL 24, dated October 20, 1986)				
AGRICULTURE—TITLE 2				
2:6-1	Sale and use of animal biologics	18 N.J.R. 2151(a)	R.1987 d.85	19 N.J.R. 286(a)
2:71-2.2—2.7	Jersey Fresh Quality Grading Program	18 N.J.R. 2347(a)	R.1987 d.89	19 N.J.R. 287(a)
2:76-5.3	Cost-share assistance for soil and water conservation projects	18 N.J.R. 1981(a)	R.1987 d.90	19 N.J.R. 288(a)
2:76-6.15	Acquisition of development easements: deed restrictions	18 N.J.R. 513(a)		
2:90-1.3	Soil erosion and sedimentation control	18 N.J.R. 2081(a)		
(TRANSMITTAL 44, dated October 20, 1986)				
BANKING—TITLE 3				
3:11-11.13	Leeway investments: confidentiality of approval process	18 N.J.R. 1224(a)		
3:13-4	Bank holding companies: interstate acquisitions	18 N.J.R. 1982(a)	R.1986 d.475	18 N.J.R. 2441(a)
3:13-4.2	Interstate acquisitions: correction	18 N.J.R. 1982(a)	R.1986 d.475	19 N.J.R. 289(a)
3:21-2.1	Credit union parity	18 N.J.R. 2237(a)	R.1987 d.93	19 N.J.R. 289(b)
3:41	Cemeteries: disinterment and reinterment of human remains	18 N.J.R. 1642(a)		
(TRANSMITTAL 35, dated November 17, 1986)				
PERSONNEL (CIVIL SERVICE)—TITLE 4				
4:1-2.1, 5.2, 11.2, 16, 24	Separations, demotions, layoffs; review and appeals	18 N.J.R. 450(a)		
4:1-8.4	Promotional examinations	18 N.J.R. 591(a)	R.1986 d.469	18 N.J.R. 2381(b)
4:1-12.18	Disposition of certification by appointing authority	18 N.J.R. 1642(b)		
4:1-15	Assignments and transfers	18 N.J.R. 592(a)		
4:1-18	Workweek programs	18 N.J.R. 1764(a)		
4:1-26	Supplemental compensation on retirement	18 N.J.R. 2152(a)	R.1987 d.31	19 N.J.R. 56(b)
4:2-15.1	Assignments and transfers	18 N.J.R. 592(a)		
4:2-16	Separations and demotions	18 N.J.R. 450(a)		
4:2-18	Workweek programs	18 N.J.R. 1764(a)		
4:2-26	Supplemental compensation on retirement	18 N.J.R. 2152(a)	R.1987 d.31	19 N.J.R. 56(b)
4:3-16	Separations and demotions	18 N.J.R. 450(a)		
4:4	State employees' awards program	18 N.J.R. 1766(a)	R.1987 d.20	19 N.J.R. 58(a)
4:5	Supplemental compensation on retirement	18 N.J.R. 2152(a)	R.1987 d.15	19 N.J.R. 56(a)
4:5	Supplemental compensation on retirement: readoption	18 N.J.R. 2152(a)	R.1987 d.31	19 N.J.R. 56(a)
(TRANSMITTAL 31, dated June 16, 1986)				
COMMUNITY AFFAIRS—TITLE 5				
5:18-2.5, 2.7, 2.11, 2.14, 3.2, 4.1, 4.7, 4.9-4.13, 4.17, 4.18	Uniform Fire Code: Fire Safety Code	18 N.J.R. 1225(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
5:18A-2.3, 4.3, 4.4	Fire Code Enforcement	18 N.J.R. 1225(a)		
5:23-2.23, 7.57	Barrier-Free Subcode	18 N.J.R. 2348(a)	R.1987 d.91	19 N.J.R. 289(c)
5:23-3.4, 3.20	Uniform Construction Code: mechanical subcode	18 N.J.R. 2083(a)	R.1987 d.14	19 N.J.R. 63(a)
5:23-3.15	Plumbing subcode	18 N.J.R. 2237(b)	R.1987 d.81	19 N.J.R. 289(d)
5:23-7.9, 7.20	Barrier Free Subcode: correction	18 N.J.R. 757(a)	R.1986 d.448	19 N.J.R. 63(b)
5:23-7.100-7.116	Barrier Free Subcode	18 N.J.R. 757(a)		
5:91-1.2, 1.3, 2.1, 3.1, 5.1, 7.1, 13.3, 13.4	Council on Affordable Housing: procedural rules	18 N.J.R. 1643(a)		
5:80-21	Housing and Mortgage Finance: single family loans	18 N.J.R. 2238(a)		
5:92-1.3, 10.4, 14, 15	Council on Affordable Housing: inclusionary development and affirmative marketing	18 N.J.R. 2083(b)	R.1986 d.479	18 N.J.R. 2442(a)
5:92-6.1, 8.2	Council on Affordable Housing: municipal credits; wetlands identification	19 N.J.R. 3(a)		

(TRANSMITTAL 46, dated November 17, 1986)

DEFENSE—TITLE 5A

(TRANSMITTAL 1, dated May 20, 1985)

EDUCATION—TITLE 6

6:8	Thorough and Efficient System of Free Public Schools	18 N.J.R. 1984(a)	R.1987 d.32	19 N.J.R. 63(b)
6:8-7.1	High school graduation requirements	19 N.J.R. 4(a)		
6:8-7.1	High school graduation requirements	19 N.J.R. 4(b)		
6:11-12.11	Speech-language specialist endorsement	18 N.J.R. 1994(a)	R.1987 d.35	19 N.J.R. 75(a)
6:11-12.24	Teacher-coordinator certification in Work Experience Career Exploration Program	18 N.J.R. 1995(a)	R.1987 d.34	19 N.J.R. 75(b)
6:21-10	Pupil transportation in small private vehicles	18 N.J.R. 2155(a)	R.1987 d.94	19 N.J.R. 290(a)
6:21-18	Inspection of vehicles used for pupil transportation	19 N.J.R. 5(a)		
6:28-3.4, 3.5	Special education	18 N.J.R. 1771(a)	R.1987 d.36	19 N.J.R. 76(a)
6:29-8.1, 8.2	Audiometric screening	18 N.J.R. 1996(a)	R.1987 d.33	19 N.J.R. 76(b)
6:46	Area Vocational Technical and Private Schools: waiver of Executive Order No. 66 (1978) sunset provision	18 N.J.R. 1996(b)		
6:46-1	Area vocational technical schools	18 N.J.R. 1511(a)		
6:68-7	Municipal branch library services	19 N.J.R. 6(a)		
6:68-8	Evaluation and development of library collections	19 N.J.R. 7(a)		
6:68-9	Maintenance of library collections	19 N.J.R. 8(a)		

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ENVIRONMENTAL PROTECTION—TITLE 7

7:1-3	Interim Environmental Cleanup Responsibility Act rules	19 N.J.R. 10(a)		
7:1-6	Disposal of solid waste	18 N.J.R. 883(a)		
7:1F-1, 2	Industrial Survey Project rules	19 N.J.R. 11(a)		
7:2-11	Natural Areas System	18 N.J.R. 2349(b)		
7:7-1, 2, 3, 4, 6	Coastal Permit Program	18 N.J.R. 2156(a)		
7:7-2.2	Monmouth County wetlands maps	18 N.J.R. 2162(a)		
7:9-4.14	Water quality criteria for Mainstem Delaware River Zones	18 N.J.R. 1435(a)		
7:9-13	Sewer connection bans	18 N.J.R. 2163(a)		
7:11-3	Use of water from Delaware and Raritan Canal and Spruce Run/Round Valley Reservoir Complex	18 N.J.R. 1330(a)		
7:13-7.1	Floodway delineations along East Branch of Stony Brook, South Branch of Rockaway Creek, and Whale Pond Brook	18 N.J.R. 1239(a)		
7:13-7.1(d)	Redelineation of Raritan River and Peters Brook	18 N.J.R. 600(a)	Withdrawn	19 N.J.R. 167(a)
7:13-7.1(d)	Redelineation of Raritan River and Peters Brook: repropoed	19 N.J.R. 167(b)		
7:13-7.1(d)	Redelineation of Wolf Creek in Hackensack Basin	18 N.J.R. 2355(a)		
7:13-7.1(d)	Redelineation of Holland Brook in Somerset County	18 N.J.R. 1866(a)		
7:13-7.1(d)	Redelineation of North Branch Raritan River in Somerset County	18 N.J.R. 1866(b)		
7:13-7.1(e)	Redelineation of Henderson Brook in Passaic River	18 N.J.R. 2169(a)		
7:13-7.1(g)	Flood hazard areas along the Saddle, Ramapo and Mahwah rivers, and Masonicus Brook	19 N.J.R. 169(a)		
7:14A-1, 2, 3, 5, 10, 12	New Jersey Pollutant Discharge Elimination System	18 N.J.R. 2085(a)		
7:14A-1, 2, 3, 5, 10, 12	New Jersey Pollutant Discharge Elimination System: comment period extended	18 N.J.R. 2411(a)		
7:14A-1.9, 12	Sewer connection bans	18 N.J.R. 2163(a)		
7:14A-6.16	Disposal of solid waste	18 N.J.R. 883(a)		
7:22-1, 2, 8	Wastewater treatment facilities: State matching grants	18 N.J.R. 1869(a)	R.1987 d.38	19 N.J.R. 77(a)
7:22-3	Wastewater Treatment Fund procedures	18 N.J.R. 1875(a)	R.1987 d.37	19 N.J.R. 84(a)
7:22-4	Wastewater Treatment Trust procedures	18 N.J.R. 1883(a)	R.1987 d.40	19 N.J.R. 95(a)
7:22-5	Determination of allowable costs: Wastewater Treatment Fund and Trust	18 N.J.R. 1891(a)	R.1987 d.39	19 N.J.R. 105(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
7:22-6	Pinelands Infrastructure Trust Fund procedures	18 N.J.R. 1896(a)		
7:22-7	Determination of allowable costs: Pinelands	18 N.J.R. 1904(a)		
7:25-6	1987-88 Fish Code	18 N.J.R. 1644(a)	R.1987 d.41	19 N.J.R. 110(a)
7:25-18A.4	Sale of striped bass	18 N.J.R. 2170(a)		
7:26-1.4, 2, 2A, 2B, 5, 12.11, 12.12	Disposal of solid waste	18 N.J.R. 883(a)		
7:26-1.4, 7.5, 7.7, 8.13	Waste oil	18 N.J.R. 878(a)		
7:26-2.9	Closure and post-closure of sanitary landfills	18 N.J.R. 252(a)		
7:26-2.9	Closure and post-closure of sanitary landfills	18 N.J.R. 924(a)		
7:26-2.9	Closure and post-closure care of sanitary landfills	18 N.J.R. 2170(b)		
7:26-2.13	Solid waste facilities: recordkeeping	19 N.J.R. 171(a)		
7:26-6.5	Interdistrict and intradistrict solid waste flow	18 N.J.R. 1773(a)	R.1987 d.72	19 N.J.R. 202(b)
7:26-6.5	Interdistrict and intradistrict solid waste flow	18 N.J.R. 2171(a)	R.1987 d.71	19 N.J.R. 202(a)
7:26-8.1, 8.2, 8.19, 9.3, 9.7, 12.2	Hazardous waste management	17 N.J.R. 2941(a)	R.1987 d.18	19 N.J.R. 113(a)
7:26-8.1, 8.2, 8.19, 9.3, 9.7, 12.2	Hazardous waste management: extension of comment period	18 N.J.R. 254(a)		
7:26-8.14, 8.15, 8.16	Hazardous waste criteria, identification and listing	18 N.J.R. 1037(a)	R.1986 d.474	18 N.J.R. 2445(a)
7:26-8.17	Hazardous waste delisting procedure	18 N.J.R. 1335(a)	R.1986 d.473	18 N.J.R. 2446(a)
7:26-9.1, 9.3, 10.4, 10.8, 11.4, 12.1, 12.2	Hazardous waste management	18 N.J.R. 2356(a)		
7:26-12.2	Hazardous waste facilities: application signatories	19 N.J.R. 11(b)		
7:26-15	Recycling Grants and Loans Program	18 N.J.R. 2358(a)		
7:26-16A.1, 16A.2	Filing of disclosure statements by solid and hazardous waste licensees subject to A-901	18 N.J.R. 2172(a)	R.1987 d.54	19 N.J.R. 203(a)
7:26-17	Scales at solid waste facilities	18 N.J.R. 1154(a)		
7:27-16.1, 16.3	Air pollution control: Stage II vapor recovery	18 N.J.R. 1867(a)		
7:28-14	Therapeutic radiation installations	18 N.J.R. 1157(a)		
7:28-19.2, 19.3, 19.4, 19.6, 19.9, 19.10, 19.12	Licensure of orthopedic and urologic x-ray technologists	18 N.J.R. 2361(a)		
7:28-42.1	Workplace exposure to radio frequency radiation	18 N.J.R. 1166(a)		
7:50	Pinelands Comprehensive Management Plan	18 N.J.R. 2239(a)		
7:50	Pinelands Comprehensive Management Plan: public hearings	18 N.J.R. 2411(b)		

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HEALTH—TITLE 8

8:2-1	Birth certificates	18 N.J.R. 2278(a)		
8:8-1.2, 5.5, 6.2	Screening of human blood	18 N.J.R. 2280(a)		
8:21-2.41	Sale of striped bass	18 N.J.R. 2174(a)		
8:21-4	Control of new drugs and Laetrite use	18 N.J.R. 2363(a)		
8:21-5	Foods, drugs, cosmetics, devices: order to remove from sale and recall	18 N.J.R. 1361(b)		
8:21-5	Order to remove from sale and recall of foods, drugs, cosmetics, and devices: extension of proposal comment period	18 N.J.R. 1715(b)		
8:26	Public recreational bathing: public hearing rescheduled	19 N.J.R. 12(a)		
8:26-3.9, 5.6, 5.7, 5.9, 7.6, App.	Public recreational bathing	18 N.J.R. 2281(a)	R.1987 d.99	19 N.J.R. 290(b)
8:31-25.1	Mobile intensive care: administration of medications	18 N.J.R. 602(a)		
8:31-26.3, 26.4	Home health agencies: employee physicals; child abuse and neglect	18 N.J.R. 2283(a)		
8:31-30.1	Health facilities construction: plan review fees	18 N.J.R. 795(a)	R.1987 d.24	19 N.J.R. 116(a)
8:31B-2.2, 3.51, 3.57, 3.73, 4.40	Hospital reimbursement: Same Day Surgery services	18 N.J.R. 1908(a)		
8:31B-3.19	Hospital reimbursement: RIM methodology implementation	_____	_____	19 N.J.R. 249(b)
8:31B-3.27, 4.42	Hospital reimbursement: capital facilities allowance	18 N.J.R. 1912(a)		
8:31B-3.38, 3.58, App. II, 4.66	Hospital reimbursement: malpractice costs	18 N.J.R. 1911(a)	R.1986 d.477	18 N.J.R. 2447(a)
8:31B-3.41, 4.15, 4.38, 4.39	Hospital reimbursement: uncompensated care	18 N.J.R. 2283(b)		
8:31B-3.72	Hospital reimbursement: periodic adjustments	18 N.J.R. 1917(a)		
8:31B-3.73, App. IX	Hospital reimbursement: cost/volume methodology	18 N.J.R. 2284(a)		
8:31B-3.73, App. IX	Hospital reimbursement: correction to cost/volume methodology	19 N.J.R. 12(b)		
8:31B-3.76-3.82	Hospital reimbursement: URO performance evaluation; post-billing denial of payments	18 N.J.R. 150(b)		
8:31C-1	Residential alcoholism treatment facilities: cost accounting and rate evaluation	18 N.J.R. 1918(a)	R.1987 d.75	19 N.J.R. 203(b)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
8:33H-2.1, 3.2, 3.3, 3.5, 3.8, 3.10	Long-Term Care Policy Manual	18 N.J.R. 2095(a)	R.1987 d.74	19 N.J.R. 210(a)
8:41-8	Mobile intensive care: administration of medications	18 N.J.R. 602(a)		
8:42	Licensure of home health agencies	18 N.J.R. 2287(a)		
8:43E-1	Hospital Policy Manual	18 N.J.R. 825(a)		
8:43E-5	Intermediate Adult and Special Psychiatric Beds: certification of need	19 N.J.R. 171(b)		
8:51-1—6	Standards for local boards of health	18 N.J.R. 1690(a)	R.1986 d.476	18 N.J.R. 2448(a)
8:52	Standards for local boards of health	18 N.J.R. 1690(a)	R.1986 d.476	18 N.J.R. 2448(a)
8:60-1.1, 4.2-4.8, 5.2, 5.4-5.7, 6.1, 6.3, 6.11	Asbestos licenses and permits	18 N.J.R. 156(a)	R.1986 d.149	18 N.J.R. 986(a)
8:65-10	Publication notice of Controlled Dangerous Substances list	_____	_____	18 N.J.R. 2463(a)
8:71	Generic drug list additions: public hearing (see 18 N.J.R. 1381(a), 1463(b), 1957(a), 2015(a), 19 N.J.R. 118(a))	18 N.J.R. 537(a)	R.1987 d.57	19 N.J.R. 216(b)
8:71	Generic drug list additions (see 18 N.J.R. 1955(b), 2208(b), 19 N.J.R. 116(b))	18 N.J.R. 1167(a)	R.1987 d.66	19 N.J.R. 216(c)
8:71	Generic drug additions (19 N.J.R. 116(c))	18 N.J.R. 1775(a)	R.1987 d.67	19 N.J.R. 217(a)
8:71	Interchangeable drug products	18 N.J.R. 2100(a)	R.1987 d.55	19 N.J.R. 215(a)
8:71	Interchangeable drug products	18 N.J.R. 2101(a)	R.1987 d.56	19 N.J.R. 216(a)
8:71	Interchangeable drug products	19 N.J.R. 13(a)		

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HIGHER EDUCATION—TITLE 9

9:1-1.4	Submission of financial statements by independent special purpose and theological institutions	18 N.J.R. 2364(a)		
9:1-6.1	Approval of courses-for-credit offered by out-of-state institutions	18 N.J.R. 2365(a)		
9:2-5	Management of computerized information	18 N.J.R. 799(a)	R.1987 d.19	19 N.J.R. 118(b)
9:4	Policies and procedures for community colleges	18 N.J.R. 1439(a)	R.1986 d.466	18 N.J.R. 2382(a)
9:4-1.5	Community college chargeback system	19 N.J.R. 14(a)		
9:7-2.6	Student assistance programs: student dependency status defined	19 N.J.R. 176(a)		
9:7-3.1	Tuition Aid Grant Program: 1987-88 Award Table	19 N.J.R. 177(a)		
9:7-9	Carl D. Perkins Scholarship Program	18 N.J.R. 2174(b)		
9:11-1.2	Student residency	18 N.J.R. 1777(a)		
9:11-1.5	Educational Opportunity Fund: undergraduate grants	19 N.J.R. 15(a)		
9:12-1.5, 2.3	Educational Opportunity Fund Program	18 N.J.R. 801(b)		

(TRANSMITTAL 34, dated October 20, 1986)

HUMAN SERVICES—TITLE 10

10:2	County Human Services Advisory Councils	18 N.J.R. 1777(b)	R.1987 d.17	19 N.J.R. 121(a)
10:12-3	Referral of handicapped students for adult educational services	18 N.J.R. 1997(a)	R.1987 d.13	19 N.J.R. 124(a)
10:49-1.5	Records retention by long-term care facilities	18 N.J.R. 2411(c)		
10:51-1, App. B, C	Pharmaceutical services manual	18 N.J.R. 1780(a)	R.1987 d.7	19 N.J.R. 125(a)
10:51-2.2, 2.3, 2.6	Pharmaceutical Services Manual: pharmacy claims	18 N.J.R. 1674(a)	R.1986 d.465	18 N.J.R. 2387(a)
10:52-1.5, 1.17	Out-of-state inpatient hospital services	18 N.J.R. 538(a)		
10:56-3	HCPCS codes for dental services	19 N.J.R. 15(b)		
10:60-2.2, 2.3, 3.1	Personal care assistant services	18 N.J.R. 2365(b)		
10:61-1, 2	Independent laboratory services	18 N.J.R. 540(a)		
10:62-1, 2, 3	Vision Care Manual	18 N.J.R. 1246(a)		
10:63-1.14	Records retention by long-term care facilities	18 N.J.R. 2411(c)		
10:63-3.2, 3.4, 3.5, 3.6, 3.8, 3.10-3.15, 3.18, 3.19	Long-term care facilities: CARE Guidelines	18 N.J.R. 257(a)	R.1987 d.6	19 N.J.R. 126(a)
10:65-1.5, 1.8	Medical day care centers: recordkeeping	19 N.J.R. 30(a)		
10:66-2, 3	Independent clinic services	18 N.J.R. 541(a)		
10:66-3	Independent clinic transportation services: HCPCS codes	18 N.J.R. 1252(a)		
10:68-2	Chiropractor billing procedures	18 N.J.R. 810(a)		
10:81-3.12	PAM: parent-minor and AFDC	19 N.J.R. 31(a)		
10:81-3.18	PAM: exemption from WIN registration	18 N.J.R. 2301(a)		
10:81-3.34	PAM: temporary absence of child from home	18 N.J.R. 1675(a)		
10:81-7.29	Retroactive funeral payments	18 N.J.R. 2176(a)		
10:81-11.18	PAM: child support guidelines	18 N.J.R. 2178(a)		
10:82-1.3, 4.16	ASH: household defined; court-ordered support	19 N.J.R. 31(b)		
10:82-1.8, 1.9, 2.14, 2.20, 3.1, 3.2, 4.4, 4.6, 4.15, 4.17, 5.3, 5.10	ASH: conformity with Federal regulations	18 N.J.R. 260(a)	R.1986 d.471	18 N.J.R. 2388(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R.CITATION)
10:82-2.3, 2.4, 4.3	ASH: AFDC eligibility requirements	18 N.J.R. 928(a)	R.1986 d.470	18 N.J.R. 2388(b)
10:82-4.15	ASH: lump sum income	19 N.J.R. 32(a)		
10:85-2.2, 3.1-3.4	GAM: correction to Administrative Code			19 N.J.R. 307(b)
10:85-3.2	GAM: exemption from work requirement and unemployability	18 N.J.R. 2183(a)		
10:85-3.3	GAM: Medically Needy eligibility	18 N.J.R. 1781(a)		
10:85-3.3, 3.4	GAM: treatment of agent orange payments	19 N.J.R. 32(b)		
10:85-4.9	Retroactive funeral payments	18 N.J.R. 2176(a)		
10:85-5.3	GAM: payment of medical insurance premiums	19 N.J.R. 33(a)		
10:85-8.4	GAM: information concerning PAAD	18 N.J.R. 1343(b)		
10:87-2.21	Mandatory verification: correction			18 N.J.R. 2391(b)
10:87-12.1, 12.2	Food Stamp Program: income deductions and maximum coupon allotments	18 N.J.R. 2137(a)	R.1987 d.5	19 N.J.R. 129(a)
10:94-4.2, 4.3	Medicaid eligibility and nonliquid resources	18 N.J.R. 542(a)	R.1986 d.481	18 N.J.R. 2457(a)
10:94-5.4, 5.5, 5.6, 5.7	Medicaid Only: eligibility computation amounts	Emergency	R.1987 d.78	19 N.J.R. 245(a)
10:100-3.10	Retroactive funeral payments	18 N.J.R. 2176(a)		
10:100-App. A	Supplemental Security Income payment levels	Emergency	R.1987 d.79	19 N.J.R. 246(a)
10:121-2	Adoption subsidy	18 N.J.R. 24(a)	R.1987 d.45	19 N.J.R. 129(b)
10:121A-2.2	Certification period for adoption agencies	18 N.J.R. 1923(a)		
10:132	Youth and Family Services: court actions and proceedings	18 N.J.R. 1924(a)	R.1987 d.16	19 N.J.R. 130(a)

(TRANSMITTAL 46, dated November 17, 1986)

CORRECTIONS—TITLE 10A

10A:4-4.1	Inmate discipline: prohibited acts	19 N.J.R. 178(a)		
10A:4-5.2	Inmate discipline: schedule of sanctions at Youth Complex	19 N.J.R. 178(b)		
10A:9	Classification of inmates	18 N.J.R. 1649(a)	R.1987 d.48	19 N.J.R. 218(a)
10A:9-4.6	Reduced custody consideration for inmates with mandatory minimum sentences of 24 months or less	19 N.J.R. 178(c)		
10A:16	Medical and health services	18 N.J.R. 1662(a)		
10A:17-9	Referral of handicapped children for adult educational services	18 N.J.R. 2102(a)	R.1986 d.480	18 N.J.R. 2457(b)
10A:18	Mail, visits, and use of telephone	19 N.J.R. 33(b)		
10A:34-2	Municipal detention facilities	18 N.J.R. 2412(a)		

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INSURANCE—TITLE 11

11:1-16	Filing of rate decreases	18 N.J.R. 1998(a)	R.1986 d.478	18 N.J.R. 2458(a)
11:1-20, 22	Cancellation and nonrenewal of commercial policies	18 N.J.R. 2301(b)		
11:1-22.3	Reinstatement of commercial lines policies	18 N.J.R. 2414(a)		
11:1-24	Credit cards and payment of insurance premiums	18 N.J.R. 1999(a)		
11:2-17.11, 17.14	Settlement of automobile damage claims	18 N.J.R. 2415(a)		
11:2-19.2	Continuing education	18 N.J.R. 44(a)	Expired	
11:3-7	Automobile Reparation Reform: additional personal injury protection	19 N.J.R. 44(a)		
11:3-10.3, 10.10	Settlement of automobile damage claims	18 N.J.R. 2415(a)		
11:3-13.1, 13.3, 13.4, 13.5, 13.6	Deductibles for private passenger automobile coverage	19 N.J.R. 46(a)		
11:3-16	Pre-proposal: Private passenger automobile rate filings	18 N.J.R. 1083(a)		
11:3-17.4, 17.5	Private passenger automobile rate filings	19 N.J.R. 47(a)		
11:4-16.6	Daily hospital room and board coverage	18 N.J.R. 608(a)		
11:4-16.8	Medicare information brochure	18 N.J.R. 2103(a)	R.1987 d.96	19 N.J.R. 291(a)
11:4-20	Coverage of the handicapped	18 N.J.R. 44(b)	Expired	
11:4-21	Limited death benefit policies	18 N.J.R. 1085(a)		
11:4-23.8	Medicare information brochure	18 N.J.R. 2107(a)	R.1987 d.95	19 N.J.R. 291(a)
11:5-1.3	Real estate licensing qualifications	18 N.J.R. 1782(a)	R.1987 d.68	19 N.J.R. 232(a)
11:5-1.15	Advertising by real estate licensees	18 N.J.R. 1679(a)	R.1987 d.69	19 N.J.R. 232(b)
11:5-1.16	Obligations of real estate licensees	18 N.J.R. 1677(a)		
11:5-1.16, 1.23	Public hearing: Obligations of real estate licensees	18 N.J.R. 2113(a)		
11:5-1.23	Obligations of real estate licensees	18 N.J.R. 1680(a)		
11:5-1.23	Obligations of real estate licensees	18 N.J.R. 2112(a)		
11:5-1.25	Sales of interstate properties	18 N.J.R. 2416(a)		
11:5-1.28	Certification as approved real estate education instructor	18 N.J.R. 1681(a)		
11:5-1.30	Transfer of real estate licenses	18 N.J.R. 2418(a)		
11:12	Pre-proposal: Legal services insurance	18 N.J.R. 1783(a)		
11:17-1	Surplus lines insurance guaranty fund surcharge	18 N.J.R. 1173(a)		

(TRANSMITTAL 42, dated November 17, 1986)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
LABOR—TITLE 12				
12:16-19.1	Charging of unemployment benefits to employer's account	18 N.J.R. 1682(a)		
12:16-20.1	Work relief and work training programs: exempt employment	18 N.J.R. 1683(a)		
12:17-2.2, 2.4	Unemployment compensation claims and verification of Social Security numbers	18 N.J.R. 1683(b)		
12:17-3.1, 4.1, 4.2	"Week of partial unemployment" defined	18 N.J.R. 1684(a)		
12:100-4.2	Protection of firefighters	19 N.J.R. 48(a)		

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COMMERCE AND ECONOMIC DEVELOPMENT—TITLE 12A

12A:10-1	Award of contracts to small, female-owned and minority businesses	18 N.J.R. 2306(a)		
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(TRANSMITTAL 1, dated September 22, 1986)

LAW AND PUBLIC SAFETY—TITLE 13

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13:27-8.12	Continuing education in landscape architecture	18 N.J.R. 2367(a)		
13:29-1.7	Conditional credit on Uniform CPA examination	19 N.J.R. 48(b)		
13:30-2.16	Continuing education in dental hygiene and dental assisting	18 N.J.R. 2113(b)	R.1987 d.97	19 N.J.R. 296(a)
13:30-8.6, 8.15	Practice of dentistry and referral fees	18 N.J.R. 2419(a)		
13:30-8.16	Dental X-rays and use of lead shield	18 N.J.R. 2113(c)	R.1987 d.98	19 N.J.R. 296(b)
13:31-1	Board of Examiners of Electrical Contractors	18 N.J.R. 2113(d)	R.1987 d.44	19 N.J.R. 137(a)
13:31-1.12, 1.13, 1.14, 1.15	Licensure of electrical contractors	19 N.J.R. 49(a)		
13:35-1.5	Practice by medical school graduates in hospital residency programs	18 N.J.R. 2184(a)		
13:35-6.10	Ambulatory care facilities: advertising and solicitation practices	18 N.J.R. 1788(d)	R.1986 d.467	18 N.J.R. 2390(a)
13:36-1.9	Itemization of funeral expenses	18 N.J.R. 2186(a)		
13:37-6.3	Nursing procedures: administration of renal dialysis treatment	18 N.J.R. 398(b)		
13:39A-1.4	Licensure of physical therapists: fees and charges	18 N.J.R. 1177(a)		
13:39A-2.2	Authorized practice by physical therapist	18 N.J.R. 1177(b)		
13:39A-2.2, 3.3	Electromyographic testing by licensed physical therapist: public hearing	18 N.J.R. 1684(b)		
13:39A-3.3	Physical therapy: unlawful practices	18 N.J.R. 1178(a)		
13:39A-5.2—5.4, 5.6—5.9	Physical therapy educational credentials and examination standards	18 N.J.R. 1179(a)	R.1987 d.84	19 N.J.R. 297(a)
13:39A-6	Temporary licensure of physical therapists	18 N.J.R. 1179(b)	R.1987 d.83	19 N.J.R. 298(a)
13:40-5.1	Preparation of land surveys	18 N.J.R. 2367(b)		
13:45A-2	Motor vehicle advertising practices	18 N.J.R. 2419(b)		
13:45A-6.2	Unlawful automobile sales practices	18 N.J.R. 2115(a)		
13:45A-24	Sale of gray market merchandise	19 N.J.R. 179(a)		
13:46-1A.1, 1A.2, 5.19, 12.4	Boxing: weight classes, age limitations, health safeguards	18 N.J.R. 1789(a)	R.1987 d.53	19 N.J.R. 232(c)
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13:46-4.7, 4.25	Licensure of boxers	18 N.J.R. 1924(c)	R.1987 d.51	19 N.J.R. 233(b)
13:46-5.23	Boxing: time between bouts	18 N.J.R. 2423(a)		
13:46-8.14	Boxing: three knockdown rule	18 N.J.R. 2424(a)		
13:46-8.25, 11.10	Compensation for boxing referees, judges and timekeepers	18 N.J.R. 1925(a)	R.1987 d.50	19 N.J.R. 234(a)
13:46-21.2	Compensation of wrestling referees	18 N.J.R. 1790(a)	R.1987 d.49	19 N.J.R. 233(c)
13:47-6.19	Prohibited prizes in games of chance	18 N.J.R. 1180(a)	R.1987 d.82	19 N.J.R. 298(b)
13:47-14.3	Rental of premises for bingo	18 N.J.R. 1180(b)		
13:47B-1.22	Approaches for vehicle scales	18 N.J.R. 2116(a)		
13:60	Motor carrier safety	18 N.J.R. 2311(a)	R.1987 d.73	19 N.J.R. 234(b)
13:70-3.42	Thoroughbred racing: workmen's compensation insurance	18 N.J.R. 2116(b)	R.1987 d.42	19 N.J.R. 138(a)
13:70-3.47	Thoroughbred racing: Coggins test	18 N.J.R. 401(a)		
13:70-29.29—29.34	Thoroughbred racing: refunds of advance wagers	18 N.J.R. 2368(a)		
13:71-6.1	Harness racing: workmen's compensation insurance	18 N.J.R. 2117(a)	R.1987 d.43	19 N.J.R. 138(b)
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14:18-1.2, 11.21, 13	CATV: franchise renewals	18 N.J.R. 1181(a)	R.1987 d.70	19 N.J.R. 238(a)

(TRANSMITTAL 29, dated September 22, 1986)

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14A:3-4.4	Energy subcode: thermal efficiency standards	18 N.J.R. 2349(a)	R.1987 d.92	19 N.J.R. 298(c)
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(TRANSMITTAL 21, dated September 22, 1986)

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15:5	State Museum	18 N.J.R. 2368(b)		
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(TRANSMITTAL 18, dated October 20, 1986)

PUBLIC ADVOCATE—TITLE 15A

(TRANSMITTAL 1, dated March 20, 1978)

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16:28-1.10	Speed limits on U.S. 46 in Morris County	18 N.J.R. 2117(b)	R.1987 d.1	19 N.J.R. 138(c)
16:28-1.24	Speed rates on Frontage Roads 1 and 2 in Paterson	18 N.J.R. 2190(a)	R.1987 d.25	19 N.J.R. 138(d)
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16:28-1.98	Speed limits on Route 52 in Cape May and Atlantic Counties	18 N.J.R. 2118(a)	R.1987 d.3	19 N.J.R. 139(b)
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16:28A-1.7, 1.41, 1.108	No parking zones along U.S. 9 in Little Egg Harbor, and Routes 77 and U.S. 40-N.J. 45 in Salem County	19 N.J.R. 180(a)		
16:28A-1.8, 1.18	Parking along Routes 10 in Livingston and 27 in Linden	19 N.J.R. 51(a)		
16:28A-1.22, 1.104	No parking zones along Route 31 and U.S. 40-322	18 N.J.R. 2318(a)	R.1987 d.60	19 N.J.R. 240(a)
16:28A-1.32, 1.107	Bus stops along U.S. 46 in Mountain Lakes and Route 175 in Ewing Township	18 N.J.R. 2190(b)	R.1987 d.26	19 N.J.R. 139(c)
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16:29-1.36	No passing zones on Route 147 in Cape May County	18 N.J.R. 2119(b)	R.1987 d.64	19 N.J.R. 243(b)
16:29-1.65	No passing zones on Route 166 in Ocean County	18 N.J.R. 2119(c)	R.1987 d.62	19 N.J.R. 243(c)
16:29-1.66	No passing zone along Route 140 in Carney's Point	19 N.J.R. 181(a)		
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(TRANSMITTAL 46, dated November 17, 1986)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
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17:4-4.4	Police and Firemen's Retirement System: loan interest	18 N.J.R. 2437(b)		
17:4-6.1	Police and Firemen's Retirement System: retirement applications	18 N.J.R. 1795(a)	R.1987 d.11	19 N.J.R. 140(c)
17:7-1.4	Prison Officers' Pension Fund: election of commission members	18 N.J.R. 1352(b)	R.1987 d.28	19 N.J.R. 140(d)
17:7-3.1	Prison Officers' Pension Fund: retirement applications	18 N.J.R. 1796(a)	R.1987 d.29	19 N.J.R. 141(a)
17:8-3.7	Supplemental Annuity Collective Trust: investment of contributions	19 N.J.R. 52(c)		
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17:30	Urban Enterprise Zone Authority	18 N.J.R. 2191(b)		

(TRANSMITTAL 43, dated November 17, 1986)

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18:7-4.5, 4.6, 5.5	Corporation business tax: indebtedness, interest, and offsets	18 N.J.R. 2004(b)		
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(TRANSMITTAL 38, dated November 17, 1986)

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19:8-2.12	Emergency service rates on Parkway	18 N.J.R. 2120(c)	R.1987 d.9	19 N.J.R. 141(c)
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19:47-7.7	Minibaccarat	19 N.J.R. 54(b)		
19:50-1.3	Alcoholic beverage licensees	18 N.J.R. 2379(a)		
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(TRANSMITTAL 27, dated October 20, 1986)



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