

NEW JERSEY REGISTER



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RULE PROPOSALS**ADMINISTRATIVE LAW****(a)****OFFICE OF ADMINISTRATIVE LAW****Uniform Administrative Procedure Rules of Practice****Non-Lawyer Representation in contested cases****Proposed Amendments: N.J.A.C. 1:1-3.7, 1:2-2.10 and 1:6A-4.2****Proposed New Rules: N.J.A.C. 1:1-3.12 and 3.13**

Authorized By: Ronald I. Parker, Acting Director, Office of Administrative Law.

Authority: N.J.S.A. 52:14F-56e, f and g; and R. 1:21-1(e).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and any inquiries about submissions and responses, should be addressed to:

Steven L. Lefelt, Deputy Director
Office of Administrative Law
185 Washington Street
Newark, NJ 07102

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

This proposal is known as PRN 1984-337.

The agency proposal follows:

Summary

The OAL published notice of proposed rules and amendments in the March 19, 1984 issue of the New Jersey Register at 16 N.J.R. 472(a) governing non-lawyer representation in contested cases. During the comment period, written comments were received from the Attorney General's Office, Division of Public Welfare, Division of Medical Assistance and Health Services, Division of Youth and Family Services, Division of Public Interest Advocacy, Department of Civil Service, Board of Public Utilities, Legal Services of New Jersey, Inc., Teaneck Parent Information Center, Communications Workers of America, the International Federation Professional and Technical Engineers and the Honorable Stephen Skillman, J.S.C., Middlesex County. Each written comment was responded to individually.

The OAL, after review of the comments generated and as a result of substantial changes made, has decided to repropose these rules.

Many comments expressed concern that N.J.A.C. 1:1-3.12(a)(2), which requires that a non-lawyer State agency representative file a notice of appearance in each case in which he or she appears, will be unnecessarily burdensome on State agencies. Several commentators suggested that the OAL maintain a list of non-lawyer State agency representatives whose permanent applications to appear have been approved by the OAL. The OAL agrees with this suggestion and has modified the rule accordingly. The only further condition to an appearance by an approved State agency representative will be an assertion at the hearing that the Attorney General's Office has declined representation in the particular case. The mechanics for obtaining the Attorney General's decision to decline representation in a particular case will need to be developed between the Attorney General's Office and the various State agencies. Accordingly, the rule will not be operative until 30 days after promulgation to provide for an adequate implementation period. After careful review of the comments received, and in order to simplify and expedite the application process, the OAL has also decided to adopt a similar procedure for non-lawyer union representatives and non-lawyer representatives of legal services programs.

A large number of the commentators objected to N.J.A.C. 1:1-3.12(e)(1), which imposed certain limitations on non-lawyer activities, as being unduly burdensome and impracticable. The OAL agrees and has deleted these limitations. However,

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the OAL intends to monitor the conduct of non-lawyer representatives to determine whether some further limitations on oral and/or written communications may be required.

Several comments concerned the language used in the proposal. Some questioned the statement in N.J.A.C. 1:1-3.12(a)(1)(i) that non-lawyer representatives of recipients or applicants in Human Services cases must satisfy the Federal and State requirements for non-lawyer representation, asserting that there are no Federal requirements and that any State restrictions would be superseded by Federal law. The OAL agrees that the only Federal requirements for non-lawyer representation in DPW and DMAHS cases is the applicant or recipient's right to represent himself or herself or be represented by legal counsel, a relative, friend or other spokesperson. The only State requirements intended to be imposed by this rule are those contained within New Jersey Supreme Court Rule R.1:21-1(e) and N.J.A.C. 1:1-3.12. In order to avoid confusion, the OAL has deleted the reference to Federal requirements in N.J.A.C. 1:1-3.12(a)(1)(i) and has included additional language in order to clarify the intent of the rule.

Two commentors objected to the use of the word "specifically" in N.J.A.C. 1:1-3.12(a)(4). The OAL has deleted the word "specifically" in order to clarify that a non-lawyer representative shall not receive any fee for his or her appearance.

It was also suggested that a definition of the term "close corporation" should be included in the proposed rule. The OAL has chosen not to follow this recommendation but will, instead, rely upon relevant court decisions to refine the definition on a case by case basis.

Various comments were directed to the procedural requirements of the application process. One criticism was that the 10-day time frame for filing either a notice of appearance or a written application prior to the scheduled hearing date might deprive those individuals who do not understand or who are otherwise unaware of this requirement of representation at the hearing. The OAL will make every effort to notify all parties of the availability of non-lawyer representation at the earliest possible date. In addition, administrative law judges are empowered by N.J.A.C. 1:1-1.3 to waive the 10-day time period when appropriate.

After careful consideration of the comments received, the OAL has decided to modify the proposed rule to permit non-lawyer representatives of legal services programs to file a notice of appearance rather than a written application, to be filed within five days after receipt of the notice of hearing to ensure protection of the rights of legal services clients and to eliminate uncertainty in these cases.

Other comments objected to the requirement that an application to represent an indigent party include (1) an explanation of why the party cannot adequately present his or her own case, and (2) a statement that the party lacks the financial means to retain an attorney. In response to the concern that the first statement would be unnecessary and embarrassing, the OAL will delete this requirement, but an applicant must still set forth how the individual seeking non-lawyer representation will benefit from the assistance. With respect to the second required statement, the OAL does not intend to probe the financial status of individuals seeking non-lawyer representation. A statement by the individual seeking assistance that he or she lacks the financial means to retain an attorney and that representation is not available through a legal services program will suffice.

In a change of representative situation, the Division of Public Interest Advocacy suggested that an individual should

be entitled to an adjournment as of right and to the choice of another qualified non-lawyer representative if an ALJ is only dissatisfied with a particular non-lawyer representative appearing in the case. In response, the OAL feels that an adjournment upon a change of representation need not be included within this rule as such guidance is extremely basic. The OAL concurs in the recommendation that an individual should be permitted to choose another non-lawyer representative if a judge's concern relates only to a particular non-attorney and has modified the proposed rule accordingly.

Several comments were directed to requirements imposed upon non-lawyer applicants by this rule. Specifically, the Division of Public Welfare objected to the condition that a non-lawyer agency representative assert and/or evidence that he or she has special expertise or experience in the matter and that legal counsel for the agency has declined representation in the particular case. In response, the OAL feels that since, by this proposal, it is implementing a New Jersey Supreme Court Rule, R.1:21-1(e), which includes these conditions, the OAL is bound by this requirement.

The Department of Civil Service questioned the need for an assertion in each application that the non-lawyer representative is not a disbarred or suspended attorney and is not receiving a fee for the appearance. The Department recommended that the rule simply state this as a general restriction. This recommendation was also made by the Communications Workers of America and the International Federation Professional and Technical Engineers. In response, the OAL believes that since, at least in those instances where a list of approved State agency representatives will be maintained, this assertion need only be made once in a permanent written application, this requirement is not onerous and will be maintained.

The Division of Medical Assistance and Health Services raised three specific concerns regarding (1) whether employees of a State agency's fiscal agents could qualify as a non-lawyer representative under N.J.A.C. 1:1-3.12; (2) the reasonableness of powers given to an ALJ by this rule to condition or limit non-lawyer representation in a particular case; and (3) clarification of the procedures to be followed under N.J.A.C. 1:1-3.13 when a State agency representative does not appear but, instead, relies upon papers submitted and/or witnesses who do not qualify under N.J.A.C. 1:1-3.12. In response to the first concern, the inclusion of employees of State agencies fiscal agents within the category of qualified non-lawyer representatives is unauthorized by R.1:21-1(e). In response to the second concern, the OAL feels that the powers enumerated in this rule are necessary to enable a judge in a particular case to handle peculiar problems which may develop when dealing with representatives who are not fully trained in trial advocacy. These rules will not be utilized unless a problem develops. With respect to N.J.A.C. 1:1-3.13, additional language has been added to clarify that a witness testifying on behalf of a State agency who does not qualify under N.J.A.C. 1:1-3.12 need not file a notice of appearance or written application but may, when appropriate, offer documents into evidence in his or her own name, ask questions through the judge and make statements in response to other witnesses' testimony.

Some commentors objected to the entire administrative framework as being overly burdensome. The OAL believes that the procedures set forth in this proposal are necessary in order to implement R. 1:21-1(e) as justly and expeditiously as possible.

Social Impact

The proposed new rules and amendments clarify under what circumstances and in what manner a non-lawyer may represent and assist a party in a contested case hearing. The rules provide standards and guidelines for non-lawyer appearances, which should result in better regulation and somewhat greater participation of non-lawyers in administrative hearings. The rules will allow a party who cannot afford a lawyer and cannot adequately represent him or herself to be aided by an appropriately qualified non-lawyer. The rules should result in more efficient and productive presentations by persons who otherwise might inadequately present their cases or might not be able to present any case at all.

The rules should reduce the scheduling time in cases where a State agency is involved by permitting a non-lawyer employee of the agency to appear, thus alleviating reliance upon the limited number of deputy attorneys general available to appear in these cases.

It is anticipated that the new rules and amendments should have no adverse impact on the practice of law. In most circumstances in which non-lawyers are permitted to appear under R. 1:21-1(e), it has been the case that these parties would have prior to R. 1:21-1(e) appeared without an attorney.

Economic Impact

The proposed new rules and amendments do not impose any financial burdens on State agencies or private parties and should result in a cost saving to both. The OAL will maintain a list of approved non-lawyer representatives of State agencies, legal services programs and labor organizations, which will simplify and expedite the application process, thus reducing administrative costs. Representation by non-lawyers qualified under N.J.A.C. 1:1-3.12 should help expedite the conclusion of contested cases, thus reducing litigation costs. The time and expense saved by the Attorney General's office in not providing representation in State agency cases in which a non-lawyer employee appears can be used to handle other cases. Private parties, in appropriate situations, will have the benefit of assistance and representation by non-lawyers, without fee.

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

1:1-3.7 Appearances and representation

(a) [All attorney's propose parties, or others permitted by law, by governing federal regulations or by Rule 1:21 et seq. of the New Jersey Court Rules shall be permitted to appear in a contested case and shall be subject to this chapter. However, a non-lawyer representative of a party, including the full-time staff of a state, county or municipal agency shall be permitted to appear in those contested cases where such appearance was permitted prior to the establishment of the Office of Administrative Law.]

A party may represent him or herself, be represented by an attorney authorized to practice law in this State, or, subject to N.J.A.C. 1:1-3.12 and N.J.A.C. 1:1-3.13, be represented or assisted by a non-lawyer permitted to make an appearance in a contested case by R. 1:21-1(e).

(b) (No change.)

1:1-3.12 Representation and assistance by non-lawyers; authorized situations, applications, notice of appearance, approval procedures, limitations, practice requirements

(a) Pursuant to R. 1:21-1(e) of the Rules Governing the Courts of the State of New Jersey, a non-lawyer may apply for permission to represent or assist a party at a contested case hearing in the following situations by complying with the following procedures:

1. Oral applications at the hearing may be made in cases transmitted to the OAL by the Division of Public Welfare, Division of Medical Assistance and Division of Youth and Family Services.

i. At the hearing, the non-lawyer applicant seeking to represent a recipient or applicant for services shall affirm and reasonably evidence that he or she satisfies the [federal and] State requirements for non-lawyer representation in R. 1:21-1(e) and this section.

ii. At the hearing, the non-lawyer applicant seeking to represent a county or municipal welfare agency shall affirm and reasonably evidence that he or she is an employee of the welfare agency, has been assigned to represent the agency in the case, has special expertise or experience in the matter and that the county or municipal counsel has declined representation in the particular matter. The non-lawyer applicant shall also state his or her position at the agency and the name and title of his or her supervisor.

2. A Notice of Appearance on forms supplied by the OAL shall be required in cases where a non-lawyer employee seeks to represent a State agency **and where a non-lawyer from a legal services program seeks to represent an indigent.**

i. **To represent a State agency, the [The] Notice shall be signed by the non-lawyer applicant, filed with the Clerk of the OAL no later than 10 calendar days prior to the scheduled hearing date and served on all parties. [i] The Notice [of Appearance] shall include a statement that the non-lawyer is an employee of the State agency he or she seeks to represent; his or her position at the agency; his or her supervisor at the agency; and an explanation of his or her expertise or experience in the matter in controversy. [ii] The Notice shall also contain a statement, signed by a Deputy Attorney General for the state agency that the Attorney General will not provide representation for the agency in the case.**

ii. **For non-lawyers from legal services programs, the Notice of Appearance shall be filed with the Clerk no later than five calendar days from receipt of the hearing notice. The Notice of Appearance shall include a statement that he or she is a paralegal or legal assistant; the name and address of the Legal Services program of which he or she is a part; the name, telephone number and signed authorization of a Legal Services attorney who supervises the applicant; and a statement that the represented party is indigent.**

3. Written applications shall be made in the following cases. Such applications may be in letter form, and shall be signed by the non-lawyer applicant, filed with the Clerk of OAL no later than 10 calendar days prior to the scheduled hearing date and served on all parties.

i. In special education hearings the non-lawyer applicant shall include in his or her written application reasonable evidence that he or she satisfies the Federal and State requirements for non-lawyer representation.

ii. In cases where a non-lawyer from a Legal Services program seeks to represent an indigent, the non-lawyer applicant shall include in his or her written application a statement that he or she is a paralegal or legal assistant; the name and address of the Legal Services program of which he or she is a part; the name, telephone number and signed authorization of a Legal Services attorney who supervises the applicant; and, a statement that the represented party is indigent.]

[iii.] ii. In cases where a principal seeks to represent a close corporation, the non-lawyer applicant shall include in his or her written application an affirmation that he or she is a principal, his or her position in the corporation; and a copy of the incorporation papers or other papers documenting the close nature of the corporation, describing the corporation's activities and listing the non-lawyer as a principal.

[iv.] iii. In Civil Service cases, where a union representative seeks to represent a state, county or local government employee, the non-lawyer applicant shall include in his or her written application, a statement that he or she is an authorized representative of a labor organization; that the labor organization is the duly authorized representative of the employee's collective bargaining unit; the name and title of his or her supervisor; and, a signed request from the employee for representation by the union representative.

[v.] iv. In cases where an individual cannot afford to retain an attorney and cannot obtain free legal representation, the non-lawyer applicant shall include in his or her written application an explanation of [why the individual cannot adequately present his or her own case and] how the individual would benefit from the assistance of the non-lawyer; an explanation of the non-lawyer's capabilities for rendering such assistance; and a statement by the individual needing assistance that he or she lacks the means to retain an attorney and that representation is not available through a Legal Services program.

4. All non-lawyer applicants whether filing a Notice of Appearance under (a)2 above or applying orally or in writing for permission to represent a party in a contested case shall affirm in the Notice or in the written or oral application that he or she is not a disbarred or suspended attorney and is not receiving a fee [specifically] for the appearance.

(b) Upon receiving a timely written application by a non-lawyer seeking permission to represent a party in a contested case, a Judge shall review the papers. If the Judge does not otherwise notify the applicant within five days of the application's receipt, the non-lawyer's application to appear at the hearing shall be deemed approved.

[(d)] (c) The judge [may, at any time, in the proceedings] **in determining** [determine that] **whether** a specific case is [not] appropriate for representation by [the] a non-lawyer representative[.] **may consider either** [1. The judge's determination may be based either on] the lack of appropriate experience or expertise of the particular non-lawyer representative, or [on] the complexity of the legal issues or other factors which make the particular case inappropriate for a non-lawyer representative. [2.] The judge shall implement a [his or her] determination to **preclude non-lawyer representation** by informing the parties of the decision and the reasons therefore. With respect to a county, **local** or State agency or a close corporation, the judge may require the party to obtain legal representation. With respect to an individual, the judge may require the individual [either] to **obtain a new non-lawyer**, to represent himself or to obtain legal representation.

(d) **In order to simplify and expedite the application process, a State agency, a legal services program or labor organization may submit to the Clerk permanent written applications upon forms supplied by the OAL for those non-lawyers who qualify under N.J.A.C. 1:1-3.12 and who will regularly appear at hearings. Thereafter, upon being assigned to represent a party in a particular case, the non-lawyer representative shall promptly notify the other party of his or her appearance and comply with the following:**

i. **Non-lawyer representatives of State agencies shall be required to state orally at the hearing that the Attorney General's office has declined representation in the case.**

ii. **Non-lawyer union representatives shall be required at the hearing to present a signed request from the employee for representation by the union representative and state orally that the labor organization is the duly authorized representative of the employee's collective bargaining unit.**

iii. **Non-lawyers from legal services programs shall be required at the hearing to state orally that the represented party qualifies for legal services.**

[(c)] (e) The presiding Judge may revoke any non-lawyer's right to appear in a case if and when the judge determines that a material statement is incorrect in any Notice of Appearance or in any written or oral application by a non-lawyer or party concerning representation or assistance by the non-lawyer. The judge may also institute any disciplinary or other appropriate action if the judge determines that the incorrect statement was an intentional misstatement.

[(e)] (f) In general, a non-lawyer representative or assistant shall be permitted at the hearing to submit evidence, speak for the party, make oral arguments, and conduct direct examinations and cross examinations of witnesses. [However, representation and assistance by non-lawyers is limited as follows:

1. In the interests of an orderly flow of communications,

i. Any written communication or written submission by the non-lawyer shall be co-signed by the individual whom he or she is representing or assisting;

ii. Any oral communications by the non-lawyer on behalf of a party, except requests for information, shall be made in the presence of the party;

iii. The non-lawyer shall be accompanied at the hearing by the individual whom he or she is representing or assisting; and,

iv. These limitations do not apply to non-lawyers representing state and county agencies and close corporations, where the non-lawyer representation is equivalent to a pro se appearance.]

[2.] 1. In the interests of a full, fair, orderly and speedy hearing, the judge may at any time condition, limit or delineate the type or extent of representation or assistance which may be rendered by a non-lawyer. Conditions or limits may include:

i. Requiring any examination and cross examination by the non-lawyer to be conducted through the judge;

ii. Requiring questions from the non-lawyer to be presented to the judge prior to asking;

iii. Requiring the party to speak for him or herself; or

iv. Revoking the right of the non-lawyer to appear if the judge finds that the proceedings are being unreasonably disrupted or unduly delayed because of the non-lawyer's participation.

[(f)] (g) Non-lawyer representatives and assistants shall be subject to the Rules of Practice of the Office of Administrative Law, and to the sanctions provided in N.J.A.C. 1:1-3.5, which may include:

1. In the case of a State, [or] county **or local** agency employee, reporting any inappropriate behavior to the agency for possible disciplinary action;

2. A determination by the presiding judge that the non-lawyer representative shall be excluded from a particular hearing; and,

3. A recommendation by the presiding judge to the Director of the Office of Administrative Law that a particular non-

lawyer representative be permanently excluded from administrative hearings.

1:1-3.13 Appearance without representation: State agencies

(a) In those cases where a State agency does not send a representative **who has been approved under N.J.A.C. 1:1-3.12** to a hearing, but merely rests its case on papers and/or on witnesses presented to the judge:

1. The State agency shall [submit with] **include in** the transmittal form [for the case or separately to the clerk no later than five working days prior to the scheduled date of hearing.] a statement which verifies the agency's intention to proceed without a representative **qualified under N.J.A.C. 1:1-3.12** and lists the papers and/or witnesses upon which the agency intends to rely. [The State agency shall also notify each other party of its intention to appear without representation.]

2. The judge shall, where appropriate, accept into the hearing record the agency's papers and/or the witnesses' testimony. In the interests of developing a full hearing record of the dispute, the judge may, where appropriate, permit a witness who does not qualify as an agency representative, under N.J.A.C. 1:1-3.12, to ask questions through the judge, [or] make statements in response to other witnesses' testimony, **or to offer documents in his or her own name.** However, the judge need not permit a witness who does not qualify as an agency representative under these rules to conduct the examination or cross examination of witnesses. [or to offer documents in his or her own name.]

1:6A-4.2 Representation

(a) At a hearing, any party may be accompanied and advised by legal counsel or by individuals with special knowledge or training with respect to handicapped pupils and their educational needs, or both. [A person who accompanies and advises a party may, at the hearing, submit evidence, speak, make oral arguments, conduct direct and cross-examinations and perform other similar activities for the party.]

[(b) Any person who accompanies and advises a party shall be bound by these rules and shall comport himself or herself in a manner appropriate to the orderly conduct of a hearing. Any person who does not so act shall be subject to sanctions provided in N.J.A.C. 1:1-3.5.]

[(c) Any written communication on behalf of a party shall be signed by the party or the party's lawyer. All oral communications by a person accompanying and advising a party shall be made in the presence of the party, except if made by the party's lawyer.]

(b) A non-lawyer seeking to represent a party shall comply with the application process contained in N.J.A.C. 1:1-3.12 and shall be bound by the approval procedures, limitations and practice requirements contained therein.

1:2-2.10 Representation and assistance

[(a) Any party may be represented by an attorney. Or a party may be accompanied and assisted by an individual who:

1. Has special knowledge or training in the subject matter of the hearing and in the contested case hearing process;

2. Neither charges nor receives any fee, benefit or other compensation from the party specifically for the assistance in this matter; and

3. Is a full-time employee of the government agency for which he or she is appearing or is a full-time staff person of the public employee union which is representing the employee, and is designated as qualified by that agency or union.]

(a) A non-lawyer seeking to represent a party shall comply with the application process contained in N.J.A.C. 1:1-3.12 and shall be bound by the approval procedures, limitations and practice requirements contained therein.

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administration Procedure Rule of Practice

Transmission of Contested Cases to OAL

Proposed Amendment: N.J.A.C. 1:1-5.2

Authorized By: Ronald I. Parker, Acting Director,
Office of Administrative Law.

Authority: N.J.S.A. 52:14F-5(e), (f) and (g).

Interested persons may submit, in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

Steven L. Lefelt, Deputy Director
Office of Administrative Law
185 Washington Street
Newark, NJ 07102

At the close of the period for comments, the Office of Administrative Law thereafter may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C.1:30-3.5 The adoption of these rules become effective upon publication in the Register of a notice of their adoption.

This proposal is known as PRN 1984-353.

The agency proposal follows:

Summary

Under the proposed amendment, an agency which has transmitted a case to the Office of Administrative Law and which subsequently learns that another agency is claiming jurisdiction over all or part of the transmitted case must notify the OAL of the second jurisdictional claim.

The proposed amendment is intended to reduce the possibility that the OAL will proceed with a matter only to learn subsequently that a related case has been filed with another agency. Prompt notification to the OAL will eliminate delay, confusion and unnecessary duplication of proceeding.

Social Impact

The proposed amendment imposes a minimal notification requirement on the transmitting agency and reduces the need to delay a proceeding which occurs when a related matter is later brought to the attention of the OAL.

Economic Impact

The proposed amendment should result in some cost savings in the hearing process by ensuring that related claims can be consolidated as soon as possible.

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

1:1-5.2 Transmission of contested cases to the Office of Administrative Law; service on parties; receipt by the Office of Administrative Law

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

(e) If an agency has transmitted a case to the Office of Administrative Law and subsequently discovers that another agency is claiming jurisdiction over any part of the transmitted case, the transmitting agency shall forthwith notify the Office of Administrative Law of the second jurisdictional claim.

(a)

OFFICE OF ADMINISTRATIVE LAW

Uniform Administrative Procedure Rules of Practice

Consolidation of Two or More Contested Cases:

Multiple Agency Jurisdiction Claims; Determinations of Predominant Interest

Proposed Amendments: N.J.A.C. 1:1-14

Authorized By: Ronald I. Parker, Acting Director,
Office of Administrative Law.

Authority: N.J.S.A. 52:14F-5(e), (f) and (g).

Interested persons may submit, in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

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

This proposal is known as PRN 1984-354.

The agency proposal follows:

Summary

During the past four years, problems and confusion concerning the application of the rules on consolidation and predominant interest have become apparent. The proposed amendments attempt to clarify the procedures and to solve these problems, utilizing the standards set forth in *Hackensack v. Winner*, 82 N.J. 1 (1982) and *Hinfey v. Matawan Regional Bd. of Education*, 77 N.J. 514 (1978).

The proposed amendments specify that motions to consolidate, including motions involving predominant interest questions, must be decided prior to the evidentiary hearing by way of interlocutory order. Previously, predominant interest questions were occasionally not decided until the initial decision. Disposition of these questions prior to the hearing on the merits allows the agency or agencies involved promptly to

review the predominant interest determination without being influenced by the determination on the merits thereby reducing possible inter-agency conflict. Additionally, the conduct of the hearing can be tailored to meet the needs of the particular agency with the predominant interest.

Under the proposed amendments, because of the complicated nature of these arguments, all consolidation motions and replies must be supported by a brief and affidavits.

If the consolidation motion involves cases from a single agency, the judge may schedule oral argument at his or her discretion. Whether consolidation is denied or granted, the judge's order is reviewable by the agency head under N.J.A.C. 1:1-9.7. If consolidation involves a case not previously transmitted to the OAL, the OAL must immediately forward the consolidation order to the agency head for review.

If the consolidation motion involves cases from separate agencies, a predominant interest allegation must be included. Oral argument shall be scheduled in all of these cases, however, the argument can be conducted by conference telephone call, at the discretion of the judge according to usual OAL practices. If the judge orders consolidation, a predominant interest determination must also be rendered in the order.

The standards to be used in deciding consolidation and predominant interest motions have not been significantly changed from prior practice. However, the agencies will no longer be required to be present at the initial argument before the judge.

An order involving consolidation of cases from multiple agencies must, under the proposal, indicate which agency shall decide each issue. The judge in the consolidation order must also specify the issues relating to any predominant interest and identify the agency having authority to issue a final decision on those issues. The order must also set forth the limitations upon any subsequent review of the case by the agency without the predominant interest.

Under the proposed amendments all consolidation orders involving multiple agencies are forwarded immediately to the respective agency heads for review. Agency heads are encouraged to consult and coordinate with each other before issuing a final order on a consolidation issue.

It is contemplated that the consolidation order, when entered, will control the conduct of the case and the subsequent review of the initial decision in the case.

However, the proposed amendments establish by rule a procedure for review of the initial decision. The proposal requires the issuance of a single initial decision disposing of all issues in controversy, which shall first be filed with the predominant interest agency. After that agency has rendered its final decision, the entire record, including the initial and final decisions, shall be transmitted to the other agency. That agency may then issue a final decision on any remaining issues or requests for relief which are within its statutory authority. At the time of transmittal, the agency with the predominant interest shall request an extension to permit the other agency to render its final decision.

The proposed amendments were developed in cooperation with and are supported by the Attorney General's Office.

Social Impact

It is anticipated that the proposed amendment will eliminate the confusion which previously existed as to the proper procedure in cases involving consolidation or predominant interest

Economic Impact

Since the proposed amendments will eliminate confusion over the proper process in consolidation cases, and clearly establish the order of review by the agencies, the process should become somewhat speedier and less costly to the parties, the OAL and other agencies.

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

SUBCHAPTER 14. CONSOLIDATION OF TWO OR MORE CONTESTED CASES: MULTIPLE AGENCY JURISDICTION CLAIMS; DETERMINATIONS OF PREDOMINANT INTEREST

1:1-14.1 Motion to consolidate; **when decided**

(a) [At any time after a contested case has been filed with the Office of Administration Law,] **As soon as circumstances meriting such action are discovered**, an agency head, any party or the judge may move to consolidate **a contested case which has been transmitted to the OAL** with any other contested case involving common questions of fact or law between identical parties or between any party to the filed contested case and any other person, entity or agency.

(b) This rule shall apply to contested cases:

1. Already filed with the Office of Administrative Law;
2. Commenced in an agency but not yet filed with the Office of Administrative Law; and
3. Commenced in an agency and not required to be filed with the Office of Administrative Law under N.J.S.A. 52:14F-8.

(c) The judge assigned to the case first transmitted to the Office of Administrative Law shall hear and rule upon the motion to consolidate.

(d) All motions to consolidate, including those involving predominant interest allegations, must be disposed of by interlocutory order prior to commencing the evidentiary hearing.

1:1-14.2 Form of motion; submission date [; who may appear]

(a) A motion to consolidate shall require the parties [and the nonparty agency or agencies] to show **cause** why the matters should not be consolidated.

(b) Each motion to consolidate and all replies shall be supported by a brief and affidavits.

(c) Motions to consolidate cases which commenced in separate agencies shall include a predominant interest allegation.

[(b)] (d) [If] All consolidation motions involving cases commenced in two or more agencies shall be scheduled by OAL for oral argument. [oral argument is scheduled all parties and non-party agencies may appear or be represented on the return date of the motion to consolidate and shall be given a full opportunity to be heard.]

(e) Motions for consolidation involving cases transmitted or to be transmitted to the OAL from a single agency shall be handled in accordance with N.J.A.C. 1:1-9.3.

1:1-14.3 Standards for consolidation

(a) In ruling upon a motion to consolidate, the judge shall consider:

1. The identity of parties in each of the matters;
2. The nature of all the questions of fact and law respectively involved;

3. To the extent that common questions of fact and law are involved, the saving in time, expense, duplication and inconsistency which will be realized from hearing the matters together and whether such issues can be thoroughly, competently, and fully tried and adjudicated together with and as a constituent part of all other issues in the two cases;

4. To the extent that dissimilar questions of fact or law are present, the danger of confusion, delay or undue prejudice to any party;

5. The advisability generally of disposing of all aspects of the controversy in a single proceeding; and

6. Other [appropriate] matters **appropriate to a prompt and fair resolution of the issues.**

1:1-14.4 Multiple agency jurisdiction claims; determinations of predominant interest

(a) When a motion to consolidate pertains to contested cases filed with two or more State agencies which are asserting jurisdiction, the judge shall determine which agency, if any has the predominant interest in the conduct and outcome of the matter. In determining this question, the following factors shall be weighed:

1. Whether more than one agency asserting jurisdiction over a common issue has jurisdiction over the issue, and if more than one agency has jurisdiction, whether the jurisdiction is mandatory for one of the agencies;

[1.] **2. Whether the common issue before the two agencies is, for either agency, the sole, major or dominant issue in dispute and whether its determination would either serve to moot the remaining questions or to affect substantially their resolution;**

[2.] **3. Whether the allegations involve issues and interests which extend beyond the immediate parties and are of particular concern to one or the other agency;**

[3.] **4. Whether the claims, if ultimately vindicated, would require specialized or particularized remedial relief available in one agency but not the other;**

[4.] **5. Whether the common issue is clearly severable from the balance of the controversy and thus will permit non-duplicative factual and legal determinations by each agency.**

1:1-14.5 [Disposition of predominant interest orders] **Orders to consolidate cases from a single agency**

[(a) A predominant interest decision by an administrative law judge under N.J.A.C. 1:1-14.4 (a) shall be considered an order subject to the provisions of N.J.A.C. 1:1-9.7.

(b) When a predominant interest decision is made which concerns matters not theretofore transmitted to the Office of Administrative Law pursuant to N.J.A.C. 1:1-5.2, the decision shall be filed with the clerk and the Director of the Office of Administrative Law shall advise the agency or agencies involved of their obligations under N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq.

(c) When an agency exempt under N.J.S.A. 52:14F- (a) is determined to have a predominant interest in a contested case, the exempt agency shall decide whether to have the matter heard by an administrative law judge or by its own personnel.]

(a) Except as provided in (b) below, orders granting or denying the consolidation of cases commenced before a single State agency shall be subject to N.J.A.C. 1:1-9.7.

(b) An order consolidating any matter commenced before a single agency but not theretofore transmitted to the Office of Administrative Law shall be forthwith forwarded to the agency head for his or her review.

1. The agency head's review of the judge's order shall be completed no later than 45 days from the entry of the judge's order, except when, for good cause shown and upon notice to all parties, the time period is extended by the joint action of the Director of the Office of Administrative Law and the agency head. Where the agency head does not act on review of the judge's order within 45 days, the judge's order shall be deemed adopted.

1:1-14.6 [Disposition of consolidation] **Orders involving consolidation of cases from multiple agencies**

(a) After an order of consolidation is entered, the order shall be filed with the clerk, and the Director of the Office of Administrative Law shall assign a judge to preside over the consolidated contested cases.

(b) When an order of consolidation is entered which concerns matters not theretofore transmitted to the Office of Administrative Law pursuant to N.J.A.C. 1:1-5.2, the order shall be filed with the clerk and the Director of the Office of Administrative Law shall advise the agency or agencies involved of their obligations under N.J.S.A. 52:14B-1, et seq. and N.J.S.A. 52:14F-1 et seq.]

(a) All orders granting or denying consolidation of cases commenced before multiple agencies shall be forthwith forwarded by the Office of Administrative Law to the respective agency heads for their review.

(b) The agency head's review of the judge's order shall be completed no later than 45 days from the entry of the judge's order, except when, for good cause shown and upon notice to all parties, the time period is extended by the joint action of the Director of the Office of Administrative Law and the agency head. Where the agency head does not act on review of the judge's order within 45 days, the judge's order shall be deemed adopted.

(c) Agency heads considering a judge's consolidation order are encouraged to consult and coordinate with each other before issuing a final order.

1:1-14.7 [Conduct of consolidated cases] **Orders involving consolidation of cases from multiple agencies; judge's responsibility**

(a) Subject to N.J.A.C. 1:1-14.8, the judge in a consolidated case shall consider all the issues and arguments in the case and shall render a single initial decision, in the form prescribed by N.J.A.C. 1:1-16.3, disposing of all the issues in controversy and where two or more agencies are involved, specifying the issues of concern to each agency involved. The initial decision shall thereafter be filed with the heads of all concerned agencies and served upon the parties as prescribed in N.J.A.C. 1:1-16.3. Each agency head shall then discharge the responsibilities established in N.J.S.A. 52:14-10 in respect of that agency's subject matter jurisdiction.

(b) In each consolidated case, the judge should make a special effort to delineate the administrative law principles upon which all legal conclusions are based and, wherever possible, should seek to harmonize conflicting theories.]

(a) In motions concerning multiple agencies, the judge shall initially determine the consolidation question. If consolidation is to be ordered, then a predominant interest determination must also be rendered in the consolidation order. If particular issues in the entire controversy are clearly, severable, the judges consolidation order shall specify which agency shall decide each such issue.

(b) If one agency is determined to have a predominant interest, that agency shall render the final decision on all issues within the scope of its predominant interest. The judge in the consolidation order shall specify the issues relating to the predominant issue and shall clearly identify the agency having the authority to issue a final decision on those issues.

(c) If there are requests for relief which may not be granted by the agency with the predominant interest, the judge shall in the consolidation order specify clearly which determinations by the agency with the predominant interest shall bind the agency subsequently considering any applications for relief.

(d) When an agency exempt under N.J.S.A. 52:14F-8(a) is determined to have a predominant interest in a contested case, the exempt agency shall decide, in its final order reviewing the judge's consolidation order, whether to have the matter heard by an administrative law judge or by its own personnel.

1:1-14.8 [Conduct of] Cases involving a predominant interest: [Judge's Responsibility]

(a) If one agency has been determined to have a predominant interest in the conduct or outcome of a matter, that agency shall render the final decision on all issues within the scope of its predominant interest. The initial decision shall specify the issues relating to the predominant interest and shall clearly identify the agency the authority to issue a final decision on those issues.

(b) In the event a determination of predominant interest is likely to result in a matter being heard in two or more separate proceedings, the judge shall also develop modes of proceeding and an order of presentation which would result in a full and fair trial and adjudication avoiding, to the greatest extent possible, fragmented and repetitive actions.]

(a) The judge in a consolidated case involving a predominant interest shall consider all the issues and arguments in the case and shall render a single initial decision in the form prescribed by NJAC 1:1-16.3, disposing of all the issues in controversy.

(b) The initial decision shall be filed first with the agency which has the predominant interest. After rendering its final decision, the agency with the predominant interest shall transmit the record, including the initial decision and its final decision to the other agency which may subsequently render a final decision on any remaining issues and consider any specific remedies which may be within its statutory grant of authority.

(c) Upon transmitting the record, the agency with the predominant interest shall pursuant to N.J.A.C. 1:1-16.6 request an extension to permit the rendering of a final decision by the agency which does not have the predominant interest.

AGRICULTURE

(a)

DIVISION OF RURAL RESOURCES

State Soil Conservation Committee Soil and Water Conservation Project Cost Sharing: Eligible Projects

Proposed New Rule: N.J.A.C. 2:90-2

Authorized By: State Soil Conservation Committee,
Arthur R. Brown, Jr., Chairman.
Authority: N.J.S.A. 4:24-3 and 4:1C-24.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Samuel R. Race, Executive Secretary
The State Soil Conservation Committee
CN 330
Trenton, New Jersey 08625

At the close of the period for comments, the State Soil Conservation Committee thereafter may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-339.

The agency proposal follows:

Summary

The Farmland Preservation Bond Act of 1981 authorized the sale of bonds by the State of New Jersey for the appropriation of funds to the Department of Agriculture to provide grants for up to 50 percent of the cost of acquisition of development easements on farmland and to provide grants to landowners for up to 50 percent of the cost of soil and water conservation projects under programs established for this purpose. The Agriculture Retention and Development Act of 1983 established this program which authorized landowners who participate in farmland preservation programs approved by the County Agriculture Development Board to apply to the local soil conservation district for cost sharing for installation of soil and water conservation projects approved by the State Soil Conservation Committee. Approval for cost share grants is contingent upon a written agreement that the projects shall be maintained for a specified period of time not less than three years and shall be a component of a farm conservation plan approved by the soil conservation district.

To carry out its responsibilities under this legislation the State Soil Conservation Committee proposes to promulgate practices which are suitable for approval as soil and water conservation projects and procedures for processing and approval of applications by local soil conservation districts and the Committee. Encompassed in this proposed new rule are

those projects which are proposed for cost sharing approval. Additional proposed procedural rules are being prepared for future publication.

Social Impact

The proposed new rule will have a favorable impact on the citizens of New Jersey through the protection and enhancement of the productivity of the State's farmland and the protection and enhancement of the quality of State water and air through control of pollution from agricultural activities.

In addition, the strengthening of State support for protection of agricultural resources through soil and water conservation project cost sharing will provide greater stability and permanency to agriculture and enhance the quality of life in farming communities. The non agricultural sector of the population will also benefit from this increased stability and permanency through a more secure local source of food production and an improved living environment.

Economic Impact

The proposed new rule will have a favorable impact upon the public through the increased assurance of reliable local food producing capability. Farmers will be assured of strong State policy favoring the continuation of Agriculture and encouraged to invest in the maintenance and improvement of their lands. The investment of State funds in soil and water conservation projects will generate at least equivalent private investment for the same purposes. The condition of the Agricultural economy will be substantially enhanced and employment of persons providing conservation and related agricultural services will be increased. Long term value of agricultural lands will be increased and the production and sale of farm products will also increase thereby generating corresponding increases in related food and produce handling business. Personal and public revenues increases will result.

Full text of the proposed new rule follows.

SUBCHAPTER 2. SOIL AND WATER CONSERVATION PROJECT COST SHARING: ELIGIBLE PROJECTS

2:90-2.1 Applicability

The projects contained in this subchapter are applicable to participants in a light year program entered into pursuant to the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. and all rules and regulations promulgated thereunder.

2:90-2.2 Definitions

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

"Soil and Water Conservation Project" means any project designed for the control and prevention of soil erosion and sediment damages, the control of pollution on agricultural lands, the impoundment, storage and management of water for agricultural purposes, or the improved management of land and soils to achieve maximum agricultural productivity. Definitions of individual projects are contained in United States Department of Agriculture, Soil Conservation Service Standards and Specifications, Technical Guide Section 4, and are incorporated herein by reference.

“District” or “soil conservation district” (SCD) means a governmental subdivision of this State, organized in accordance with the provisions of N.J.S.A. 4:24 et seq.

“Soil Conservation Service” (SCS) means the Soil Conservation Service of the United States Department of Agriculture.

2:90-2.3 Standards and specifications

All soil and water conservation projects contained within this subchapter shall be in conformance with United States Department of Agriculture Soil Conservation Service Standards and Specifications, Technical Guide Section 4, which is hereby adopted by reference.

2:90-2.4 Eligible projects

The soil and water conservation projects contained in this subchapter are approved for cost-sharing in a light year municipally approved or farmland preservation program.

2:90-2.5 Terrace systems

(a) Terrace systems which reduce pollution of water, land, or air from agricultural non-point sources may be applied to cropland subject to erosion from water runoff.

(b) The following types of practices are approved for terrace systems:

1. Terraces and the necessary leveling and filling to permit installation of an effective system.
2. Materials and installation of underground pipe outlets and other mechanical outlets.
3. Necessary vegetative protective outlets or water ways.
4. Converting the present system to a new system ONLY if the present system is not serving its intended conservation purpose.

(c) A protective outlet or waterway which is installed solely as an outlet for the terrace system and serves no other conservation purpose should be cost-shared as a component of this practice. A protective outlet or waterway which by itself solves a conservation problem, but also serves as an outlet for a terrace system, should be cost-shared under Sod Waterways or Sediment Retention, Erosion, or Water Control Structures.

(d) The system shall be maintained for a minimum of eight years following calendar year of installment.

2:90-2.6 Diversions

(a) Diversions which conserve water, prevent erosion, and prevent or reduce pollution of water, land, or air from agricultural non-point sources may be applied to farmland subject to erosion from excess surface or subsurface water runoff where the problem can be corrected by such diversion facilities.

(b) The following types of practices are approved for diversion systems:

1. Diversions, ditches, dikes, or subsurface drains where necessary for proper functioning of diversion.
2. Installation of structures such as pipes, chutes, underground outlets, or other outlets, if needed for proper functioning of a ditch or dike for more even flow, or to protect outlets from erosion.
3. Necessary leveling and filling to permit installation of an effective system.
4. Removing portions of stone walls or hedgerows if necessary to permit establishment of the practice.

(c) The following special conditions are applicable to diversion systems:

1. Cost-sharing is not authorized for ditches or dikes designed to impound water for later use, or which will be a part of a regular irrigation system. (Refer to other practices that permit such measures.)

2. A protective outlet or waterway which is installed solely as an outlet for diversion systems and serves no other purpose should be cost-shared as a component of this practice. A protective outlet or waterway which by itself solves a conservation problem, but also serves as an outlet for a diversion system, should be cost-shared under Sod Waterways or Sediment Retention, Erosion, or Water Control Structures.

(d) The System shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.7 Contour farming

(a) A contour farming system which will protect soil from wind or water erosion and abate pollution of water, land, or air from agricultural non-point sources may be applied to non-terraced cropland subject to wind or water erosion which constitutes a pollution hazard.

(b) The following types of practices are approved for contour farming:

1. Cost-sharing is limited to the establishment of a contour farming system and the necessary removal of obstacles such as fences, stone walls, or hedgerows where applicable.
2. Cost-sharing is authorized for subsurface drains needed to eliminate spot seepage on five percent or greater slopes where the seepage makes cross-slope tillage impractical. Subsurface drains may be the sole component if spot seepage develops and makes cross-slope tillage impractical in existing contour farming.

(c) The following special conditions are applicable to contour farming:

1. All agricultural operations must be performed as nearly as practicable on the contour.
2. On acreage devoted to row crops, one of the following must apply:
 - i. The crop stubble or crop residue must be left standing over the winter;
 - ii. A winter cover crop must be established;
 - iii. Adequate protective tillage operations must be performed.
3. This practice is not applicable on any acreage that is approved under stripcropping.
4. Cost-sharing is not authorized for repeating any approved measure under this practice with the same person on the same acreage.

(d) The acreage approved in the established system or an approximate equal acreage shall be maintained for a minimum of eight years after year of establishment.

2:90-2.8 Stripcropping system

(a) Contour stripcropping systems which protect soil from wind or water erosion and reduce pollution of water, land, or air from agricultural non-point sources may be applied to cropland subject to erosion or soil movement.

(b) The following types of practices are approved for stripcropping systems:

1. Cost-sharing is limited to the establishment of the systems and, if necessary, the removal of such obstacles as fences, stone walls, or hedgerows where applicable.
2. Cost-sharing is authorized for subsurface drains needed to eliminate spot seepage on five percent or greater slopes where the seepage makes cross-slope tillage impractical. Sub-

surface drains may be the sole component if spot seepage develops and makes cross-slope tillage impractical in existing stripcropping systems.

(c) The following special conditions are applicable to stripcropping systems:

1. On acreage devoted to row crops, one of the following must apply:

- i. The crop stubble or residue must be left on the land during the winter;
- ii. A winter cover crop must be established;
- iii. Adequate protective tillage operations must be performed.

2. For contour stripcropping systems, cultural operations must be performed as nearly as practicable on the contour.

3. Cost-sharing is not authorized for repeating any approved measure under this practice with the same person on the same acreage.

(d) The system shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.9 Sod waterways

(a) Sod waterways which reduce erosion of land and the pollution of water from agricultural non-point sources may be applied to farmland needing permanent sod waterways to safely convey excess surface runoff water.

(b) The following types of practices are approved for sod waterways.

1. Cost-sharing is authorized for site preparation, grading, shaping, filling, and establishing permanent vegetative cover.

2. Cost-sharing is necessary for subsurface drains and stone lining that are necessary for proper functioning of the waterway.

(c) The following special conditions are applicable to sod waterways:

1. The cover may consist of sod-forming grasses, legumes, mixtures of grasses and legumes, or other types of vegetative cover that will provide the needed protection from erosion.

2. Close-sown small grains or annuals may be used for temporary protection followed by eligible permanent vegetative cover established by seeding.

(d) The system shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.10 Windbreak restoration or establishment

(a) Windbreak restoration or establishment systems which restore or establish windbreaks for protecting eligible farmland from soil erosion and for reducing the pollution of water, air, or land may be applied to farmland needing protection against serious wind erosion.

(b) The following types of practices are approved for windbreak restoration or establishment:

1. Planting trees or shrubs as needed for restoring or establishing field or farmstead windbreaks.

2. Permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

(c) The following special conditions are applicable to windbreak restoration or establishment:

1. Cost-sharing is not authorized for planting orchard trees or plantings for ornamental purposes.

2. Planting must be protected from destructive fire and destructive grazing.

3. Chemicals used in performing this practice must be registered Federally, with the State, and must be applied strictly in accordance with authorized uses, directions on the label, and other Federal or State policies and requirements.

4. Wildlife and environmental considerations must be given when designing this practice.

(d) The system shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.11 Stream protection

(a) Stream protection which reduces erosion and the pollution of water from agricultural non-point sources may be applied to specific problem areas on small streams or lakes located on or adjacent to farmland where the bank is subject to damage from livestock or where sediment or runoff containing pesticides or fertilizer constitutes a significant pollution hazard.

(b) The following types of practices are approved for stream protection:

1. Sediment detention or retention structures, such as erosion control dams (excluding water storage type dams), desilting reservoirs, sediment basins, debris basins, or similar structures.

2. Channel linings, chutes, drop spillways, and pipe drops that dispose of excess water.

3. Fencing and vegetative cover (including mulching needed to protect the structure) and for leveling and filling to permit the installation of the structure.

4. Installing sediment retention structures on public roadsides only where such structures are essential to solve a farm-based pollution or conservation problem.

(c) The following special conditions are applicable to stream protection:

1. Cost-sharing is authorized only if the measures will contribute significantly to maintaining or improving soil or water quality.

2. Consideration must be given to the needs of wildlife when establishing the protective measures.

(d) The system shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.12 Permanent vegetative cover on critical areas

(a) Permanent vegetative cover on critical areas which reduces erosion and the pollution of land, water, or air from sedimentation of agricultural or silvicultural origin may be applied to critical areas (such as gullies, banks, roadsides, trails and roads, and field borders and similar problem areas), on farms which are susceptible to erosion and where runoff carrying substantial amounts of sediment constitutes a significant pollution hazard, or where both exist.

(b) The following types of practices are approved for permanent vegetative cover on critical areas:

1. Practices needed to stabilize a source of sediment such as grading, shaping, and filling, and the establishment or grasses, (including the use of minerals), trees or shrubs and similar practices which the SCD determines are practical for the solution of the problem.

(c) The following special conditions are applicable to permanent vegetative cover on critical areas:

1. Cost-sharing is authorized only if the measures will significantly reduce erosion and maintain, or improve, the quality of water in a stream, lake, pond, or other water source.

2. Cost-sharing is authorized for measures performed on public roadsides only where such measures are essential to solve a farm-based pollution or conservation problem.

3. Consideration should be given to wildlife and enhancing the appearance of the area when establishing the protective measures.

(d) The system shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.13 Land shaping or grading

(a) Land shaping and grading which permits effective surface drainage may be applied to cropland used during at least two of the last five years to produce cultivated crops or crops normally seeded for hay or pasture in the area.

(b) No cost-sharing is authorized for any shaping or grading performed through farming operations to prepare the land for planting or cultivating crops.

(c) The practice shall be maintained for a minimum of eight years following calendar year of installation or establishment.

2:90-2.14 Water impounding reservoirs

(a) Water impoundment reservoirs which provide water for agricultural uses and other benefits when possible may be applied to farmland on which the construction or sealing of water impoundment structures, including dugouts, is needed for the above purposes.

(b) The following types of practices are approved for water impoundment reservoirs:

1. Cost-sharing is authorized only for structures that provide water for agricultural uses, including livestock water impoundments, and irrigation.

2. Cost-sharing is authorized for fencing and vegetative cover (including mulching) needed to protect the structure.

(c) The following special conditions are applicable to water impoundment reservoirs.

1. Cost-sharing is not authorized for any reservoir which would be used primarily for recreation or household water.

2. Cost-sharing is not authorized for pipelines or troughs to furnish water to farm buildings.

3. Consideration shall be given to the needs of wildlife and to enhancing the appearance of the area when designing or installing any reservoirs under this practice.

(d) The structure shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.15 Irrigation water conservation

(a) Irrigation water conservation systems which conserve irrigation water, improve water quality, control erosion, and reduce the pollution of water on land from agricultural non-point sources may be applied to reorganizing systems on land currently under irrigation four out of the last five years for which an adequate supply of water is available, on which irrigation will be continued, and on which a significant soil or water conservation problem exists.

(b) The following types of practices are approved for irrigation water conservation:

1. Permanent installed system;

2. Lining irrigation ditches;

3. Land leveling. (This may be authorized as a single component for performance during a program year if it is part of a reorganizing plan which includes other components. The other required components must be carried out in other years with or without cost-sharing.)

4. Tailwater recovery systems or other installations for the conservation of soil or water where needed as an integral part of the irrigation system being recognized.

(c) The following special conditions are applicable to irrigation water conservation.

1. Cost-sharing is authorized only for the measures in (b) above if included in a plan or a portion of a plan approved by

the SCD for reorganizing an irrigation system. (Where water management is included as a part of the reorganization plan, the applicant is to be encouraged to follow the plan.)

2. Cost-sharing is not authorized for:

i. Reorganizing a system is the primary purpose is to bring additional land under irrigation;

ii. Portable pipe, cleaning a ditch, or installations primarily for the farm operator's convenience;

iii. Installations to convert an existing sprinkler or overhead system to a gravity system;

iv. Restoring a system which has deteriorated due to lack of maintenance during period of non-use.

3. Consideration must be given to the needs of wildlife, preserving or enhancing the appearance of the area, and potential pollution hazards, when reorganizing the system.

4. Cost-sharing is authorized for land leveling as the sole component if it is a needed part of the plan for the reorganization of the system.

5. The land under irrigation must have been irrigated four of the last five years.

(d) The system shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.16 Sediment retention, erosion, or water control structures

(a) Sediment retention, erosion, or water control structures which reduce erosion and the pollution of land or water from agricultural or silvicultural non-point sources may be applied to specific problem areas on farms where runoff of substantial amounts of sediment or runoff containing pesticides or fertilizers constitute a significant pollution hazard.

(b) The following types of practices are approved for sediment retention, erosion or water control structures:

1. Sediment detention or retention structures, such as erosion control dams (excluding water storage type dams), desilting reservoirs, sediment basins, debris basins, or similar structures.

2. Channel linings, chutes, drop spillways, and pipe drops that dispose of excess water.

3. Fencing and vegetative cover (including mulching needed to protect the structure) and for leveling and filling to permit the installation of the structure.

4. Installing sediment retention structures on public roadsides only where such structures are essential to solve a farm-based pollution or conservation problem.

(c) The following special conditions are applicable to sediment retention, erosion or water control structures:

1. Cost-sharing is authorized only if the measures will contribute significantly to maintaining or improving soil or water quality.

2. Consideration must be given to the needs of wildlife when establishing the protective measures.

(d) The system shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.17 Permanent open drainage systems

(a) Permanent open drainage systems which dispose of excess water on farmlands may be applied to cropland used during at least two of the last five years to produce cultivated crops or crops normally seeded for hay or pasture in the area.

(b) The following special conditions are applicable to permanent open drainage systems:

1. Due consideration must be given to maintaining wildlife habitat when installing the system.

2. Cost may be shared to clear the necessary minimum right-of-way and for spreading spoil banks if needed to effectively use the system.

3. Cost-sharing is not authorized for installing structures which are primarily for the farm operator's convenience.

(c) The practice shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.18 Underground drainage systems

(a) Underground drainage systems which dispose of excess water may be applied to cropland used during at least two of the last five years to produce cultivated crops or normally seeded for hay or pasture in the area.

(b) The following special conditions are applicable to underground drainage systems:

1. Due consideration must be given to maintaining wildlife habitat when installing the system.

2. Cost-sharing is not authorized for installing tile in open drain ditches that are meeting the drainage problem.

(c) The practice shall be maintained for a minimum of eight years following calendar year of installation.

2:90-2.19 Developing facilities for livestock water

(a) Facilities for livestock water which protect vegetative cover or make practicable the use of the land for vegetative cover so as to prevent soil erosion and to prevent or reduce the pollution of water, air, or land may be applied to installations that provide water at locations which will bring about better distribution of grazing, proper rotation of grazing, or better grassland management.

(b) The following types of practices are approved for developing facilities for livestock water:

1. Construct or deepen wells.

2. Develop springs or seeps, including fencing of the area, if needed, to protect the development from pollution by livestock.

3. Install pipelines, storage facilities, cisterns, and artificial watersheds.

4. Installations to permit the continuance, expansion, or initiation of a livestock grazing operation.

(c) The following special conditions are applicable to developing facilities for livestock water:

1. Wells must be provided with pumping equipment (except for artesian wells) and adequate storage facilities; no cost-sharing is authorized for pipe installed in the well (other than casing), pumps, pumping equipment, or for dry wells.

2. No cost-sharing is authorized under this practice for any installation which:

i. Is primarily for recreation, wildlife, dry lot feeding, corals, or barns;

ii. Makes it possible to graze crop residues, field borders, or temporary or supplemental pasture crops;

iii. Is for land on which the cover will be used for hay or silage or will be field chopped and hauled to headquarters for feeding;

iv. Primarily provides water for headquarters. (Incidental use of water at headquarters is permitted if it does not lessen the effectiveness of the installation in serving its conservation purpose.) Costs may be shared to install a structure at or near headquarters only if that is the most practical location and the structure will effectively accomplish its conservation purpose at such location.

3. Consideration should be given to the needs of wildlife and enhancing the appearance of the area, when installing watering facilities.

(d) The practice shall be maintained for a minimum of eight years following calendar year of installation or establishment.

2:90-2.20 Forest tree stand improvement

(a) Forest tree stand improvement practices which enhance the environment by improving or protecting a stand of desirable trees intended for timber production, pulpwood, posts, etc., and to provide soil protection may be applied to stands of forest trees where quality can be improved through timber stand improvement.

(b) The following types of practices are approved for forest tree stand improvements:

1. Thinning;
2. Pruning crop trees;
3. Releasing desirable seedlings and young trees.

(c) The following special conditions are applicable to forest tree stand improvement:

1. Cost-sharing is not authorized for:

i. Correcting existing erosion problems with forestry practices. (The correction of erosion problems created by past land use activities may be authorized under other appropriate State practices);

ii. Fencing, fire breaks, fuel breaks, firelanes, or roads;

iii. Timber stand improvement in stands where the undesirable stems can be removed by commercial sales, such as fuelwood, poles, etc.

2. Chemicals used in performing this practice must be Federally and State registered and must be applied strictly according to authorized uses, directions on label, and other Federal or State policies and requirements.

3. The area must be protected from destructive fire and, if seedlings are present, from destructive grazing.

4. Improvement measures should be carried out in a way that preserves or improves the quality of the environment, especially wildlife habitat and the appearance of the area.

(d) The practice shall be maintained for a minimum of eight years following calendar year of installation or establishment.

2:90-2.21 Forest tree plantations

(a) Forest tree plantations that establish a stand of trees for soil protection, forestry purposes, and preserves and improves the environment may be applied to farmland suitable for growing tree species that will provide multi-purpose forest benefits. Where shrubs are used, preference should be given to varieties beneficial to wildlife.

(b) The following types of practices are approved for forest tree plantations:

1. The establishment of a plantation that will provide both forest products and improved protection from wind or water erosion.

2. Clearing land occupied largely by scrubby brush of no economic value, only where essential to permit planting desirable tree species. Technical assistance must be utilized to determine suitability of the land for clearing and the measures necessary to prevent erosion.

(c) The following special conditions are applicable to forest tree plantations:

1. Cost-sharing is not authorized for fencing, fire breaks, fuel breaks, firelanes, roads, or for parcels of woodland less than one acre.

2. Cost-sharing is not authorized for planting orchard trees, for plantings for ornamental purposes, or for Christmas tree production.

3. Planting must be protected from destructive fire and grazing.

4. Chemicals used in performing this practice must be Federally and State registered and must be strictly applied in accordance with authorized uses, directions on label, and other Federal or State policies and requirements.

5. Consideration must be given to preserving and improving the environment.

(d) This practice shall be maintained for a minimum of eight years following calendar year of installation or establishment.

2:90-2.22 Site preparation for natural regeneration

(a) Site preparation for natural regeneration which establishes a stand of trees for soil protection, forestry purposes, and to preserve and improve the environment may be applied to farmland suitable for growing tree species that will provide multi-purpose forest benefits.

(b) Cost-sharing is authorized for site preparation for natural reseeded (including prescribed burning), if all of the special conditions in (c) below apply.

(c) The following special conditions are applicable to site preparation for natural regeneration:

1. The following conditions must be met:

i. Sufficient desirable seed trees are present to permit natural reseeded.

ii. Brush, dense litter, or other material must be broken up and removed to expose the forest soil to permit reseeded.

iii. Seed trees must be left until the area is restocked.

2. Cost-sharing is not authorized for:

i. Site preparation for the natural regeneration or ornamental or Christmas trees;

ii. Correcting existing erosion problems with forestry practices. The correction of erosion problems caused by past land use activities may be authorized under other appropriate State practices;

iii. Fencing, fire breaks, fuel breaks, or roads.

3. Planting area must be protected from destructive fire and destructive grazing.

4. Chemicals used in performing this practice must be Federally and State registered and must be applied strictly according to authorized uses, directions on label, and other Federal or State policies and requirements.

5. Consideration must be given to preserving and improving the environment.

(d) This practice shall be maintained for a minimum of eight years following calendar year of installation or establishment.

2:90-2.23 Animal waste control facilities

(a) Animal waste control facilities which reduce the existing pollution of water, land, or air by animal wastes may be applied to areas on farmland where animal wastes from the farm constitute a significant pollution hazard. This practice is designed to provide facilities for storage and handling of livestock and poultry waste and the control of surface runoff water to permit the recycling of animal waste onto the land in such a manner as to abate pollution which would otherwise result from livestock or poultry operations.

(b) The following types of practices are approved for animal waste control facilities:

1. Animal waste storage facilities such as aerobic or anaerobic lagoons, liquid manure tanks, holding ponds, collection basins, settling basins, and similar facilities as well as diversions, channels, waterways, outlet structures, piping, land

shaping, and similar measures needed as part of a system on the farm to manage animal waste.

2. Permanently installed equipment needed as an integral part of the system; for fencing and vegetative cover (including mulching needed to protect the facility); and for leveling and filling to permit the installation of an effective system.

(c) The following special conditions are applicable to animal waste control facilities:

1. Cost-sharing is limited to solving the pollution problems where the livestock or poultry operation is part of a total farming operation, and shall be limited to the most cost-effective facilities.

2. Cost-sharing is authorized only if the storage and diversion facilities will contribute significantly to maintaining or improving the soil or water quality.

3. Cost-sharing is not authorized for the following:

i. Measures primarily for the prevention or abatement of air pollution unless the measures also have soil and water conserving benefits;

ii. Portable pumps, pumping equipment or other portable equipment, buildings or modifications of buildings or for spreading animal wastes on the land;

iii. For that portion of animal waste structures installed under or attached to buildings which serve as part of the buildings or its foundation.

iv. For animal waste facilities that do not meet local or State regulations.

(d) The system shall be maintained for a minimum of eight years following calendar year of installation.

CIVIL SERVICE

(a)

CIVIL SERVICE COMMISSION

Holidays

Compensation For Holidays

Proposed New Rule: N.J.A.C. 4:2-18.1

Proposed Repeal: N.J.A.C. 4:1-18.3, 4:2-18.2 and 4:2-18.3

Authorized By: Civil Service Commission, Peter J. Calderone, Assistant Commissioner, Department of Civil Service.

Authority: N.J.S.A. 11:1-7a, 11:5-1 and 11:14-1.

Interested persons may submit in writing, data, views or arguments relevant to the proposed action on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Peter J. Calderone
Assistant Commissioner
Department of Civil Service
CN 312
Trenton, New Jersey 08625

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

This proposal is known as PRN 1984-318.

The agency proposal follows:

Summary

N.J.A.C. 4:1-18.3, 4:2-18.2 and 4:2-18.3, which address the application of holiday leave, are being repealed and their substance incorporated into proposed new rule N.J.A.C. 4:2-18.1. The following changes are being made to the proposed amendment: (1) The statutory granting of a holiday on Friday, if the holiday actually falls on Saturday, is being incorporated for informational purposes. (2) N.J.A.C. 4:2-18.3 specifies that an employee must be in active pay status the day preceding a holiday in order to receive holiday pay. This is being modified to require that an employee may be in active pay status on the day before or after a holiday to receive holiday pay with certain specific exceptions. (3) Long-standing practice of not crediting employees for holidays that occur after separation is proposed for inclusion in the amendment.

Social Impact

The proposed new rule will affect two categories of employees: those going on or returning from a leave without pay the day immediately before or after a holiday, and those who are being suspended or returning from a suspension the day immediately before or after a holiday. Under the present regulation, neither category of employee would receive holiday pay. The proposed amendment provides that they would receive such pay. It is felt that the present regulation unfairly penalizes employees. It is hoped that this modification will have a positive impact on employee morale. The remainder of the amendments reflect current practice and, as such, have no additional social impact on the employee.

Economic Impact

The State will be liable for additional holiday pay as explained above. However, the number of employees affected by this amendment is believed to be small resulting in a negligible economic impact. The remainder of the amendments reflect current practice and, as such, generate no economic impact.

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

4:2-18.1 Holidays

(a) Holidays as authorized by law or Executive Order shall be allowed as days off with pay. For overtime payment for employees who work on a holiday, see N.J.A.C. 4:6.

(b) When an authorized State holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. When an authorized holiday falls on Sunday, the following Monday shall be observed as the holiday.

(c) Classified employees who are in pay status on the day immediately before or immediately after an authorized holiday shall receive pay for the holiday, except that:

1. If an employee is separated from State service and his or her last day in pay status is immediately before a holiday, the employee shall not receive pay for that holiday.

2. If a newly hired employee is placed in pay status immediately after an authorized holiday, the employee shall not receive pay for that holiday.

(d) Holidays that occur after an employee has resigned or retired shall not be credited after his or her last working day although his or her name is being retained on the payroll until after exhaustion of vacation or other compensatory leave.

(e) Part-time classified employees who work a constant percentage of a full workweek shall receive holiday leave credit on a proportionate basis.

4:1-18.3 [Holidays (State service)] Reserved

[(a) Holidays as authorized by law or by Commission action with the approval of the Governor shall be allowed as days off with pay or if worked shall be compensated by cash or compensatory time off at a premium rate for all full-time employees in active employment except when otherwise required by regulation. (Reference should be made to regulations of the Joint Committee on Overtime.)

(b) When an authorized holiday falls on Sunday, the following Monday shall be observed as the holiday.

(c) See also N.J.A.C. 4:2-18.2 and 4:2-18.3]

4:2-18.2 [Holiday leave for employees employed on a part-time basis] Reserved

[(a) This section will describe the extent to which part-time employees will be permitted Holiday Leave.

(b) "Part-time employee" means any employee who, by arrangement, regularly works a constant percentage of the regular and normal work week in a class or for an agency; and who is paid a percentage of an annual salary for the title in which such employee works or is paid at an hourly rate.

(c) Temporary, provisional, and permanent part-time employees who meet the definition as set forth in (b) above, and accordingly are in the classified service shall be granted holiday leave credit on a proportionate basis.

Holiday Leave Credits Prorated

Percentage of Full Time Position	8 Hours/Day Position (Hours/Month)	7 Hours/Day Position (Hours/Month)
20	1.60	1.40
25	2.00	1.75
30	2.40	2.10
40	3.20	2.80
50	4.00	3.50
60	4.80	4.20
70	5.60	4.90
75	6.00	5.25
80	6.40	5.60
90	7.20	6.30

To calculate holiday credits for the year, multiply the appropriate "Hours/Month" figure times the number of holidays in the year. To round off tenths of a number the following guide should be used: .1 to .3 should be dropped .4 to .6 should be .5, and .7 and .9 increase to the next whole number.]

4:2-18.3 [Holiday pay practice] Reserved

[(a) This section provides for conditions under which employees in the classified service shall receive pay credit for holidays.

(b) Procedure:

1. If an employee in the classified service is in pay status the working day immediately preceding a holiday, he/she shall receive pay credit for the holiday.

2. All temporary, provisional and permanent part-time employees in the State classified service who regularly work a constant percentage of the regular and normal work week in a class or for an agency, and who are paid a percentage of an annual salary for the title in which such employees work or are paid at an hourly rate, shall receive pay credit for the holiday on a proportionate basis provided their work schedule would have included work time on that holiday.

(c) Exceptions:

1. In those cases where an employee reverts to pay status from a leave without pay the working day immediately preceding the holiday, credit shall not be given except when the return is final.

2. When an employee retires or is otherwise separated from the state service on the working day immediately preceding the holiday, he/she shall not receive credit for that holiday; that is, if an employee's last day of pay status occurs on the working day immediately preceding the holiday, he/she cannot have his separation date designated on that holiday.

3. Casual or Special Services employees are not entitled to holiday pay credit.]

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WATER RESOURCES

Licensing of Operators of Wastewater and Water Systems

Proposed New Rule: N.J.A.C. 7:10-13.15

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

Authority: N.J.S.A. 58:11-64 et seq., specifically 58:11-66, 67 and 69; N.J.S.A. 58:10A-1 et seq., and N.J.S.A. 58:12A-1 et seq.

DEP Docket No. 033-84-05.

Interested persons may submit, in writing, data, views, or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Roger S. Haase
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, New Jersey 08625

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

This proposal is known as PRN 1984-338.

The agency proposal follows:

Summary

On June 29, 1983 the Water Supply and Wastewater Operators Licensing Act N.J.S.A. 58:11-64 et seq., became effective. The Act replaces a number of antiquated licensing acts and authorizes the Department of Environmental Protection to establish an updated licensing program for operators of water supply, wastewater and industrial systems. On May 7, 1984 this program was proposed in the New Jersey Register at 16 N.J.R. 959(a), but through a publication error N.J.A.C. 7:10-13.15 was incorrectly printed. This proposal establishes the criteria needed to take the examination for each license. While the Department mailed the correct full text to over 3500 persons, the failure to publish the full text in the Register requires that the Department repropose this section.

Social Impact

This proposal should provide a positive social impact. A major aim of the new licensing act is to enable the Department to promulgate rules which will ensure that there are an adequate number of qualified operators available to cover all the types of systems that need to be regulated. With the creation of the license requirement for the public wastewater collection system and the creation of transferable licenses for the industrial wastewater treatment systems there should be sufficient licensees for all the systems. In addition, the establishment of the direct responsible charge requirement and Advisory Committee on Training should ensure that licensees are better qualified to do their jobs.

Economic Impact

On balance the economic impact of this proposal should be positive. While the additional licensing requirements may slightly increase costs to the consumer, the improvement in the operation of the systems resulting from the new requirements will reduce costs associated with mismanagement. In addition, the new fees shift the cost of administering the licensing program from the general public to the persons directly benefiting from the program.

Environmental Impact

This updated licensing program will help create better qualified operators for the complex water, wastewater and industrial systems. This will lead to better operated systems, which in turn will lead to better water for potable and recreational purposes.

Full text of the proposed new rule follows (supersedes the text at 16 N.J.R. 965).

7:10-13.15 Criteria needed to take the examination for each license

(a) Persons applying to take an examination for any license except an industrial wastewater treatment system license shall meet the following requirements and possess the minimum education and experience requirements for the license applied for found in Table VII in (b) below.

1. Persons applying to take any examination and holding no degree higher than a high school diploma shall have successfully completed an introductory course approved by the department in the subject matter pertaining to the license being sought, prior to applying to take the examination.

2. Any person applying to take an examination for a class 2, 3 or 4 license shall complete an advanced course approved

by the department in the subject matter pertaining to the license being sought, prior to applying to take the examination.

3. Either or both of the courses required above may be waived if the applicant submits satisfactory proof of equivalent training to the department.

i. Such proof of equivalent training shall consist of transcripts and descriptions of relevant courses, including textbooks used in the courses, taken by the applicant.

(b) TABLE VII: Minimum requirements applicants for licenses, except industrial wastewater treatment system licenses shall meet before being admitted to take an examination for each classification.

Personnel Classification	Education	Operating Experience years ¹	Direct Responsible Charge ⁴ Experience years	Total Experience Years
Classification 1	High school Diploma or Equivalency Certificate, Associate Degree ¹	1	0	1
	Bachelor Degree Category. ²	1	0	1
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	3	0	3
Classification 2	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	2	0	2
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	1.5	0	1.5
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	3 plus	3	6
Classification 3	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	2 plus	2	4
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	1.5 plus	1.5	3
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	6 plus	4	10
Classification 4	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	4 plus	3	7
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	3 plus	2	5

1. "Associate Degree" means successful completion of two years of formal college education resulting in an engineering or relevant science degree or post secondary vocational program acceptable to the department, or a college degree in a field that does not meet the requirements of the Bachelor Degree category.

2. "Bachelor Degree Category" means four years of formal college education resulting in an engineering or a related science degree acceptable to the department.

3. "Operating Experience" means the full time or equivalent time spent in the satisfactory performance of significant operational duties at a system which is acceptable to the Board.

4. "Direct Responsible Charge Experience" means active, daily, on-site supervision, including operation and maintenance responsibilities in a system with a classification no less than one classification lower than the license sought. This experience must be gained while in possession of a license no less than one grade lower than the license sought.

(c) Persons applying to take an examination for an industrial wastewater treatment system license shall meet the following requirements and possess the minimum education and experience requirements for the license applied for, found in Table VIII in (d) below.

1. Persons applying to take any industrial wastewater treatment system license examination shall have successfully completed an industrial waste course approved by the department prior to applying to take the examination. The course requirement may be waived if the applicant submits satisfactory proof of equivalent training to the department.

i. Such proof of equivalent training shall consist of transcripts and descriptions of relevant courses, including textbooks used in courses, taken by the applicant.

(d) Table VIII: Minimum requirements applicants for industrial wastewater treatment system licenses shall meet before being admitted to take an examination for each classification.

Personnel Classification	Education	Operating Experience years
Classification 1	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	1
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	1
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	3
Classification 2	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	2
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	1.5
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	6
Classification 3	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	2 plus
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	1.5 plus
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	6
Classification 4	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	4 plus
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	3 plus
	High school Diploma or Equivalency Certificate, Associate Degree, ¹ Bachelor Degree Category. ²	10

1. "Associate Degree" means successful completion of two years of formal college education resulting in an engineering or relevant science degree or post secondary vocational program acceptable to the Department, or a college degree in a field that does not meet the requirements of the Bachelor Degree category.

2. "Bachelor Degree Category" means four years of formal college education resulting in an engineering or a related science degree acceptable to the Department.

3. "Operating Experience" means the full time or equivalent time spent in the satisfactory performance of significant operational duties at a system which is acceptable to the Board. Manufacturing and process experience may be acceptable for operating experience.

(a)

DIVISION OF WASTE MANAGEMENT

**Solid and Hazardous Waste Regulations
Licensing of Collector/Haulers
(Transporters) and Facilities**

**Notice of Availability of Proposed
Disclosure Statement Forms for Public
Review and Comment**

On May 7, 1984 the Department of Environmental Protection proposed, at 16 N.J.R. 986, amendments and additions to its solid and hazardous waste rules pursuant to authority under the Solid Waste Management Act, N.J.S.A. 13:1E-6, to implement a stringent new licensing program required under P.L. 1983, c.392, N.J.S.A. 13:1E-126. This statute, known before its enactment as Assembly Bill 901 and hereinafter referred to as the "Licensing Act", will become effective June 11, 1984.

Section 3 of the Licensing Act, N.J.S.A. 13:1E-128, requires that any existing licensee or applicant for a license to collect, transport, treat, store or dispose of solid or hazardous waste shall file a disclosure statement with the Department and the Attorney General. New applicants must file disclosure statements after the projected effective date of July 2, 1984 for the proposed regulations. Existing license holders will have to submit a disclosure statement within two years after the effective date of the Licensing Act, June 11, 1984. The disclosure statements will contain business and financial information as well as personal information. Individuals submitting the disclosure statements, including every officer, director, partner or key employee in a business concern, will be the subject of complete background investigations by the Office of the Attorney General which is authorized to prepare investigative reports for the Department. Based upon criteria set forth in Section 8 of the Licensing Act, N.J.S.A. 13:1E-133, and proposed N.J.A.C. 7:26-16.8, the Department may use information revealed in the disclosure statements or the investigative reports to deny or revoke a license.

Pursuant to Sections 2e and 3c, of the Licensing Act, N.J.S.A. 13:1E-127e and 128c, the Department proposed N.J.A.C. 7:26-16.4, Content of Disclosure Statement, and subsequently prepared drafts of a Business Concern Disclosure Statement, Limited Business Concern Disclosure Statement and a Personal History Disclosure Form for use by business concerns and individuals required to file such forms. The Limited Business Concern Disclosure Statement is intended for use by companies whose names are disclosed in the primary Business Concern Disclosure Statement as, for example, holders of stock interests in the applicant.

The Department is interested in involving the regulated community, as well as members of the public at large in reviewing and commenting on the draft disclosure statements. To this end a Task Force, drawn from the solid and hazardous waste industry and the environmental community, has been formed by the Department. This notice is being given to invite interested persons to review the draft statement. The public may request copies of the draft disclosure statements, at a nominal cost for copying and mailing from:

Anthony J. Cavalier, Bureau Chief
Bureau of Registration and Permit
Administration
Division of Waste Management
32 East Hanover Street
CN 027
Trenton, New Jersey 08625

Interested persons may also inspect copies of the documents at the Bureau of Registration and Permit Administration, address above, and at the following agency:
Office of Administrative Law
88 East State Street
Trenton, New Jersey

Any comments relevant to these draft disclosure forms may be submitted on or before July 18, 1984 to:
Ilse E. Goldfarb, Esq.
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, New Jersey 08625

Comments submitted in response to this notice will be considered and the Department may make changes to the disclosure statement forms in responses to relevant comments. The Department does not plan to publish a formal response to comments document. The final Disclosure Statement forms will be filed with the Office of Administrative Law, although the Department reserves the right to change the form of any Disclosure Statement as needed.

HEALTH

(b)

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Standards; All Health Care Facilities
Ownership and Operation; Convicted
Persons**

Proposed Readoption: N.J.A.C. 8:31-26.1

Authorized By: J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of Health Care Administration Board).
Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Wanda J. Marra, Coordinator
Standards Program
Division of Health Facilities
Evaluation
Department of Health
CN 367
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5) after approval by the Health Care Administration Board. Pursuant to Executive Order No. 66(1978), this rule expires on July 1, 1984.

This proposal is known as PRN 1984-329.

The agency proposal follows:

Summary

The current N.J.A.C. 8:31-26.1 will expire on July 1, 1984, pursuant to the "sunset" provisions of Executive Order No. 66(Governor Byrne, 1978) which mandates the five-year automatic expiration of a rule. The Department proposes to readopt the current N.J.A.C. 8:31-26.1 without change.

N.J.A.C. 8:31-26.1 deals with the ownership and/or operation of health care facilities by persons who have been convicted of a crime. The rule expressly prohibits the ownership and/or operation of a health care facility by a person who has been convicted of a crime which relates adversely to his or her capability to own and/or operate a health care facility. The rule does not provide a recourse for a person who has been convicted of such a crime in order to avoid repetition of crimes relating to the ownership and/or operation of a health care facility.

The current rule N.J.A.C. 8:31-26.1 became effective on June 20, 1983, (see 15 N.J.R. 1021(a)) and supersedes a previous rule which became effective on January 26, 1977. The rule was promulgated in response to actual instances in which owners and/or operators of health care facilities were convicted of fraud involving Medicare and Medicaid.

The experience of the Department indicates both a historical need for this rule as well as a continuing need. The Department is currently involved in litigations that necessitate the readoption of this rule. The Department needs a mechanism to ensure that crimes related to owning and/or operating a health care facility are not repeated. In addition, this rule has been useful in eliminating disreputable owners and/or operators of health care facilities from the health care industry in New Jersey.

It is imperative that N.J.A.C. 8:31-26.1 be readopted so that the Department can continue current litigations and continue its efforts to prevent future crimes adversely relating to the ownership and/or operation of a health care facility.

Social Impact

N.J.A.C. 8:31-26.1 protects the rights of the consumer of health care services and protects the interests of the public by helping to prohibit costly crimes and by promoting a safe and efficient environment within health care facilities. Crimes such as fraud and diversion of public monies (as in the case of Medicaid fraud) negatively affect all taxpayers and citizens. The readoption of N.J.A.C. 8:31-26.1 will assist in preventing such crimes by acting as a deterrent because of the strong penalty and by eliminating the opportunity for repeated crimes by the same person.

N.J.A.C. 8:31-26.1 has had ongoing support from the New Jersey Department of Human Services, associations representing the health care industry in New Jersey, and the Ombudsman for the Institutionalized Elderly since the rule was first adopted in 1977 and subsequently revised in 1983. The Department anticipates continued support for this rule. There will be no change in the impact of N.J.A.C. 8:31-26.1 on providers of health care or on State government since this proposal is a readoption of an existing rule.

Economic Impact

If N.J.A.C. 8:31-2.1 is not readopted, a significant economic impact can be anticipated affecting consumers, taxpayers, and the public when crimes such as fraud and diversion of monies are committed and perpetuated. The person convicted of a crime who must divert himself or herself of financial interest in one or more health care facilities may realize a negative impact. There will be no additional economic impact on the Department to implement and enforce the readoption of N.J.A.C. 8:31-26.1 since this proposal is a readoption of an existing rule.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:31-26.1.

(a)

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Standards; All Health Care Facilities
Employees Physical Examinations (Health
Evaluations)**

**Proposed Readoption with Amendments:
N.J.A.C. 8:31-26.3**

Authorized By: J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 19, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Wanda J. Marra, Coordinator
Standards Program
Division of Health Facilities
Evaluation
Department of Health
CN 367
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5) after approval by the Health Care Administration Board. Pursuant to Executive Order No. 66(1978), this rule expires on July 1, 1984.

This proposal is known as PRN 1984-331.

The agency proposal follows:

Summary

The current N.J.A.C. 8:31-26.3 will expire on July 1, 1984, pursuant to the "sunset" provisions of Executive Order No. 66 (Governor Byrne, 1978) which mandates the five-year automatic expiration of a rule. The Department proposes to readopt the current N.J.A.C. 8:31-26.3 without change.

N.J.A.C. 8:31-26.3 delineates the requirements for physical examinations (health evaluations) for employees of health

care facilities. Each facility is required to establish written policies and procedures regarding employees' physical examinations (health evaluations) upon employment and subsequently. The policies and procedures are to indicate the content of physical examinations (health evaluations), for example, the specific parameters for physical examinations (health evaluations) as well as the laboratory tests that will be performed. In addition, the policies and procedures are to indicate the frequency of physical examinations (health evaluations), that is, how often physical examinations (health evaluations) will be repeated following the initial examination of the employee at the time of employment. For the purposes of this rule, the term "employee" refers to persons directly employed by the health care facility and persons providing direct patient care services through contractual arrangements or written agreements with the health care facility.

N.J.A.C. 8:31-26.3(a)1 and 2 are specific regarding the particular screening tests to be performed on each employee in certain types of health care facilities. When N.J.A.C. 8:31-26.3(a)1 became effective on March 7, 1983 (see 15 N.J.R. 337(a)), the rule required that all employees of general hospitals be given a Mantoux tuberculin skin test. This rule was later amended (see 15 N.J.R. 470(a)) and became effective on June 20, 1983 (see 15 N.J.R. 1022(a)) to require all employees of special hospitals as well as all employees of general hospitals to be given a Mantoux tuberculin skin test. The revised amendment reflected the original intent of the rule. N.J.A.C. 8:31-26.3(a)2 requires that each employee in certain types of health care facilities be given a rubella screening test. A detailed explanation of the requirements of this rule follows:

N.J.A.C. 8:31-26.3(a)1 requires that each employee in a general hospital and/or special hospital, as defined in N.J.A.C. 8:43B-1, be given a Mantoux tuberculin skin test with five tuberculin units of purified protein derivative.

The Mantoux intradermal tuberculin skin test with five tuberculin units of purified protein derivative is a reliable and cost effective screening test and is the only tuberculin skin test which can be used to fulfill the requirements of N.J.A.C. 8:31-26.3(a)1. The rule mandates that all employees of general hospitals and/or special hospitals are to be tested. Subsequently, all new employees are to be given the Mantoux tuberculin skin test upon employment. If the facility has documentation that an employee has had a skin reaction of 10 or more mm of induration, the facility shall exempt the employee from further tuberculin skin testing.

N.J.A.C. 8:31-26.3(a)1i specifies that if the first Mantoux tuberculin skin test reaction is less than 10 mm of induration (negative), the test shall be repeated one to three weeks later. If the second Mantoux tuberculin skin test is negative, subsequent tests shall be done in accordance with the facility's policies and procedures.

N.J.A.C. 8:31-26.3(a)1ii delineates that a reaction showing 10 or more mm of induration to the first or second Mantoux tuberculin skin test requires a chest X-ray and, if indicated, chemoprophylaxis or therapy.

N.J.A.C. 8:31-26.3(a)1iii requires the facility to ensure that each employee's record contains documentation of all tests performed and the results, including the transverse diameter of induration in mm, and the results of a chest X-ray and the chemoprophylaxis or therapy, as indicated.

N.J.A.C. 8:31-26.3(a)2 requires that each employee, upon employment in certain types of health care facilities, be given a rubella screening test using the rubella hemagglutination inhibition test or other rubella screening test approved by the Department. Employees who can document seropositivity

from a previous rubella screening test or who can document inoculation with rubella vaccine are not required to have a rubella screening test.

The facilities required to adhere to N.J.A.C. 8:31-26.3(a)2 are home health agencies (as defined in N.J.A.C. 8:42), alcoholism treatment facilities (as defined in N.J.A.C. 8:42A), drug treatment facilities (as defined in N.J.A.C. 8:42B), ambulatory care facilities (as defined in N.J.A.C. 8:43A), and general hospitals and/or special hospitals (as defined in N.J.A.C. 8:43B).

N.J.A.C. 8:31-26.3(a)2i and ii are specific about the responsibilities of the facility for informing each employee tested in writing of the results of his or her rubella screening test and require the facility to be responsible for ensuring that each employee's record contains documentation of all tests performed and the results. In addition, N.J.A.C. 8:31-26.3(a)2iii mandates the facility to maintain a list including the name of each employee who is seronegative and unvaccinated, in the event that he or she is exposed to rubella and a determination is needed as to whether the employee can or cannot continue to work.

N.J.A.C. 8:31-26.3(c) states that N.J.A.C. 8:31-26.3(a)2 shall not apply to long-term care facilities (as defined in N.J.A.C. 8:39), non-residential medical day care facilities (as defined in N.J.A.C. 8:43F), residential health care facilities (as defined in N.J.A.C. 8:43), nursing homes (previously N.J.A.C. 8:30), and intermediate care facilities (previously N.J.A.C. 8:37). These facilities are exempt from the rubella screening test since it is unlikely that a pregnant woman would be a patient in any of these facilities because of the particular patient population served by the exempted facilities.

N.J.A.C. 8:31-26.3(c)4 and 5 are being deleted as part of this proposal since N.J.A.C. 8:30, Manual of Standards for Nursing Homes, and N.J.A.C. 8:37, Manual of Standards for Intermediate Care Facilities were repealed effective June 20, 1983 (see 15 N.J.R. 1022(b)). The Department no longer issues licenses to nursing homes or to intermediate care facilities since these facilities are now licensed as long-term care facilities (as defined in N.J.A.C. 8:39). Since the licensure categories for nursing homes and intermediate care facilities are no longer in existence, it is appropriate to propose the deletion of N.J.A.C. 8:31-26.3(c)4 and 5.

Social Impact

The readoption of the rule for Employee Physical Examinations (Health Evaluations) will continue to ensure the health, safety, and welfare of the patient in health care facilities.

Physical examinations (health evaluations) and the screening tests mentioned in the rules help to ensure that employees are free from communicable disease. Hopefully, patients such as the elderly, the diabetic, the alcoholic, the patient with chronic pulmonary disease, the postoperative patient, and the mother and newborn child who have increased vulnerability and/or a disability will be safeguarded from further morbidity, mortality, and economic consequences.

Screening employees in health care facilities with the Mantoux tuberculin skin test, and mandating follow-up when appropriate, helps to ensure that employees will not transmit tuberculosis to patients. Likewise, screening employees in health care facilities with a rubella screening test helps to determine which employees are seronegative and have not been inoculated with rubella vaccine and, therefore, are susceptible to contracting rubella which they might transmit to patients. Of particular concern are female patients who are pregnant or in the child-bearing years who might contract

rubella during a pregnancy resulting in birth defects in the newborn child.

As a concomitant social impact of this rule, employees of health care facilities are being protected from acquiring tuberculosis from patients in a health care facility. In addition, the rule proposed for readoption has been written so as not to overburden a facility or the individual employee with redundant examinations, screenings, and tests. The rule allows the facility to determine the content and frequency of the examinations, with the exception of tuberculin skin testing and rubella screening, in order to support efficient and effective patient care and personnel practices.

Economic Impact

N.J.A.C. 8:31-26.3 has been in effect since March 7, 1983, and the current rule since June 20, 1983. The current rule is a revision of a previous rule that became effective on October 9, 1980, which also required Mantoux and rubella testing. The greatest economic impact on health care facilities would have been felt when the rules were first required since all employees had to be tested. Since that time, only new employees need be tested so that the economic impact on the facilities should be lessened.

An employee of a health care facility might have an economic impact if the facility requires the employee to pay for the Mantoux and/or rubella screening test(s). The employee may realize an economic impact if the Mantoux and/or rubella tests indicate a need for a chest X-ray and chemoprophylaxis or therapy for tuberculosis and/or inoculation with rubella vaccine and the employee must pay the cost.

The economic impact of the readoption of N.J.A.C. 8:31-26.3 upon the Department will be minimal since these rules are already in effect.

The Department contends that the social impact of protecting the health, safety, and welfare of patients, employees, and the public outweighs any economic impact of the proposed readoption of these rules. The cost of rubella screening and Mantoux skin testing will be negligible compared to the ultimate cost of treating a newborn with birth defects or a patient with tuberculosis, within a family, a community, and the state.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:31-26.3.

Full text of the proposed amendments to the readoption follows (deletions indicated in brackets [thus]).

8:31-26.3 Employee physical examinations (health evaluations)

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

(c) Paragraph (a)2 above shall not apply to the following health care facilities:

- 1. Long-term care facilities;
- 2. Non-residential medical ay care facilities;
- 3. Residential health care facilities.
- [4. Nursing homes;]
- [5. Intermediate care facilities.]

(a)

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Standards; All Health Care Facilities
Child Abuse and Neglect**

**Proposed Readoption with Amendments:
N.J.A.C. 8:31-26.4**

Authorized By: J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Wanda J. Marra, Coordinator
Standards Program
Division of Health Facilities
Evaluation
Department of Health
CN 367
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5) after approval by the Health Care Administration Board. Pursuant to Executive Order No. 66(1978), this rule expires on July 1, 1984.

The proposal is known as PRN 1984-330.

The agency proposal follows:

Summary

The current N.J.A.C. 8:31-26.4 will expire on July 1, 1984, pursuant to the "sunset" provisions of Executive Order No. 66 (Governor Byrne, 1978) which mandates the five-year automatic expiration of a rule. The Department proposes to readopt the current N.J.A.C. 8:31-26.4 without change.

N.J.A.C. 8:31-26.4 regarding child abuse and neglect was adopted at the request of the Division of Youth and Family Services, New Jersey State Department of Human Services, to assist in the enforcement of N.J.S.A. 9:6-1 et seq. which provides for the protection of children under 18 years of age who have had serious injury inflicted upon them other than by accidental means. The intent of the legislation was to safeguard children from further injury and possible death and to protect the legal rights of such children. The statute requires the reporting of suspected or diagnosed instances of child abuse or child neglect. N.J.A.C. 8:31- 26.4 strengthens the enforcement of the statute by mandating specific reporting protocols as part of the licensure regulations for certain health care facilities.

N.J.A.C. 8:31-26.4 is applicable to three types of health care facilities: home health agencies (as defined in N.J.A.C. 8:42), ambulatory care facilities (as defined in N.J.A.C. 8:43A), and hospital facilities (as defined in N.J.A.C. 8:43B).

As indicated in N.J.A.C. 8:31-26.4(a) and (b), this rule requires each facility to establish and implement written policies and procedures for reporting all diagnosed and/or suspected instances of child abuse and/or neglect in compliance with N.J.S.A. 9:6-1 et seq. (A footnote indicates where copies of the law may be obtained.)

N.J.A.C. 8:31-26.4(b)1 requires the facility to designate a staff member(s) who will be responsible for coordinating the reporting of diagnosed and/or suspected instances of child abuse and/or neglect on a 24-hour basis, recording the notification to the Division of Youth and Family Services on the medical record, and serving as a liaison between the facility and the Division of Youth and Family Services.

N.J.A.C. 8:31-26.4(b)2 further requires that the facility develop written protocols for the identification and treatment of abused and/or neglected children. Protocols should be written for the "emergency room, clinic, and pediatrics," where these services exist. Protocols must also be written for the admission and/or transfer of the child to another facility and for protective custody through the use of hospital hold in accordance with N.J.S.A. 9:6-8.16.

N.J.A.C. 8:31-26.4(b)3 mandates the facility to provide, at least annually, educational and/or training programs to appropriate persons regarding the identification and reporting of diagnosed and/or suspected instances of child abuse and/or neglect and regarding the facility's policies and procedures.

N.J.A.C. 8:31-26.4(c) indicates the facilities that are not required to adhere to this rule. These facilities are long-term care facilities (as defined in N.J.A.C. 8:39), non-residential medical day care facilities (as defined in N.J.A.C. 8:43F), residential health care facilities (as defined in N.J.A.C. 8:43), and drug treatment facilities (as defined in N.J.A.C. 8:42B). These facilities are exempted from this rule because children are rarely, if ever, seen in these facilities. However, these facilities are not exempt from the law and would be required to report diagnosed and/or suspected child abuse and/or neglect in the event that such instances become apparent. Nursing homes (formerly N.J.A.C. 8:30) and intermediate care facilities (formerly N.J.A.C. 8:37) are being deleted from this list since these chapters were repealed effective June 20, 1983 (see 15 N.J.R. 1022(b)).

The terms "Boarding Homes for Sheltered Care" and "Residential and Inpatient" regarding drug treatment facilities are being deleted since this terminology is no longer used. N.J.A.C. 8:31-26.4(c)6 is renumbered as N.J.A.C. 8:31-26.4(c)4.

Social Impact

The readoption of the rule, N.J.A.C. 8:31-26.4, for child abuse and/or neglect will continue to ensure that the health care facilities delineated in the rule continue as an important element in the implementation of N.J.S.A. 9:6-1 et seq. which mandates the reporting of diagnosed and/or suspected instances of child abuse and/or neglect to the Division of Youth and Family Services, New Jersey State Department of Human Services. Children are seen by members of the health professions for care and treatment in hospital emergency rooms, pediatric services, ambulatory care services, and in private residences by staff of home health agencies. Therefore, the staff members of these health care facilities are in an advantageous position to identify and report instances of diagnosed and/or suspected child abuse and/or neglect.

The purpose of N.J.A.C. 8:31-26.4 is to assist the administration and staff of health care facilities to fulfill their responsibility to identify, treat, and report instances of child abuse and neglect. The rule facilitates accurate and consistent reporting of diagnosed and/or suspected instances of child abuse and/or neglect by specifying what, when, where, and to whom to report.

Specific policies and procedures which are enforced within health care facilities can assist in protecting the facilities and their staff from possible civil suits for failure to report as required by the statute. The law specifically grants immunity from any liability, civil or criminal, to anyone making a report or giving testimony in a judicial proceeding as a result of the report.

The requirements for the provision of educational and training programs by health care facilities will help to ensure that staff members are trained regarding the identification and reporting of diagnosed and/or suspected instances of child abuse and/or neglect which are essential to early detection. The educational and training programs should provide the staff with increased knowledge regarding child abuse and/or neglect, thereby increasing the awareness of this problem.

The effective identification, reporting, and treatment of cases of child abuse and/or neglect would be greatly hindered if there were no established system of reporting for health care facilities and no mandate for policies and procedures within health care facilities.

In the absence of this rule, it is likely that fewer instances of child abuse and/or neglect would be identified and reported by health care facilities, thus placing the safety and often the very lives of children at stake. Therefore, it is imperative that this rule be readopted.

Economic Impact

The health care facilities required to adhere to N.J.A.C. 8:31-26.4 should not experience a change in the cost of implementing or enforcing this rule, if readopted, since the rule has been in effect since June 4, 1981. The Department should not incur any additional cost to enforce this rule, if readopted.

It is impossible to estimate the cost to society of health care for abused and/or neglected children who have suffered both physical and emotional trauma. The cost of medical care and hospitalization would be considerably more than the costs incurred by the prompt identification and reporting of instances of child abuse and/or neglect particularly when the identification and reporting of the instance prevents repeated abuse and/or neglect and/or death of the child.

The Department contends that the social impact of protecting children from abuse and/or neglect and death far outweighs the economic impact of implementing and enforcing this rule.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:31-26.4.

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

8:31-26.4 Child abuse and neglect

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

(c) The standards herein shall not apply to the following health care facilities:

1. Long-Term Care Facilities;
2. Non-Residential Medical Day Care Facilities;
3. Residential Health Care Facilities [Boarding Homes for Sheltered Care];

- [4. Nursing Homes;]
 [5. Intermediate Care Facilities;]
 [6.] 4. [Residential and Inpatient] **Drug Treatment Facilities.**

¹ Copies of the Law can be obtained from the local district office of Division of Youth and Family Services (DYFS) or from the Office of Program Support, Division of Youth and Family Services, Trenton, New Jersey 08625.

(a)

DIVISION OF HEALTH FACILITIES EVALUATION

Standards; All Health Care Facilities Licensure Fees

Proposed Readoption: N.J.A.C. 8:31-26.5

Authorized By: J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Wanda J. Marra, Coordinator
 Standards Program
 Division of Health Facilities
 Evaluation
 Department of Health
 CN 367
 Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5) after approval by the Health Care Administration Board. Pursuant to Executive Order No. 66(1978), this rule expires on July 1, 1984.

This proposal is known as PRN 1984-332.

The agency proposal follows:

Summary

The current N.J.A.C. 8:31-26.5 will expire on July 1, 1984, pursuant to the "sunset" provisions of Executive Order No. 66 (Governor Byrne, 1978) which mandates the five-year automatic expiration of a rule. The Department proposes to readopt the current N.J.A.C. 8:31-26.5 without change.

The Department has been charging health care facilities a fee for the filing of an application for licensure and for the annual renewal of the license since 1971 when the Department became responsible for the licensure of health care facilities in accordance with provisions of Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., which specified: "The department shall charge such

nonrefundable fees, not less than \$50.00 and not more than \$250.00 for the filing of an application for a license and any renewal thereof, as it shall from time to time fix in rules or regulations."

In 1978, amendments to the above mentioned law increased the fees for the filing of an application for licensure and for the renewal of the license to a maximum of \$2,000.00. On March 7, 1983, N.J.A.C. 8:31-26.5 became effective (see 14 N.J.R. 1273(a), 15 N.J.R. 336(a)) and increased the maximum licensure fee from \$250.00 to \$500.00 to partially reflect the amounts specified in 1978 amendment referred to above. An explanation of the requirements of this rule follows:

N.J.A.C. 8:31-26.5(a) requires health care facilities to pay a fee to the Department for the filing of an application for licensure of a health care facility and for the annual renewal of the license.

N.J.A.C. 8:31-26.5(a)1 establishes a uniform fee schedule for inpatient health care facilities based on the number of beds. The licensure fees for inpatient health care facilities are as follows: \$100.00 (1-99 beds), \$200.00 (100-199 beds), \$300.00 (200-299 beds), \$400.00 (300-399 beds), and \$500.00 (400-999).

Other health care facilities which are not inpatient facilities, such as home health agencies (as defined in N.J.A.C. 8:42), ambulatory care facilities (as defined in N.J.A.C. 8:43A), and non-residential medical day care facilities (as defined in N.J.A.C. 8:43F) are required, according to N.J.A.C. 8:31-26.5(a)2, to pay a licensure fee of \$100.00.

A subsequent proposed amendment, if adopted, will further change the fee schedule for hospitals (see 16 N.J.R. 802(a)) to reflect the maximum allowable fee of \$2,000.00 in accordance with Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto.

Social Impact

The readoption of N.J.A.C. 8:31-26.5 will help to ensure the quality of care in health care facilities by providing a source of revenue for the continued surveillance of health care facilities. Surveillance of health care facilities for compliance with regulations for licensure is an indispensable part of the Department's effort to ensure the quality of health care provided to patients which is mandated in Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto. The survey process enables health care facilities to identify both their strengths and weaknesses in regard to the licensure rules established by the Department, thus ensuring safe, efficient, and effective health care to patients.

There should be no additional social impact on the Department or the facilities since the law has been in effect since 1971. If N.J.A.C. 8:31-26.5 is not readopted, the Department contends that the quality of care provided to patients in health care facilities could be adversely affected.

Economic Impact

Health care facilities will not experience a change in licensure fees if N.J.A.C. 8:31-26.5 is readopted since the current fee schedule has been in effect since March 7, 1983. If the proposed amendment (See 16 N.J.R. 802(a)) is adopted, the licensure fees for hospitals only will be increased and hospitals only will experience an economic impact.

The Department will not incur any additional expenses to collect licensure fees since the procedures for this are already established and functioning. If N.J.A.C. 8:31-26.5 is not re-

adopted, the Department will experience a significant decrease in revenue which could seriously affect the Department's oversight of health care facilities, thus affecting the health, safety, and welfare of patients and the public.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:31-26.5, originally found at 14 N.J.R. 1273(a), 15 N.J.R. 336(a).

(a)

DIVISION OF HEALTH PLANNING AND RESOURCES DEVELOPMENT

Certificate of Need: Perinatal Services Standards and General Criteria

Proposed Readoption with Amendments: N.J.A.C. 8:33C.

Authorized By: J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Interested persons may submit in writing, data, views, or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

John A. Calabria, Coordinator
New Jersey Department of Health
Health Planning Services
CN 360, Room 403
Trenton, New Jersey 08625

The Department of Health thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5) after approval by the Health Care Administration Board. Pursuant to Executive Order No. 66(1978), these rules expire September 19, 1984. These adoption becomes effective upon acceptance by the Office of Administrative Law of a notice of readoption. The amendments to the readoption become effective upon publication in the Register of a notice of their adoption.

The proposal is known as PRN 1984-328.

The agency proposal follows:

Summary

In February 1978, the Department of Health established rules to govern the planning, certification of need, and designation of perinatal services. These regulations were the result of an extensive planning process which began in 1973, when the New Jersey State Health Planning Council listed the reduction of infant mortality as its highest priority goal. Following a comprehensive planning effort, a system of regionalization for perinatal services was recommended, involving the establishment and designation of three distinct levels of care.

The purpose of the regulation remains to establish a means for the Department to:

1. Promote delivery of the highest quality of care to all pregnant women and newborns;

2. Maximize utilization of highly trained perinatal personnel and intensive care facilities;

3. Promote cost effectiveness throughout the system; and

4. Emphasize a coordinated and cooperative approach to perinatal services.

The rules establish a planning process, a designation and certification of need review process and criteria, and standards for delivery of care at the three defined levels. Appendix B of the rules was amended in 1979 to further clarify Personnel and Education and Research requirements for Level III centers.

The Department conducted an internal review of the rules prior to this notice for readoption. In this review, it was determined that the rules effectively and reasonably establish a basis for a regional approach to delivery of perinatal services. The planning and designation process was implemented by the Department in 1981, and all New Jersey hospitals with obstetrical services were designated under the Level of Care concept.

The rule is being proposed for re-adoption by the Department in order to continue the regionalized approach in New Jersey for perinatal services. Minor non-substantive modifications are proposed for purposes of maintaining the relevance of the rules to current administrative practice. Appendix A, containing 1975 utilization data, has been deleted from the rules. Appendix B has been recodified as Appendix A.

The Department, upon the advice of the Statewide Health Coordinating Council, is proposing several modifications to the service requirements for Level III's as contained in Appendix A. These recognize the proper and effective role of a Level III in providing educational outreach and high-risk neonatal follow-up services to its region. In addition, a regional organizational management network is proposed to promote the coordinated delivery and planning of perinatal services.

Based also on the advice of the Statewide Health Coordinating Council, the proposed rules authorize the establishment of a Perinatal Technical Advisory Committee to provide assistance to the Commissioner of Health in implementing the regulations.

Social Impact

N.J.S.A. 26:2H-1 (as amended) recognizes as "public policy of the State that hospitals and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a reasonable cost are of vital concern to the public health. In order to provide for the protection and promotion of the health of inhabitants of the State, promote the financial solvency of hospitals and similar health care facilities and contain the rising cost of health care services, the State Department of Health . . . shall have the central, comprehensive responsibility for the development and administration of the State's policy with respect to health planning, hospital and health care services, and health facility cost containment programs. . . ."

The New Jersey State Health Plan recognizes the underutilization of inpatient beds, specialty services, and expensive equipment as an important factor contributing to the rapidly escalating costs of health care. Regionalization of specialty services and equipment is viewed as an important mechanism for promoting health by improving the capabilities of services and quality of care offered, by assuring an adequate patient volume for hospitals offering these expensive services, and by containing the rising costs of health care services.

The Department believes the rules are effective in addressing their established goal of promoting a higher quality of care for pregnant mothers and newborns. As a result of im-

plementation of the designation process, high-quality neonatal intensive care services are available and accessible throughout New Jersey on a regionalized basis.

Economic Impact

The rules were established to address both quality of care and cost-effectiveness goals. Through implementation of perinatal designation, delivery of high-cost intensive care services has been regionalized in New Jersey.

The economic impact of these rules has thus been to produce initial cost efficiencies in the system of perinatal services through improving utilization of high-cost services. Since 1979, closure of several under-utilized obstetrical services has occurred in New Jersey hospitals, thus further reducing costs to the system.

Full text of the readoption appears in the New Jersey Administrative Code at N.J.A.C. 8:33C-1.

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

SUBCHAPTER 1. STANDARDS AND GENERAL CRITERIA

8:33C-1.1 Introduction

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

(c) In 1974, the maternal and child health program of the New Jersey Department of Health surveyed all hospitals in the State offering obstetrical care. Their survey suggests that existing referral patterns for perinatal services are compatible with the boundary designations of each New Jersey's five health system agencies (HSAs). As a result, the HSAs are in an advantageous position to plan system-wide perinatal services for primarily self-contained perinatal service areas. [Table 1 (appendix A) presents 1975 data on the total number of births and the total number of facilities by size for each county in New Jersey's five health systems areas.]

(d)-(g) (No change.)

(h) [Table 1 (Appendix A) demonstrates that in 1975 a total of 39 or 48.1 percent of New Jersey's 81 hospitals providing obstetrical services had fewer than 1,000 deliveries.] **Review of 1982 data on New Jersey's 71 hospitals providing obstetrical services indicates that over one-third (24) had fewer than 1,000 annual deliveries.** Despite the low numbers of deliveries, these units must be fully staffed with the nursing and other personnel necessary to care properly for the mothers and infants. This has resulted in the underutilization of the time and talents of highly skilled personnel, lending credence to the need for regionalizing these services.

(i) For purposes of implementing this regulation, the Certificate of Need (Certification) process [shall] **continues to** apply to any hospital beginning an obstetrical service for the first time or which proposes any change in their obstetrical service; for those hospitals which [propose] **proposed** only to maintain their existing level of obstetrical care, the Department of Health [will develop] **has implemented**, in concert with the HSAs, a designation procedure [and require] **which included** the submission of a designation application. Designation or certification at a particular level of care, appropriate to the needs of the community, [will be] **is** required for reimbursement through the Department's rate-setting mechanism.

8:33C-1.2 Standards and general criteria

(a) The Maternal and Infant Care Services (MICS) Committee prepared "Levels of Care Criteria for the Regionalization of Maternal and Neonatal Services in New Jersey." The full text of the MICS committee's standards and criteria appears as appendix [B] **A** of this regulation.

(b) The State of New Jersey adopts the "Levels of Care Criteria for the Regionalization of Maternal and Neonatal Services in New Jersey" for purposes of planning, certification of need, and designation of perinatal services. In addition, the following standards and general criteria shall apply.

1. Standards:

i.-iii. (No change.)

iv. Functions

(1)-(2) (No change.)

(3) Level III: The Level III Regional Perinatal Center must provide care for normal patients and also for complicated fetal, neonatal and maternal cases which require more intensive care than can be provided in a Level II Perinatal Unit. Services to be provided include: twenty-four hour fetal scalp and neonatal arterial blood gas analysis; ultrasonic and radioisotope capabilities; the ability to continuously monitor neonatal blood pressure, heart rate and respiration; and the capability to maintain respiration on a long-term basis. Being a regional center, the Level III hospital will be responsible for transfer agreements and arrangements, data collection and analysis for the region and for continuing education input into the region. The Level III Regional Perinatal Center must have a permanent monitor in the delivery/C-section room for monitoring capability until the moment of delivery and a neonatal intensive care unit.

(A) (No change.)

(B) [For a further specification of] **Hospitals must meet the functional requirements of each level, [see appendix B] as contained in Appendix A.**

2. General Criteria: Each application for certification or designation as a perinatal I or II unit or III center must meet each of the following minimum general criteria.

i.-ii. (No change.)

iii. [Processes:]

[(1) Certification process: Provide written documentation that the base year costs for the budget year in which the application has been filed are within the challenge ratio for each cost center to be affected by the project. These challenge ratios are defined by the hospital rate-setting guidelines, New Jersey Department of Health. Such cost centers shall include but not be limited to intensive care units, acute care units, labor and delivery, pharmacy, respiratory therapy, central and sterile supply, and patient care coordination. Where such cost centers affected are not subject to peer comparison.] The applicant must demonstrate that its costs are reasonable in comparison with other facilities which offer the same type of program. [An example of this education and research.]

[(2) Designation process: Provide written documentation that the base year costs for the budget year in which the application has been filed are within the challenge ratio for the labor and delivery cost center.]

iv.-vi. (No change.)

vii. Services:

(1) and (2) (No change.)

(3) No facility shall be eligible for either the certification or designation process until the health systems agency in which the applicant facility is located has adopted and submitted to the Department of Health a perinatal services plan for its health service area.

[(A) Reimbursement shall be made only to those facilities which are certified or designated through the appropriate review mechanism. Reimbursement shall be made only at the level at which certification or designation is granted.]

3. Reimbursement:

i. Reimbursement shall be made only to those facilities which are certified or designated through the appropriate review mechanism. Reimbursement shall be made only at the level at which certification or designation is granted.

ii. Reimbursement for any capital or operating cost associated with certification or designation will be determined under the methodology and reviews for reasonableness as stipulated in applicable hospital reimbursement regulations. Certificate of Need approval or designation does not mandate nor imply the inclusion of any capital or operating costs in the facilities reimbursement levels.

8:33C-1.3 Perinatal Technical Advisory Committee

(a) The Commissioner shall appoint a Perinatal Technical Advisory Committee to provide assistance to the Department in the implementation of these regulations.

(b) There shall be a maximum of 15 members, which shall include individuals having expertise in the administration, planning and delivery of perinatal services from the fields of nursing, medicine, hospital administration and finance. At a minimum there shall be two consumer members who are familiar with the health planning process in the State of New Jersey.

Appendix A. Delete in its entirety.

Appendix B. Re-codify as Appendix A.

Level I (No change.)

Level II (No change.)

Level III

A.-F. (No change.)

G. Perinatal Outreach Education

The Regional Perinatal Center shall provide an identified program of Perinatal Outreach Education to its region, including components specifically designed to address the educational needs of physicians, nurses, and consumers.

H. High-Risk Infant Follow-up Services

The Regional Perinatal Center shall provide a program of High-Risk Infant Follow-up Services to its region, including components of Monitoring and Assessment, Education, and Referral.

I. Regional Organization Management

The Level III Center shall establish a regional organizational management structure which provides a means to promote cooperative planning and delivery of regional perinatal services. At a minimum, an Advisory Committee shall be established that includes representatives from the referring hospitals of the region, including administrative, nursing, and medical personnel.

J. Uniform Patient Charting

The Level III Center shall demonstrate efforts to establish a uniform patient charting system in all hospitals of its network.

(a)

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Manual of Standards for Hospital Facilities
Medical Records**

Proposed Readoption: N.J.A.C. 8:43B-7

Authorized By: J. Richard Goldstein, M.D., Commissioner, Department of Health (with approval of Health Care Administration Board).

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 19, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Wanda J. Marra, Coordinator
Standards Program
Division of Health Facilities
Evaluation
Department of Health
CN 367
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5) after approval by the Health Care Administration Board. Pursuant to Executive Order No. 66(1978), this subchapter expired on May 1, 1984.

This proposal is known as PRN 1984-334.

The agency proposal follows:

Summary

The current text of N.J.A.C. 8:43B-7, Medical Records, Manual of Standards for Hospital Facilities, expired on May 1, 1984, pursuant to the "sunset" provisions of Executive Order No. 66 (Governor Byrne, 1978) which mandates the five-year automatic expiration of a rule. The proposed re-adoption does not include any change in the current text. The Department is proposing the readoption of N.J.A.C. 8:43B-7 for a period of three years. The Department is aware of the fact that the current rule, N.J.A.C. 8:43B-7, Medical Records is antiquated and outdated and in need of revision in order to reflect the current state of the art for medical record services in hospital facilities. However, due to time constraints and priorities within the Department, it has not been possible to complete new rules before the expiration date of May 1, 1984.

The Department has begun work on the development of new rules and has sought assistance from members of the New Jersey Medical Records Association. To date, two drafts of a revised subchapter have been completed; however, due to the extensive and considerable variables which need further exploration and development, the Department has been unable to complete the task within the mandated time period.

The proposed readoption of N.J.A.C. 8:43B-7 for three years will allow the regulations on Medical Records to remain in effect from May 1, 1984, to May 1, 1987, thus providing additional time for concerned persons, agencies, and facilities to further explore and help develop rules which will be compatible with the current practices of the medical records service and be cost-effective in this time of increasing health care costs.

The readoption of N.J.A.C. 8:43B-7 is imperative since the patient's medical records, as well as the data in the hospital records required by Subchapter 7 provide a wellspring of data and information for countless practitioners providing health care services and for administrative decisions reaching far beyond the basic functions of documentation of the course of a patient's illness and treatment and the consequent billing. Moreover, the patient's medical record is an important legal document and currently is part of the growing concern for patient and provider confidentiality as more demands for information from the medical record are made.

Subchapter 8:43B-7 covers the following aspects of medical record services: Medical record department, N.J.A.C. 8:43B-7.1, Patient records, N.J.A.C. 8:43B-7.2, Hospital records, N.J.A.C. 8:43B-7.3, and Availability of records, N.J.A.C. 8:43B-7.4. A summary of the existing rules follows:

N.J.A.C. 8:43B-7.1(a) mandates that the hospital establish and maintain a medical record department and indicates the required staffing.

N.J.A.C. 8:43B-7.1(b) requires filing equipment and storage space to accommodate records and to facilitate record retrieval. N.J.A.C. 8:43B-7.1(b)3 requires medical record retention in conformity with N.J.S.A. 26:8-5 et seq. which requires medical records to be preserved for a period of not less than ten years following the most recent discharge of the patient or until the discharged patient reaches the age of 23. Radiological films are retained for a period of five years.

N.J.A.C. 8:43B-7.1(c) requires that a medical record be written for all patients and includes rules regarding completion and confidentiality of medical records.

N.J.A.C. 8:43B-7.2(a) and (b) require an individual medical record for each patient which contains information to justify the diagnosis and treatment of the patient. N.J.A.C. 8:43B-7.2(c)1 through 16 list some of the contents of patient records including identification data and consent forms, history, physical examination, physicians' examination, physicians' progress notes, operative record, radiological, diagnostic, and treatment reports, laboratory reports, nurses' notes, and physicians' orders. N.J.A.C. 8:43B-7.2(c)10 delineates further that physicians' orders must be in writing and specifies who may accept and record telephone and verbal orders and that such orders must be countersigned by a physician.

N.J.A.C. 8:43B-7.2(d) requires medical records to be completed by a licensed physician and specifies the requirements for completion of histories and physical examinations, and requires records of patients discharged to be completed within 15 days following discharge.

N.J.A.C. 8:43B-7.2(d)5 requires a licensed physician to countersign orders written by unlicensed physicians such as interns and residents. N.J.A.C. 8:43B-7.2(d)6i, ii, and iii define the terms in the above mentioned rule and are consistent with the rules and regulations of the New Jersey State Board of Medical Examiners, N.J.A.C. 13:35-6.10.

N.J.A.C. 8:43B-7.3(a) and (c) describe hospital records and require hospitals to maintain records to document the overall operation of the facility to provide statistical data and to forward summary reports to the Department. The types of

hospital records are specified in N.J.A.C. 8:43B-7.3(d)1 through 10 and include records such as daily census, register of births, register of operative procedures, death records, and autopsy records.

N.J.A.C. 8:43B-7.4(a) addresses the availability of hospital records as well as patient records to authorized representatives of the Department while N.J.A.C. 8:43B-7.4(b) requires the facility to notify the Department where the medical records will be stored and serviced in the event the hospital discontinues operation.

N.J.A.C. 8:43B-7.4(c) is a comparatively new rule which became effective on May 1, 1979, and requires the facility to develop and implement written policies and procedures to ensure the availability, release, and/or provision of copies of the medical record within at least 30 days of the written request to the patient and/or the patient's authorized representative.

Lastly, N.J.A.C. 8:43B-7.4(c)3i defines the medical record as all records in a licensed hospital which pertain to the patient including X-ray films.

Social Impact

The readoption of the rules for medical records will continue to ensure that hospitals maintain patient medical records that are documented accurately, and in a timely manner, that are readily accessible to authorized persons, and that permit prompt retrieval of information, including statistical data, in order to protect the health and safety of patients.

The patient medical records will furnish documentary evidence of the course of the patient's medical evaluation and treatment during hospitalization, during ambulatory care, or for an emergency visit to the hospital. The patient's medical record is also the major instrument by which care is coordinated, particularly when different practitioners are involved in the care of an individual patient. The documentation in the patient's medical record serves as a means of coordinating patient care to assure continuity of care from the planning process to the actual referral and transfer to other health services.

The rule protects the patient's right to a medical record that tells what was wrong with him or her initially, what was done for him or her, what, if anything, went wrong, and what was done to correct it.

Quality assurance studies, accreditation and licensure surveys, research projects, Professional Standards Review Organization (PSRO) determinations, and compliance with increasingly complex reimbursement procedures, to name a few, depend on data retrieved from patient medical records.

Data contained in medical records can be utilized by hospitals, the Department, and other health care agencies for planning and research purposes. The information derived from medical records can be used in evaluating the existing services and assessing the need for additional services. Effective hospital planning depends upon timely, systematic, reliable, and accurate information about the care rendered to patients and its impact. For example, a review and analysis of the register of operative procedures may indicate the occurrence of infections in the hospital which can be helpful in planning for infection prevention and control. Similarly, the requirement for a discharge summary delineating the condition of the patient on discharge can serve as a tool for the determination of need for specific types of rehabilitation services and home care programs, and in the development of such services and programs.

Statistical analysis of data retrieved from medical records can be used in surveillance of diseases of epidemiologic significance, for investigation of disease patterns, and for effects of disease on functions of daily living, including occupational health and safety. Hospital generated data may be aggregated on a regional and State level as a source for public health planning for the protection and promotion of the health and safety of the inhabitants of the State as required by Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto.

In addition, the medical record acts to protect the legal interest of the patient, the hospital, and the responsible practitioner by preserving data and information which may be used in the judicial process. The patient's medical record is a personal document which has to be protected against unauthorized use. The current rules mandate the preservation of the confidentiality of the medical record and restricts the accessibility of the record to patients and authorized representatives only.

Economic Impact

The readoption of N.J.A.C. 8:43B-7 will not have any discernible economic impact either on hospitals or on the Department since these rules have been in effect for approximately the past 20 years. The operative cost of hospitals providing medical records services would not be affected because they are already subject to N.J.A.C. 8:43B-7. Similarly, the Department will not have to incur additional expenditures for surveying the medical records services since they are being surveyed now using the current regulations.

However, failure to readopt the regulations could have an adverse economic impact on patients, hospitals, individual practitioners, and the Department. Documentation is a major factor in reimbursement through health care insurance and other third-party payors. Insurance companies review the patient's medical record to determine if the patient is receiving the appropriate level of care. It is through review that third-party payment for medical service is determined for reimbursement to hospitals, practitioners, and other providers of care.

Medical records contain data which is needed for the verification of patient claims for payment of care and treatment and to assess and control the cost of health care services.

The statistical analysis of information abstracted from medical records can be utilized in health care planning in a cost effective way. For example, the knowledge of disease trends derived from the review of information contained in the medical record can be used in planning for the prevention and control of diseases, thus assisting in containing health care costs.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:43B-7.

OFFICE OF ADMINISTRATIVE LAW NOTE: References to the "Department of Institutions and Agencies" in the text of N.J.A.C. 8:43B-7 will be amended to read "Department of Health".

(a)

HEALTH AID SERVICES

Public Health Priority Funding Administrative Policies

Proposed Readoption: N.J.A.C. 8:48

Authorized By: J. Richard Goldstein, M.D., Commissioner, Department of Health.

Authority: N.J.S.A. 26:2F-1 et seq., specifically 26:2F-13.2.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jerome Kozak
Chief, Health Aid Services
Local and Community Health Services
CN 364
Trenton, NJ 08625

The Department of Health thereafter may adopt this proposal without further notice (see N.J.S.A. 1:30-3.5). Pursuant to Executive Order No. 66(1978), these rules expire on July 19, 1984.

This proposal is known as PRN 1984-327.

The agency proposal follows:

Summary

The purpose of this proposal is to readopt N.J.A.C. 8:48 Public Health Priority Funding, Administrative Policy. The "Public Health Priority Funding Act of 1977" is an amended version of the "State Health Aid Act of 1966" whereby State funds are provided on an annual fiscal year basis to eligible local health departments to supplement local monies for the provision of certain priority health services. Fiscal year 1984 \$3.5 million was appropriated by the legislature for this purpose. The Public Health Priority Funding is distributed on a formula basis to health departments serving a jurisdiction of 25,000 population and whose services are administered by a full-time licensed health officer.

Prior to the enactment of the 1966 Act a random survey of several hundred local health departments was conducted by a State survey team to determine if local health departments were providing health services in compliance with "Minimum Standards of Performance"; the survey revealed that most "minimum standards" were not being met, the reason given was a lack of funds. With the inception of a State Sales Tax in 1964 it was determined by the legislature that some of the funds be used to assist local health departments in providing adequate health services.

As stated above, the original Act was amended in 1977 to include a new formula for the distribution of funds. The composition of this formula incorporates the following ele-

ments: a per/capita factor determined each year by the Joint Appropriations Committee of the State legislature (in fiscal year 1984 this figure was thirty seven and one-half); a non-institutional population for each of the 567 municipalities in the State using the latest Federal Census data or an estimate by the Department of Labor, which ever is the most recent; Senior Citizens and Poverty populations using last Federal Census; Equalized Valuation, Personal Property Tax, Gross Receipts - Franchise Tax and Tax Levy figures provided by the Division of Taxation, Department of Treasury's Annual Report. The official population estimates and the Division of Taxation Report for any one year are normally published by the State during the first half of the following year. For budgeting purposes, these estimates and statistics will be used to determine the amount of public health priority funding due each local health department for the second succeeding State fiscal year. Fiscal guidelines for the expenditure of the funds are updated each fiscal year, published, and made available by the State Department of Health.

Prior to the State Health Aid Act of 1966 one county health department, one regional health commission and 55 individual health departments (total municipalities 81) were the only agencies providing health services administered by a full-time licensed health officer. Prompted by the State funding program, all 567 municipalities are currently provided health services administered by a full-time, licensed health officer.

The new PHPF formula implemented in 1978 represents a more equitable means for the distribution of the funds than the original 1966 formula. Total revenues received by a municipality, senior citizen and poverty populations are factors in the new formula which favor the allocation of funds to the less affluent, more medically indigent areas of the State.

Social Impact

Since the implementation of State health aid to local municipalities thirteen county health departments, five regional health commissions and 41 provider-recipient contractual agreements have been formed, all in addition to 54 individual health departments. The formation of the larger health units have made it economically feasible for those municipalities under 25,000 population to join one of the above units, become eligible to receive their share of PHPF and be provided with health services to meet the "Minimum Standards of Performance" requirements for local health departments. Programs which benefitted substantially from PHPF were those pertaining to Infants and Preschool Children and School Age Children where half of the local total expenditures have been directed to these important preventive health activities.

The random surveys conducted prior to 1966 have been transposed to a more detailed program audit process by which State audit teams evaluate the health activities performed at the local level. To date, 40 of the 115 health agencies have been evaluated and all are currently meeting the "Minimum Standards of Performance", a vast improvement in the provision of local health services over those being provided prior to 1966.

Economic Impact

Under the old formula for the allocation of State Health Aid the CY appropriation varied from a high of \$6.5 million in 1972 to a low of \$2.6 million in 1976. With the implementation of the new formula in 1978 the PHPF appropriation was on a fiscal year basis and remained constant at \$2.4 million until fiscal year 1984 when the per/capita factor was increased from \$.25 to 37 1/2¢ for a total appropriation of \$3.6 million.

For fiscal year 1985 a \$.50/capita factor has been tentatively approved. The latest trend on both the Federal and State level is to provide funding directly to local health agencies and allow them to determine their needs and priorities using the funds according to prescribed Standards accountable by specific program and fiscal audits.

An increase in PHPF in fiscal year 1984 created new areas whereby the funds could be expended, specifically the eight environmental health activities addressed in the County Environmental Health Act of 1977 and also for the purchase of micro computers for implementing more efficient and effective public health programs at the local level. Presumably, increases in the per/capita factor of the formula will promote the provision of more innovative, cost-effective health programs by local health departments. Increases in PHPF appropriations also makes available a greater amount of unallocated monies which, by law, are to be used for Health Service Contracts with eligible local health departments for the provision of selected special projects. Previous evaluations of these projects indicate that the monies were effectively utilized.

Full text of the proposed re adoption can be found in the New Jersey Administrative Code at N.J.A.C. 8:48.

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

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

Authorized By: Drug Utilization Review Council, LeRoy L. Schwartz, M.D., Chairman.
Authority: N.J.S.A. 24:6E-6b.

A public hearing concerning this proposal will be held on July 10, 1984, at 10:00 A.M. at:
Conference Room
First Floor
Health-Agriculture Building
John Fitch Plaza
Trenton, NJ 08625

Interested persons may submit, in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

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

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

This proposed is known as PRN 1984-333.

PROPOSALS

HEALTH

The agency proposal follows:

Summary

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

For example, the proposed product Tolazamide tablets could then be used as a less expensive substitute for Tolinase, a branded prescription medicine. Similarly, the proposed product Ibuprofen could be substituted for the more expensive branded product, Motrin (600 mg).

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

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

Of the approximately 90 proposed medicines, only about 25 (indicated by asterisks) are not already currently listed in the List of Interchangeable Drug Product. The remaining 65 proposed products would only add additional manufacturers to the List.

Social Impact

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

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

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

Economic Impact

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

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

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

Acetaminophen/Codeine tabs 15 mg, 30 mg, 60 mg Duramed
 Aminophylline tabs, 100 mg, 200 mg West-Ward
 *Aminophylline Liquid 105 mg/5 ml Bay

Amitriptyline HCL tabs 10 mg, 50 mg, 75 mg, 100 mg Purepac/Kalipharma
 *Aspirin 325 mg/Meprobamate 200 mg tabs Quantum
 Aspirin 325 mg/Codeine 30 mg, 60 mg tablets Towne-Paulsen
 Belladonna Alk./Phenobarbital tabs Lemmon
 *Benztropine Mesylate tabs, 0.5 mg, 1 mg, 2 mg Quantum
 Betamethasone Valerate Oint., Cream, Savage/Byk-Gulden
 Lotion 0.1% Towne-Paulsen
 Butabarbital Sodium tabs., 30 mg Towne-Paulsen
 Butalbital/Aspirin/Caffeine tabs Purepac/Kalipharma, West-Ward
 Carbinoxamine/Pseudoephedrine/Dextromethorphan Drops NPC
 (Rondec DM Formula) Bay
 Chloral Hydrate Syrup, 500 mg/5 ml Bay
 Chlorthalidone tabs, 50 mg Purepac/Kalipharma
 *Chlorpropamide tabs, 100 mg, 250 mg Bolar, PAR
 *Chlorpropamide tabs, 250 mg Chelsea
 *Colchicine tabs, 0.54 mg, 0.65 mg Towne-Paulsen
 *Cortisone Acetate tabs, 25 mg Towne-Paulsen
 Cycloandelate caps, 200 mg, 400 mg Quantum
 Cyproheptadine HCL tabs, 4 mg Camall, Pioneer
 Dicyclomine HCL caps, 10 mg Lemmon
 Dicyclomine HCL syrup, 10 mg/5 ml Bay
 Dicyclomine HCL tabs, 20 mg Lemmon
 Diphenhydramine Elixir, 12.5 mg/5 ml Halsey
 Diphenhydramine HCL caps, 25 mg, 50 mg Towne-Paulsen
 Dipyrindamole tabs, 25 mg, 50 mg, 75 mg Duramed, Zenith
 Dipyrindamole tabs, 50 mg Halsey
 Doxycycline Hyclate caps, 50 mg, 100 mg Purepac/Kalipharma,
 Heather, Zenith
 Par
 Doxycycline Hyclate caps, 100 mg Danbury, Heather, Zenith
 Doxycycline Hyclate tabs, 100 mg Chelsea, Danbury
 Ergoloid Mesylates Oral tabs, 1 mg Pharmaderm/Byk-Gulden,
 *Erythromycin Ophth. Oint. 5 mg/g Fougera/Byk-Gulden
 Erythromycin E.C. tabs, 250 mg, 333 mg, 500 mg Abbott
 Fluocinolone Acetonide Cream, 0.025% Clay-Park
 Fluocinolone Acetonide Solution, 0.1% Bay
 *Fluoxymesterone tabs 2 mg, 5 mg, 10 mg Bolar
 Gentamicin Cream, Ointment 0.1% Thames
 Hydralazine/Hydrochlorothiazide caps, Zenith
 25/25, 50/50, 100/50 Quantum
 Hydralazine HCL tabs, 10 mg, 25 mg, 50 mg, 100 mg Purepac/Kalipharma
 Hydralazine HCL tabs, 25 mg, 50 mg Towne-Paulsen
 Hydrochlorothiazide tabs, 25 mg, 50 mg, 100 mg Towne-Paulsen
 *Hydrochlorothiazide 50 mg/Reserpine Towne-Paulsen
 0.125 mg tabs Towne-Paulsen
 Hydrocortisone Cream, 1% Clay-Park
 Hydrocortisone Cream, 2.5% Bay
 Hydrocortisone Cream, Ointment 1% Bay
 Hydrocortisone Oint., Cream 2.5% Bay
 *Hydrocortisone tabs, 10 mg, 20 mg Towne-Paulsen
 Hydroxyzine HCL tabs 10 mg, 25 mg, 50 mg Quantum
 Hydroxyzine Pamoate Caps, 25 mg, 50 mg, 100 mg Duramed
 Ibuprofen tabs, 600 mg Boots Pharm.
 *Indomethacin Caps, 25 mg, 50 mg Mylan
 *Isoniazid tabs, 100 mg Towne-Paulsen
 *Isoniazid tabs, 100 mg, 300 mg Duramed
 Isoxsuprine HCL tabs, 10 mg, 20 mg Quantum
 *Lindane Lotion, Shampoo 1% Stiefel
 Meprobamate tabs 200 mg, 400 mg Towne-Paulsen
 *Methylprednisolone tabs, 4 mg Duramed
 Metronidazole tabs, 500 mg Lemmon
 Multiple Vits./Fluoride 1 mg/Iron Chewable tab Copley
 Nystatin Cream 100,000 u/g Clay-Park, Thames
 Nystatin Oral tabs, 500,000 u. Par
 Nystatin Vaginal tabs, 100,000 u. Quantum, Fougera/Byk-Gulden,
 Pharmaderm/Byk-Gulden
 Oxtriphylline Elixir, 100 mg/5 ml, 50 mg/5 ml Bay
 *Phenylpropanolamine, Phenylephrine, Phenyltoloxamine,
 Chlorpheniramine E.R. tabs Bolar
 Phenylpropanolamine, Phenylephrine, Phenyltoloxamine,
 Chlorpheniramine Ped. Syrup NPC

Polymyxin B/Neomycin/Hydrocortisone Otic	Carter-Glogau
Potassium Bicarbonate Effervescent tabs 25 mEq	Hudson
Potassium Chloride Liq., 10%, 20%	Towne-Paulsen
*Prednisone tabs, 2.5 mg, 5 mg, 20 mg	Towne-Paulsen
*Prednisolone tabs, 5 mg	Towne-Paulsen
*Prenatal Vits. (Materna 1/60 Formula)	PAR, Copley
*Prenatal Vits. (Natalins RX Formula)	Copley
*Prenatal Vits. (Pramet FA Formula)	Copley
Prenatal Vits. (Stuartnatal 1 + 1 Formula)	Copley
Promethazine Expect. Plain	Towne-Paulsen
Promethazine Expect./Codeine	Towne-Paulsen
Promethazine Expect. VC/Codeine	Towne-Paulsen
Propantheline Bromide tabs 15 mg	Par
Propoxyphene/Aspirin/Caffeine caps	Lemmon, SKF
*Quinidine Sulfate tabs, 200 mg	Towne-Paulsen
*Reserpine tabs, 0.1 mg, 0.25 mg, 1.0 mg	Towne-Paulsen
Selenium Sulfide Shampoo, 2.5%	Clay-Park
Sodium Fluoride Chewable tabs, 1.1 mg	Copley
Sodium Fluoride Chewable tabs 2.2 mg	Boots Labs, Towne-Paulsen, Copley
Spirolactone tabs, 25 mg	Purepac/Kalipharma
Thioridazine HCL Oral Solution 30 mg/ml, 100 mg/ml	NPC
Thioridazine HCL tabs 10 mg, 15 mg, 25 mg, 50 mg, 100 mg	Chelsea, PAR
Thioridazine HCL tabs, 150 mg, 200 mg	Bolar
*Tolazamide tabs, 100 mg, 250 mg, 500 mg	Zenith
Tolbutamide tabs, 0.5 g	Zenith
Triple Vits./Fluoride 1 mg Chewable tab	Copley

rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-316.

The agency proposal follows:

Summary

The Commissioner, Department of Human Services, pursuant to the authority of N.J.S.A. 30:11B-1 et seq., proposes to amend selected provisions of N.J.A.C. 10:44A to establish operating standards for "Supportive Living Programs." This new variant of Community Residences for the Developmentally Disabled was developed to meet an existing service need. It will provide necessary supportive services for mentally retarded/developmentally disabled men and women who no longer require the 24 hour residential supervision of a "Group Home" or "Supervised Apartment," but are not yet prepared for an unsupervised or completely independent living arrangement.

The Supportive Living Program will provide each resident with the necessary amount of tailored support services such as tutoring, supervision, training, and case management required to make adjustment to a less-restrictive living arrangement.

Subchapters 1 through 5 of the present chapter have been amended only to include the "Supportive Living Program;" these amendments are not otherwise substantive. Subchapter 6 through 8 have not been amended. Subchapter 9 is proposed in order to establish a discrete set of standards for this new program.

Supportive Living Programs cannot be licensed under the present chapter without numerous waivers and/or variances. Thus, amendments were made to incorporate this new program into the chapter.

Social Impact

The proposal, with amendments, should have a positive social impact, since it provides developmentally disabled persons with a progressive step toward achieving the goal of maximum independence and self-sufficiency. The supportive living option extends the continuum of community residential services available to developmentally disabled persons by providing a structured alternative to fill the gap between the relatively restrictive group home or supervised apartment model and totally independent living. The amendments will, in no way, reduce requirements for care, treatment, and training of developmentally disabled persons residing in Community Residences for the Developmentally Disabled.

Economic Impact

The proposed amendments will not have an adverse economic impact. The requirements of the present subchapters, affecting Group Homes and Supervised Apartments, have not been changed. Additionally, the majority of developmentally disabled persons participating in the supportive living program will be self-sustaining through financial entitlement programs, employment, or a combination thereof.

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

10:44A-1.1 Definitions

...
"Personal care counselor" is an individual who provides direct support services to residents of supportive living pro-

HUMAN SERVICES

(a)

DIVISION OF MENTAL RETARDATION

Licensed Community Residences for the Developmentally Disabled Supportive Living Programs

Proposed Amendments: N.J.A.C. 10:44A-1.1-1.5, 2.2-2.4, 3.1, 3.3, 4.3 and 5.2

Proposed New Rule: 10:44A-9

Authorized By: George J. Albanese, Commissioner,
 Department of Human Services.
 Authority: N.J.S.A. 30:4-1 et seq.

Interested persons may submit in writing data, views, or arguments relevant to the proposal on or before July 18, 1984. These submission and responses should be addressed to:
 Administrative Practice Officer
 Division of Mental Retardation
 CN 700
 Trenton, NJ 08625

At the close of the period for comments, the Department of Human Services may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted

grams in the following areas: money management, job counseling, skills of daily living, health and nutrition, social and emotional matters, recreation and leisure time activities, and community integration.

...

“Supportive living program” means a variant of the supervised apartment program model which provides the necessary supportive services to permit mentally retarded/developmentally disabled men and women to reside, semi-independently, in their own apartments. This program requires eligible individuals to possess a pre-determined level of proficiency in basic living skills prior to enrollment in the program. Although 24 hour supervision is not required, regular staff visits will be made as defined in the client’s IHP. This program shall provide a less restrictive living arrangement than a supervised apartment while still providing support to individuals who are not yet prepared for complete independence.

...

10:44A-1.2 Background

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

(d) Group homes, [and] supervised apartments, and **supportive living programs** [should] **shall** offer a warm, supportive environment. Clients must [have] **be provided** the opportunity for a total array of **appropriate** services and programs to meet their various needs and levels of capability. Such programs and services will promote a complete life for these individuals in the community setting.

10:44A-1.3 Application for license

(a) All inquiries related to group homes, [and] supervised apartments, and **supportive living programs** should be made to:

[The Office of Resource Development]
The Coordinator of Community Operations
 N.J. Division of Mental Retardation
 Capital Place One
 222 South Warren Street-CN 700
 Trenton, New Jersey 08625

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

10:44A-1.4 License and inspection

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

(d) A License shall be issued if all requirements have been met and all inspections are satisfactory.

1.-6. (No change.)

7. The group home, [or] supervised apartment, or **supportive living program** is subject to inspection by the Division of Mental Retardation at least annually, but without limitation or prior notice.

8.-11. (No change.)

12. A licensee shall not deny access to a group home, [or] supervised apartment, or **supportive living program** to any individual or group with statutory authority or court appointment to protect the rights of, and advocate on the behalf of, the developmentally disabled.

13.-14. (No change.)

10:44A-1.5 Options of non-compliance of standards

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

(g) The standards found in this chapter will apply to supervised apartments and **supportive living programs** as well as group homes, unless otherwise noted in the standard. [N.J.S.A.] **N.J.A.C. 10:44A-8** provides specific standards for the staffing and physical plant requirements in supervised

apartments. **N.J.A.C. 10:44A-9** provides specific standards for **supportive living programs**.

10:44A-2.2 Admission and release

(a) (No change.)

(b) All admissions or discharges of private clients must be reported in writing to the Division of Mental Retardation, Bureau of Operations, within five days.

1.-3. (No change.)

4. All clients admitted to **supportive living programs** shall be evaluated, prior to enrollment, to ensure that they meet the following criteria:

i. Capable of self-preservation in emergencies,

ii. Capable of self-administration of medication,

iii. Have a high degree of self-sufficiency in most areas of daily living,

iv. Are self-sufficient in most areas of daily living,

v. Demonstrate no significant behavior problems,

vi. Are willing to cooperate in learning to budget money; and

vii. Attend an established day program.

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

10:44A-2.3 Personnel standards

(a) (No change.)

(b) Twenty-four hour staff coverage shall be approved by the Division of Mental Retardation, reviewed at each annual inspection, and not altered without the written approval of the Bureau of Operations. (**Does not apply to supportive living programs**).

1. (No change.)

[2. Staff coverage must be in accordance with Appendix A.]

[3.] 2. Staff are not required to be on-site at the group home when all clients are in a weekday program outside the residence, but paid agency staff must be available for emergencies.

(c) A written staff schedule for at least a two week period shall be available in the residence or **supportive living program**. The employee in-charge should be designated on the schedule for each shift (See N.J.A.C. 10:44A-8 regarding staff coverage for supervised apartments [.] or **N.J.A.C. 10:44A-9 for supportive living programs**. N.J.A.C. 10:44A-2.3 (b), (d), (e) are related to group homes).

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

10:44A-2.4 Records and reports

(a) Individual records shall be kept on all clients living at the residence and shall include the following:

1.-14. (No change.)

15. **Documentation of pre-enrollment assessments for residents of supportive living programs.**

(b) (No change.)

(c) All active records shall be maintained on the premises and be complete, current, and readily available for review by representatives from the Division of Mental Retardation or other authorized persons. **Records for residents of supportive living programs may be stored in the licensee’s office.**

(d) (No change.)

10:44A-3.1 Staff-client relationships and activities

(a) (No change.)

(b) Clients shall be assigned responsibilities/chores in the residence in order to enhance feelings of self-respect and to develop skills in independent living.

1. A written chore schedule shall be available in the group home [.] **(does not apply to supportive living programs).**

2. (No change.)
(c)-(i) (No change.)

10:44A-3.3 Food and food service

(a)-(d) (No change.)
(e) Food returned from clients' plates shall be discarded [.] **(does not apply to supportive living programs).**

(f)-(h) (No change.)
(i) Menus, to include all means shall be dated, prepared at least one week in advance, and retained on file for a period of 30 days.

1. (No change.)
2. In the case of supportive living programs, copies of shopping lists may be substituted for specific menus.
(j)-(m) (No change.)

10:44A-4.3 Ancillary services

(a)-(e) (No change.)
(f) In addition to the IHP goals, residence staff shall provide training for all clients, commensurate with their abilities and potential. **Staff of supportive living programs shall provide guidance in these areas, as needed, and specific training in accordance with the contract between the licensee and the Division of Mental Retardation.** These training areas include but are not limited to:

- 1.-12. (No change.)

10:44A-5.2 Medication and drugs

(a)-(b) (No change.)
(c) If a client is capable of taking medication without assistance, no daily medication record is required. The determination of whether a particular client is capable of self-administering medication should be made jointly by the casemanager and residence staff. **For clients in supportive living programs, the determination must be made prior to admission and annually thereafter concurrent with development of the client's IHP.**

1. (No change.)
(d)-(i) (No change.)
(j) The licensee or his designee shall supervise the use and storage of prescription medicines and drugs [.] , **except that only 4, 5, 6, 7, and 9 below apply to supportive living programs.**
1.-9. (No change.)

Full text of the proposed new rule follows.

SUBCHAPTER 9. SUPPORTIVE LIVING PROGRAMS

10:44A-9.1 Personnel standards

(a) Staff counsellor shall provide a minimum of two hours of personal contact with each client every week.

1. Documentation of such visits shall be contained in client's record.

(b) The licensee shall ensure that staff are available 24 hours per day in order to respond to emergencies.

1. A written procedure detailing the provision of emergency services must be developed and available on-site for review.

(c) Paid agency staff servicing as personal care counsellors shall have either a Master's Degree in Education, Adult Education, Special Education, Vocational Education, or a related field; or a Bachelor's Degree in the above areas and 2 years

paid experience with mentally retarded people (documentation of staff qualifications shall be maintained in the licensee's office).

10:44A-9.2 Physical plant and safety

(a) Supportive living programs shall not be located in the home of the licensee or their designee.

(b) No more than three clients may be housed in a single apartment.

(c) No more than two clients shall be housed in a bedroom.

(d) A single license may be issued for a maximum of eight apartment units, provided the number of clients to be housed does not exceed a total of sixteen.

(e) No client apartment shall be located above the sixth floor.

(f) A single station, battery-powered smoke detector shall be located in the following areas:

1. One unit at the top of each indoor stairway;
2. One unit in the living room and all indoor recreation areas;

3. One unit in each hallway.
(g) There shall be one fire extinguisher, with a minimum rating of 1A 10B/C, mounted in the kitchen.

(h) Fire extinguishers shall be checked quarterly by staff. They shall be serviced at least annually, or whenever necessary, by a qualified service person or company and have a valid service tag attached.

(i) All clients shall be trained in the use and operation of the fire extinguisher.

(j) Only clients capable of independent evacuation in 90 seconds or less may be housed in supportive living programs.

(k) Fire drills involving all clients in each apartment shall be held at least once a month at various times. Records of these drills shall be maintained by the licensee and shall include the date and time of the drill, the time required for evacuation, and the number of persons involved.

10:44A-9.3 General requirements

(a) Non-skid surfaces, to reduce or prevent slipping, shall be used on all stairs or where slippery surfaces present a hazard.

(b) All stairways or hallways shall be kept free and clear of obstructions at all times.

(c) Every habitable room shall have at least one operable window opening directly to the outside.

(d) From May through October, all openable windows and doors used for natural ventilation shall be provided with easily-removable insect screening in good condition.

(e) Every apartment shall have an adequate heating system.

(f) Space heaters, including but not limited to electrical, kerosene, and quartz heaters, shall be prohibited.

(g) Every apartment shall be provided with a safe supply of potable water meeting the standards as set forth in the New Jersey Safe Drinking Water Act Regulations (see N.J.A.C. 7:10).

(h) Every apartment shall have an adequate water heating system.

(i) All electrical wiring and equipment shall comply with local or municipal requirements.

10:44A-9.4 Physical accommodations

(a) Client occupancy shall be limited to floors above grade. However, under certain conditions, partially below grade occupancy may be permitted.

(b) There shall be at least one toilet, sink, and bath or shower for each apartment.

(c) All bathrooms shall include:

1. Hot and cold running water;
2. Non-slip surfaces in the shower and/or bathtub;
3. Toilet accessories;
4. Mirrors securely fastened to the wall.

(d) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in case of an emergency.

1. Keys shall be maintained both in the apartment and by the employed staff of the licensee.

(e) There shall be a minimum of 70 square feet per client in each bedroom.

(f) In bedrooms with slanted ceilings, the usable room size shall be determined by measuring from a point on the ceiling that is five feet from the floor to a point across the room that is also five feet from the floor.

(g) A living room of sufficient size to contain enough furnishings to permit adequate seating from all residents shall be provided.

(h) All furniture must be clean, in good repair, and in usable condition.

(i) Bedrooms shall not be a means of access to any other room.

(j) Bedrooms shall be furnished with:

1. A standard bed, box spring, mattress and a pillow for each client.
2. A chest of drawers for each client and sufficient closet space for hanging clothes.
3. Adequate lighting.
4. Two sets of bed linen, including mattress cover, pillowcase, two sheets, at least one blanket, and bedspread for each client.

(k) Living room and dining area furnishings shall be adequate for the number of clients residing in the apartment.

10:44A-9.5 Maintenance and sanitation

(a) The apartment shall be maintained in a safe and sanitary manner.

(b) Combustible materials shall be stored in non-combustible containers.

(c) Floors, walls, ceilings, and other surfaces shall be kept clean and in good repair.

(d) Chimneys, flues, and vent attachments shall be structurally sound, free from defects, and cleaned and maintained as necessary.

(e) Exterminator services shall be provided immediately when there is evidence of past infestation.

(f) The accumulation of garbage or waste shall be prevented. All waste containers shall be provided with tight-fitting covers and be sufficient in size and number to contain the accumulated waste.

(a)

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

**Podiatry Services Manual
General Provisions**

Proposed Readoption: N.J.A.C. 10:57-1

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

Authority: N.J.S.A. 30:4D-6b(8), 7 and 7b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and responses, should be addressed to:

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

At the close of the period for comments, the Department of Human Services may adopt this proposal, with any minor changes not in violation of the rule making procedures at N.J.A.C. 1:30-3.5. Pursuant to Executive Order No. 66(1978) this rule would otherwise expire on August 2, 1984. The readoption of this rule becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of its readoption.

This proposal is known as PRN 1984-314.

The agency proposal follows:

Summary

The Podiatry Services Manual was promulgated to set forth the basic policies and procedures (of the Medicaid program) relating to treatment of diseases or aberrations of the foot and lower leg. Podiatric services include, but are not limited to, examinations, treatment, surgery, X-rays, and prescriptions.

Subchapter 1, which is being proposed for readoption, covers such topics as scope of service, non-covered services, laboratory services, prior authorization for certain services, basis of payment, record keeping, and prescription policies.

An administrative review of the rule has been conducted, and a determination made that the rule is necessary and should be continued to allow Medicaid patients to receive podiatric services when they are medically necessary. The rule is necessary, adequate, reasonable and responsive for the purpose for which it was promulgated.

The rule has been amended twice. Sections 1.5 and 1.20 were amended to indicate the HCFA-1500 claim form replaced the MC-8 for billing purposes (R.1981 d.249 at 13 N.J.R. 417(a)). Sections 1.4 and 1.9 were amended to indicate that prior authorization must be obtained if debridement of hypertrophic toenail treatment was more frequent than once every two months (R.1981 d.300 at 13 N.J.R. 579(a)).

There are no textual changes associated with this readoption.

Social Impact

The rule has enabled Medicaid patients who require treatment for foot and lower leg ailments to receive treatment. It should be continued because the social situation has not changed.

The public that is mainly affected by the rule are podiatrists and Medicaid patients.

Economic Impact

There is not cost to the Medicaid patient for podiatric services.

Medicaid providers, primarily podiatrists, are reimbursed on a fee-for-service basis. There is no change in the fee schedule associated with this proposal.

The Division of Medical Assistance and Health Services spent approximately one million dollars (federal-state share combined) on podiatric services in FY 1983.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:57-1.

(a)

**DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

**Medical Supplier Manual
Medical Supplies and Equipment**

Proposed Readoption: N.J.A.C. 10:59-1

Authorized By: George J. Albanese, Commissioner,
Department of Human Services.
Authority: N.J.S.A. 30:4D-b(12), 7 and 7b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and responses, should be addressed to:

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

At the close of the period for comments, the Department of Human Services may adopt this proposal, with any minor changes not in violation of the rule-making procedures at N.J.A.C. 1:30-3.5. Pursuant to Executive order No. 66(1978),

this rule would otherwise expire on August 17, 1984. The readoption of the existing rules becomes effective upon filing with the Office of Administrative Law of the notice of the readoption.

This proposal is known as PRN 1984-313.

The agency proposal follows:

Summary

This proposal is designed to readopt regulations governing Subchapter 1. of the Medical Supplier Manual. This subchapter contains policies and procedures governing medical supplies and equipment (also called item(s)), such as wheelchairs, hospital beds and oxygen equipment. The topics covered in Subchapter 1. include eligible providers, provisions for participation in the New Jersey Medicaid Program, prescription policies, prior authorization, non-covered items, and policies governing purchase and/or rental, and repairs.

A Medicaid patient who has a medical need for supplies and/or equipment must initially obtain a prescription from an authorized practitioner, such as a physician or dentist. The prescription accompanies the request for prior authorization which is submitted to the Medicaid District Office for review. If the request is approved, the patient receives the item and the provider submits a claim to the Prudential Insurance Company for reimbursement. If the request is denied, the patient is advised of his or her right to request a hearing.

An administrative review has been conducted, and a determination made that the rule is necessary, adequate, reasonable, efficient and responsive for the purpose for which it was promulgated. Medicaid patients sometimes require medical supplies and/or equipment to remain in the community. The rule should be continued to enable Medicaid patients to continue receiving this type of assistance.

The rule has been amended twice. Section 1.8, 1.10, and 1.11 were amended to clarify the policy concerning repairs. A written prescription is not required, and the decision making process is clarified. The Division will authorize repair of an existing item when the item is still serviceable and it is less costly than purchasing a new item (see R.1980 d.510 at 13 N.J.R. 17(d)). Section 1.10 was amended to clarify the policy on purchase and/or rental, and rental of IPPB (intermittent positive pressure breathing) machines (see R.1981 d.328 at 13 N.J.R. 579(b)).

There are no textual changes associated with this proposed readoption.

Social Impact

The rule impacts on Medicaid patients who have a medical need for medical supplies and equipment. The rule has been effective because it has enabled patients to receive such items as hospital beds, wheelchairs and oxygen equipment.

The rule should be readopted to insure Medicaid patients continue to receive these items.

The providers primarily affected by the rule are pharmacies and medical supplies and equipment dealers. The rule is also necessary to keep these providers informed about the Division's policies and procedures concerning rental and/or purchase, and repair, and items that are prior authorized.

Economic Impact

There is no cost to the Medicaid patient.

Medicaid providers are reimbursed in accordance with Medicaid policies procedures and fee schedules.

The Division of Medical Assistance and Health Services spent approximately 4 million dollars (federal-state share combined) on medical supplies and equipment in FY 1983.

Full text of the proposed re adoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:59-1.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Medical Day Care Manual

Proposed Re adoption: N.J.A.C. 10:65-1.3, 1.7

Proposed Re adoption with Concurrent Amendments: N.J.A.C. 10:65-1.1, 1.2, 1.4 through 1.6, 1.8

Proposed Amendments: N.J.A.C. 10:65-2.1, 2.2, 2.4, 2.6, 2.7

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

Authority: N.J.S.A. 30:4D-6b(12)(16), 7 and 7b.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and responses, should be addressed to:

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

At the close of the period for comments, the Department of Human Services may adopt this proposal, with any minor changes not in violation of the rule-making procedures at N.J.A.C. 1:30-3.5. Pursuant to Executive Order No. 66(1978), this rule would otherwise expire on August 17, 1984. The re adoption of the existing rules becomes effective upon filing with the Office of Administrative Law of the notice of the re adoption. The concurrent amendments to the existing rules become effective upon publication in the Register of a notice of its adoption.

This proposal is known as PRN 1984-315.

The agency proposal follows:

Summary

This proposal is designed to re adopt Subchapter One of the Medical Day Care Manual. Topics included in this subchapter are requirements for program participation, required services that must be provided by a medical day care center, staffing, record keeping, and the process of obtaining prior authorization.

Subchapter Two, entitled Interim Billing Procedures, is not being re adopted at this time. However, there are some changes which appear in the text below to insure consistency throughout.

The Medical Day Care Program is designed to provide an alternative to total institutionalization. It provides medically supervised, health related services in an ambulatory care setting to persons who do not require 24 hour inpatient institutional care, yet due to their physical and/or mental impairment, need health maintenance and restorative services to support their living in the community. In order for an individual to qualify for medical day care services, he/she must be financially eligible for Medicaid and, in addition, obtain prior authorization from the Division of Medical Assistance and Health Services.

An administrative review has been conducted, and a determination made that the rule should be continued. The rule is necessary, adequate, reasonable, understandable and responsive because it provides an alternative to permanent institutionalized care and allows individuals to remain in the community.

The rule has been amended several times. The requirements for patient certification were deleted from this subchapter and centralized in the Administration Manual at N.J.A.C. 10:49-1.26 (R.1981 d.331 at 13 N.J.R. 575(a)).

Sections 1.2 and 1.8 were amended to cover hospital affiliated medical day care facilities (R.1983 d.75 at 15 N.J.R. 442(a)). Sections 1.2, 1.6 and 1.7 were amended to revise the time requirements for authorization. New patients may be authorized (for medical day care) up to 90 days. Patients being reauthorized may be approved for up to six months. (R.1983 d.657 at 16 N.J.R. 144(c)).

The rule is being amended on re adoption. The Division will make reimbursement for an initial visit to evaluate the need for physical or speech-language therapies. This is not a new policy, because a rule containing the same language was adopted as part of the Physicians' Manual, Home Health Services Manual, and Long Term Care Services Manual (R.1983 d.583 at 15 N.J.R. 2168(b)). After the initial visit, all subsequent therapy treatment visits require prior authorization.

There is also an amendment which clarifies the distinction between an individualized plan of care, which must be maintained by the provider and updated every 60 days, and the request for authorization/reauthorization (form FD-140), which is the means of obtaining approval for medical day care from the Division.

Social Impact

The rule has enabled persons to receive health maintenance and restorative services while residing in the community. Since the same social conditions exist, the rule should be continued.

The rule impact on Medicaid patients who require these services.

The providers that are primarily affected by the rule are medical day care centers, which may be free standing, part of a long term care facility, or hospital affiliated.

Economic Impact

The Division of Medical Assistance and Health Services spent approximately \$1,150,000 (federal-state share combined) in Fiscal Year 1983.

Providers of medical day care centers are reimbursed on a per diem basis.

There is not cost to the Medicaid patients.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:65-1.

Full text of the proposed amendments to the readoption, and to Subchapter 2, follows (additions indicated in boldface thus; deletions indicated in brackets [thus]).

10:65-1.1 Scope

The Medical Day Care Program is concerned with the fulfillment of the health needs of eligible recipients of the New Jersey Medicaid Program who could benefit from a health services alternative to total institutionalization. Medical Day Care is a program of medically supervised, health related services provided [under the New Jersey Division of Medical Assistance and Health Services] in an ambulatory care setting to persons who are non-residents of the facility, [and] who do not require 24 hour in-patient institutional care[,] and yet, due to their physical and/or mental impairment, need health maintenance and restorative services[,] supportive to their community living.

10:65-1.2 Definitions

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

...

“Medical Day Care Center” means an identifiable part of a long-term care facility, or a hospital affiliated facility, or a freestanding ambulatory care facility, or such other facility which is licensed by the New Jersey State Department of Health to provide non-residential medical day care services, [and] which possesses a valid and current provider agreement from the New Jersey Division of Medical Assistance and Health Services and which provides services as described in this manual at section N.J.A.C. 10:65-1.4.

...

10:65-1.4 Required Services

(a) As a minimum the following services shall be provided by the Center for participation in the Medical Day Care Program.

1. Medical Services

i. The Center Director, with the Medical Director of the facility shall establish written medical and administrative policies governing the provision of medical services to the participants. The Medical Director shall be responsible for, but not limited to, the following:

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

(5) Establish [personnel] relationships with appropriate personnel in other institutions, such as general or special hospitals, rehabilitation centers, home health agencies, clinics, laboratories, and related community resources. This would include but not be limited to arrangements for emergency room services, unavailable within the facility.

ii. The Medical Day Care Center shall provide:

(1) (No change.)

(2) The Medical Director may not bill the New Jersey Medicaid Program separately for any service performed for a Medicaid eligible while serving in his capacity as Medical Director.

(3)-(4) (No change.)

2.-7. (No change.)

8. Rehabilitative Services:

i. (No change.)

ii. Physical and speech-language therapies provided by the Center shall not be included in the per diem costs for Medical Day Care. However, they are reimbursable and shall be billed separately. Prior authorization is not required for [physical and speech-language therapies.] an initial visit to evaluate the need for physical or speech-language therapies. All subsequent therapy treatment visits following the initial visit will continue to require prior authorization. (See 10:65-1.6).

iii. (No change.)

10:65-1.5 Staff

(a) (No change.)

1.-2. (No change.)

3. Social Worker: The Social Worker shall possess a Master’s degree in Social Work from an accredited graduate school of Social Work plus one year of full-time or full-time equivalent social work experience in a health care setting. If a designate is utilized, the designate shall possess a Bachelor’s degree in the social sciences plus one year of social work experience in a health care setting. A designate must have available on-site consultation from a qualified social worker, a person with a Master’s degree in Social Work from an accredited School of Social Work in accordance with the New Jersey State Department of Health’s standards (see N.J.A.C. 8:39-1.20(d)).

4.-6. (No change.)

10:65-1.6 Prior authorization

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

(c) The Medical Day Care Center may bill the Medicaid [contractor] Fiscal Agent, Prudential Insurance Company, for one initial visit evaluation for eligible recipients without prior authorization.

10:65-1.8 Records

(a) As a minimum, the participant’s chart shall contain the following information:

1.-8. (No change.)

(b) An Individualized Plan of Care shall be written for each participant prior to admission to the Program, with input from the participant, family, and interested community agencies. The plan shall state medical needs of the participant as evaluated by the attending physician, and nursing, social service and other service needs as determined by the Center Staff, with in-put from community agencies. Overall goals and services to be provided by the Center to fulfill the needs expressed should be indicated.

1.-2. (No change.)

3. This Individualized Plan of Care is not part of the authorization/reauthorization process. Therefore, it should not be sent to the Medicaid District Office with the FD-140 form, which is to be used for the authorization/reauthorization only.

10:65-2.1 Billing Procedures

(a) This subchapter contains basic information and instructions necessary for the proper completion and submission of a claim. Included are exhibits to be utilized by Medical Day Care Centers for use in submitting claims for covered items or services. All forms to be completed by the facility are available from Prudential Insurance Company.

1. Payment: Payment will be based only on the number of days spent by the participant at the Medical Day Care Center. Billing will be performed by using the **MC-14C2 Claim form**, Independent Outpatient Health Facility [Form MC-14C2] (Exhibit I) which must indicate days of participant attendance during the period of authorization or reauthorization.

2. (No change.)

i. Physical and speech-language therapy services are not included in the per diem rate and these services must be billed separately on the MC-14C2 form;

ii. **The reimbursement fee for an initial visit for physical or speech-language therapy will be the same as that for which the Medical Day Care Center is reimbursed for a subsequent treatment visit.**

3.-4. (No change.)

10:65-2.2 General Policy

Billing should be done on a monthly basis. In all cases, claims must be submitted no later than ninety days after the last date services are furnished[.], **and no later than twelve (12) months from the earliest date of service as indicated on the claim form.**

10:65-2.4 Prior authorization

(a) (No change.)

(b) Following the initial **evaluation visit for medical day care**, prior authorization is required. A claim for the initial visit must be submitted on the Independent Outpatient Health Facility Claim Form (MC-14C2) with [a] the comment **"Initial Visit Only"** in item 13[c] (Report of Services) ["Initial visit only".], **Section D.** This should only be done when authorization has been declined.

(c) Prior authorization is required for all persons participating under the Medical Day Care Program. [An individual care plan must be submitted to the Medicaid District Office for approval and authorization on form FD-140.] The maximum duration for an initial authorization is 90 days (or less); reauthorization may be for a period up to six (6) months. Reauthorization can be obtained by the submission of the FD-140 form, Request for Medical Day Care Authorization or Reauthorization, which must include in item 19 recommendations for extension of such continued participation in medical day care. Allow at least two weeks prior to termination date of previous authorization for processing of a reauthorization of this request.

1. How to obtain prior authorization:

i. **The form, FD-140**, Request for Medical Day Care Authorization or Reauthorization [Form FD-140], should be promptly completed by the attending physician with the involvement of the nursing and social work staff and submitted to the appropriate Medicaid District Office.

2. Completing the **FD-140**, Request for Medical Day Care Authorization or Reauthorization form [FD-140] (See Exhibit IV); All items, 1 through 21 inclusive must be completed on all FD-140 forms. All items should be typed or printed clearly.

i. Distribution of form FD-140 (four part snap-out form):
(1) **Fiscal Agent's** [Contractor's] copy and provider copy and the Medicaid District Office copy are submitted to the Medicaid District Office, with the center retaining the second provider copy;

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

3. Submission of authorization to **the Fiscal Agent** [contractor]: When the request for authorization has been approved, it must be submitted together with the MC-14C2, Independent Outpatient Health Facility Claim form (Exhibit I) to Prudential Insurance Company for reimbursement for services provided.

4. (No change.)

10:65-2.6 Instructions; form MC-14

(a) Instructions for completion of the MC-14C2-Independent Outpatient Health Facility Claim Form (see Exhibit I):

1.-2. (No change.)

3. Item 7-8: [not applicable] **Self-explanatory**;

4.-7. (No change.)

8. Item 13: Report of services:

i. Item A (No change.)

ii. Item B: Enter separately the procedure code for medical day care visit (0001) or for physical therapy treatment (0030) or for speech-language therapy treatment (0032); **for an initial evaluation visit for rehabilitative therapy only, enter separately the procedure code for physical therapy (0049) or for speech-language therapy (0047);**

iii.-v. (No change.)

vi. Item F: Enter the total charges represented by the number of visits or treatments times the approved rate for same. The sum of the charges entered in column [E] F should be shown at the bottom under "total charges S";

9. Items 14-16: Self-explanatory

10. Item 16a: Physician Case Manager. If the recipient is enrolled in the Medicaid Personal Physician Plan (MP Plan), enter the Physician Case Manager's name and IMP number. If not, leave blank.

[10.] **11.** Item 17: Patient's certification: See Chapter I, 10:49-1.26

[11.] **12. Item 18:** Provider's Certification: The provider must sign and date the form before the claim may be considered.

10:65-2.7 Mailing Instructions

Mail the original copy (**Fiscal Agent's**-(contractor) copy) of the MC-14C2 Outpatient Claim Form together with the FD-140 form to:

The Prudential Insurance Company
of America
P.O. Box 5000
Millville, New Jersey 08332

(a)**DIVISION OF PUBLIC WELFARE**

**Public Assistance Manual
Public Assistance in New Jersey; Methods of
Payment for Assistance; Continuing
Eligibility in Aid to Families with
Dependent Children (AFDC)**

**Proposed Readoption: N.J.A.C. 10:81-1, 4
and 5**

**Proposed Readoption with Concurrent
Amendments: N.J.A.C. 10:81-1.2, 1.8,
1.11, 4.1, 4.2, 4.3, 4.4, 4.10, 4.18, 4.21,
4.22, 4.24, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8,
5.9, 5.10, 5.12 and 5.13**

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

Authority: N.J.S.A. 44:7-6 and 44:10-3; 45 CFR
206.10(a)(9)iii; and 45 CFR, Parts 400 and 401.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and any inquiries about submissions and responses, should be addressed to:

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

The Department of Human Services thereafter may adopt this proposal without further notice (see N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66 (1978) subchapter 1 would otherwise expire on September 1, 1984 and subchapters 4 and 5 would expire on October 18, 1984. The readoption of the rules becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of readoption. The concurrent amendments to the existing rules become effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN 1984-325.

The agency proposal follows:

Summary

In accordance with the "sunset" provisions of Executive Order No. 66(1978), the Department of Human Services proposes to readopt subchapters 1, 4 and 5 of N.J.A.C. 10:81. On February 3, 1975, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act of 1968, the Department adopted the Public Assistance Manual (N.J.A.C. 10:81-1.1 et seq), which replaced the Manual of Administration (proposed at 6 N.J.R. 244(a)). An order adopting the manual was filed February 11, 1975, as R.1975 d.29 and became effective April 15, 1975.

N.J.A.C. 10:81-1 includes a general overview of the various public assistance programs available to the residents of the State of New Jersey. It outlines the basic principle upon which

the administration of public assistance is based, which includes recognition of the applicant's dignity, human and civil rights.

The unimpeded right to apply for assistance is affirmed, as is the applicant's eligibility for immediate assistance if need is apparent and eligibility otherwise exists. Also outlined is the county welfare agency's responsibility to process an application promptly based primarily upon information provided by the applicant. The principles of ensuring confidentiality of information and nondiscrimination in the administration of public assistance are stated at N.J.A.C. 10:81-1.6 and 1.7. Rules pertaining to the right of the client to appeal welfare agency actions, adherence to Federal and State law in the administration of public welfare and nonduplication of financial assistance are defined at N.J.A.C. 10:81-1.8, 1.9, 1.10 and 1.11.

N.J.A.C. 10:81-4 deals with the various ways assistance grants may be issued. It assigns the responsibility for approving assistance payments to the county welfare agencies (CWAs). It further indicates which persons (payees) are authorized to receive assistance payments on behalf of an eligible unit and the conditions under which those persons are selected. Payment classifications include benefits issued to a designated payee, temporary payee, protective payee, and representative payee. Rules pertaining to voluntary restrictive payments are presented at N.J.A.C. 10:81-4.5(b). The subchapter also delineates the conditions and length of time for which assistance grants may be suspended; defines the conditions under which emergency assistance payments may be granted; and establishes policy pertaining to situations in which overpayments may be recovered. A recent proposal, appearing in the June 4, 1984 issue of the New Jersey Register, to amend N.J.A.C. 10:81-4.23 aligns overpayment recovery rules with policy set forth at N.J.A.C. 10:82-2.19 mandating the recovery of overpayments regardless of the circumstances which caused the overpayment.

N.J.A.C. 10:81-5 provides the CWAs with procedures for periodic evaluation of ongoing assistance eligibility. Eligibility factors to be evaluated during a personal interview include financial eligibility, county residency, and the age and school attendance of the eligible children. Procedures for evaluation of whether or not deprivation of parental support and care by at least one parent continues to exist in the AFDC-C segment of the program, by virtue of absence or incapacity, are also presented. Requirements for reevaluation of the recipient's Work Incentive (WIN) program status are given at N.J.A.C. 10:81-5.9 and those for reevaluation of legally responsible relatives are outlined at N.J.A.C. 10:81-5.10.

The Division of Public Welfare conducted an internal review and evaluation of N.J.A.C. 10:81-1, 4 and 5 prior to noticing for readoption. After such review of the rules, that agency determined the rules to be adequate, reasonable, and responsive to the purpose for which they were promulgated. The following are significant changes which have been adopted previously as a result of the ongoing review.

N.J.A.C. 10:81-1.1 was amended to emphasize the principles of respect for human and civil rights in the administration of public assistance.

N.J.A.C. 10:81-1.7 was amended to establish uniform treatment for the handicapped by prohibiting discrimination because of handicap.

N.J.A.C. 10:81-1.11, 5.8 and 5.9 were amended to delete reference to the former Aid to Families of the Working Poor program. N.J.A.C. 10:81-1.11(a)li and 4.2 was further amended to designate that the principal earner, rather than

the father, meet the Federal definition of unemployment for AFDC-F segment eligibility purposes.

N.J.A.C. 10:81-1.12 was amended to establish that AFDC-F segment recipients are eligible for participation in the WIN program.

N.J.A.C. 10:81-1.14 was adopted to establish minimum requirements for welfare board minutes in counties where such boards exist. Covered are such requirements as preparation, content, retention, attachments, and transmittal of copies to the State office.

N.J.A.C. 10:81-4.5(b) was amended to provide guidelines for the issuance of vendor payments, for child care purposes only, when voluntarily requested by the payee. The amendment also removed the limitation on the number of AFDC cases in which protective, vendor, or two party payments may be made.

N.J.A.C. 10:81-4.9 was amended to provide updated and expanded criteria to be used to determine whether or not a protective payee should be appointed.

N.J.A.C. 10:81-4.24 was amended to introduce the pamphlet "Your Rights and Responsibilities" (Form PA-197). This pamphlet includes a reminder to clients of the requirement to report changes in circumstances.

N.J.A.C. 10:81-5.2 was amended to increase the time period for determination of eligibility for AFDC-F and N cases from three to six months.

N.J.A.C. 10:81-5.6(c) was amended to stipulate that the Bureau of Medical Affairs (BMA) is responsible for notifying the CWA of those "incapacity" cases scheduled for medical review.

N.J.A.C. 10:81-5.8(c) established that if there is a change or reduction in grant due to a transfer from one segment to another, adverse action notice requirements must be followed.

Included in this proposed re-adoption are amendments which provide technical revisions to the text of N.J.A.C. 10:81-1, 4 and 5. In addition to these technical revisions, N.J.A.C. 10:81-1.11(a)2 is being revised to update information regarding assistance programs for refugees and entrants. Reference to the former Cuban Refugee Assistance and Indochinese Refugee Assistance programs have been replaced by the current Cuban/Haitian Entrant Program (45 CFR, Part 401) and Refugee Resettlement Program (45 CFR, Part 400). N.J.A.C. 10:81-5.2 is being amended to indicate that cases subject to Monthly Reporting (N.J.A.C. 10:90) requirements, which are redetermined on a monthly or bi-monthly basis for factors subject to change, be reevaluated for continued eligibility every 12 rather than every six months pursuant to 45 CFR 206.10(a)(9)iii.

Social Impact

N.J.A.C. 10:81-1 sets forth the framework which ensures that public assistance programs are administered in an orderly and equitable manner on a statewide basis. Under these provisions, individuals and families are assured that they will be informed as to the availability of public assistance and treated with respect and dignity.

The social impact of N.J.A.C. 10:81-4 is experienced by the fact that payments are issued promptly to eligible families in a manner which enhances self-direction. When a determination is made that assistance payments are not being utilized properly, arrangements are made to protect the fiscal integrity of the family through the assignment of alternate payees.

Under the provisions of N.J.A.C. 10:81-5, recipients can expect, at minimum, a complete review of their AFDC eligi-

bility as well as a determination relevant to the correctness of their grant on a regular basis. Rules governing contact with and reevaluation of the ability of legally responsible relatives to support the eligible unit have the potential of strengthening family ties. Without such reevaluations, public confidence in and support for public assistance programs would diminish. The concurrent proposed amendment at N.J.A.C. 10:81-5.2 will eliminate the requirement that clients, subject to monthly reporting, be personally interviewed more frequently than once a year.

Economic Impact

In FY 1984, approximately 404,000 individuals would have been served under the AFDC program involving a total expenditure of \$524.2 million (\$262.1 million Federal, \$196.6 million State and \$65.5 million county). Re-adoption of these regulations is essential since they are a critical portion of a body of regulations which set forth guidelines for the statewide administration of the AFDC program and provide for the proper determination of eligibility and level of grant entitlement.

Full text of the proposed re-adoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:81-1, 4 and 5, as amended and supplemented by the New Jersey Register.

Full text of the proposed amendments to the re-adoption follows (additions indicated by boldface **thus**; deletions indicated in brackets [thus]).

10:81-1.2 Opportunity and decision to apply

Any person who believes [he/she] **he or she** and [his/her] **his or her** children are eligible for public assistance must be given the opportunity to apply without delay. Applicants will be informed about the eligibility requirements and their rights and obligations in applying for and receiving assistance. The decision to apply rests with the applicant. The applicant has the right to withdraw the application before eligibility or ineligibility has been determined.

10:81-1.8 Appeal from county welfare agency procedures

A client shall have the right to appeal any action or inaction of the county welfare agency affecting [him/her] **him or her** or [his/her] **his or her** family.

10:81-1.11 Income maintenance programs

(a) This manual describes policy for the income maintenance programs which are:

1. (No change.)
2. [Cuban Refugee Assistance, through which financial assistance is provided to individuals who left Cuba on or after January 1, 1959 and who meet specified eligibility requirements.]

Cuban/Haitian Entrant Program (CHEP), through which financial assistance is provided to individuals who meet the following criteria:

i. **Cubans: A citizen of Cuba who either entered or was paroled into the United States after April 20, 1980 and who meets specified eligibility criteria (see N.J.A.C. 10:81-10.3(a)1).**

ii. **Haitians: A citizen of Haiti who has been either "Paroled" or granted voluntary departure and who meets specified eligibility criteria (see N.J.A.C. 10:81-10.3(a)2).**

3. [Indochinese Refugee Program (IRP), through which financial assistance is provided to individuals who left Vietnam, Cambodia or Laos and entered into the United States

on or after April 8, 1975, and who meet specified eligibility requirements.]

Refugee Resettlement Program (RRP), through which financial assistance is provided to a citizen of any country who meets any of the Immigration and Naturalization Service (INS) statuses outlined in N.J.A.C. 10:81-10.2.

10:81-4.1 Responsibility for assistance payments

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

(c) The [CWB] CWA director has specific authority to issue payments prior to formal welfare board action. All payments so authorized by the director are subject to ratification, revision, or termination, by the board. Therefore in exercising [his/her] **his or her** authority, the director has a special responsibility to expedite further investigation, if any is required; to have the formal record of the case completed; and to present the case to the welfare board at its next subsequent meeting for action thereon.

10:81-4.2 Federal participation in AFDC-C and -F

(a) (No change.)

(b) To qualify for Federal matching, a money payment must meet the the following conditions:

1. The check must be drawn to the order of and delivered to the recipient or [his/her] **his or her** authorized payee (see **N.J.A.C. 10:81-4.5**).

2.-3. (No change.)

(c) An explanation, oral or written to the recipient as to how the amount of [his/her] **his or her** payment is determined is not considered restrictive but such explanation must not state or imply that the recipient must pay for a specific item of goods or services.

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

10:81-4.3 Initial payment

(a) When immediate need is apparent and the applicant provides evidence of eligibility by a written statement signed under oath, the [county welfare board] CWA director shall issue a grant based on presumptive eligibility, as of the date of application and shall then proceed with the validation. This shall also be the case when immediate need arises before completion of the investigation (see **N.J.A.C. 10:81-1.3**).

(b) Authorization shall be by personal signature of the director or deputy director, which signature may be typescript or facsimile signature if initialed by an authorized member of staff [:].

1. When **the** client has received an initial payment for a partial month as provided in the Assistance Standards Handbook, [he/she] **he or she** shall continue to receive payments until final validation has been made or until [he/she] **he or she** has been determined to be ineligible.

2. (No change.)

(c) (No change.)

(d) If the completed investigation shows the applicant to have been ineligible for reasons other than need, the county welfare [board] **agency** shall not be obliged, in the absence of fraud or misrepresentation, to take action for the recovery of any assistance granted pending completion of such investigation.

1. If [CWB] CWA has demonstrated a reasonable attempt at validation within the requisite period of time but has been unsuccessful in completing the investigation despite such attempt, Federal participation only will be withheld; State matching for assistance payments will continue to be available whether or not the case is found to be eligible.

(e) **Formal board action:** When an initial payment is authorized by the [CWB] CWA director prior to approval of the welfare board, the application shall be presented for formal action at the next regular or special meeting of the board.

(f) **Reports to State division:** Reporting new and reopened cases for which initial payments are authorized by the director is accomplished by established procedures.

10:81-4.4 Changes in need during assistance

When a change in the circumstances of the recipient results in an authorized adjustment upward or downward in the amount of the assistance payment, the effective date of such adjustment shall be as of the first day of the next regular payment period following the date the change in circumstances was reported to or identified by the CWA, subject to timely notice. Additional payment(s) supplementing the last regular payment may be issued during the current payment period for any of the reasons listed in [Assistance Standards Handbook, section 252.2] **N.J.A.C. 10:82-2.20(b)**.

10:81-4.10 Selection of a protective payee

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

(d) If it is in the best interest of the recipient for a staff member of a private agency, of the county welfare agency, or of any other appropriate organization to serve as a protective payee, such selection shall be made preferably from the staff of an agency or that part of an agency providing protective services for families. The selection shall not include:

1.-4. (No change.)

5. Any person who has [him/herself] **himself or herself** been determined by professional diagnostic procedures to be incompetent or "marginally incompetent".

10:81-4.18 Change of representative payee

(a) When a representative payee wishes to be released from [his/her] **his or her** responsibilities there must be application to the court for such release.

(b) (No change.)

10:81-4.21 Suspended grant

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

(c) The monthly grant may also be suspended for up to three months when other income is available to meet a client's needs for a temporary period (see Assistance Standards Handbook, section 322). This suspension may be renewed for a second three-month period if the CWB director deems it appropriate. When the grant is under suspension, Medicaid is also suspended; however, the normal redetermination schedule will be followed. Eligibility for food stamps must be reevaluated due to change in income.]

10:81-4.22 Emergency assistance

(a) The basic monthly assistance payment is intended for use in meeting the routine expenses of daily living. It is recognized, however, that there will be occasions when it becomes necessary for the county welfare [board] **agency** to provide additional financial assistance for a brief period of time because of unusual circumstances as defined below which could neither be foreseen nor controlled by the recipient.

(b) (No change.)

(c) See [section 530 of the Assistance Standards Handbook] **N.J.A.C. 10:82-5.10** for policy and procedures relative to authorization and issuance of emergency assistance payments.

10:81-4.24 Periodic notice to client

(a) The client shall be informed periodically (at least once every six months) of [his/her] **his or her** continuing obligation to furnish accurate and timely information to the CWA concerning changes in income, resources or other circumstances which may affect the amount of the grant. The applicant will receive, and have explained if necessary, a copy of the pamphlet Your Rights and Responsibilities, (PA-197). This pamphlet will be given to the applicant at the time of application and at each redetermination if the recipient has not retained the copy previously provided. The client shall inform the CWA of any change as soon as possible but in no event later than two weeks after the change takes place. Failure of the client to so inform the CWA shall constitute willful withholding of information.

(b) (No change.)

(c) The client, by signing the affidavit, agrees that [he/she] **he or she** has received the pamphlet (PA-197), has been informed of [his/her] **his or her** rights and obligations as stated in the pamphlet, and understands them.

10:81-5.2 Requirements for periodic redetermination

(a) In AFDC, **except for those cases subject to monthly reporting requirements**, complete reinvestigations shall be done at least once every six months at which time the parent(s) shall execute a formal written application for continuation of assistance. **In cases subject to monthly reporting a complete reinvestigation shall be done at least once every 12 months (see N.J.A.C. 10:90).** If this is not done and the CWA is responsible, the right of the client to continued assistance shall not be jeopardized.

(b) (No change.)

10:81-5.3 Process of redetermination

(a) **Personal interviews:** Recipients shall be personally interviewed regarding the application for continuation of assistance. The IM worker shall assist the recipient in the completion of the [continuation] **application** form, providing explanation as necessary. If the recipient cannot read, the contents of the form shall be read to [him/her] **him or her**. Upon request, the client will be given a copy of [his/her] **his or her** executed application form, with any attachments. Signature requirements shall be the same as for initial application. The contact shall focus on discussion of the eligibility factors which are subject to change and shall include information about any change in agency policy or procedure which affects the recipient's status or [his/her] **his or her** assistance payment. There will also be a reevaluation of the family's need for social services. When the parent is represented by a protective payee or has a representative payee, such person shall also be interviewed. A summary report including all pertinent information shall be made for each contact with the parent(s), parent-person(s) or collateral sources.

(b) **Redetermination of financial eligibility:** In each redetermination, it is the responsibility of the IM worker to complete a new Form PA-3A or Form 105, as appropriate, in accordance with instructions provided in the Assistance Standards Handbook and CODES Manual, respectively.

1. When there is a pending claim, as described in [subchapter 3 of this chapter] **N.J.A.C. 10:81-3.40(c)1**, follow the appropriate procedure in [subchapter 3 of this chapter] **N.J.A.C. 10:81-3.40(c), (d), and (e).**

(c) **Residence:** Attention shall be given to any change in residence which may effect county responsibility.

(d) **Age and school attendance:** Eligibility in respect to age and school attendance must be evaluated for a child who is nearing the age beyond which [he/she] **he or she** is no longer eligible. The eligibility of the family must be evaluated when the youngest child is nearing the age and school situation beyond which [he/she] **he or she** will no longer be eligible.

10:81-5.4 Competency status in AFDC

(a) (No change.)

(b) If it is the finding of the CWA that the parent or parent-person has demonstrated such inability to manage funds that payments are not being used in the best interest of the child(ren), third party payments will be initiated. In such cases the client will be fully advised of [his/her] **his or her** rights.

10:81-5.5 Institutional status in AFDC

Upon the parent's(s') or parent-person's(s') admission to an institution, the IM worker should be alert to the initiation of "temporary payee" as provided in [subchapter 4 of this chapter] **N.J.A.C. 10:81-4.7.**

10:81-5.6 Requirements with respect to deprivation of parental support or care in AFDC-C

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

(d) "Incapacitated" natural or adoptive parent who secures employment:

1. When, subsequent to a finding of "approved" on the "incapacity" factor, [CWB] CWA learns that the parent has obtained full-time employment at normal rate of pay for a job appropriate to [his/her] **his or her** capacity, then incapacity no longer exists.

(e) When "incapacitated" natural or adoptive parent is in institution:

1. (No change.)

2. **Submission to Medical Review Team:** As soon as the date of discharge is known, or if the [CWB] CWA learns that the parent has already been discharged to [his/her] **his or her** home, the [CWB] CWA shall submit the required record material to the Medical Review Team as appropriate to the situation; that is, if official determination of incapacity had already been made, the previous record shall be submitted for review with a completed Form PA-6A; if the case had not been previously submitted, then a PA-6 giving current situation and Form PA-5 (Examining Physician's Report) shall be submitted. Whenever practical, the PA-5 form should be prepared by a staff physician of the institution.

3. (No change.)

10:81-5.7 Marriage or remarriage

In AFDC-C, when eligibility is based on the absence of one parent and the remaining parent marries or remarries, such marriage or remarriage does not in and of itself terminate eligibility but does require prompt redetermination of financial need in accordance with [the Assistance Standards Handbook, section 213] **N.J.A.C. 10:82-2.9.**

10:81-5.8 Special conditions relating to parent(s) in AFDC-F and -N

(a) When a parent becomes absent from the home and continuous absence is established ([PAM 2533] see **N.J.A.C. 10:81-2.7(d)**), the AFDC-F or -N case shall be transferred to the AFDC-C segment. No interruption of assistance shall result if AFDC-C eligibility begins with the absence.

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

10:81-5.9 Registration for WIN program in AFDC-C and -F
(a) (No change.)

(b) For persons who were previously exempt and now must register, the IM worker will complete and transmit to ES/WIN Part A of Form R-1. If a person was previously registered as a volunteer, a letter shall be sent by the CWA to such individual advising that [he/she] **he or she** is now a mandatory WIN registrant and, as a result, is subject to appropriate WIN sanctions. The letter shall also state the reason for loss of exempt status.

(c) For persons who were previously required to register but are now exempt, the CWA shall send a letter advising that [he/she] **he or she** is now a voluntary registrant and that [he/she] **he or she** may withdraw such registration at any time without adversely affecting [his/her] **his or her** assistance payments, provided WIN status does not change in a way which would again require WIN registration. The letter shall also state the reason for [his/her] **his or her** change to voluntary status.

(d)-(g) (No change.)

10:81-5.10 Legally responsible relatives capacity to support
(a) (No change.)

(b) Each legally responsible relative shall be contacted unless it can be verified that the relative:

1.-2. (No change.)

3. Is [him/herself] **himself or herself** dependent upon a relative (other than the client) for support; or

4. (No change.)

5. Cannot reasonably be anticipated to have experienced a change in income since the last evaluation which would affect [his/her] **his or her** capacity to support. (The IM worker will consult with [his/her] **his or her** supervisor when this appears to be the situation.)

(c) (No change.)

(d) The [CWB] CWA shall avoid making routine requests of other county welfare [boards] **agencies** or of out-of-State agencies to contact relatives for reevaluation of capacity to support. When, after careful evaluation of the need for such service, it is considered essential to request an interview, the letter of request shall clearly identify both the nature and the purpose of the desired service.

10:81-5.12 Disposition of application for continuation

(a) Following supervisory approval, an application for continuation shall be acted upon by one of the following methods:

1. Action by executive authority: The [CWB] CWA director (or [his/her] **his or her** authorized representative) shall by his or her legal authority, adjust, suspend or terminate the grant when in [his/her] **his or her** judgment such action should be taken in advance of the next meeting of the welfare board.

2. (No change.)

10:81-5.13 Notice of agency decision

Each applicant shall receive timely and adequate written notice of any agency decision which relates to [his/her] **his or her** eligibility status or change in the amount of [his/her] **his or her** grant, in accordance with [subchapter 7 of this chapter] N.J.A.C. 10:81-7.1.

(a)

DIVISION OF YOUTH AND FAMILY SERVICES

Boarding Homes

Proposed Readoption with Amendments: N.J.A.C. 10:123-2

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

Authority: N.J.S.A. 44:7-87 and 55:13B-1 et seq.

Interested persons may submit in writing, dates, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Gail Tishman
Office of Policy and Planning
Division of Youth and Family Services
1 South Montgomery Street
CN 717
Trenton, New Jersey 08625

The Department of Human Services thereafter may adopt this proposal without further notice (see: N.J.A.C. 1:30-3.5). Pursuant to Executive Order No. 66 (1978), this rule would otherwise expire on August 31, 1984. The readoption of this rule becomes effective upon acceptance for filing by the Office of Administrative Law of the notice of adoption. The amendments become effective upon publication in the Register of the notice of adoption.

This proposal is known as PRN 1984-341.

The agency proposal follows:

Summary

In accordance with Executive Order No. 66(1978), the Department of Human Services proposes to readopt N.J.A.C. 10:123-2. This proposal, with its proposed changes, reestablishes policy, procedures and guidelines for the Division of Youth and Family Services and the County Welfare Agencies to follow in the ongoing implementation of the Rooming and Boarding House Act of 1979. (N.J.S.A. 55:13B-1 et seq.).

The Division of Youth and Family Services is assigned administrative, monitoring and evaluation, and record-keeping responsibilities, including the maintenance of a Central Registry for Boarding Home Complaints. The County Welfare Agencies are assigned various responsibilities, including but not limited to, the investigation of complaints involving residents, the provision of services to eligible residents, the coordination of services provided by various state and local agencies, while assisting and visiting facilities on a regular basis. Standards for these responsibilities are included in the regulations. The regulations summarize the County Welfare Agency's right to full and free access to all facilities (rooming houses, boarding houses, and residential health care facilities) as authorized by the Rooming and Boarding House Act. Also included in these regulations are immunity from liability for persons making complaints about facilities and treating such complaints as confidential.

Social Impact

The existing rules have provided a positive social impact by offering social services to vulnerable adults residing in rooming houses, boarding houses and residential health care facilities. The readoption of these regulations will not only continue to provide necessary services available but maintain prompt investigation of complaints concerning the treatment and well-being of residents in these facilities.

In 1983 there were 308 complaints reported. The complaints are divided into three categories and they are: (1) abuse and neglect; (2) exploitation and (3) physical structure of rooming and boarding houses or residential health care facilities. There were 55 abuse cases, 62 exploitation cases and 101 cases reported in the areas of neglect in facilities which housed this segment of the population in 1983. Since many citizens of this State reside in rooming houses, boarding houses or residential health care facilities, special services, care or treatment are necessary to ensure that needed social and remedial services be made available through the efforts of county welfare boards.

The public's reaction to the rule has been favorable because of the services provided and the prompt and efficient complaint investigations. The continuance of the rule will insure that the affected public will be able to receive such services.

Economic Impact

The Division is working toward the counties receiving more funds from the 1981 federal Omnibus Budget Reconciliation Act (P.L. 97-35) through block grants earmarked by the State for adult services which includes services for rooming houses, boarding houses and residential health care facilities. One of the aims of the Division is to assist and supervise county welfare agencies in their provision of services to eligible residents of rooming houses, boarding houses and residential health care facilities with the least cost to the counties, if possible. Higher costs incurred by the counties could hinder the protection and care of these eligible residents resulting in a negative impact on the provision of services.

Lapse of this rule would cause a measurable economic cost to counties in that there would be no definable program in which block grant funds could be funneled for this particular adult services program. By continuing the existing requirements, the Division is saving the uncertainty as to what was or was not required if this chapter were to expire.

Full text of the proposed readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:123-2.

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

10:123-2.1 Purpose

(a) (No change.)

(b) The purpose of the law is to:

1. Provide for the health, safety and welfare of all those who reside in rooming **houses**, [and] boarding houses, **and residential health care facilities** in this State;

2. Promote the growth and continued improvement of residential health care facilities;]

[3.] 2. Ensure that all agencies of this State work in unison for the protection and care of the residents of rooming houses, boarding houses and residential health care facilities; and

[4.] 3. Ensure that needed social and remedial services are made available to the residents of such facilities through the efforts of County Welfare Agencies.

INSURANCE

(a)

DIVISION OF ADMINISTRATION

**Administrative Orders and Declarations
N.J.A.C. 11:1-5.1 through 11:1-5.8**

**90-Day Waiver of Executive Order No.
66(1978)**

Authorized By: Governor Thomas H. Kean.

Take notice that the regulations of the Department of Insurance, N.J.A.C. 11:1-5.1 through 11:1-5.8, dealing with the FAIR Plan, the notification provisions for the cancellation of fire and casualty policies, and several unrelated declarations, are due to expire on June 6, 1984 pursuant to the sunset provisions of Executive Order No. 66(1978). Although the Insurance Department intends at this time to readopt these regulations, they will expire before readoption can be accomplished. The Insurance Department has informed Governor Thomas H. Kean that the readoption will be completed by September 6, 1984.

These regulations cover such important matters as the notice required for cancellation of fire and casualty coverage and the collection of surcharges necessary to fund the FAIR Plan. In order to ensure that there is no regulatory hiatus between their expiration and readoption, Governor Kean has found that good cause has been shown to grant the Insurance Department's request that the current regulation remain in effect.

On May 29, 1984, Governor Kean, by the authority vested in him by Executive Order No. 66(1978), directed that the five year sunset provision of Executive Order No. 66(1978) be waived for the regulations N.J.A.C. 11:1-5.1 through 11:1-5.8 and the expiration for these regulations be extended for the period of 90 days, from June 6, 1984 through, to, and including September 6, 1984.

(a)

DIVISION OF ACTUARIAL SERVICES**Individual Life Insurance
Gender Blended Mortality Table****Proposed New Rule: N.J.A.C. 11:4-22**

Authorized By: Kenneth D. Merin, Acting Commissioner, Department of Insurance.

Authority: N.J.S.A. 17B:25-19h (viii) and (xi), 17:1-8.1 and 17:1C-6(e).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submission and responses, should be addressed to:

Margaret Harrison
Executive Assistant
Department of Insurance
CN 325
Trenton, New Jersey 08625

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

This proposal is known as PRN 1984-340.

The agency proposal follows:

Summary

A recent United States Supreme Court decision (Norris vs. Arizona Governing Committee 103 S. Ct. 3492) prohibits employers subject to Title 7 of the Civil Rights Act of 1972 from offering employee benefit or defined contribution pension plans if the plan's benefits to their employees differ because of the gender of the employee. Since many employers offer plans insured by insurance companies, these companies will have to use gender neutral mortality tables for such plans in order to comply with the Norris decision.

The license insurance statute allows insurers a 1958 version or the 1980 version of either the Commissioner's Standard Ordinary Mortality Table (CSO) or, for some limited benefits, the Commissioner's Extended Term Table (CET). In addition, the statute provides that insurers may utilize other mortality tables which have been adopted by the National Association of Insurance Commissioners (N.A.I.C.) and have been approved by the Commissioner of Insurance pursuant to regulation.

The 1958 tables are sex-neutral and may accordingly be used by insurers in compliance with the Norris decision. The 1980 tables, however, differentiate by gender and may not be used to achieve compliance with the Norris decision.

In order to enable insurers who use or wish to use the 1980 tables, the N.A.I.C. in December, 1983 adopted a model regulation which provides accepted gender blended tables based upon the 1980 CSO or CET. The proposed new rule is similar to the N.A.I.C. Model and authorizes the utilization

of specified gender blended tables as substitutes to the 1980 CSO and CET.

The proposed new rule does not affect minimum valuation standards, since these do not involve any contractual relationship between the insurer and its policyholder clients and the Supreme Court decision did not address State statutory valuation standards.

Social Impact

The proposed new rule will allow more insurance companies to offer plans which comply with the Norris decision, thereby expanding the available market for employers. It should also increase the flexibility and variety of the plans offered.

Economic Impact

Some insurance companies may incur additional expenses in revising and filing new forms to comply with the proposed new rule. However, since these insurers would otherwise be unable to offer to employers pension plans which comply with the Norris decision, the rule will enable them to expand into new markets. The Insurance Department will incur additional administrative expenses in connection with the review of filings which it will absorb.

Full text of the proposed new rule follows.

CHAPTER 4

ACTUARIAL SERVICES

SUBCHAPTER 22. INDIVIDUAL LIFE INSURANCE:
USE OF GENDER BLENDED MORTALITY TABLES

11:4-22.1 Purpose

The purpose of this subchapter is to permit individual life insurance policies to provide the same cash surrender values and paid-up nonforfeiture benefits to both men and women. No change in minimum valuation standards is intended by these rules.

11:4-22.2 Definitions

The following words and terms when used in this subchapter shall have the following meanings:

"1980 CSO Table, with or without Ten Year Select Mortality Factors" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 National Association of Insurance Commissioners (NAIC) Amendments to the Model Standard Valuation Law and Model Standard Non-forfeiture Law for Life Insurance, and referred to in those models as the Commissioner's 1980 Standard Ordinary Mortality Table, with or without Ten-Year Select Mortality Factors.

"1980 CSO Table (M), with or without Ten-Year Select Mortality Factors" means that mortality table consisting of the rates of mortality for male lives from the 1980 CSO Table, with or without Ten-Year Select Mortality Factors.

"1980 CSO Table (F), with or without Ten-Year Select Mortality Factors" means that mortality table consisting of

the rates of mortality for female lives from the 1980 CSO Table, with or without Ten-Year Select Mortality Factors.

"1980 CET Table" means that mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC Amendments to the Model Standard Valuation Law and Model Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the Commissioner's 1980 Extended Term Insurance Table.

"1980 CET Table (M)" means that mortality table consisting of the rates of mortality for male lives from the 1980 CET Table.

"1980 CET Table (F)" means that mortality table consisting of the rates of mortality for female lives from the 11:4-22.3 Construction of gender blended tables for use in the determination of minimum nonforfeiture benefits and minimum reserves.

(a) For any policy of insurance on the life of either a male or female insured delivered or issued for delivery in this State after September 11, 1981, a life insurer which has elected or which elects an operative date under N.J.S.A. 17B:25-19h(xi) may file with the Department of Insurance for use as part of the policy form, the approved gender blended mortality tables as described in (b) below and attached as the Appendix to this subchapter, or a description thereof, to determine minimum cash surrender values and minimum amounts and minimum periods of paid-up nonforfeiture benefits.

1. An approved mortality table which is a blend of the 1980 CSO Table (M) and the 1980 CSO Table (F) with or without Ten-Year Select Mortality Factors may at the option of the company be substituted for the 1980 CSO Table, with or without our Ten-Year Select Mortality Factors; and

2. A mortality table which is of the same blend as used in 1. above but applied to form a blend of the 1980 CET Table (M) and the 1980 CET Table (F) may at the option of the company be substituted for the 1980 CET Table.

(b) The following describes the gender blended tables approved for use pursuant to N.J.S.A. 17B:25-19h(viii) which may be found in the Appendix to this subchapter:

1. 100 percent Male 0 percent Female for tables to be designated as the "1980 CSO-A" and "1980 CET-A" tables;

2. 80 percent Male 20 percent Female for tables to be designated as the "1980 CSO-B" and "1980 CET-B" tables;

3. 60 percent Male 40 percent Female for tables to be designated as the "1980 CSO-C" and "1980 CET-C" tables;

4. 50 percent Male 50 percent Female for tables to be designated as the "1980 CSO-D" and "1980 CET-D" tables;

5. 40 percent Male 60 percent Female for tables to be designated as the "1980 CSO-E" and "1980 CET-E" tables.

6. 20 percent Male 80 percent Female for tables to be designated as the "1980 CSO-F" and "1980 CET-F" tables;

7. 0 percent Male 100 percent Female for tables to be designated as the "1980 CSO-G" and "1980 CET-G" tables.

(c) The tables described in (b) 1 and 7 above are not to be used with respect to policies issued on or after January 1, 1985, except where the proportion of persons insured is anticipated to be 90 percent or more of one sex or the other.

(d) Gender blended tables with Ten-Year Select Mortality Factors may be derived by applying select factors to gender blended tables without select factors where the select factors are derived by using the following formula:

$${}^Z F_t^I = \frac{(Z)F_t^M + .6(1-Z) F_t^F}{Z + .6(1-Z)}$$

where

F_t^I is the gender blended select factor for year t

F_t^M is the male select factor for year t

F_t^F is the female select factor for year t

Z is the ratio of male lives to the total lives at the pivotal age

11:4-22.4 Unfair discrimination

It shall not be a violation of N.J.S.A. 17B:30-12 c. for an insurer to issue the same kind of policy of life insurance on both a sex-distinct and sex-neutral basis.

11:4-22.5 Separability

If any provision of this subchapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the subchapter and the application of such provision to other persons or circumstances shall not be affected thereby.

APPENDIX
TABLE 1
1980 CSO-A AND 1980 CET-A MORTALITY TABLES
BASED ON BLENDING 1980 CSO AND 1980 CET
MORTALITY TABLES 100 PERCENT MALE-0
PERCENT FEMALE

RATES OF MORTALITY
1,000 q_x AGE NEAREST BIRTHDAY

<u>Age</u> <u>(x)</u>	<u>1980</u> <u>CSO-A</u>	<u>1980</u> <u>CET-A</u>	<u>Age</u> <u>(x)</u>	<u>1980</u> <u>CSO-A</u>	<u>1980</u> <u>CET-A</u>	<u>Age</u> <u>(x)</u>	<u>1980</u> <u>CSO-A</u>	<u>1980</u> <u>CET-A</u>
0	4.18	5.43	34	2.00	2.75	67	30.44	39.57
1	1.07	1.82				68	33.19	43.15
2	0.99	1.74	35	2.11	2.86	69	36.17	47.02
3	0.98	1.73	36	2.24	2.99			
4	0.95	1.70	37	2.40	3.15	70	39.51	51.36
			38	2.58	3.35	71	43.30	56.29
5	0.90	1.65	39	2.79	3.63	72	47.65	61.95
6	0.86	1.61				73	52.64	68.43
7	0.80	1.55	40	3.02	3.93	74	58.19	75.65
8	0.76	1.51	41	3.29	4.28			
9	0.74	1.49	42	3.56	4.63	75	64.19	83.45
			43	3.87	5.03	76	70.53	91.69
10	0.73	1.48	44	4.19	5.45	77	77.12	100.26
11	0.77	1.52				78	83.90	109.07
12	0.85	1.60	45	4.55	5.92	79	91.05	118.37
13	0.99	1.74	46	4.92	6.40			
14	1.15	1.90	47	5.32	6.92	80	98.84	128.49
			48	5.74	7.46	81	107.48	139.72
15	1.33	2.08	49	6.21	8.07	82	117.25	152.43
16	1.51	2.26				83	128.26	166.74
17	1.67	2.42	50	6.71	8.72	84	140.25	182.33
18	1.78	2.53	51	7.30	9.49			
19	1.86	2.61	52	7.96	10.35	85	152.95	198.84
			53	8.71	11.32	86	166.09	215.92
20	1.90	2.65	54	9.56	12.43	87	179.55	233.42
21	1.91	2.66				88	193.27	251.25
22	1.89	2.64	55	10.47	13.61	89	207.29	269.48
23	1.86	2.61	56	11.46	14.90			
24	1.82	2.57	57	12.49	16.24	90	221.77	288.30
			58	13.59	17.67	91	236.98	308.07
25	1.77	2.52	59	14.77	19.20	92	253.45	329.49
26	1.73	2.48				93	272.11	353.74
27	1.71	2.46	60	16.08	20.90	94	295.90	384.67
28	1.70	2.45	61	17.54	22.80			
29	1.71	2.46	62	19.19	24.95	95	329.96	428.95
			63	21.06	27.38	96	384.55	499.92
30	1.73	2.48	64	23.14	30.08	97	480.20	624.26
31	1.78	2.53				98	657.98	855.37
32	1.83	2.58	65	25.42	33.05	99	1000.00	1000.00
33	1.91	2.66	66	27.85	36.21			

APPENDIX
TABLE 2
1980 CSO-B AND 1980 CET-B MORTALITY TABLES
BASED ON BLENDING 1980 CSO AND 1980 CET
MORTALITY TABLES 80 PERCENT MALE—
20 PERCENT FEMALE
(PIVOTAL AGE 45)

RATES OF MORTALITY
1,000 q_x AGE NEAREST BIRTHDAY

Age (x)	1980 CSO-B	1980 CET-B	Age (x)	1980 CSO-B	1980 CET-B	Age (x)	1980 CSO-B	1980 CET-B
0	3.92	5.10	34	1.91	2.66	67	27.61	35.89
1	1.04	1.79				68	30.03	39.04
2	.95	1.70	35	2.02	2.77	69	32.66	42.46
3	.94	1.69	36	2.14	2.89			
4	.91	1.66	37	2.30	3.05	70	35.59	46.27
			38	2.47	3.22	71	38.95	50.64
5	.87	1.62	39	2.68	3.48	72	42.84	55.69
6	.83	1.58				73	47.33	61.53
7	.79	1.54	40	2.90	3.77	74	52.37	68.08
8	.75	1.50	41	3.16	4.11			
9	.73	1.48	42	3.42	4.45	75	57.84	75.19
			43	3.72	4.84	76	63.65	82.75
10	.72	1.47	44	4.01	5.21	77	69.70	90.61
11	.75	1.50				78	75.95	98.74
12	.83	1.58	45	4.35	5.66	79	82.57	107.34
13	.94	1.69	46	4.70	6.11			
14	1.08	1.83	47	5.07	6.59	80	89.83	116.78
			48	5.45	7.09	81	97.94	127.32
15	1.24	1.99	49	5.89	7.66	82	107.18	139.33
16	1.39	2.14				83	117.65	152.95
17	1.53	2.28	50	6.36	8.27	84	129.10	167.83
18	1.62	2.37	51	6.90	8.97			
19	1.69	2.44	52	7.50	9.75	85	141.38	183.79
			53	8.19	10.65	86	154.17	200.42
20	1.74	2.49	54	8.96	11.65	87	167.49	217.74
21	1.75	2.50				88	181.24	235.61
22	1.73	2.48	55	9.78	12.71	89	195.54	254.20
23	1.71	2.46	56	10.67	13.87			
24	1.69	2.44	57	11.58	15.05	90	210.53	273.69
			58	12.54	16.30	91	226.51	294.46
25	1.65	2.40	59	13.57	17.64	92	244.13	317.37
26	1.63	2.38				93	264.04	343.25
27	1.61	2.36	60	14.72	19.14	94	289.36	376.17
28	1.61	2.36	61	16.00	20.80			
29	1.63	2.38	62	17.47	22.71	95	324.89	422.36
			63	19.16	24.91	96	380.97	495.26
30	1.65	2.40	64	21.05	27.37	97	477.69	621.00
31	1.70	2.45				98	657.38	854.59
32	1.75	2.50	65	23.11	30.04	99	1000.00	1000.00
33	1.83	2.58	66	25.29	32.88			

LABOR

(a)

THE COMMISSIONER

Income Security Registration for Work and Claims for Benefits

Proposed Amendment: N.J.A.C. 12:17-2.1 Proposed Repeal: N.J.A.C. 12:17-2.2, 12:17-2.3

Authorized By: Roger A. Bodman, Commissioner, Department of Labor.
Authority: N.J.S.A. 43:21-4, 43:21-6.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Frederick C. Kniesler
Assistant Commissioner
Income Security
Labor Building, Room 602
John Fitch Plaza
Trenton, New Jersey 08625

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

This proposal is known as PRN 1984-326.

The agency proposal follows:

Summary

The proposed amendment of N.J.A.C. 12:17-2.1 requires unemployment claimants to report to employment service offices as directed; provides penalties for failure to report to unemployment insurance and employment service offices without good cause, as directed; establishes procedures for claimants who are unable to report; and allows the Division to alter reporting requirements during periods of unusual unemployment conditions. The repeal of N.J.A.C. 12:17-2.2 and 12:17-2.3 is proposed, as those sections are obsolete.

Social Impact

The proposed amendments make it mandatory for unemployment insurance claimants to report to employment service offices as directed to insure that individuals are exposed to all job and training opportunities in the labor market area. Individuals who fail to report to an unemployment insurance claims office or an employment services office without good cause will be subject to the loss of unemployment insurance benefits for the period in question. With the increased exposure to job and training opportunities, it is anticipated that the average duration of unemployment should decrease.

Economic Impact

By decreasing the period of unemployment, workers will more quickly return to employment at salaries higher than the benefit rates paid by unemployment insurance, thus stimulating the economy of the community and increasing the revenues collected by State and Federal authorities. At the same time, the unemployment insurance fund will increase in solvency since the duration of unemployment will be reduced.

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

SUBCHAPTER 2. REGISTRATION FOR WORK AND CLAIMS FOR BENEFITS

12:17-2.1 Claims and registration for individuals generally

(a) [Except as provided in Section 2.2 and 2.3, below, any] **Any individual claiming benefits or waiting period credit for unemployment shall report in person at the local [employment service] unemployment insurance claims office nearest to his residence, and shall [:**

[1. Register for work; and

2. File a claim for benefits.] **file a claim for benefits and shall also report to the local employment service office to register for work and for other job related activities, as directed by the Division.**

[(b) In order to establish eligibility for benefits or for waiting period credit for any week of unemployment, the claimant shall report during each such week on the day or days and at the time or times designated by a representative of the Division, to the local employment service office at which he is registered for work. A claimant who has failed to report on his assigned reporting day shall be considered as having complied with this reporting requirement, provided he reports in person as soon as possible thereafter but not later than seven days after his assigned reporting day, and provided further, he shows good cause for having failed to report sooner.]

(b) A claimant will be required to report in person to the local employment service office as directed by the Division.

1. A claimant's failure to report to the local employment service office without good cause on the date and time designated may result in the loss of unemployment benefit rights from the date the failure to report occurred, to such time as the claimant reports to either the local employment service office or the unemployment insurance claims office and is rescheduled for employment services.

(c) [In order to file a continued claim for benefits for a week or weeks of unemployment, the] **The claimant shall report in person to the local [employment service] unemployment insurance claims office on the [day] date and time designated by a representative of the Division [, after the completion of such week or weeks, and certify that with respect to such week or weeks he was unemployed, eligible and not subject to disqualification].**

1. The Division, for reasons found to constitute good cause for any individual's failure to report on the [day] date and at the time designated for him to report at the local [employment service] unemployment insurance claims office [for the purpose of filing a continued claim], may accept a continued claim from such individual for the week or weeks in question; provided [, he] the individual reports in person at the local [employment service] unemployment insurance claims office within [seven] 14 days after his assigned reporting day, or, if he is unable to so report, he notifies the local [employment

service] **unemployment insurance claims** office in writing within such time of the reason for his failure to report on his reporting [day] **date**.

2. Failure to report within 14 days from the assigned reporting date will result in the loss of benefits for the compensable weeks currently claimed, until the date he actually reports.

(d) A claimant shall not be denied any benefit rights to which he is entitled, except for his inability to report on his assigned reporting [day] **date**, when such inability is due to reemployment; provided he notifies the local [employment service] **unemployment insurance claims** office at which he has been reporting of the reason for his failure to report within [seven] **14** days after his assigned reporting [day] **date**.

(e) A claimant who, without good cause, reports before his designated reporting time may be required to report at the designated time. A claimant who, after being warned, and without good cause, has reported after his designated reporting time may be required to report again at a future designated day and time [within the current benefit week or period].

(f) The Division, if satisfied of any individual's inability to report to the local [employment service] **unemployment insurance claims** office at which he filed his claim for benefits [and registered for work], may permit such individual to report to any other local [employment service] **unemployment insurance claims** office.

(g) During periods when unusual unemployment conditions prevail, the Division, through the Director, may, subject to the approval of the [Federal Bureau of Employment Security,] **Employment and Training Administration of the United States Department of Labor**, direct claimants to report [at such intervals not exceeding four weeks, if and when it is for] **on any periodic basis deemed to be in the best interests of all concerned**.

(h) **With reference to reporting requirements, good cause includes any situation over which the claimant did not have control and which was so compelling as to prevent the claimant from reporting on the assigned reporting date, or as soon as possible thereafter.**

1. Failure to report shall not be considered to have resulted from good cause if the reason for the failure is noncompelling in nature or is characterized by negligence on the part of the claimant or if the claimant could have reasonably adjusted his outside activities to conform to the reporting schedule and failed to do so.

12:17-2.2 [Claims and registrations for individuals located in isolated areas] **(Reserved)**

[(a) In order to claim benefits or waiting period credit for unemployment, any individual residing in an isolated area served only by the itinerant service of the New Jersey State Employment Service shall report in person to such itinerant service at the point most accessible for him on the first scheduled appearance of such itinerant service at such point after the commencement of his unemployment, and shall:

1. Register for work; and
2. File a claim for benefits with such service.

(b) In order to establish eligibility for benefits or for waiting period credit for any week of unemployment, the claimant shall:

1. Continue to report, as directed by a representative of the Division, on the dates and in the manner specified by such representative for reporting; and

2. File a continued claim for benefits.

(c) the first week of unemployment of any such individual shall commence with the first day of unemployment, provided he shall report in person to such itinerant service and otherwise comply with the requirements of this Section.]

12:17-2.3 [Claims and registrations of individuals unemployed due to a labor dispute or mass separation] **(Reserved)**

[(a) A report by an employer or employing unit to the Division of the unemployment of any individual affected by a labor dispute, or a mass separation, or, in the absence of such a report, verification by the Division of the fact that any individual's unemployment is the result of a labor dispute or a mass separation, shall constitute registration for work and the commencement of the first week of unemployment for any such individual; provided such individual shall appear in person and file a claim for benefits at the local employment service office nearest to his residence within seven days after the commencement of his unemployment due to a labor dispute or a mass separation.

(b) In order to establish eligibility for benefits or for waiting period credit for any weeks of unemployment, the claimant shall

1. Continue to report; and
2. File a continued claim for benefits.]

LAW AND PUBLIC SAFETY

(a)

NEW JERSEY RACING COMMISSION

Thoroughbred Rules: Breathalyzer Test; Urine Test

Proposed New Rules: N.J.A.C. 13:70-14A.13 and 14A.15

Authorized By: New Jersey Racing Commission,
Harold G. Handel, Executive Director.
Authority: N.J.S.A. 5:5-30.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

Bruce H. Garland, Deputy Director
New Jersey Racing Commission
CN 088 Justice Complex
Trenton, New Jersey 08625

The New Jersey Racing Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1.30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN-336.

The agency proposal follows:

Summary

Proposed new rule N.J.A.C. 13:70-14A.13 would require breathalyzer tests for officials, jockeys, trainers and grooms, when directed by the State Steward. The rule provides that a person whose blood alcohol reading is in excess of .05 will not be permitted to continue his duties. The rule, which also provides for penalties, is similar to N.J.A.C. 13:71-18.1 which has been in force at harness tracks for many years.

Proposed new rule N.J.A.C. 13:70-14A.15 would directly prohibit the use of controlled dangerous substances by jockeys and require urine tests for jockeys at the discretion of the State Steward. The proposed new rule outlines procedures for the administration of the test and insures the confidentiality of the results, except in contested matters. In addition, the proposed new rule proscribes the action to be taken by the Racing Commission for the first and subsequent violations, including mandatory tests after the first positive result. The proposed new rule is directed toward assisting the individual jockey who may have a problem with controlled dangerous substances.

Social Impact

Proposed new rule N.J.A.C. 13:70-14A.13 would have a positive social impact since it is aimed at keeping impaired individuals away from the track where they could be injured or be responsible for injuries to others. The rule has been successfully employed at harness tracks and should be equally successful when applied to thoroughbred racing.

Proposed new rule N.J.A.C. 13:70-14A.15 would have a positive social impact since it is aimed at helping jockeys who may have a problem with controlled dangerous substances. The new rule would also make the races safer by identifying jockeys who may be impaired due to use of controlled dangerous substances.

Economic Impact

To the extent the proposed new rules provide for safer racing and fosters increased public confidence, the economic impact would be positive. Safer racing will reduce medical expenses for jockeys and horses. With increased public confidence it is expected that the attendance and handle will not decrease, thereby economically benefiting the racing industry and the public through State tax revenue. In addition, the costs of the tests are minimal and are not expected to have any significant economic impact.

Full text of the proposal follows.

13:70-14A.13 Breathalyzer test

Officials, jockeys, trainers and grooms shall, when directed by the State Steward, submit to a breathalyzer test and if the results thereof show a reading of more than .05 percent of alcohol in the blood, such person shall not be permitted to continue his duties. The stewards may fine or suspend any participant who records a blood alcohol reading of .05 percent or more. Any participant who records a reading above the prescribed level on more than one occasion shall be subject to expulsion, or such penalty as the stewards may deem appropriate.

13:70-14A.15 Urine test

(a) No jockey shall use any Controlled Dangerous Substance as defined in the "New Jersey Controlled Dangerous Substance Act", N.J.S.A. 24:21-1, et seq. or any prescription legend drug, unless such substance was obtained directly, or pursuant to a valid prescription or order from a licensed

physician, while acting in the course of his professional practice. It shall be the responsibility of the jockey to give prior notice to the State Steward that he is using a Controlled Dangerous Substance or prescription legend drug pursuant to a valid prescription or order from a licensed practitioner.

(b) Every jockey for any race at any licensed racetrack may be subjected to a post-race urine test, or other non-invasive fluid test at the direction of the State Steward in a manner prescribed by the New Jersey Racing Commission. Any jockey who fails to submit to a urine test when requested to do so by the State Steward shall be liable to the penalties provided in N.J.A.C. 13:70-31.

(c) Any jockey who is requested to submit to a post-race urine test shall provide the urine sample, without undue delay, to a Chemical Inspector of the Commission. The sample so taken shall be immediately sealed and tagged on the form provided by the Commission and the evidence of such sealing shall be indicated by the signature of the tested jockey. The portion of the form which is provided to the laboratory for analysis shall not identify the individual jockey by name. It shall be the obligation of the jockey to cooperate fully with the Chemical Inspector in obtaining any sample which may be required and to witness the securing of such sample.

(d) A "positive" Controlled Dangerous Substance or prescription drug result shall be reported, in writing, to the Executive Director or his designee. On receiving written notice from the official chemist that a specimen has been found "positive" for controlled dangerous substance, or prescription legend drug, the Executive Director or his designee shall proceed as follows:

1. He shall, as quickly as possible, notify the jockey involved, in writing;

2. For a jockey's first violation, he shall issue a written reprimand and warning and notify the jockey that he will be subject to mandatory drug testing and that any further violation shall result in the sanctions described in paragraphs (3) and (4) below;

3. For a jockey's second violation, he shall require the jockey to enroll in a Supervisory Treatment Program approved by the New Jersey Racing Commission upon such reasonable terms and conditions as he may require. The jockey shall be permitted to participate unless his continued participation shall be deemed, by the Executive Director of his designee, to be detrimental to the best interests of racing. It shall be the jockey's responsibility to provide the Commission with written notice of his enrollment, weekly status reports, and written notice that he has successfully completed the program and has been discharged. If a jockey fails to comply with these requirements, he shall be liable to the penalties provided in N.J.A.C. 13:70-31.

4. For a jockey's third or subsequent violation, he shall be liable to the penalties provided in Subchapter 31 and may only enroll into a Supervisory Treatment Program in lieu of said penalties, with the approval of the New Jersey Racing Commission.

(e) The results of any urine test shall be treated as confidential, except for their use with respect to a ruling issued pursuant to this rule, or any administrative or judicial hearing with regard to such a ruling. Access to the reports of any "positive" results shall be limited to the Commissioners of the New Jersey Racing Commission, the Executive Director and/or his designee and the subject jockey, except in the instance of a contested matter.

(a)**NEW JERSEY RACING COMMISSION****Harness Rules****Prohibition of Use of Controlled Dangerous Substances by Drivers; Urine Tests****Proposed New Rule: N.J.A.C. 13:71-18.2**

Authorized By: New Jersey Racing Commission,
Harold G. Handel, Executive Director.

Authority: N.J.S.A. 5:5-30.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

Bruce H. Garland, Deputy Director
New Jersey Racing Commission
CN 088 Justice Complex
Trenton, New Jersey 08625

The New Jersey Racing Commission thereafter may adopt this proposal without further notice (see: N.J.A.C. 1.30-3.5). The adoption becomes effective upon publication in the Register of a notice of adoption.

This proposal is known as PRN-335.

The agency proposal follows:

Summary

Proposed new rule N.J.A.C. 13:71-18.2 would directly prohibit the use of controlled dangerous substances by harness drivers and require urine tests for harness drivers at the discretion of the State Steward or Presiding Judge. The proposed new rule outlines procedures for the administration of the test and insures the confidentiality of the results. In addition, the proposed new rule proscribes the action to be taken by the Racing Commission for the first and subsequent violations. The proposed new rule is directed toward assisting the individual harness racing driver who may have a problem with controlled dangerous substances.

As a result of comments received after an initial proposal in the New Jersey Register of February 6, 1984 at 16 N.J.R. 223(a) some additions were made to the rule which necessitate reproposal. One addition broadens the rule to coverage of prescription legend drugs. Another addition specifically allows for the test results to be used in contested matters. Finally, after a driver's first violation he will be notified that he will be subject to mandatory drug testing. These changes do not change the social or economic impact of the previously proposed rule.

Social Impact

The proposed new rule would have a positive social impact since it is aimed at helping harness racing drivers who may have a problem with controlled dangerous substances. The new rule would also make the races safer by identifying drivers who may be impaired due to use of controlled dangerous substances.

Economic Impact

To the extent the proposed new rule provides for safer racing and fosters increased public confidence, the economic impact would be positive. Safer racing will reduce medical expenses for drivers and horses. With increased public confidence it is expected that the attendance and handle will not decrease, thereby economically benefitting the racing industry and the public through State tax revenue.

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

SUBCHAPTER 18. [BREATHALYZER TEST] TESTING OF PARTICIPANTS

13:71-18.1 Breathalyzer test
(No change in text.)

13:71-18.2 Urine Test

(a) **No driver shall use any controlled dangerous substance as defined in the "New Jersey Controlled Dangerous Substances Act", N.J.S.A. 24:21-1, et seq, or any prescription legend drug, unless such substance was obtained directly or pursuant to a valid prescription or order from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the driver to give prior notice to the State Steward or Presiding Judge that he is using a Controlled Dangerous Substance, or prescription legend drug, pursuant to a valid prescription or order from a licensed practitioner.**

(b) **Every driver for any race, qualifier, or fair event at any licensed racetrack or fair site, may be subjected to a post-race urine test, or other non-invasive fluid test, at the direction of the State Steward and/or Presiding Judge, in a manner prescribed by the New Jersey Racing Commission. Any driver who fails to submit to a urine test when requested to do so by the State Steward and/or Presiding Judge, shall be liable to the penalties provided in N.J.A.C. 13:71-2.**

(c) **Any driver who is requested to submit to a post-race urine test shall provide the urine sample, without undue delay, to a Chemical Inspector of the Commission. The sample so taken shall be immediately sealed and tagged on the form provided by the Commission, and the evidence of such sealing shall be indicated by the signature of the tested driver. The portion of the form which is provided to the laboratory for analysis shall not identify the individual driver by name. It shall be the obligation of the driver to cooperate fully with the Chemical Inspector in obtaining any samples which may be required and to witness the securing of such sample.**

(d) **A "positive" controlled dangerous substances or prescription legend drug result shall be reported, in writing, to the Executive Director or his designee. On receiving written notice from the official chemist that a specimen has been found "positive" for controlled dangerous substance, or prescription legend drug, the Executive Director or his designee shall proceed as follows:**

1. **He shall, as quickly as possible, notify the driver involved, in writing;**

2. **For a driver's first violation, he shall issue a written reprimand and warning and notify the driver that he will be subject to mandatory drug testing and that any further violation shall result in the sanctions described in 3 and 4 below;**

3. **For a driver's second violation, he shall require the driver to enroll in a Supervisory Treatment Program approved by the New Jersey Racing Commission upon such**

reasonable terms and conditions as he may require. The driver shall be permitted to participate unless his continued participation shall be deemed by the Executive Director or his designee to be detrimental to the best interests of racing. It shall be the driver's responsibility to provide the Commission with written notice of his enrollment, weekly status reports, and written notice that he has successfully completed the program and has been discharged. If a driver fails to comply with these requirements, he shall be liable to the penalties provided in N.J.A.C. 13:71-2.

4. For a driver's third or subsequent violation, he shall be liable to the penalties provided in N.J.A.C. 13:71-2 and may only enroll into a supervisory treatment program, in lieu of said penalties, with the approval of the New Jersey Racing Commission.

(e) The results of any urine test shall be treated as confidential, except for their use with respect to a ruling issued pursuant to this rule, or any administrative or judicial hearing with regard to such a ruling. Access to the reports of any "positive" results shall be limited to the Commissioners of the New Jersey Racing Commission, the Executive Director and/or his designee and the subject driver, except in the instance of a contested matter.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Suggested Formulae for Extension of Utility Service

Proposed Amendment: N.J.A.C. 14:3-8.1 and 8.2

Authorized By: Board of Public Utilities, Barbara A. Curran, President.

Authority: N.J.S.A. 48:2-13 et seq.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and any inquiries about submissions and responses, should be addressed to:

Jeanne M. Fox
Regulatory Officer
Board of Public Utilities
1100 Raymond Blvd.
Newark, New Jersey 07102

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

This proposal is known as PRN 1984-322.

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 14:3-8.1 and 8.2 are proposed by the Board of Public Utilities pursuant to authority delegated at N.J.S.A. 48:2-13 et seq. The Suggested Formulae for Extension of Utility Service, N.J.A.C. 14:3-8, set forth guidelines for an extension of a public utility's service. The New Jersey Chapter of the National Association of Water Companies (N.A.W.C.) claims the current regulations have a detrimental impact upon capital intensive utilities, as are water companies, and has petitioned the Board to amend N.J.A.C. 14:3-8, 14:3-4.1 and 14:9-2.1(a).

The regulations recognized that N.J.S.A. 48:2-27 does not require a utility, in all circumstances, to extend its facilities at its own expense. The Board of Public Utilities will order a utility to extend its system only when all of the statutory criteria are met. As an alternative, the Suggested Formulae for Extension of Utility Service provide a vehicle whereby a utility and a real estate developer may voluntarily arrange for a utility extension and thereby avoid the expense and delay, as well as uncertainty of outcome, incident to a N.J.S.A. 48:2-27 petition to the Board.

The formulae contained in N.J.A.C. 14:3-8 are recommended but not binding. The parties may elect to adopt them, contract for different provisions or institute a N.J.S.A. 48:2-27 petition to the Board. The proposed amendments, however, provide for what has been determined to be an equitable allocation of extension costs among a utility, its prospective customers, and current ratepayers.

Currently, that portion of extension costs which are assumed by the utility either directly or via refunds on deposits are passed on to its ratepayers. Extension expenses become a part of the rate base, and this may result in a rate increase. Thus, the present formula penalizes a utility's current customers for growth in the utility's franchise area. The amended Suggested Formulae for Extension of Utility Service will reduce the amount expended by the utilities and thereby permit them to maintain their rates of return without imposing higher rates on their customers.

The proposed amendments, however, do take into consideration the concerns of purchasers of new houses and, therefore, do not include the petitioner's (NAWC's) suggestion that deposits cover all of the costs, including meters, back-up facilities and house service connections, which are related to an extension.

The proposed amendments provide:

1. a definition of "extension";
2. when an extension deposit may be required;
3. a procedure for determining the timing and amount of extension deposit refunds; and
4. when interest on extension deposits is appropriate.

Under the current and proposed N.J.A.C. 14:3-8.1, extension is defined to include extension mains; expressly excluded are back-up facilities, meters and house service connections, and, in the case of a water main extension, fire hydrants.

N.J.A.C. 14:3-8.2(a) provides that when an application for an extension is made by a real estate developer, the utility may require a deposit covering the estimated cost of the extension necessary to serve the development. Deposits are subject to adjustment when the actual cost of construction is determined. The amendment to N.J.A.C. 14:3-8.2(a) requires a utility to determine the actual cost within one month of the extension's completion.

N.J.A.C. 14:3-8.2(b) and 14:3-8.3(b) presently state that no interest is to be paid on extension deposits. Proposed N.J.A.C. 14:3-8.1(c) provides for interest on the amount of a deposit which exceeds the actual cost of construction.

The proposed amendment to N.J.A.C. 14:3-8.2(b) states that refunds on developers' deposits commence when new houses abutting on an extension are completed and occupied, and the occupant has entered into a contract for use of the utility's service.

The proposed amendment to N.J.A.C. 14:3-8.2(c) sets forth a refund formula for deposits on gas and water extensions equal to two and one-half times the annual revenue from each house abutting on the extension that is completed and occupied, and, in the case of a water utility, fire protection charges received from the municipality. Additional refunds are contemplated if, during the ten years from the date of deposit, additional houses abutting on the extension are completed and occupied, or if actual revenues exceed the amount which was the basis for a previous deposit refund. In this manner, the depositor is able to recapture deposit monies for houses that are not completed and sold until several years after the first sale and occupancy.

The refunds can not exceed the amount of the deposit. In addition, any part of the deposit remaining with the utility after ten years is not to be refunded.

Social and Economic Impact

The proposed amendments would accrue economic benefits to ratepayers of gas, water and sewer utilities. Under the present five times formula, higher utility rates may be necessary to enable these capital intensive companies to construct extensions and still maintain their authorized rates of return. Because a utility's operating income is generally insufficient to pay a refund equal to five times annual revenues, it must borrow the money from outside sources. Refunds computed with a two and one-half times multiple may be supported by a utility's operating income; there are no carrying charges on borrowed funds to pass on to the ratepayers. While it is possible that the larger public utilities may have sufficient operating income to finance refunds computed with the five times multiple, rate increases may still be necessary if the refunds cause the utility to realize an unreasonable rate of return. Adoption of the two and one-half times formula is therefore beneficial in that its adoption will serve to reduce the need for higher rates.

A two and one-half times formula for gas and water main extensions will not have a chilling effect on new housing construction. While refunds computed with the proposed formula will initially be less than under the current regulations, at the present time the majority of water and gas companies in New Jersey do not subscribe to the five times formula. In addition, municipal utility authorities, are permitted, in certain circumstances, to require deposits covering all of the costs of an extension, and no appreciable reduction in construction has resulted in those areas served by such authorities.

The purpose of requiring an extension deposit is to protect the utility's capital investment and financial integrity. The deposit requirement is grounded upon the developers' presumably stronger financial position, the speculative likelihood of bringing paying customers on line within a reasonable period of time, and the developer's ability to pass on the costs of these risks to prospective purchases of the houses.

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

14:3-8.1 General Provisions

(a) These formulae shall not be binding on the parties but are suggested as a guide to customers and utilities. Parties are

still free to exercise their rights under N.J.S.A. 48:2-27. When an applicant for an extension is dissatisfied with [these suggested extension regulations [the utility's proposal he may petition the Board for a finding that the extension should be made without charge.

(b) An extension shall be construed to mean the extension of facilities located on streets, highways, and/or rights-of-way acquired by the utility for common distribution and shall not include the meter or transformer or any part of the house service connections, nor shall the cost of extension as referred to in these regulations include the cost of fire hydrants or their branches. The utility may require that the applicant furnish [a bond or other] security to insure the use of services which [bond or] security will be returned upon the commencement of service.

(c) Extension deposits are not to carry interest; except when the amount of the deposit exceeds the actual cost of the extension, simple interest at the rate of nine percent per annum shall be paid on the excess amount. In the event that the actual cost of the extension is less than the amount deposited, interest shall be computed from the date of deposit, or if more than one deposit payment is made, from the date on which the excess amount is deposited if other than the initial date of deposit. This provision shall take effect one month after the effective date of this subsection, and shall apply to excess extension deposits received by a utility after that date. Interest on excess extension deposits previously collected and held by a utility shall be apportioned so that interest shall be computed from one month after the effective date of this subsection.

14:3-8.2 Residential land developer; extension other than telephone

(a) **Except as otherwise provided**, where applications for extensions into newly developed tracts of land are made by individuals, partnerships or corporations interested in the development or sale of land, but not as ultimate residents, the utility may require a deposit from the applicant covering the estimated cost of the extension **as defined in (b) above**, necessary to serve the tract. The deposit shall be subject to adjustment when the actual cost of construction is determined. **The actual cost of construction shall be determined within one month from the date construction is completed.**

[(b) Extension deposits are not to carry interest.]

[(c) **(b) Except as otherwise provided**, extension deposits are to be returned as provided in [subsection (d) of this Section] **(c) below** to the depositor when new houses abutting on the extended facilities are completed the prospective customer's equipment such as wiring, piping, and so forth is installed,] and the house is occupied by a bond fide owner or responsible tenant who has entered into a contract for use of the utility's service and, in addition, in the case of water main extensions, when the municipality agrees to pay fire protection charges related directly to said extensions.

[[d)] **(c) Except as otherwise provided**, the deposit shall be returned in an amount equal to five times the estimated annual revenue from each such completion and occupancy. [and from fire protection charges on said extension.] **The deposit for a gas, water or sewer main extension shall be returned in an amount equal to two and one-half times the estimated annual revenue from each such completion and occupancy and from fire protection charges on said extension.** If during [a] the ten-year period from the date of the original deposit, the actual annual revenue during any year of said ten-year period from premises abutting upon said extension and from amounts received from the municipality for fire protection service in the case of water main extensions shall exceed the

annual revenue which was the basis for the previous deposit return, there shall be returned to the depositor an amount equal to five times such excess, **two and one-half times such excess in the case of a gas, water or sewer main extension**. In no event shall more than the deposit be returned to the depositor nor shall any part of the deposit remaining after ten years from the date of the original deposit be returned.

AGENCY NOTE: Delete the current example found in the New Jersey Administrative Code and replace with the following example:

EXAMPLE	
Cost of Extension to Utility and Net Deposit Collected from Land Developer	\$1,000.00
Estimated Annual Revenue, First House Completed and Occupied	\$150.00
Factor	2½
Deposit Returned to Land Developer	\$ 375.00
Deposit Remaining with Utility	\$ 625.00
Estimated Annual Revenue, Second House Completed and Occupied	\$150.00
Factor	2½
Deposit Returned to Land Developer	\$ 375.00
Deposit Remaining with Utility	\$ 250.00
Actual Revenues in a Subsequent Year from Above Houses	\$400.00
Estimated Annual Revenue from Above Houses	\$300.00
Excess Annual Revenues	\$100.00
Factor	2½
Deposit Returned to Land Developer	\$ 250.00
Deposit Remaining with Utility	\$ 0

ENERGY

(a)

THE COMMISSIONER

**Energy Conservation
Energy Subcode**

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

Authorized By: Leonard S. Coleman, Jr., Commissioner, Department of Energy.
Authority: N.J.S.A. 52:27F-27.

DOE Docket No. DOE 008-84-05.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

Linda M. Scuzo, Esq.
Office of Regulatory Affairs
Department of Energy
101 Commerce Street
Newark, New Jersey 07102

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

This proposal is known as PRN 1984-321.

The agency proposal follows:

Summary

The proposed amendments accomplish several objectives. First they incorporate the substantive provisions of N.J.A.C. 14A:3-8 into the Energy Subcode. In so doing the Department has eliminated reference to the Illuminating Engineering Society (IES) publications EMS-1 and EMS-6, which have been superseded by a new IES publication LEM-1, which is referred to in the proposed amendments. Second, the amendments add a number of definitions to the Energy Subcode. The definitions were included at the request of the Department of Community Affairs (DCA), which promulgates all Subcodes except Energy, and which considered the definitions were necessary to explain certain terms used in the Energy Subcode and to maintain consistency with the other Subcodes. The amendments also make certain changes in the wording of the regulations, to conform them more closely to the phraseology used by DCA. Finally, since DCA is responsible for enforcing all Subcodes (including Energy) N.J.A.C. 14A:3-4.6 has been reworded to specify the authority under which this is done.

Social Impact

By including lighting efficiency standards formerly contained in another subchapter in the Energy Subcode and by adding a number of definitions to the Energy Subcode the proposed amendments will increase the clarity of the regulations and, therefore, facilitate compliance by regulated groups.

Economic Impact

The proposed amendments make only technical and minor substantive changes in the existing regulations and do not alter the manner in which regulated groups must comply with the regulations. Therefore, the proposed amendments will not have an economic effect on the public or the Department.

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

CHAPTER 3
ENERGY CONSERVATION

SUBCHAPTER 4. [THERMAL EFFICIENCY IN NEW
AND RENOVATED BUILDINGS]
ENERGY SUBCODE

14A:3-4.1 Scope

[Effective one year after adoption of these regulations, all new and renovated buildings shall comply with the thermal efficiency standards as required by N.J.A.C. 14A:3-4.4.]

This subchapter comprises the State Energy Subcode, which sets standards for thermal and lighting efficiency in newly constructed and renovated buildings and in its entirety is the Energy Subcode of the Uniform Construction Code.

14A:3-4.2 Applicability

(a) The requirements of [this subchapter] the Energy Subcode shall apply as follows: [to all newly constructed and renovated buildings.]

1. The thermal efficiency standards of the Energy Subcode set forth in N.J.A.C. 14A:3-4.4 shall apply to all newly constructed and renovated buildings.

2. The lighting efficiency standards of the Energy Subcode set forth in N.J.A.C. 14A:3-4.5 shall apply to all newly constructed and renovated buildings in use groups A, B, F, H, I, M, R, S and T as defined in the Building Subcode of the Uniform Construction Code.

14A:3-4.3 Definitions

(No change.)

14A:3-4.4 [Standards] Thermal efficiency standards

(a) [All buildings subject to the provisions of this subchapter shall comply with the standards of the Energy Subcode of the Uniform Construction Code. The Department adopts the model code of the Building Officials and Code Administrators International, Inc., known as the 'BOCA Basic Energy Conservation Code 1981' ("model code").

1. Copies of the model code may be obtained from the sponsor at: BOCA, 17926 South Halsted Street, Homewood, Illinois, 60430.

2. The model code as adopted by the Department shall be known as the energy subcode.]

The Department adopts the model code of the Building Officials and Code Administrators International, Inc., known as the "BOCA Basic Energy Conservation Code/1981" including all subsequent revisions and amendments thereto. Copies of the BOCA Basic Energy Conservation Code/1981 may be obtained from the sponsor at BOCA, 17926 South Halsted Street, Homewood, Illinois, 60430.

(b) The Energy Subcode is amended as follows:

1. The following amendments are made to Article 2 of the Energy Subcode entitled "Definition", section 201-General Definitions:

i. Add the definition of the term "Bin. Degree Day Methods" which means the simplified methods for calculating the heating or cooling load is treated as an instantaneous function of the difference between indoor and outdoor temperatures. The Degree Day method uses the actual temperature difference while the bin method categorizes these differences into "bins" covering a range of five degrees (for example, from 20-25 degree difference);

ii. Add the definition of the term "Boiler Capacity" which means the rate of heat addition in BTU/hr. (watts) measured

at the boiler outlet at design temperature and pressure and rated input;

iii. Add the definition of the term "Building Envelope" which means the walls, roof and floor of a building through which heat may be transferred to or from the exterior or from non-conditioned spaces. The above elements are to be considered as comprising a building envelope for all conditioned spaces that they enclose;

iv. Add the definition of the term "Cut on Temperature" which means the temperature at which a piece of mechanical equipment will automatically begin operation;

v. Add the definition of the term "Design Parameters" which means the conditions of the temperature and humidity which form the basis for the mechanical system design;

vi. Add the definition of the term "Dry Bulb Temperature" which means the atmospheric temperature as indicated by an ordinary thermometer;

vii. Add the definition of the term "Dual Duct/Multi-Zone Systems" which means mechanical systems in which the entering air is divided into two flows. The first is heated to the highest temperature required in the building. The other stream is cooled to the lowest temperature anywhere in the building. These two air streams are then mixed in varying proportions to provide the correct air temperature for each zone of the building;

viii. Add the definition of the term "Economizer Cycle" which means the use of uncooled outside air for cooling purposes when it will result in an energy savings;

ix. Add the definition of the term "Enthalpy" which means the amount of internal energy (heat) in a mixture of air and water vapor;

x. Add the definition of the term "Fenestration" which means the window area of the wall;

xi. Add the definition of the term "Heated Space" which means space within a building which is provided with heat input from a heating system to maintain an air temperature of 50 degrees F (10 degrees C) or higher;

xii. Add the definition of the term "Latent Heat" which means heat which does not change the temperature of substance but which changes its state. That is, latent heat addition could change a solid to a liquid or a liquid to a gas. Latent heat removal could change a gas to a liquid or a liquid to a solid;

xiii. Add the definition of the term "New Energy" which means energy which has not been recovered from mechanical systems within the building and is used for heating and cooling. This energy might be electrical, solar, or result from combustion of fuels;

xiv. Add the definition of the term "Ninety-seven and one-half percent temperature" which means the hourly temperature which is exceeded ninety seven and one-half percent of the time during a year. That is, it is colder than this only two and one-half percent of the time;

xv. Add the definition of the term "Overall Thermal Transmittance Value (OTTV)" which means measure of heat transmission for cooling purposes. Measured in units of BTU/hr. transferred through a one square foot area of a substance in the cooling season;

xvi. Add the definition of the term "Part Load Profile" which means the compilation of operating characteristics of a piece of mechanical equipment when operated over the range from zero to full load;

xvii. Adds the definition of the term "Power Factor" which means the proportion of total power in an electric circuit which is available as usable energy;

xviii. Add the definition of the term "Recooling Systems" which means mechanical systems which heat all entering air to the highest temperature required anywhere in the building. The air is then recooled to the temperature necessary for other parts of the building;

xix. Add the definition of the term "Recovered Energy" which means energy utilized which is obtained by recovering useful energy from other mechanical devices in the building which would otherwise be wasted;

xx. Add the definition of the term "Reheat Systems" which means mechanical systems which cool all entering air down to the coolest temperature required for the building. The air is then reheated to the temperature necessary for other parts of the building;

xxi. Add the definition of the term "Relative Humidity" which means the ration of the amount of water vapor in the air to the maximum amount of water vapor the air can hold at that temperature;

xxii. Add the definition of the term "Sensible Heat" which means heat which changes the temperature of a substance when added or removed;

xxiii. Add the definition of the term "Source Energy" which means the energy obtained from a given source such as electricity, oil, gas, solar, etc.;

xxiv. Add the definition of the term "Spill Light" which means light which illuminates an area for which it is not intended or needed;

xxv. Add the definition of the term "Standby Loss" which means the amount of energy lost from a system over a period of time when there is no demand placed on it for energy;

xxvi. Add the definition of the term "TDEQ (Equivalent Temperature Difference)" which means temperature to be utilized in calculating the design load for cooling systems. It is designed to account for the lag in wall temperature use due to the mass of the walls. Heavier walls heat up more slowly;

xxvii. Add the definition of the term "Two and one-half percent Temperature" which means the hourly temperature which is exceeded two and one-half percent of the time during a year. That is, it is cooler than this ninety-seven and one-half percent of the time;

xxviii. Add the definition of the term "Veiling Reflection" which means a reflected glare which obscures vision and reduces the ability to see details;

xxix. Add the definition of the term "Wet Bulb Temperature" which means a temperature which reflects the amount of moisture which may be evaporated into the atmosphere. When the relative humidity is 100 percent the dry bulb temperature is equal to the wet bulb temperature. When the relative humidity is lower, moisture can evaporate into the atmosphere cooling a thermometer. The greater the difference between the wet and dry bulb temperatures, the dryer the air;

Renumber current 1.-3. as 2.-4.

5. The following amendments are made to Article 7 of the Energy Subcode entitled "Alternative Systems:"

i. Section 700.0 is amended to delete the words "this code" on line 6 and add "the energy subcode."

14A:3-4.5 Lighting efficiency standards

(a) The Department adopts the Illuminating Engineering Society's standard LEM-1, 1982, "IES Recommended Procedure for Lighting Power Limit Determination", including all subsequent revisions and amendments thereto. Copies of LEM-1, Lighting Power Budget Determination Procedure, may be obtained from the sponsor at IES, 345 East 47th Street, New York, New York, 10017.

(b) The following amendments are made to section 2 of standard LEM-1, 1982, of the energy subcode, entitled "Scope":

i. Delete the first paragraph in section 2 and add the words "These provisions regulate the amount of power which may be utilized by a building for lighting. No building shall employ more power for lighting than that determined through the use of the criteria and calculated procedures contained herein."

[14A:3-4.5] 14A:3-4.6 Enforcement

[The New Jersey Department of Community Affairs shall enforce this subchapter consistent with its enforcement of Energy Subcode of the Uniform Construction Code Act.]

The energy subcode standards shall be enforced by the New Jersey Department of Community Affairs pursuant to N.J.S.A. 52:27F-27, and its authorities under the Uniform Construction Code, N.J.A.C. 5:23.

(a)

THE COMMISSIONER

Energy Conservation Lighting Efficiency Standards For New and Renovated Buildings

Proposed Repeal: N.J.A.C. 14A:3-8

Authorized By: Leonard S. Coleman, Jr., Commissioner, Department of Energy.
Authority: N.J.S.A. 52:27F-27.

DOE Docket No. DOE 009-84-05.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 19, 1984. These submissions, and any inquiries about submissions and responses should be addressed to:

Linda M. Scuzorzo, Esq.
Office of Regulatory Affairs
Department of Energy
101 Commerce Street
Newark, New Jersey 07102

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

This proposal is known as PRN 1984-320.

The agency proposal follows:

Summary

The proposal would repeal N.J.A.C. 14A:3-8, which establishes lighting standards for new and renovated buildings. However, the companion proposal to this repeal will incorporate the substance of the lighting efficiency standards into the Energy Subcode, N.J.A.C. 14A:3-4 (see proposed N.J.A.C. 14A:3-4.5, This Issue).

Social Impact

The purpose of the proposed repeal is to enable the Department to place all matters relating to the Energy Subcode in the relevant subchapter (N.J.A.C. 14A:3-4). The proposal will have a beneficial social effect by consolidating the provisions of the Energy Subcode and making them more readily accessible for the public.

Economic Impact

The proposed repeal will not have any additional economic impact on the Department or the regulated public because the substance of the repealed regulation will be introduced into N.J.A.C. 14A:3-4.

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

SUBCHAPTER 8. [LIGHTING EFFICIENCY STANDARDS FOR NEW AND RENOVATED BUILDINGS] (RESERVED)

14A:3-8.1 Scope

The standards set forth in N.J.A.C. 14A:3-8.2 shall apply to all new and renovated buildings in the following Use Groups as defined by the Building Subcode of the Uniform Construction Code: Use Groups A, B, F, H, I, M, R, S, and T.

14A:3-8.2 Standards

Effective immediately, all newly constructed or renovated buildings shall conform to the lighting standards set forth in one of the following:

1. The Illuminating Engineering Society (IES) Standards EMS-1: Lighting Power Budget Determination Procedure; or
2. The IES Lighting Power Budget Determination by the Unit Power Density Procedure EMS-6.

14A:3-8.3 Enforcement

The standards set forth in N.J.A.C. 14A:3-8.2 shall be enforced by the New Jersey Department of Community Affairs pursuant to its authorities under the "Uniform Construction Code", N.J.A.C. 5:23-1.1. et seq., and said Department shall have primary authority to enforce said standards.]

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

**Local Property Tax
Tax Maps**

**Proposed Amendment: N.J.A.C.
18:23A-1.27**

Authorized By: John R. Baldwin, Director, Division of Taxation.
Authority: N.J.S.A. 54:1-15 and 54:50-1.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

John C. Raney
Local Property Tax Branch
Division of Taxation
50 Barrack Street
Trenton, NJ 08646

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

This proposal is known as PRN 1984-323.

The agency proposal follows:

Summary

The proposed amendment conforms with amendatory legislation designed to require yearly updating of municipal tax maps and the filing thereof with the county board of taxation. The proposed amendment will make available to county boards information which is often vital to the rendition of determinations respecting property tax appeals.

Social Impact

The proposed amendment will provide current tax map information to members of the public who may require it and also enhance the county board of taxation in its decision making process by having immediate access to current data related to items under appeal.

Economic Impact

By keeping current the information set forth on municipal tax maps, municipalities will avoid sporadic budgetary increases which result whenever antiquated maps require letting contracts to perform entire map revisions. Thus, the proposed amendment would add to the stability of local budgets and avoid the need for emergency appropriations frequently adopted for this purpose. No adverse economic impact is anticipated.

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

18:23A-1.27 Maintenance of tax maps

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

(g) (Reserved)

(h) **The municipal tax assessor of every taxing district shall, on or before January 10 of each year, file with the county board of taxation a duplicate copy of a municipal tax map which conforms to the block and lot designations reflected on the current year's tax list submitted by the assessor to the county board of taxation on or before January 10 of the tax year. Each municipality shall provide for the preparation of yearly revisions of the tax map. The municipal tax assessor shall be responsible for providing the municipality's New Jersey Licensed Land Surveyor with deeds and/or subdivision maps necessary for the revision. However, in any year in which no revisions were required to be made to a municipal tax map, the county board of taxation may, upon proper notification by the assessor of that municipality, waive the requirement of filing a duplicate copy of the tax map with the board for that year.**

(a)

DIVISION OF TAXATION**Sales and Use Tax
Motor Vehicles; Taxable and Exempt
Services****Proposed Amendment: N.J.A.C. 18:24-7.12**

Authorized By: John R. Baldwin, Director, Division of Taxation.

Authority: N.J.S.A. 54:32B-24.

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
50 Barrack Street, CN 269
Trenton, NJ 08646

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

This proposal is known as PRN 1984-317.

The agency proposal follows:

Summary

N.J.S.A. 54:32B-3(b) (2) of the New Jersey Sales and Use Tax Act imposes a tax on the receipts from most sales of services involved in maintaining, repairing or servicing tangible personal property. N.J.S.A. 54:32B-8.11 exempts from sales and use tax the transportation of tangible personal property. Under this section, an exemption from sales tax has been recognized for receipts from towing of illegally parked, total loss vehicles, or from towing of vehicles to a location outside of the State. The proposed amendment clarifies the present policy. The exemption will also apply to the towing of all disabled motor vehicles, provided that the charge is separately stated and identified. The rule in this regard is intended to operate prospectively.

Social Impact

The proposed amendment sets out the exact circumstances under which towing of motor vehicles is exempt from sales tax. This will enable tow truck operators and motor vehicle owners and operators to understand when sales tax applies.

Economic Impact

It is expected that the economic impact of the proposed amendment will be minimal. The exemption is somewhat expanded, but the tow charge must now be separately stated and identified. The tax on towing charges which are incidental to repairs of motor vehicles, but which are not separately stated on the bill, continues.

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

18:24-7.12 Taxable and exempt services

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

(f) A separately stated and identified charge for towing a disabled or illegally parked motor vehicle by a wrecker or tow car is exempt from tax. The term "towing" includes the use of special transportation equipment such as a dolly or tilt-bed truck.

OTHER AGENCIES

(b)

**NEW JERSEY HIGHWAY AUTHORITY
GARDEN STATE PARKWAY****Parking, Standing and Stopping on Parkway
Handicapped Parking Spaces****Proposed Amendment: N.J.A.C. 19:8-1.8**

Authorized By: New Jersey Highway Authority,
George P. Zilocchi, Acting Executive Director.

Authority: N.J.S.A. 27:12B-5(j) and (s), 27:12B-18,
and 27:12B-24.

Interested persons may submit in writing data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions and any inquiries about submissions and responses should be addressed to:

George P. Zilocchi, Acting Executive Director
New Jersey Highway Authority
Garden State Parkway
Woodbridge, New Jersey 07095

At the close of the period for comments, the Highway Authority may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-324.

The agency proposal follows:

Summary

The proposed amendment reserves certain designated parking spaces for vehicles bearing handicapped designation pursuant to P.L. 1977, c.202 (N.J.S.A. 39:4-197.5). The amendment additionally prohibits the parking of vehicles not displaying the required handicapped designation.

Social Impact

The regulation dealing with parking spaces as presently worded does not allow for the reservation of designated parking spaces for vehicles bearing a handicapped designation. The absence of this designation results in situations where handicapped persons must forego utilizing the services of New

PROPOSALS

OTHER AGENCIES

Jersey Highway Authority Service Areas or it makes the utilization of such services at times extremely difficult. Assigning specific convenient locations to vehicles bearing the required handicapped designation will permit persons using such vehicles to make effective use of Service Areas along the Garden State Parkway.

Economic Impact

The proposed amendment should not result in any economic cost or waste to the public. As indicated, its purpose is simply to facilitate the use of the service and recreation areas of the Garden State Parkway by handicapped persons.

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

19:8-1.8 Parking, standing or stopping on Parkway prohibited except in emergency

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

i. Parking in any space appropriately marked for vehicles for the physically handicapped pursuant to P.L. 1977, c.202 (C. 39:4-197.5), unless the vehicle is authorized by law to be parked therein, is prohibited.

(a)

CASINO CONTROL COMMISSION

Gaming Equipment Approval of Gaming Equipment; Retention by Commission or Division

Proposed Amendment: N.J.A.C. 19:46-1.20

Authorized by: Casino Control Commission, Theron G. Schmidt, Executive Secretary.
Authority: N.J.S.A. 5:12-63(c).

Interested persons may submit in writing, data, views or arguments relevant to the proposal on or before July 18, 1984. These submissions, and any inquiries about submissions and responses, should be addressed to:

Michael A. Santaniello
Deputy Director, Operations
Casino Control Commission
Division of Financial Evaluation & Control
Princeton Pike Office Park
Building No. 5, CN 208
Trenton, New Jersey 08625

At the close of the period for comments, the Casino Control Commission may adopt this proposal, with any minor changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5. Upon adoption of these rules, a notice of the adoption shall be published in the Register. The adopted rules shall become effective upon publication of that notice of adoption in the Register.

This proposal is known as PRN 1984-319.

The agency proposal follows:

Summary

The proposed regulation recognizes the Commission's authority to take within its possession, for the purpose of inspection, any equipment or devices used in games or the operation of a casino.

Social Impact

The primary impact of the proposed regulation will be to assist the commission in carrying out its responsibility to assure the integrity and fairness of gaming in Atlantic City.

Economic Impact

The economic impact of the proposed regulation would be minimal unless equipment is discovered to be tampered with or defective. If the equipment is found to be tampered with, substantial costs may arise as a result of an investigation. If the equipment is found to be defective, substantial costs may arise from transportation fees to return the equipment to the manufacturer and from research and investigation costs, to assure future equipment is developed in compliance with Commission standards.

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

19:46-1.20 Approval of gaming equipment; retention by [c]Commission or [d]Division

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

(c) Notwithstanding any procedural or other requirement of this chapter, the Commission, through its authorized representatives, shall have the right to inspect and to immediately take within its possession, as may be necessary to carry out its responsibilities under N.J.S.A. 5:12-63(f), any equipment or devices used in the conduct of the games or in the counting, storage or recordation of casino revenue to determine whether said equipment or devices conform to applicable standards or requirements, or have, in any way, been altered, modified or tampered with. Nothing in this regulation should be deemed to limit the Division's authority to inspect, remove, seize and impound any such equipment or devices, pursuant to N.J.S.A. 5:12-76 and 5:12-79.

RULE ADOPTIONS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Rules of Special Applicability Special Education Hearings Emergency Relief Pending Settlement or Decision

Adopted Amendment: N.J.A.C. 1:6A-3.1

Proposed: April 16, 1984 at 16 N.J.R. 780(a).
Adopted: June 6, 1984 by Ronald I. Parker, Acting
Director, Office of Administrative Law.
Filed: June 6, 1984 as R.1984, d.258, with **substantive
changes** not requiring additional public notice and
comment (See, N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 52:14F-5e, f and g.

Effective Date: June 18, 1984.
Expiration Date pursuant to Executive Order No.
66(1978): January 1, 1988.

Summary of Public Comments and Agency Responses and Reasons for Making Changes:

During the comment period, the OAL received written comments from the Teaneck Parent Information Center, Inc. and the Department of the Public Advocate, Division of Advocacy for the Developmentally Disabled. Each comment was responded to individually.

Both commentators opposed the limitation on emergency relief applications to serious physical harm situations. Specifically, the Teaneck Parent Information Center, Inc. cited instances where a handicapped student has been suspended or expelled for disciplinary reasons related to the student's handicap as an appropriate basis for emergency relief.

The Division of Advocacy for the Developmentally Disabled recommended a return to the former criterion of "irreparable harm" so that the basis for emergency relief would be expanded to include, at a minimum, those instances where a school district's action will result in extreme stress, mental anguish and/or regression.

In response, the OAL adheres to its belief that most allegations of mental and/or educational harm are best handled through the normal special education hearing process. Inherent within this process are substantial procedural safeguards which guarantee litigants a speedy and efficient resolution of their cases. A retention of the "irreparable harm" standard would not only continue to burden the OAL with a multitude of emergency relief requests which can best be dealt with through the normal expedited process but would also delay the hearing of those cases for which emergency relief action is most imperative.

After careful consideration of the comments received, the OAL has decided to permit emergency relief applications, not only in serious physical harm situations, but also whenever a handicapped student's educational program will be terminated or interrupted. The OAL believes that the severe consequences which would result from any disruption in a handicapped student's educational program, for whatever reason, warrants inclusion within the ambit of this rule.

The Division of Advocacy for the Developmentally Disabled raised additional objections to the phrase "substantial inconvenience" in proposed rule N.J.A.C.1:6A-3.1(e)(3) as being too broad and to the flat prohibition on adjournments. In response to the first objection, the OAL does not believe that the phrase "substantial inconvenience" is too broad, as it is based on the balancing of relative hardships which is one of the standards employed by courts in deciding whether preliminary injunctive relief is appropriate. *Isolantite, Inc. v. United Elect. Radio and Mach. Workers*, 130 N.J. Eq. 506, 515 (Ch. 1941), mod. on other grounds, 132 N.J. Eq. 613 (E.&A. 1942).

In response to the Division's latter concern, the OAL concurs with its suggestion that extraordinary circumstances may exist which would warrant an adjournment in a particular matter and the OAL has modified the proposed rule accordingly.

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

SUBCHAPTER 3. EMERGENCY RELIEF, SETTLEMENT AND SCHEDULING OF HEARING

1:6A-3.1 Emergency relief pending settlement or decision

(a) As part of a hearing request, or at any time after a hearing is requested, the affected parent(s), guardian, board or public agency may apply in writing for emergency relief pending a settlement or decision on the matter. An emergency relief application shall set forth the specific relief sought and the specific circumstances which the applicant contends ***[will cause serious physical harm to a student or students unless the requested relief is granted within the time demanded by the applicant.]*** ***justifies under (e) below the relief sought.*** Each application shall be supported by an affidavit prepared by an affiant with personal knowledge of the facts contained therein and, if an expert's opinion is included, the affidavit shall specify the expert's qualifications.

(b) Prior to the transmittal of the hearing request to the Office of Administrative Law, applications for emergency relief shall be addressed to the Department of Education, attention Division of Special Education, with a copy to the other party. The Department shall forward to the Office of Administrative Law by the end of the next business day all emergency relief applications that meet the procedural requirements (a) above and which set forth on the face of the application and affidavits circumstances which would justify emergency relief under this section. Emergency relief applications which show no right to emergency relief or fail to comply with the procedural requirements shall be processed by the Department in accordance with N.J.A.C. 1:6A-3.2.

(c) After transmittal, applications for emergency relief must be made to the Office of Administrative Law, with a copy to the other party.

(d) The Office of Administrative Law shall schedule an emergency relief application hearing on the earliest date possible and shall notify all parties of this date. ***Except for extraordinary circumstances established by good cause*** no adjournments shall be granted but the opponent to an emergency relief application may be heard by telephone on the date of the emergency relief hearing. If emergency relief is granted without all parties being heard, provision shall be made in the order for the absent parties to move for dissolution or modification on two business day's notice. Such an order, granted without all parties being heard, may also provide for a continuation of the order up to ten days.

(e) At the emergency relief hearing, the judge may allow the affidavits to be supplemented by testimony and/or oral argument. The judge may order emergency relief if the judge determines from the proofs that:

1. The applicant has a reasonable probability of ultimately prevailing on the merits; ***and***

2. ***Either*** serious physical harm will result to a student or students if the relief is not granted; ***or the student's educated program will be terminated or interrupted.*** and

3. The relief requested is narrowly defined to prevent the specific harm from occurring and will not cause unreasonable expense and substantial inconvenience.

(f) Judges may decide emergency relief applications orally on the record and may direct the prevailing party to prepare an order embodying the decision. If so directed, the prevailing party shall promptly mail the order to the judge and shall mail copies to every other party in the case. Unless a party notifies the judge and the prevailing party of his or her specific objections to the order within five business days after such service, the judge may sign the order.

(g) After granting or denying the requested emergency relief, the judge shall either return the parties to the Department of Education for a settlement conference under N.J.A.C. 1:6A-3.2 or schedule hearing dates if a settlement conference has already been conducted.

AGRICULTURE

(a)

DIVISION OF ANIMAL HEALTH

Tuberculosis Control and Eradication Times Established for Tuberculin Tests

Adopted Amendment: N.J.A.C. 2:2-3.3

Proposed: April 16, 1984 at 16 N.J.R. 782(a).

Adopted: May 29, 1984 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.

Filed: May 30, 1984 as R.1984 d.222, **without change.**

Authority: N.J.S.A. 4:5-18-53.4.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order 66(1978):
September 29, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adopted amendment follows.

2:2-3.3 Times established for tuberculin tests

(a) All dairy herds producing milk for sale shall be tuberculin tested ever five years.

(b) (No change.)

(b)

DIVISION OF ANIMAL HEALTH

Livestock and Poultry Importations Livestock for Breeding and Herd Replacements

Readoption with Amendments: N.J.A.C. 2:3-2

Proposed: February 21, 1984 at 16 N.J.R. 294(a).

Adopted: May 29, 1984 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.

Filed: May 31, 1984 as R.1984 d.226, **with a technical change** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 4:5-54-75; 4:5-93.21 and 4:5-106.2.

Summary of Public Comments and Agency Responses:

Oral comments were received by four cattle dealers. These cattle dealers took exception to 2:3-2.6 and 2.7 which required that animals coming from what is known as class A brucellosis states must be from a herd which had a brucellosis test within 15 months of entry and similar requirements for those animals coming from lesser quality states, class B and C. The exception was taken on the basis that this would prevent them from purchasing animals for sale in New Jersey as many of their suppliers are herds that do not have such a category because they specialize only in raising young stock and are not eligible for this category.

Response: The dealers' purchases for resale are almost without exception made in brucellosis free states. These animals are completely acceptable to New Jersey thus their concern about a reduction of saleable animals was not valid.

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

SUBCHAPTER 2. LIVESTOCK FOR BREEDING AND HERD REPLACEMENTS

2:3-2.1 Compliance with subchapter and importation requirements

In addition to the general requirements for importation, livestock for breeding and herd replacement moved into New Jersey shall meet the specific requirements of this Subchapter.

2:3-2.2 Definitions

“Accredited tuberculosis free state” shall mean a state which maintains full compliance with all of the provisions of the Uniform Methods and Rules, Bovine Tuberculosis Eradication, and where no evidence of bovine tuberculosis has been disclosed for 5 or more years.

“Accredited herd” (cattle or *[diary]* *dairy* goats) shall mean an accredited herd that has passed at least two consecutive annual caudal fold tuberculin tests, has no other evidence of bovine tuberculosis, and meets the standards of Uniform Methods and Rules, Bovine Tuberculosis Eradication.

“Brucellosis class free state or area” shall mean a state or area as defined in Title 9, C.F.R., Part 78.1(t).¹

“Brucellosis class A state or area” shall mean a state or area as defined in Title 9, C.F.R., Part 78.1(u).¹

“Brucellosis class B state or area” shall mean a state or area as defined in Title 9, C.F.R., Part 78.1(v).¹

“Brucellosis class C state or area” shall mean a state or area as defined in Title 9, C.F.R., Part 78.1(w).¹

“Certified brucellosis free herd” shall mean a herd as defined in Title 9, C.F.R., Part 78.1(q).¹

¹ Copies are filed with and may be received by writing to: Director, Division of Animal Health, New Jersey Department of Agriculture, Health-Agriculture Building, John Fitch Plaza, CN 330, Trenton, New Jersey 08625.

2:3-2.3 Importing diseased cattle and goats

Cattle and goats from herds under quarantine because of tuberculosis, brucellosis, or any other disease, or cattle currently classified as suspects because of tuberculosis shall not be imported into the State.

2:3-2.4 Negative reaction of cattle and bison to the tuberculosis test

(a) Cattle and bison six months of age or over shall be negative to a tuberculosis test within 60 days prior to entry.

(b) Animals that originate from an accredited bovine Tuberculosis-Free State or an accredited bovine Tuberculosis-Free Herd and shall have been included in the annual herd test or are a natural addition to the herd are exempt from tuberculosis tests.

2:3-2.5 Brucellosis testing—Class Free States

All animals imported from Class Free States six months of age or over shall be negative to an official brucellosis test within 30 days prior to entry, except officially brucellosis vaccinated heifers under 14 months of age, steers and spayed heifers need not be tested.

2:3-2.6 Brucellosis testing—Class A States

(a) All animals imported from Class A States six months of age or over shall be negative to an official brucellosis test within 30 days prior to entry, except official brucellosis vaccinated heifers under 14 months of age, steers, and spayed heifers need not be tested.

(b) All animals imported from Class A States except steers or spayed heifers must originate from and be members of, or natural additions to a herd that has been brucellosis tested negative within 15 months or 450 days of entry, but prior to 90 days of shipment, and the herd test date shall be entered on the official health certificate.

2:3-2.7 Brucellosis testing—Class B and C States

(a) The following conditions apply to animals imported from Class B and Class C States:

1. A prior permit for movement shall be obtained by the consignee from the Director, Division of Animal Health, New Jersey Department of Agriculture.

2. All animals to be imported must be members of or natural additions to a Certified Brucellosis-Free Herd.

3. All animals six months of age or over shall be negative to an official brucellosis test within 30 days prior to entry, except official brucellosis vaccinated heifers under 14 months of age.

4. Steers and spayed heifers need not be tested.

5. The imported animals shall be quarantined separate and apart from native animals upon entry into the state until brucellosis tested negative not less than 45 or more than 120 days after entry into the state.

6. The herd test, certified herd number, prior permit number, and a statement by the accredited veterinarian that the animals being imported were included in the herd test or were natural additions must appear on the health certificate.

2:3-2.8 Interstate health certificate

In all appropriate cases, vaccination tag, tattoo, or date of vaccination must be recorded on the interstate health certificate.

2:3-2.9 Brucellosis test for imported cattle

(a) The department may require cattle imported to be held for testing for brucellosis if in its judgment such testing would be necessary to prevent introduction of the disease.

(b) All test eligible breeding cattle and bison as defined in U.S.D.A., APHIS 91-1 from Class B or Class C States shall be held under quarantine separate and apart from native livestock until tested negative not less than 45 or more than 120 days after entry into New Jersey.

2:3-2.10 Goats

In addition to the general requirements set forth above, all goats entering New Jersey shall be free from all infectious or communicable diseases and shall be individually identified with a permanent identification, ear tag or tattoo, and recorded on the health certificate.

2:3-2.11 Horses, mules and asses

(a) All equidae entering New Jersey must meet the requirements of N.J.A.C. 2:3-1.

(b) All equidae entering the State after January 1, 1974, must have had a negative Coggins test for equine infectious anemia conducted at a jointly-approved U.S.D.A.-State laboratory within the past 12 months.

(c) All equidae entering the State which originate in a state that does not have a mandatory identification and quarantine program for equidae having a positive test for equine infectious anemia (EIA) must have had a negative Coggins test for equine infectious anemia conducted at a jointly-approved U.S.D.A.-State laboratory within 30 days prior to entry.

ADOPTIONS

AGRICULTURE

2:3-2.12 Certification of sheep free from infectious disease
All sheep entering New Jersey shall be certified to be free from all infectious or communicable disease, and be individually identified by an official ear tag or registration tattoo.

2:3-2.13 Health certificate to indicate swine free from brucellosis

The official interstate health certificate shall indicate that swine for breeding purposes are members of a brucellosis-free herd or are negative to a blood test for brucellosis within 30 days prior to entry.

2:3-2.14 Imported breeding swine to conform to Federal Regulation

(a) All breeding swine imported into New Jersey must meet the requirements of Title 9, part 76, sections 4 through 18 of the Code of Federal Regulations¹.

(b) All breeding swine imported into New Jersey must be individually identified by ear tag, tattoo or other approved individual identification.

¹ Copies are filed with and may be received by writing to: Director, Division of Animal Health, New Jersey Department of Agriculture, Health-Agriculture Building, John Fitch Plaza, CN 330, Trenton, New Jersey 08625.

2:3-2.15 Diversion of swine enroute

No swine shall be diverted enroute from the destination of the consignee as indicated on the health certificate.

2:3-2.16 Quarantine of imported breeding swine

All breeding swine imported must be held in quarantine on the farm of destination separate and apart from all native animals and retested negative after 30 days for pseudorabies and brucellosis prior to release by the New Jersey Department of Agriculture.

2:3-2.17 All imported breeding swine; not infected with pseudorabies

(a) All imported breeding swine must come from a herd that has not been infected with pseudorabies in the past 60 days. Individuals must have been negative to a serum neutralization test within 30 days prior to entry conducted at a State or Federal laboratory. Swine from Qualified Pseudorabies Negative Herds may enter if the Qualified Pseudorabies Negative Herd number and the date of the last qualifying test are stated on the official interstate health certificate.

(b) "Qualified Pseudorabies Negative Herd" means a herd which complies with the provisions of 9 C.F.R. 85.1(ee).

(a)

DIVISION OF ANIMAL HEALTH

Quarantines and Embargoes Equine Embargoes

Readoption: N.J.A.C. 2:5-2

Proposed: April 2, 1984 at 16 N.J.R. 578(a).

Adopted: May 29, 1984 Arthur R. Brown, Jr., Secretary, Department of Agriculture.

Filed: May 30, 1984 as R. 1984 d.221, **without change**.

Authority: N.J.S.A. 4:5-6, 2:22-21 and 4:22-22.

Effective Date: May 30, 1984.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:5-2.1 through 2.6.

(b)

DIVISION OF REGULATORY SERVICES

Commercial Fertilizer and Soil Conditioner Commercial Values

Adopted Amendment: N.J.A.C. 2:69-1.11

Proposed: April 16, 1985 at 16 N.J.R. 782(b).

Adopted: May 29, 1984 by Arthur R. Brown, Jr., Secretary, Department of Agriculture.

Filed: May 30, 1984 as R.1984 d.223, **without change**.

Authority: N.J.S.A. 4:9-16.26, 4:9-15.33.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): September 6, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adopted amendment follows.

2:69-1.11 Commercial values

(a) The State Board of Agriculture, pursuant to N.J.S.A. 4:9-15.26, determines the commercial values of primary plant nutrients to be:

1.-2. (No change).

3. Available phosphoric acid: \$3.00 per unit.

4. (No change.)

(b) These values shall be effective from July 1, 1984 through June 30, 1985.

(c)

DIVISION OF RURAL RESOURCES

State Agriculture Development Committee Creation of Farmland Preservation Programs

Adopted New Rule: N.J.A.C. 2:76-3

Proposed: April 2, 1984 at 16 N.J.R. 579(a).

Adopted: June 4, 1984 by Arthur R. Brown, Jr., Chairman, State Agriculture Development Committee.
 Filed: June 4, 1984 as R.1984 d.229, **without technical and substantive changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 4:1C-5f and N.J.S.A. 4:1C-7a.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): June 4, 1989.

Summary of Public Comments and Agency Responses:

The Committee has received several written and oral comments regarding the proposal.

Comments and Agency responses follow:

N.J.A.C. 2:76-3.12(a)4: Individuals from the Hunterdon County Agriculture Development Board and the Monmouth County Agriculture Development Board had expressed a concern about the landowners being denied the right to remove subsurface minerals.

Response: The Committee has revised the rule to include a provision which allows the landowner to retain all subsurface mineral rights provided only that any prospective mining or drilling will not materially affect the agricultural operation.

N.J.A.C. 2:76-3.12(a)7 and 12: A member of the Hunterdon County Agricultural Development Board had expressed a concern that the deed restriction which permitted inspection of the premises was unwarranted unless State or local funds were expended on the property. The other concern dealt with the legal implications that would result from the violation of a deed restriction.

Response: The Committee concurs that the board or its agents shall not be permitted to perform inspections of the premises unless the landowner has received financial benefits. Therefore, N.J.A.C. 2:76-3.12(a)7 will be deleted. The Committee decided not to delete the provision at N.J.A.C. 2:76-3.12(a)12. The board and/or the Committee shall retain the right to take legal action when a violation of the rules and/or Statute occurs.

N.J.A.C. 2:76-3.5(d): Members of the Burlington County Farmland Preservation Advisory Committee commented that the State Agriculture Development Committee should not have final authority when a board decides to establish a more stringent deed restriction.

Response: The Committee had discussed this issue in great detail during the first reading of the proposed rule. The Committee agreed to retain this authority to assure that any deed restriction adopted by a board is not in violation of the Statute.

N.J.A.C. 2:76-3.8, 3.9 and 3.11: The Monmouth County Agriculture Development Board had expressed a concern that the rule does not provide for the notification of all parties concerning actions related to the Farmland Preservation Program. They recommended that county and municipal governing bodies and planning boards be notified of all actions.

Response: It has always been the Committee's intent to keep all parties and organizations informed of program developments. The Committee has agreed to revise the rule to assure that these parties are properly informed.

N.J.A.C. 2:76-3.5(e)iii: A comment was made to revise N.J.A.C. 2:76-3.5(e)iii because in some instances an application for a soil and water conservation grant may not be sent to both the soil conservation district and the board.

Response: The Committee disagrees. The language in the rule conforms to the language in the Statute. The Committee and the State Soil Conservation Committee will promulgate other rules to identify board and soil conservation district responsibilities and procedures for reviewing and approving applications.

TECHNICAL CHANGES

The State Agriculture Development Committee has identified several technical errors in the proposed rule which warrant the following changes:

1. The proposed rule must be adjusted to the proper codification of the Agriculture Retention and Development Act.

2. The Agriculture Retention and Development Act must be cited as N.J.S.A. 4:1C-11 et seq., P.L. 1983, C.32.

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

SUBCHAPTER 3. CREATION OF FARMLAND PRESERVATION PROGRAMS

2:76-3.1 Applicability

(a) This subchapter provides for any eligible landowner to voluntarily petition a county agriculture development board or a subregional agricultural retention board for the creation of a farmland preservation program.

2:76-3.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

"Agreement" means a legally binding written document between the landowner(s), and the board which must be signed by both parties and certified by the State Agriculture Development Committee to signify approval of a petition for creating a farmland preservation program.

"Agricultural Development Area" hereinafter referred to as ADA, means an area identified by a board pursuant to the provisions of ***[N.J.S.A. 4:1C-21]* *N.J.S.A. 4:1C-18*** and certified by the State Agriculture Development Committee.

"Board" means a county agriculture development board established pursuant to ***[N.J.S.A. 4:1C-17]* *N.J.S.A. 4:1C-14*** or a subregional agricultural retention board established pursuant to ***[N.J.S.A. 4:1C-20]* *N.J.S.A. 4:1C-17***.

"Committee" means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

"Development easement" means an interest in land less than fee simple absolute title thereto, which enables the owner to develop the land for any nonagricultural purpose as determined by the provisions of N.J.S.A. 4:1C-11 et seq. ***, P.L. 1983, C.32*** and any relevant rules or regulations promulgated pursuant hereto.

"Farmland preservation program" means any voluntary program, the duration of which is at least eight years, authorized by law enacted subsequent to the effective date of the "Farmland Preservation Bond Act of 1981," P.L. 1981, C.276, which has as its principal purpose the long term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas adopted pursuant to N.J.S.A. 4:1C-11 et seq. ***, P.L. 1983, C.32*** and the maintenance and support of increased agricultural production as the first priority use of that land.

"Petition" means a formal written document adopted by the board, which an eligible landowner must submit to the

board when applying for inclusion in a farmland preservation program.

"Soil and water conservation project" means any project designed for the control and prevention of soil erosion and sediment damages, the control of pollution on agricultural lands, the impoundment, storage and management of water for agricultural purposes, or the improved management of land and soils to achieve maximum agricultural productivity.

2:76-3.3 Petition

(a) One or more owners of land may voluntarily enter into a farmland preservation program provided the following statutory criteria are satisfied:

1. The land must qualify for farmland assessment in accordance with the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.;
2. Is located within an ADA;
3. Eligibility criteria established by the board;
4. Eligibility criteria established by the committee.

(b) A landowner meeting the statutory provisions contained in (a) above shall submit the following documents to the local board for the creation of a farmland preservation program:

1. A signed petition (petitions may be obtained from the local board upon request.);
2. A tax map and any other documents as designed by the board for identifying the boundaries of the proposed program;
3. A true copy of the deed of the subject lands.

2:76-3.4 Board review

(a) Upon receipt of a petition and required documents, the board shall conduct a review to assure compliance with the provisions contained in N.J.A.C. 2:76-3.3 and approve, conditionally approve or disapprove the petition and so notify the applicant(s).

(b) The board shall conduct an owner of last record search on all lands receiving board approval to verify that the landowner is the true owner of record.

2:76-3.5 Agreement

(a) Approval of the petition by the board and creation of the farmland preservation program shall be signified by an agreement between the board and the landowner to retain the land in agricultural production for a minimum period of eight years.

(b) The agreement shall constitute a restrictive covenant and shall be filed with the municipal tax assessor and recorded with the county clerk in the same manner as a deed.

(c) Deed restrictions established by the committee shall be placed on all lands that are to be included in the farmland preservation program. These restrictions shall remain in effect for the length of the agreement unless the land is withdrawn from the program in compliance with provisions contained in *N.J.S.A. 4:1C-33]* *N.J.S.A. 4:1C-30* and N.J.A.C. 2:76-3.11. Any landowner intending to subdivide the subject lands shall advise the board prior to initiating such action (see N.J.A.C. 2:76-3.12).

(d) Subject to committee approval, the board may establish more stringent deed restrictions for the purpose of recognizing local conditions.

(e) Eligibility of benefits follows:

1. The land or owner(s) of the land in a farmland preservation program are eligible for the following:

i. To apply, to the board to sell a development easement on the land subject to the provisions of N.J.S.A. 4:1C-11 et seq. *, P.L. 1983, C.32*;

ii. To apply, or have a farm operator as an agent apply to the local soil conservation district and the board for a grant for a soil and water conservation project as approved by the State Soil Conservation Committee and authorized by the committee;

iii. To use a farm structure design as an acceptable minimum construction standard to build farm structures based on criteria developed by a land grant college or a recognized organization of agricultural engineers and approved by the committee. In addition, the use of the approved design shall exempt the owner or operator from any requirement concerning the seal of approval or fee of an architect or professional engineer;

iv. Additional benefits as determined by the board in accordance with the provisions of N.J.S.A. 4:1C-11 et seq. *, P.L. 1983, C.32*;

v. Additional benefits as may be made available from time to time through amendments to N.J.S.A. 4:1C-11 et seq. *, P.L. 1983, C.32* and all other pertinent State, county, and municipal laws, rules, or policies.

(f) The agreement and the creation of a farmland preservation program shall not become effective until such time that it is certified in accordance with N.J.A.C. 2:76-3.7 and recorded with the county clerk in the same manner as a deed.

2:76-3.6 Certification request

(a) The board shall submit the following to the committee:

1. A copy of the approved petition;
2. The original copy of the agreement (the board shall retain appropriate copies.);
3. A copy of the tax map and any other documents designated by the board for identifying the boundaries of the proposed program. The board shall certify that the land(s) are in a certified ADA and all other criteria pursuant to N.J.A.C. 2:76-3.3 have been satisfied;
4. A copy of the owner of last record search;
5. Any other pertinent information or comments from the board.

2:76-3.7 Certification

(a) After review and evaluation of the certification request, the committee shall certify, certify with conditions or deny the approval of the farmland preservation program and present its findings to the Secretary of Agriculture.

2:76-3.8 Recording of the farmland preservation program

(a) Upon receipt of certification, the board shall retain a copy of the agreement and within ten working days send a copy to the following:

1. The municipal tax assessor;
2. The county clerk for recording in the same manner as a deed;
- *3. The municipal governing body;*
- *4. The county governing body;*
- *5. The municipal planning board;*
- *6. The county planning board;*
- *[3.]* 7.* The soil conservation district; and
- *[4.]* *8.* The landowner.

2:76-3.9 Renewal, termination, reformation

(a) The farmland preservation program shall remain in effect for a minimum of eight years from the effective date of the creation of a farmland preservation program.

(b) The board shall conduct a review of the practicability and feasibility to continue the program within one year of the effective date of termination. During this period, the board shall, in writing, notify all parties which have entered into an agreement to contact the board if they want to continue the program for another eight years or to terminate the program at the end of the initial eight year period. The landowner's decision shall be documented in the agreement.

(c) If the board does not receive any notice to terminate the farmland preservation program within the one year period, the program shall continue for another eight year period and may continue for succeeding eight year periods provided that no notice of termination is received by the board during subsequent periods of review.

(d) Termination of the farmland preservation program at the end of the eight year period shall occur following the receipt by the board of any notice of termination. The committee, ***landowner,*** soil conservation district, municipal tax assessor, ***county planning board, county governing body, municipal governing body, municipal planning board*** and county clerk shall be notified that the farmland preservation program was terminated.

(e) Reformation of a farmland preservation program must comply with provisions of N.J.S.A. 4:1C-11 et seq. *, **P.L. 1983, C.32*** and all rules promulgated by the committee.

2:76-3.10 Inclusion of additional lands

(a) Any landowner not included in the farmland preservation program, as initially created, may within two years following the creation date, request inclusion, and upon review by the board and a finding that this inclusion is warranted, become part of the farmland preservation program provided that the landowner enters into an agreement pursuant to provisions of N.J.A.C. 2:76-3.5 for the remaining duration of the farmland preservation program.

(b) Any landowner not included in farmland preservation program may request inclusion at any time during the review conducted pursuant to N.J.A.C. 2:76-3.9(b). The inclusion shall be approved provided the board finds this inclusion would promote agricultural production.

2:76-3.11 Withdrawal

(a) Under provisions of ***[N.J.S.A. 4:1C-33]* *N.J.S.A. 4:1C-30***, withdrawal of land from a farmland preservation program prior to its termination date may occur in the case of death or incapacitating illness of the owner or other serious hardship or bankruptcy, following a public hearing conducted pursuant to the "Open Public Meetings Act", N.J.S.A. 10:4-6 et seq., and approved by the board.

(b) The board shall document this approval by resolution and shall file a copy with the following:

1. Soil conservation district;
2. County clerk;
3. Municipal tax assessor;
4. Landowner;
5. Committee; ***[and]***
6. County planning board***[.]* *;**
- *7. County governing body;***
- *8. Municipal governing body; and***
- *9. Municipal planning board.***

2:76-3.12 Deed restrictions

(a) The following deed restrictions shall be agreed to by the board and the landowner(s) when entering into a farmland preservation program:

"Whereas the ***[grantors]* *Grantors*** are the present owners of lands described in Schedule "A", hereinafter referred to as Premises, which is attached hereto and made a part hereof;

"The ***[grantors]* *Grantors*** covenant for themselves, their heirs, devisees, legal representatives, successors and assigns, that the Premises will at all times for the term of the agreement to be held, used and conveyed subject to, and not used in violation of, the following restrictions as said restrictions may be limited or affected by the provisions of the following:

"1. The Premises shall be retained in agricultural use and production unless the land is withdrawn from the program in compliance with N.J.S.A. 4:1C-11 et seq. *, **P.L. 1983, C.32*** and all other rules promulgated by the State Agriculture Development Committee. Agricultural use shall mean the use of land for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

"2. The Grantors will comply with agricultural management practices insofar as those practices are applicable to the land and the type of farming conducted thereon. Agricultural management practices means practices either formally set forth in current published New Jersey Agricultural Experiment Station recommendations or practices which represent the best collective professional judgement and opinion of the appropriate faculty of the New Jersey Agricultural Experiment Station and practices related to soil and water conservation and management approved by the State Soil Conservation Committee.

"3. The land and its buildings which are affected hereby may be sold collectively or individually for continued agricultural production and related uses as defined in Section 1. hereof. All deed restrictions shall run with the land for the term of the agreement.

"4. No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used. ***Grantor hereby retains and reserves unto itself, its heirs, successors, and assigns, all oil, gas, and other mineral rights in the land underlying the Premises, provided only that any prospective drilling and/or mining will be done by slant from adjacent property or in any other manner which will not materially affect the agricultural operation.***

"5. No dumping or placing of trash or waste material shall be permitted on the Premises unless expressly permitted as an agricultural management practice.

"6. No activity shall be permitted on the land which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor any other activity which would be detrimental to the continued agricultural use of the land.

*["7. Grantee and its agents shall be permitted assess to, and to enter upon, the Premises at all reasonable times, but solely for the purpose of inspection in order to enforce and

assure compliance with the terms and conditions herein contained. Grantee agrees to give Grantor 24 hours advance notice of its intention to enter the Premises, and further, to limit such times of entry to the daylight hours on regular business days of the week. The interior of buildings shall not be inspected.]*

“*[8]* *7*. The Grantors, their heirs, successors, and assigns, may use such lands to derive income from recreational activities which generally utilize the land in its existing state, so long as such activities do not interfere with actual use of the land for agricultural production.

“*[9]* *8*. Nothing herein shall be construed to convey a right to the public of access to or use of the Premises except as herein provided or as otherwise provided by law.

“*[10]* *9*. Nothing herein shall impose upon the *[grantor]* *Grantor* any duty to maintain or require that the Premises be maintained in any particular state, or condition, notwithstanding the *[grantor's]* *Grantor's* acceptance hereof.

“*[11]* *10*. Nothing herein contained shall be deemed to restrict the right of Grantor to maintain all roads and trails existing upon the Premises on the date hereof. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, buildings, or reservoirs as may be necessary.

“*[12]* *11*. In the event a violation of these restrictions or the terms and conditions thereof is found to exist, the *[grantee]* *Grantee*, or its successors or assigns, or any citizen of the State of New Jersey, acting by and through the State Agriculture Development Committee, may, after notice to the *[grantors]* *Grantors*, or their personal representatives, heirs, successors, or assigns, institute a suit to enjoin by ex parte, temporary and/or permanent injunction, such violation, to require the restoration of the Premises to its prior condition, or to recover damages. The *[grantee]* *Grantee*, or its successors or assigns, does not waive or forfeit the right to take other legal action as may be necessary to insure compliance with the terms, conditions, and purposes of this deed restriction by a prior failure to act.

“*[13]* *12*. It is understood that this instrument imposes no obligation on the grantor and no restrictions on use of the Premises except as specifically set forth herein. Nothing herein contained shall be construed to interfere with the right of the Grantor, its successors, assigns, licensees, and any party claiming under them to utilize the Premises in such manner as they may deem desirable, subject to the terms and conditions hereof.

“*[14]* *13*. This instrument shall be binding upon the Grantor, its successors and assigns, and upon the Grantee, its successors and assigns.”

2:76-3.13 Compliance

(a) All farmland preservation programs shall comply with the provisions of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. *, **P.L. 1983, C.32***, and the provisions of this subchapter.

(a)

DIVISION OF RURAL RESOURCES

State Agriculture Development Committee Creation of Municipally Approved Farmland Preservation Programs

Adopted New Rule: N.J.A.C. 2:76-4

Proposed: April 2, 1984 at 16 N.J.R. 582(a).

Adopted: June 4, 1984 by Arthur R. Brown, Jr., Chairman, State Agriculture Development Committee.

Filed: June 4, 1984 as R.1984 d.230 **with technical and substantive changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 4:1C-5f and 4:1C-7a.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): June 4, 1989.

Summary of Public Comments and Agency Responses:

The Committee has received several written and oral comments regarding the proposal. Comments and Agency responses follow:

N.J.A.C. 2:76-4.11(a)4: Individuals from the Hunterdon County Agriculture Development Board and the Monmouth County Agriculture Development Board had expressed a concern about the landowners being denied the right to remove subsurface minerals.

Response: The Committee has revised the rule to include a provision which allows the landowner to retain all subsurface mineral rights provided only that any prospective mining or drilling will not materially affect the agricultural operation.

N.J.A.C. 2:76-4.11(a)7 and 12: A member of the Hunterdon County Agriculture Development Board had expressed a concern that the deed restriction which permitted inspection of the premises was unwarranted unless State or local funds were expended on the property. The other concern dealt with the legal implications that would result from the violation of a deed restriction.

Response: The Committee concurs that the board or its agents should not be permitted to perform inspections of the premises unless the landowner has received financial benefits. Therefore, N.J.A.C. 2:76-4.11(a)7 will be deleted. The Committee decided not to delete the provision at N.J.A.C. 2:76-4.11(a)12. The board and/or the Committee shall retain the right to take legal action when a violation of the rules and/or Statute occurs.

N.J.A.C. 2:76-4.5(d): Members of the Burlington County Farmland Preservation Advisory Committee commented that

the State Agriculture Development Committee should not have final authority when a board decides to establish a more stringent deed restriction.

Response: The Committee had discussed this issue in great detail during the first reading of the proposed rule. The Committee agreed to retain this authority to assure that any deed restriction adopted by a board is not in violation of the Statute.

N.J.A.C. 2:76-4.8 and 4.10: The Monmouth County Agriculture Development Board had expressed a concern that the rule does not provide for the notification of all parties concerning actions related to the Municipally Approved Farmland Preservation Programs. They recommended that county and municipal governing bodies and planning boards be notified of all actions.

Response: It has always been the Committee's intent to keep all parties and organizations informed of program developments. The Committee has agreed to revise the rule to assure that these parties are properly informed.

Technical Changes

The State Agriculture Development Committee has identified several technical errors in the proposed rule which warrant the following changes:

1. The proposed rule must be adjusted to the proper codification of the Agriculture Retention and Development Act;
2. The Agriculture Retention and Development Act must be cited as N.J.S.A. 4:1C-11 et seq., P.L. 1983, C.32;
3. The phrase "in the same township" will be deleted from N.J.A.C. 2:76-4.4(d). A provision has been added at N.J.A.C. 2:76-4.4(d) to provide for the notification of landowners in an adjoining municipality.

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

SUBCHAPTER 4. CREATION OF MUNICIPALLY APPROVED FARMLAND PRESERVATION PROGRAMS

2:76-4.1 Applicability

(a) This subchapter provides for any eligible landowner to voluntarily petition a county agriculture development board or a subregional agricultural retention board for the creation of a municipally approved farmland preservation program. These rules supplement N.J.S.A. 4:1C-11 et seq. *, **P.L. 1983, C.32*** and shall not be construed to be a conclusive set of regulations involving all aspects of the municipally approved farmland preservation program. N.J.S.A. 4:1C-11 et seq. *, **P.L. 1983, C.32*** shall be referenced for clarification of provisions not contained in the rules.

2:76-4.2 Definitions

As used in this subchapter, the following words and terms shall have the following meanings:

"Agreement" means a legally binding written document between the landowner(s), the board, and the municipal governing body, which must be signed by all parties and certified by the State Agriculture Development Committee to signify approval of a petition for creating a municipally approved program.

"Agricultural Development Area", hereinafter referred to as ADA, means an area identified by a board pursuant to the

provisions of *[N.J.S.A. 4:1C-21]* ***N.J.S.A. 4:1C-18*** and certified by the State Agriculture Development Committee.

"Board" means a county agriculture development board established pursuant to *[N.J.S.A. 4:1C-17]* ***N.J.S.A. 4:1C-14*** or a subregional agricultural retention board established pursuant to *[N.J.S.A. 4:1C-20.]* ***N.J.S.A. 4:1C-17***

"Committee" means the State Agriculture Development Committee established pursuant to N.J.S.A. 4:1C-4.

"Governing body" means, in the case of a county, the board of chosen freeholders, and in the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality.

"Municipally approved farmland preservation program", hereinafter referred to as municipally approved program, means any voluntary program, the duration of which is at least eight years, authorized by law enacted subsequent to the effective date of the "Farmland Preservation Bond Act of 1981," P.L. 1981, C.276, which has as its principal purpose the long term preservation of significant masses of reasonably contiguous agricultural land within agricultural development areas adopted pursuant to N.J.S.A. 4:1C-11 et seq. *, **P.L. 1983, C.32*** and the maintenance and support of increased agricultural production as the first priority use of that land. Any municipally approved program shall be established pursuant to *[N.J.S.A. 4:1C-24.]* ***N.J.S.A. 4:1C-21***.

"Petition" means a formal written document adopted by the board, which an eligible landowner must submit to the board when applying for inclusion in a municipally approved program.

2:76-4.3 Petition

(a) One or more owners of land may voluntarily enter into a municipally approved program provided the following statutory criteria are satisfied:

1. The land must qualify for farmland assessment in accordance with the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq;
2. Is located within an ADA;
3. Eligibility criteria established by the board;
4. Eligibility criteria established by the committee.

(b) A landowner meeting the statutory provisions contained in (a) above shall submit the following documents to the local board for the creation of a municipally approved program:

1. A signed petition (petitions may be obtained from the local board upon request.);
2. A tax map and any other documents as designed by the board for identifying the boundaries of the proposed program;
3. A true copy of the deed of the subject lands.

2:76-4.4 Board review

(a) Upon receipt of a petition and required documents the board shall conduct a review to assure compliance with the provisions contained in N.J.A.C. 2:76-4.3.

(b) The board shall conduct an owner of last record search on all lands that have complied with the provisions of N.J.A.C. 2:76-4.3, to verify that the landowner is the true owner of record.

(c) If all criteria have been satisfied, the board shall immediately forward a copy of the petition to the following:

1. County planning board;
2. Governing body of any municipality wherein the proposed municipally approved program is located;

3. Planning board of each affected municipality.

(d) The board shall, by public notice, advise owners of any land contiguous to the proposed municipally approved program *[in the same township,]* that a petition has been received, solicit opinions concerning inclusion of this land and, if the board deems appropriate, encourage the inclusion of the land in the municipally approved program.

1. Public notice shall comply with provisions of N.J.S.A. 40:55D-12 of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

2. These procedures shall only be applicable to landowners contiguous to the proposed municipally approved program.

3. Landowners in an adjoining municipality shall be notified by personal service or certified mail.

2:76-4.5 Agreement

(a) Approval of a petition by the municipal governing body and the board and creation of a municipally approved program shall be signified by an agreement between the board, municipal governing body and the landowner to retain the land in agricultural production for a minimum period of eight years.

(b) The agreement shall constitute a restrictive covenant and shall be filed in accordance with N.J.A.C. 2:76-4.8.

(c) Deed restrictions established by the committee shall be placed on all lands that are to be included in the municipally approved program. These restrictions will remain in effect for the length of the *[agreement]* ***agreement*** unless the land is withdrawn from the program in compliance with provisions contained in *[N.J.S.A. 4:1C-33]* ***N.J.S.A. 4:1C-30*** and N.J.A.C. 2:76-4.10 (see 2:76-4.11).

(d) Subject to committee approval, the board may establish more stringent deed restrictions for the purpose of recognizing local conditions.

(e) Eligibility of benefits follows:

1. The land or *[owners(s)]* ***owner(s)*** of the land in a municipally approved program are eligible for the following:

i. Benefits contained in N.J.S.A. 4:1C-11 et seq ***, P.L. 1983, C.32***;

ii. Additional benefits as determined by the board in accordance with the provisions of N.J.S.A. 4:1C-11 et seq ***, P.L. 1983, C.32***;

iii. Additional benefits as may be made available from time to time through amendments to N.J.S.A. 4:1C-11 et seq ***, P.L. 1983, C.32***, and all other pertinent State, county and municipal laws, rules or policies.

(f) The agreement and the creation of a municipally approved program shall not become effective until such time that it is certified in accordance with N.J.A.C. 2:76-4.7 and recorded with the county clerk in the same manner as a deed.

2:76-4.6 Certification request

(a) The board shall submit the following to the committee:

1. A copy of the approved petition;
2. A copy of the municipal ordinance approving the municipally approved program;
3. A copy of the county resolution or ordinance of adoption;

4. A copy of the tax map and any other documents designated by the board for identifying the boundaries of the proposed programs. The board shall certify that the land(s) are in a certified ADA and all other criteria pursuant to N.J.A.C. 2:76-4.3 have been satisfied.

5. The original copy of the agreement (*[The]* ***the*** board shall retain appropriate copies.);

6. A copy of the owner of last record search;

7. Any other pertinent information or comments from the board.

2:76-4.7 Certification

(a) After review and evaluation of the certification request, the committee shall certify, certify with conditions or deny the approval of the municipally approved program and present its findings to the Secretary of Agriculture.

2:76-4.8 Recording of the municipally approved program.

(a) Upon receipt of certification, the board shall retain a copy of the agreement and within ten working days document the recording of the municipally approved program in the following manner:

1. The petition in its final form shall be filed and recorded, in the same manner as a deed, with the county clerk and shall be filed with the municipal clerk;

2. The petition in its final form shall be filed with the municipal tax assessor;

3. The agreement shall be filed with the municipal tax assessor and recorded with the county clerk in the same manner as a deed;

4. A copy of the agreement shall be filed with the local soil conservation district ***, municipal governing body, county governing body, municipal planning board, county planning board and the landowner.***

2:76-4.9 Renewal, termination, reformation

(a) The renewal, termination and reformation of a municipally approved program shall comply with N.J.S.A. 4:1C-11 et seq. ***, P.L. 1983, C.32.*** Any action taken by the landowner shall be documented in the agreement.

2:76-4.10 Withdrawal

(a) Under provisions of *[N.J.S.A. 4:1C-33]* ***N.J.S.A. 4:1C-30***, withdrawal of land from the municipally approved program prior to its termination date may occur in the case of death or incapacitating illness of the owner or other serious hardship or bankruptcy, following a public hearing conducted pursuant to the "Open Public Meetings Act", N.J.S.A. 10:4-6 et seq., and approved by the board and municipal governing body at a regular or special meeting thereof.

(b) The board shall document this approval by resolution and the municipal governing body by resolution or ordinance and shall file a copy with the following:

1. Committee;
2. Soil conservation district;
3. Municipal tax assessor;
4. Municipal clerk;
5. County clerk;
- *6. Municipal governing body;***
- *7. County governing body;***
- *8. Municipal planning board;***
- *[6.]* *9.*** County planning board; and
- *[7.]* *10.*** Landowner.

2:76-4.11 Deed restrictions

(a) The following deed restrictions shall be agreed to by the board, the municipal governing body and the *[landowner(s)]* ***landowner(s)*** when entering into a municipally approved program:

"Whereas the *[grantors]* ***Grantors*** are the present owners of lands described in Schedule "A", hereinafter referred

to as Premises, which is attached hereto and made a part hereof;

"The *[grantors]* ***Grantors*** covenant for themselves, their heirs, devisees, legal representatives, successors and assigns, that the Premises will at all times for the term of the agreement to be held, used and conveyed subject to, and not used in violation of, the following restrictions as said restrictions may be limited or affected by the provisions of the following:

"1. The Premises shall be retained in agricultural use and production unless the land is withdrawn from the program in compliance with N.J.S.A. 4:1C-11 et seq *, **P.L. 1983, C.32*** and all other rules promulgated by the State Agriculture Development Committee. Agricultural use shall mean the use of land for common farmsite activities including, but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

"2. The Grantors will comply with agricultural management practices insofar as those practices are applicable to the land and the type of farming conducted thereon. Agricultural management practices means practices either formally set forth in current published New Jersey Agricultural Experiment Station recommendations or practices which represent the best collective professional judgment and opinion of the appropriate faculty of the New Jersey Agricultural Experiment Station and practices related to soil and water conservation and management approved by the State Soil Conservation Committee.

"3. The land and its buildings which are affected hereby may be sold collectively or individually for continued agricultural production and related uses as defined in Section 1. hereof. All deed restrictions shall run with the land for the term of the agreement.

"4. No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used. ***Grantor hereby retains and reserves unto itself, its heirs, successors, and assigns, all oil, gas, and other mineral rights in the land underlying the Premises, provided only that any prospective drilling and/or mining will be done by slant from adjacent property or in any other manner which will not materially affect the agricultural operation.***

"5. No dumping or placing of trash or waste material shall be permitted on the Premises unless expressly permitted as an agricultural management practice.

"6. No activity shall be permitted on the land which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor any other activity which would be detrimental to the continued agricultural use of the land.

*["7. Grantee and its agents shall be permitted access to, and to enter upon, the Premises at all reasonable times, but solely for the purpose of inspection in order to enforce and

assure compliance with the terms and conditions herein contained. Grantee agrees to give Grantor 24 hours advance notice of its intention to enter the Premises, and further, to limit such times of entry to the daylight hours on regular business days of the week. The interior of buildings shall not be inspected.]"

"*[8.]* ***7.*** The Grantors, their heirs, successors, and assigns, may use such lands to derive income from recreational activities which generally utilize the land in its existing state, so long as such activities do not interfere with the actual use of the land for agricultural production.

"*[9.]* ***8.*** Nothing herein shall be construed to convey a right to the public of access to or use of the Premises except as herein provided or as otherwise provided by law.

"*[10.]* ***9.*** Nothing herein shall impose upon the *[grantor]* ***Grantor*** any duty to maintain or require that the Premises be maintained in any particular state, or condition, notwithstanding the *[grantor's]* ***Grantor's*** acceptance hereof.

"*[11.]* ***10.*** Nothing herein contained shall be deemed to restrict the right of Grantor to maintain all roads and trails existing upon the Premises on the date hereof. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, buildings, or reservoirs as may be necessary.

"*[12.]* ***11.*** In the event a violation of these restrictions or the terms and conditions thereof is found to exist, the *[grantee]*, ***Grantee*** or its successors or assigns, or any citizen of the State of New Jersey, acting by and through the State Agriculture Development Committee, may, after notice to the *[grantors]*, ***Grantors*** or their personal representatives, heirs, successors, or assigns, institute a suit to enjoin by ex parte, temporary and/or permanent injunction, such violation, to require the restoration of the Premises to its prior condition, or to recover damages. The *[grantee]*, ***Grantee*** or its successors or assigns, does not waive or forfeit the right to take other legal action as may be necessary to insure compliance with the terms, conditions, and purposes of this deed restriction by a prior failure to act.

"*[13.]* ***12.*** It is understood that this instrument imposes no obligation on the Grantor and no restrictions on use of the premises except as specifically set forth herein. Nothing herein contained shall be construed to interfere with the right of the Grantor, its successors, assigns, licensees, and any party claiming under them to utilize the Premises in such manner as they may deem desirable, subject to the terms and conditions hereof.

"*[14.]* ***13.*** This instrument shall be binding upon the Grantor, its successors and assigns, and upon the Grantee, its successors and assigns."

2:76-4.12 Compliance

(a) All municipally approved programs shall comply with the provisions of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq *, **P.L. 1983, C.32***, and the provisions of this subchapter.

BANKING

(a)

DIVISION OF BANKING

Investment Restatement Accounting

Adopted Amendments: N.J.A.C. 3:6-7.2, 7.3, 7.6, 7.8

Proposed: April 16, 1984 at 16 N.J.R. 783(a).

Adopted: May 31, 1984 by Dominick A. Mazzagetti, Acting Commissioner, Department of Banking.

Filed: May 31, 1984 as R.1984 d. 224, **without change**.

Authority: N.J.S.A. 17:1-8.1 and 17:9A-256(a).

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): September 7, 1987.

Summary of Public Comments and Agency Responses:

The only two comments received relative to the proposed amendment to the regulation fully supported the proposed changes. It was noted that with the adoption of the changes in the rules, stock savings banks would now be able to comply with Securities and Exchange requirements of presenting financial statements in compliance with Generally Accepted Accounting Principles.

Therefore, the regulation has been adopted without change.

Full text of the adoption follows.

3:6-7.2 Reports of income and condition

(a) For the purpose of preparing reports of income and condition for the Department of Banking, every insured mutual savings bank shall, as of the opening of business July 1, 1982, restate the book values of all debt securities and mortgages held by it to their reasonably estimated current values.

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

3:6-7.3 Debt securities and mortgages

(a) Each insured mutual savings bank shall provide the Department of Banking with a certified copy of a resolution of its board of directors establishing the amount of the Investment Restatement Account allocated as to debt securities and mortgages, the term of amortization for the Investment Restatement Account, and the weighted average remaining life of debt securities.

(b) Each insured mutual savings bank shall provide to the Department of Banking a written statement from a certified public accountant or other person or persons approved by the Commissioner setting forth the method used to determine the weighted average remaining life of restated debt securities and stating that values assigned to the restated debt securities and restated mortgages were calculated pursuant to the standards of reasonably estimated current values set forth herein.

(c) (No change.)

3:6-7.6 Advertising

Notwithstanding any provisions of this regulation, no mutual savings bank may utilize earnings reported under investment restatement accounting procedures during any period in any advertising, promotion, or solicitations, unless the amount of earnings resulting from restatement are clearly identified and noted.

3:6-7.8 Business plans

The Commissioner may, in his discretion, require a mutual savings bank to prepare and submit a detailed plan forecasting future operations and the restructuring of its asset portfolio at any time after July 1, 1982.

ENVIRONMENTAL PROTECTION

(b)

DIVISION OF WATER RESOURCES

Water Supply Bond Loan Program

Adopted Amendments: 7:1A-1 and 2

Adopted Repeal: 7:1G-1, 2 and 3 (except for 7:1G-2.13 and 3.1)

Adopted New Rule: 7:1A-5

Recodification: N.J.A.C. 7:1G-2.13 to 7:1A-4.1; 7:1G-3.1 to 7:1A-4.2; 7:1A-2.3 to 3.1 and 7:1A-2.12 to 3.2

Proposed: April 2, 1984 at 16 N.J.R. 631(a).

Adopted: June 1, 1984 by Robert E. Hughey, Commissioner, Department of Environmental Protection.

Filed: June 4, 1984 as R.1984 d.232, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: Water Supply Bond Act of 1981, P.L. 1981, c.261, section 4, as amended by P.L. 1983,

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): June 7, 1987.

Summary of Public Comments and Agency Responses:

The Department of Environmental Protection afforded the public an opportunity from April 2, 1984 through May 18, 1984 to provide written comments on the record concerning the proposal. Only one written comment was received by the Department relating to the proposal from the Utility Contractors Association of New Jersey. In addition, the Department conducted an in-house review of the proposal and has identified minor changes to the proposal that will provide clarification and facilitate program administration.

The only commentor was opposed to N.J.A.C. 7:1A-2.17(a)8 which specifies that each general contractor bidding

on the water supply project name the principal subcontractors at the time of his bid submission to the borrower. The commentator felt this provision stifled competition and increased project costs. The Department proposed this provision to preclude the practice of "bid shopping," wherein a general contractor, after award of the bid, solicits subcontractors estimates and bids in order to decrease originally estimated costs of subcontractor services. This practice serves to increase general contractor profits, does not reduce project costs as the bid amount is already fixed, and has been known to lead to substandard work. Thus, for the above reasons, the requirement specified at N.J.A.C. 7:1A-2.17(a)8 shall remain in the regulations as proposed.

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

CHAPTER 1A WATER SUPPLY BOND LOAN PROGRAMS

SUBCHAPTER 1. GENERAL PROVISIONS

7:1A-1.1 Scope and construction of rules

(a) The following shall constitute the rules governing loans for State or local projects for the rehabilitation or repair of antiquated, obsolete, damaged or inadequately operating publicly owned water supply facilities, for the interconnection of unconnected or inadequately connected water supply systems, and water supply facilities to resolve contamination problems as identified by the Department, pursuant to the Water Supply Bond Act of 1981, P.L. 1981, c.261, *P.L. 83, C.499* and as recommended by the New Jersey Statewide Water Supply Plan. These rules prescribe procedures, minimum standards for conduct for borrowers, and standards for the rehabilitation of water supply facilities, for interconnection between water supply systems, and water supply systems to resolve contamination problems.

(b) These rules shall be liberally construed to permit the Department to effectuate the purposes of the law.

7:1A-1.2 Purpose of rules

(a) These rules are promulgated for the following purposes:

1. To implement the purposes and objectives of the Water Supply Bond Act of 1981, P.L. 1981, c.261, and the New Jersey Statewide Water Supply Plan; and amendments.

2. To establish policies and procedures for administration of funds appropriated pursuant to the Act for the purpose of making State loans for State or local projects for the rehabilitation or repair of antiquated, obsolete, damaged or inadequately operating water supply transmission facilities, for the interconnection of unconnected or inadequately connected water supply systems, and water supply systems to resolve contamination problems identified by the Department;

3. To protect the public and the State of New Jersey by insuring that funds appropriated are spent in a proper manner and for the intended purposes;

4. To assure that the distribution and use of funds are consistent with the laws and policies of the State of New Jersey.

5. To establish minimum standards of conduct to prevent conflicts of interest and insure proper administration of loans;

6. To establish accounting procedures for the administration of loans.

7:1A-1.3 Practice where rules do not govern

The Commissioner may rescind, amend, or expand these rules from time to time in conformance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

7:1A-1.4 Annual budget request

(a) The Commissioner shall submit to the State Treasurer and the New Jersey Commission on Capital Budgeting and Planning with the Department's annual budget request, a plan for the expenditure of funds from the "Water Supply Fund" for the upcoming fiscal year.

(b) The plan shall include the following information:

1. A performance evaluation of the expenditures of the fund to date;

2. A description of programs planned during the upcoming fiscal year;

3. A copy of these rules governing the purposes conducted pursuant to P.L. 1981, c.261;

4. An estimate of expenditures for the upcoming fiscal year.

7:1A-1.5 Request for legislative appropriations

The Department shall periodically request that the Legislature appropriate funds under the Water Supply Fund pursuant to the Water Supply Bond Act of 1981, P.L. 1981, c.261, and amendments thereto.

7:1A-1.6 Procedure for obtaining a water supply bond loan

(a) Each potential applicant for a water supply bond loan shall:

1. Determine if it meets the eligibility criteria of N.J.A.C.

7:1A-3.1, 4.1 or 5.1, as appropriate;

2. Arrange for a preapplication conference as required in N.J.A.C. 7:1A-2.3;

3. Complete the application procedures required by N.J.A.C. 7:1A-2.4.

7:1A-1.7 Severability

If any section, subsection, provision, clause or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these rules shall not be affected thereby.

SUBCHAPTER 2. LOAN PROCEDURES AND REQUIREMENTS

7:1A-2.1 Scope

This subchapter shall prescribe procedures and requirements for the award of State loans for projects pursuant to Section 4 of the Water Supply Bond Act of 1981, P.L. 1981, c.261, and as recommended by the New Jersey Statewide Water Supply Plan.

7:1A-2.2 Definitions

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

"Act" means the Water Supply Bond Act of 1981, P.L. 1981, c.261.

"Administrator" means the Administrator of the Water Supply and Watershed Management Administration of the

Division of Water Resources of the Department of Environmental Protection.

"Applicant" means any political subdivision of the State or agency thereof that applies for a loan pursuant to the provisions of these rules and regulations.

"Bonds" means the bonds authorized to be issued, or issued under the Water Supply Bond Act of 1981, P.L. 1981, c.261.

"Borrower" means an applicant which has received a loan pursuant to the Water Supply Bond Act, P.L. 1981, c.261 and these rules, and which has executed a loan award document.

"Commission" means the New Jersey Commission on Capital Budgeting and Planning.

"Commissioner" means the Commissioner of the New Jersey Department of Environmental Protection or his designated representative.

"Construct" and "Construction" mean, in addition to the usual meaning thereof, acts of construction, re-construction, replacement, improvement, *[and]* betterment ***and the solicitation of bids in accordance with the Local Public Contracts Law.***

"Contaminant" means any physical, chemical, microbiological or radiological substance or matter in water.

"Contamination problems" means an existing potable groundwater supply whose physical, chemical, *[biological]* ***microbiological*** or radiological condition, is or may reasonably be expected to become, such that its continued use is detrimental to the public health ***in accordance with the New Jersey Safe Drinking Water Act Regulations, N.J.A.C. 7:10*.**

"Groundwater supply" means an excavation which is usually cylindrical with a casing or lining sunk into soil or rock material for the purpose of obtaining potable water.

"Maximum contaminant level" means the maximum permissible level of a contaminant in water measured at the point at which water is delivered to the free-flowing outlet of the ultimate user of a public water system or other water system to which State primary drinking water regulations apply, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition. For the purposes of this chapter, the parameter of turbidity shall be excluded as a primary drinking water regulation, except when violation or turbidity maximum contaminant levels occur as a result of other contaminants.

***"Primary drinking water regulation" means a regulation which:**

1. Applies at a minimum to public water systems;
2. Specifies contaminants which, in the judgment of the Commissioner may have any adverse effect on the health of persons;
3. Specifies for each such contaminant either (a) maximum contaminant level if, in the judgment of the Commissioner, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems, or (b) if in the judgment of the commissioner, it is not economically and technologically feasible to ascertain the level of such contaminant, each treatment technique known to the Commissioner which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of Section 4 of the New Jersey Safe Drinking Water Act, (N.J.S.A. 58:12A-4).

4. Contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including quality control, sampling frequencies, and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to: (a) the minimum quality of water which may be taken into the system, and (b) siting for new facilities for public systems.*

"Department" means the Department of Environmental Protection.

"Division" means the Division of Water Resources of the Department of Environmental Protection.

"Eligible project cost" means the costs which are determined by the Department under this chapter to be eligible for a water supply bond loan.

"Eligible project scope" means: (1) the repair, replacement or reconstruction of antiquated, obsolete, damaged or inadequately operating water supply transmission facilities consisting of pipes and appurtenances including but not limited to pump stations, valves, surge chambers, existing interconnections and storage tanks which convey water; or (2) the construction, repair, replacement or reconstruction of parts of an inadequate or non-existent water supply system interconnection; or (3) the planning, design and construction of water supply facilities to resolve contamination problems as identified by the Department. The applicant's project scope must conform to one of these definitions to be funded pursuant to this chapter.

"Interconnection" means a water supply system connection with another water supply system, or with more than one.

"Local unit" means any political subdivision of the State or agency thereof that applies for a loan under the Act.

"Project" means any work relating to the rehabilitation of water supply transmission facilities, the construction or rehabilitation of interconnections between water supply systems, or construction of water supply facilities to resolve contamination problems.

"Transmission Facilities" means those pipes and appurtenances including but not limited to pump stations, valves, surge chambers, interconnections and storage tanks which convey water.

"Water Supply Facilities" means and refers to the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, personal and mixed, constructed or operated, or to be constructed or operated, in whole or in part by or on behalf of the State, or of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering or transmitting of water, and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources, and facilitating incidental recreational uses thereof.

7:1A-2.3 Recodified as 7:1A-3.1.

7:1A-2.3 Preapplication procedures

(a) Every applicant shall request an informal conference prior to making a formal application for a loan. During the conference the Division shall identify and explain all loan application documents. It shall also identify and answer questions concerning other Departmental permits the applicant

must obtain prior to being awarded a loan. This conference is not part of the application procedure and verbal statements made during the conference shall not bind the Department. Such conferences may be waived at the discretion of the Department.

(b) Questions concerning the program and requests for a preapplication conference should be directed to:

Division of Water Resources
Water Supply and Watershed Management
Administration
P.O. Box CN-029
1474 Prospect Street
Trenton, New Jersey 08625

7:1A-2.4 Application procedures

(a) To apply for a water supply loan, an applicant shall comply with all the pertinent requirements of this section. The application shall be submitted to the Division on the forms provided for that purpose.

(b) An applicant for a water supply loan shall submit:

1. A completed loan application;
2. A description of how it plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan and, the steps it plans to take before receiving the loan that will guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete, implement, operate and maintain the project;
3. Evidence that all Federal, State, regional and local agencies with jurisdiction over the area have been notified of the project, including but not limited to the applicable municipal planning board and environmental commission; county planning board and environmental commission; any areawide or regional agencies concerned; and any interconnected or other water systems that may be affected;
4. A written explanation of the need for the project along with distribution system maps of the project area(s);
5. A complete proposal outlining the problem, cause and effect of these problems, the proposed solution along with a discussion of alternatives to the proposed solution. In the case of loans to remedy water supply contamination problems, a feasibility study, as approved by the Department, shall be submitted *. **In the case of rehabilitation loans, measures to insure a safe, continuous and adequately protected water supply to affected project areas shall be included, as applicable.***
6. A proposed construction schedule for the project;
7. Proposed financial arrangements for both construction of the project and sale of water between the purveyors concerned, if any, and written confirmation that the proposed arrangements are acceptable to both purveyors and the New Jersey Board of Public Utilities, if applicable.
8. All other forms, agreements and subagreements the Department may require;
9. An estimate of preliminary, developmental, and construction costs by unit prices for the project. Labor, equipment, materials, supplies, overhead and contractor's and consultant's profit with supporting background and summary sheets may be requested by the Department to substantiate the estimates of unit costs. Total project costs and those project costs that the applicant anticipates to be eligible for a bond loan shall be separately summarized;
10. A brief description of the environmental impact of the proposed project, including brief identifications of environmental impacts of the proposed project on water quality,

plant and animal life, project site land characteristics, historical sites and other environmental factors; and

11. Proof of ownership of the project, and the real property on which it is located, or the capability to use that property for water supply purposes.

12. All documentation and other information as may be necessary for the Division to adequately determine the applicant's priority point total pursuant to section 3.2, 4.2 or 5.2, as appropriate.

(c) Applications shall be signed for the applicant by a person authorized by resolution or ordinance to file an application for a State loan, to represent the applicant in all matters relating to the application process, and to obligate the applicant to the terms and conditions of the loan award document.

1. Each application shall constitute an undertaking to accept the requirements of this [sub]chapter and the terms and conditions of the loan award document.

(d) Applications should be submitted well in advance of the application closing date for the application period in which the applicant wishes to be awarded a loan. There shall be at least one application period in each fiscal year. For the rehabilitation loan program, the application closing date for the initial application period for each year of the program shall be October 1 of the appropriate fiscal year.

1. For the interconnections loan program, the application closing date for the initial application period shall be June 18, 1984. In the case of loans for remedying water supply contamination problems, two annual application periods will be established with closing dates of December *[15]* *31* and June *[15]* *30* respectively. However, applications will be received and reviewed on a continuous basis. Those projects meeting exigency standards, as defined at N.J.A.C. 7:1A-5.2(b), shall be processed for immediate funding, if available.

2. Additional application periods may be established as deemed necessary by the Division upon publication of a notice of the details of the additional application period in the New Jersey Register.

3. The application closing date for any application period may be extended, if deemed necessary by the Division, upon publication of a notice of extension in the New Jersey Register.

(e) No loan shall be awarded until a State appropriation is made.

(f) Applications shall be sent to:

Division of Water Resources
Water Supply and Watershed Management
Administration
P.O. Box CN-029
1474 Prospect Street
Trenton, New Jersey 08625

7:1A-2.5 Use and disclosure of information

All loan applications, preapplications, and other submissions, when received by the Division, constitute public records. The Division shall make them available to persons who request their release, to the extent allowed by New Jersey and federal law.

7:1A-2.6 Evaluation of application

(a) The Division shall notify the applicant that it has received the application and is evaluating it pursuant to this section. Each application shall be subjected to:

1. Preliminary administrative review to determine the completeness of the application;

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2. Program, technical, scientific and environmental evaluation to determine the merit and relevance of the project to the Department of Environmental Protection program objectives, especially those recommendations described in the New Jersey Statewide Water Supply Plan;

3. Budget evaluation to determine whether proposed project costs are eligible, reasonable, applicable, and allowable; and

4. Final administrative evaluation.

5. In cases of loans for water supply contamination problems, priority scoring of each application shall be made as soon as possible.

7:1A-2.7 Department approval/disapproval

(a) After a full review and evaluation of an application, the Division shall take one of the following actions:

1. Approve for priority ranking, if applicable, and possible loan;

2. Disapprove the application.

3. Approve for immediate funding, if available.

(b) The applicant shall be promptly notified in writing of any disapproval. A disapproval of an application shall not preclude its reconsideration or resubmittal if resubmitted by the applicant.

7:1A-2.8 Amount and terms of loan

(a) The amount of the loan, determined by the Department, shall be based upon eligible project costs as set forth in this chapter.

(b) The interest rate for the loan shall be established at a rate deemed appropriate by the Department of Treasury.

(c) The loan maturity period shall be for a period of no more than 10 years from the date payments to the borrower begin, unless a longer loan maturity period not to exceed 20 years can be justified to the satisfaction of the Department. Principal and accrued interest may be prepaid by the borrower prior to the end of the loan maturity period without penalty.

(d) A rate schedule setting forth the amounts charged for the sale of water by the borrower shall be established for each rehabilitation, interconnection or water supply contamination loan. For all borrowers a portion of receipts, as stipulated by the loan award document, shall be dedicated to a specific fund for the purpose of assuring repayment of the loan by the borrower. The Department may require additional collateral to secure the loan when deemed necessary.

1. When applicable, a New Jersey Board of Public Utilities approved rate schedule setting forth the amounts charged for the sale of water by the borrower shall be established.

(e) All other financial loan terms shall be established by agreement between the Department and the Department of Treasury. Loan terms shall be made available to all applicants by the Department in all cases prior to execution of any loan award document.

7:1A-2.9 Loan award document

(a) The Division shall prepare and transmit four copies of the loan award document to the applicant.

1. The applicant shall execute the loan award document and return it within 30 calendar days after receipt. The Department may, in its discretion, extend the time for execution. The loan award document shall be signed by a person authorized by resolution or ordinance to obligate the applicant to the terms and conditions of the loan award document.

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2. The loan award document shall set forth the terms and conditions of the loan, approved project scope, budget, approved project costs, and the approved commencement and completion dates for the project or major phases thereof.

3. The loan award document shall be deemed to incorporate all requirements, provisions, and information in documents or papers submitted to the Department in the application process.

4. After the Department has completed its internal processing of the loan award document it shall transmit a copy of the executed loan award document to the borrower.

7:1A-2.10 Effect of loan award

(a) The loan award document shall become effective immediately after its execution by the Department and the applicant, and shall constitute an obligation of the Water Supply Fund in the amount and for the purposes stated in the loan award document.

(b) The award of the loan shall not commit or obligate the Department to award any continuation loan to cover cost overruns for any project. The Department's policy is that cost overruns for any project or portion thereof are solely the responsibility of the borrower. However, if the award covers testing of an interconnection, the costs of subsequent repair, replacement or rebuilding of that interconnection may be allowed as an addition to the contract amount subject to the provisions of N.J.A.C. 7:1A-4.2(e) and if approved by the Department.

7:1A-2.12 recodified as 7:1A-3.2.

7:1A-2.11 Notice of intent

(a) The Department shall send a Notice of intent to award a loan to those approved applicants ranking high enough on the appropriate priority list, if applicable, to receive funds.

(b) The applicants receiving a Notice of Intent to Award a loan shall obtain all necessary Federal, State and local permits and approvals within six months of receipt of the Notice of Intent to Award a loan. Failure to obtain the required permits within the required time period shall make the project ineligible for a loan for that application period unless prior approval for an extension has been granted by the Division pursuant to N.J.A.C. 7:1A-2.13(h). * **2.12(h).***

(c) If subsequent to the issuance of a Notice of Intent to Award, the applicant discovers that costs will exceed those previously estimated, or that the scope of the project will be modified, or any other circumstances appear which affect the award of priority points, the applicant shall notify the Department immediately. The Department shall then recalculate, if appropriate, the applicant's priority determination utilizing the new information submitted.

1. At the discretion of the Department, the Notice of Intent to Award may be recalled if the revised priority determination indicates that some other project should be given priority for selection or that sufficient funds would not be available for the project, or that the project no longer meets exigency standards as defined at N.J.A.C. 7:1A-5.2(b).

2. In addition, if any changes in the project costs, scope or other circumstances result in a reduction in the total eligible loan amount from the total amount specified in the Notice of Intent to Award, the Notice of Intent to Award may be recalled and revised to reflect the irrevocable reduction in the total eligible loan amount approved for the project.

(d) Any applicant receiving a Notice of Intent to Award who decides not to proceed with a project shall notify the Department within 30 days of the date of the notice. Failure to notify the Department within this time period will result in the application being removed from consideration for a loan in the current application period, as applicable.

(e) Applicants with approved projects on a priority list that are not awarded loans in any application period, as applicable, who wish to apply for a position on any subsequent priority list in any subsequent application period, may apply by a timely filing of a new water supply loan application form and by updating the other application documents required by N.J.A.C. 7:1A-2.4. This application will be treated as a new application for a water supply loan and evaluated in accordance with this chapter.

7:1A-2.12 Project development phase of water supply bond loan program

(a) Each applicant receiving a Notice of Intent to Award a loan shall arrange to have a pre-design conference within 30 days after receipt of the notice, with personnel of the Division and shall submit all materials required by this section to the Division within six months after receipt of the notice or within the time limits of any extension granted pursuant to (h) below.

(b) During the pre-design conference the Division personnel shall identify and explain the requirements of this section, including design criteria and review of the requirements of the Environmental Assessment specified in (d) below. Based on information furnished by the applicant, Division personnel shall also determine if an approval is required for the project or any portion thereof pursuant to the Standards for Construction of Public Community Water Systems, N.J.A.C. 7:10-11.1 et seq.

1. If an approval is not required pursuant to the construction standards referred to in (b) above, the applicant shall still be required to comply with the requirements of said construction standards.

2. If an approval is required pursuant to the construction standards referred to in (b) above, the Division shall provide reasonable assistance to the applicant to insure compliance with the requirements of said construction standards as applicable. The Department reserves the right to require approval in accordance with said construction standards at a later date should revised or additional information so indicate.

(c) All applicants for water supply bond loans shall submit all materials required by this subsection, prepared in accordance with accepted engineering practices within the specified time period.

1. A complete Engineer's Report shall be prepared, signed and sealed by a New Jersey licensed professional engineer experienced in the field of water supply. The Report shall include but not be limited to the engineering assumptions, references, calculations and conclusions relative to the structural, sanitary and hydraulic design of all elements within the project scope including all information, narrative, data, and computations necessary to support and describe the design developed and shall be in such detail as to permit complete understanding of the project design. Depending on the project scope, the Engineer's Report shall address the distribution network, topographic conditions, geotechnical consideration, pump station performance, and operating characteristics of the distribution storage system, capacity, adequacy, condition, and any changes in estimated priority points.

2. The plans for the water supply bond loan project shall be prepared by an engineer licensed by the State of New Jersey. Each drawing shall be signed and sealed and shall have a title block giving the name and location of the project, the scale or scales used, date, the name of the engineer and his license number. Plans shall show clearly the datum to which elevations shown are referred. The National Geodetic Vertical Datum of 1929, (U.S.G.S.), should be used wherever possible or an equation converting to that datum given. The plans shall clearly reflect and label all existing and proposed features and shall include but not be limited to:

i. A vicinity map showing the location of the water supply system rehabilitation project. A U.S.G.S. 7 1/2 Minute Quadrangle map or acceptable substitute shall be used for this purpose.

ii. A profile and a plan, if required in the judgement of the Division, of the entire transmission-grid system that is to be rehabilitated. The plan shall include but be limited to an index map, water mains, service connections, fire hydrants, gage valves, blowoff valves, air relief valves, pressure reducing valves, pumping stations, surge chambers, storage tanks. The Plan shall also include but not be limited to the location of all utilities and sewer lines, i.e. pipelines, telegraph and telephone lines, electrical conduits, and sanitary and storm sewers that will have an effect on the project implementation.

iii. If required by the Division, a topographic and pressure contour map of the transmission grid system showing ground elevations, and water pressure at various points in the system.

iv. Plan and elevation views of all storage tanks that are to be renovated, as applicable.

v. Plan and elevation views of all pumping stations that are to be renovated, as applicable.

vi. Standard details of all gate valves, check valves, air release valves, drains, surge control equipment, expansion joints, insulation joints, manholes, pump stations, gages, risers, headers and other components of the system that are to be renovated.

3. The operation, maintenance and water sale pricing provisions for the proposed interconnection, covering the responsibilities of the two purveyors interconnected, as applicable.

4. Documents assuring performance of responsibilities of all other purveyors involved with the interconnection project, as applicable.

5. Construction specifications which shall include but not be limited to:

i. The general provisions, which shall specify the rights, duties, and responsibilities of the Owner, Applicant, engineer, builder and the prescribed order of work.

ii. The technical provisions, which shall describe carefully and in detail the approved work methods, equipment, materials to be used, the results to be obtained and the project and payment schedule.

iii. All other provisions, submissions and certifications as deemed necessary by the Department or required in the loan award document.

6. A detailed cost estimate of expenses related to the planning engineering, design, and construction of the water supply bond loan project. The breakdown of the cost estimates shall be by unit prices covering estimated labor, equipment, materials, supplies and contractors overhead and profit. Background sheets will be furnished detailing the computation of the unit prices. A summary form showing Item No., description, estimated quantity, unit, unit price, and estimated amount is required.

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7. A report from the applicant's governing body detailing its plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, a rate schedule setting forth the amounts charged for the sale of water by the borrower, the steps it has taken to implement this plan and, the steps it plans to take before receiving the loan guaranteeing that at the time of signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project.

(d) The Department reserves the right to waive any of the submission requirements of N.J.A.C. 7:1A-2.12(c) above, subject to the provisions of the Standards for Construction of Public Community Water Systems, N.J.A.C. 7:10-11.1 et seq., when it has determined that submission of such information is not required or necessary in order for the Department to enter into a Loan Agreement with the applicant.

(e) All applicants except those excluded by (f) below shall submit with the materials required by this section an Environmental Assessment which shall include but not be limited to:

1. A written explanation of the need for the project;
2. A map showing the location and boundaries of the system service area;
3. A statement describing and analyzing possible direct and indirect effects of the proposed activity on the system itself as well as on adjacent and non-contiguous areas with particular reference to the effect of the project on public safety, health and welfare, public and private property, water quality and quantity, the preservation of areas, sites, structures and objects determined to have significant historical, archeological, architectural or cultural value, the public trust in wetlands and wildlife and fisheries; and the protection, preservation and enhancement of the natural environment. It shall describe and analyze:
 - i. The reasons why this plan and design are the most appropriate for the project;
 - ii. Temporary and permanent physical changes which would be caused by the proposed activity and the impact of these changes on the activity area and immediate environs;
 - iii. Alternatives to the proposed project which would reduce or avoid environmental damage;
 - iv. All measures to be taken during and after the completion of the project to reduce detrimental onsite and offsite effects;
 - v. Adverse environmental impacts which cannot be avoided and why they cannot be avoided;
 - vi. The specific benefits of the project.

(f) At the pre-design conference the Department will specify for each project those aspects of the Environmental Assessment it wants emphasized. The Department reserves the right to waive the Environmental Assessment requirement for those projects having no significant impact on the environment.

(g) The Department shall award a loan to those applicants receiving a Notice of Intent to Award a loan, subject to available appropriations, and the provisions of 7:1A-2.11(c), who obtain and submit all required permits and all materials, prepared to the satisfaction of the Department, within six months after the Notice of Intent to Award a loan or within the time limits of any extension granted pursuant to (h) below.

(h) Any applicant who fails to submit the required materials prepared in a proper manner and the required permits within the six month period shall lose its eligibility for a loan

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during that application period, as applicable, unless the time period is extended by the Department.

1. The Department may extend the time for submission of the required materials and/or permits for up to three months if the applicant justifies the need for such extension to the satisfaction of the Department.

2. The Department may grant an additional three months' extension for the submission of the required permits if the applicant demonstrates to the satisfaction of the Department that the permits are delayed through no fault of its own and that the delay is due to extremely unusual circumstances.

3. The Department may, at its discretion, grant time in addition to the above for submission of all required permits in the case of extenuating circumstances beyond an applicant's control.

7:1A-2.13 Eligible project costs

(a) Project costs shall be allowed to the extent permitted by this chapter and the loan award document. Eligible project costs shall be those costs set forth below:

1. Repair, replacement, or reconstruction of all or part of any obsolete, damaged, antiquated, or inadequately operating water supply transmission system, or any obsolete or antiquated water supply interconnection or construction of a new interconnection, or the planning, design and construction of water supply facilities to resolve contamination problems as identified by the Department, within the scope of the approved feasibility study, including planning costs when so approved by the Department.

2. Geological and hydraulic services,
3. Interconnection testing
4. Engineering and inspection costs,
5. Legal expenses,
6. Financial, professional, and other estimates and advice,
7. All other such expenses as may be necessary or incidental to the administration, financing, construction, reconstruction, and completion of the project, or part thereof and the placing of same in operation except as excluded by this section.

(b) Ineligible project costs shall be those costs set forth below:

1. Land acquisition costs,
2. Project design and development costs incurred prior to November 3, 1981,
3. Any costs associated with a project for which construction commenced prior to the filing of a loan application with the Department.
4. Salaries of regular water purveyor employees, expenses for governmentally owned or purveyor owned equipment, and other such force account expenses, except upon sufficient justification to and special approval of the Department, and
5. Interest expenses.

(c) Development and Construction project contracts must be awarded in accordance with Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and the rules and regulations adopted pursuant thereto, N.J.A.C. 5:30-14.1 et seq.

(d) Borrowers shall be provided the actual costs incurred and properly documented for the total cost of the project by the contractor(s) and subcontractors(s).

(e) Project application, design and development costs shall not be reimbursed until construction contracts have been awarded.

(f) Prior to any final award of bids for construction contracts the borrower shall submit for departmental review and

approval the final construction contracts with work specifications detailing any changes made since previous departmental design approval.

1. The borrower shall provide a tabulation of bids received and name the party to be awarded the construction contract for the project. In the event contracts are not proposed to be awarded to the contractor submitting the lowest bid, the borrower shall provide adequate justification for said award.

2. The Department reserves the right to require the borrower to readvertise the bid specifications for the project if the certifications required in (f)3 below are deemed unsatisfactory by the Department.

3. The borrower shall certify to the Department the following:

i. The borrower's compliance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.;

ii. That all contracts for the project will be awarded to the qualified, responsible and responsive bidder submitting the lowest acceptable bid; and

iii. That the bid prices included in the bid specifications are reasonably balanced.

(g) The borrower shall forward copies of the executed construction contracts and subcontracts and associated documents to the Department within 10 days of their execution.

7:1A-2.14 Unused loan funds

Funds saved from projects whose actual eligible implementation costs are less than the estimated eligible costs, shall be retained by the State and deposited in the Water Supply fund to be applied to new water supply rehabilitation, interconnection or contamination projects, as appropriate, pursuant to the act and this chapter.

7:1A-2.15 Recycling of funds

Funds from repayment of loans issued under the authority of the Act and this chapter shall be deposited in the Water Supply Fund created pursuant to the Act and shall remain available for further disbursements as new loans to be awarded pursuant to these regulations.

7:1A-2.16 Fraud and other unlawful or corrupt practices

(a) The borrower shall administer loans, award contracts and subcontracts pursuant to the loans free from bribery, graft, and other corrupt practices. The borrower bears the primary responsibility for the prevention, detection and cooperation in the prosecution of any such conduct.

(b) The borrower shall pursue available judicial and administrative remedies, and take appropriate remedial action with respect to any allegations or evidence of such illegality or corrupt practices. The borrower shall notify the Administrator immediately after such allegation or evidence comes to its attention, and shall periodically advise the Administrator of the status and ultimate disposition of any matter.

7:1A-2.17 Loan conditions

(a) The following requirements, in addition to such other statutes, rules, terms and conditions as may be applicable to particular loans, are conditions of each loan and conditions precedent to each payment under a loan award document:

1. The borrower shall certify that the project or phase of the project was initiated and completed in accordance with the time schedule specified in the loan award document.

2. The borrower must submit proof of its and its contractors and subcontractors compliance with all hazard insurance requirements of the loan award document and certify that the

insurance is in full force and effect and that the premiums have been paid.

3. The borrower shall certify that it and its contractors and subcontractors are maintaining their financial records in accordance with generally accepted accounting principles.

4. The borrower shall certify that it and its contractors and their subcontractors are in compliance with the discrimination and affirmative action provisions of N.J.S.A. 10:2-1 through 10:2-4, the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq., and the rules and regulations promulgated pursuant thereto.

5. The borrower shall certify that the borrower includes in all its construction or development contracts for the project a requirement that the contractor post a performance bond or other performance guarantee in an amount equal to the full cost of the project.

i. This performance bond or guarantee shall remain in effect until the Division's final inspection of the project and determination in writing that the project is satisfactorily completed.

ii. The performance bond or performance guarantee shall be both nondiscriminatory and financially satisfactory to the Department, and meet all statutory requirements.

6. The borrower shall certify that it is in compliance with all other requirements and conditions of the loan award document.

7. Bid specifications shall require that [rehabilitation] water supply project elements which constitute ineligible project costs be bid as separate line items in the total bid specifications from water supply project elements which constitute eligible project costs.

8. Bid specifications shall require that each general contractor bidding on the water supply project name the principal subcontractors at the time of his bid submission to the borrower.

7:1A-2.18 Administration and performance of loan

The borrower bears primary responsibility for the administration and success of the project, including any subagreements made by the borrower for accomplishing loan objectives. Although borrowers are encouraged to seek the advice and opinion of the Department on problems that may arise, the giving of such advice shall not shift the responsibility for final decisions to the Department. The primary concern of the Department is that loan funds awarded be used in conformance with these rules and the loan agreements to achieve loan objectives and to insure that the purposes set forth in the Water Supply Bond Act of 1981, and amendments, and the recommendations of the New Jersey Statewide Water Supply Plan are fully executed.

7:1A-2.19 Access

The borrower and its contractor and subcontractors shall provide access to the Department personnel and any authorized representative of the Department to the facilities, premises and records related to the project.

1. All contracts executed by the borrower and its contractors and subcontractors shall contain provisions allowing for departmental access to any facilities, premises and records related to the project.

2. The borrower shall submit to the Department such documents and information as requested by the Department.

i. All borrowers, contractors and subcontractors may be subject to a financial audit.

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ii. Records shall be retained and available to the Department for a minimum of three years after issuance of the final payment by the Department.

7:1A-2.20 State payment

State funds shall be released to the borrower upon completion of the entire project to the satisfaction of the Department, or, on an interim basis. If interim payments are made, they will be equal to the loan amount corresponding to the percent of the total project completed. Ten percent of all payments shall be withheld until the whole project has been completed to the satisfaction of the Department. No payments shall be made until the Department receives satisfactory cost documentation which shall include all forms and information required by the Department and completed in a manner satisfactory to the Department. ***In the case of interconnection loan projects, the ten percent final payment shall not be made until an Operation and Maintenance Manual for the interconnection project has been approved and a final agreement between interconnected parties for carrying out Operation and Maintenance responsibilities has been executed and approved by the Department.***

7:1A-2.21 Assignment

The right to receive payment from the State under a loan may not be assigned, nor may payments due under a loan be similarly encumbered.

7:1A-2.22 Publicity and signs

(a) Press releases and other public dissemination of information by the borrower concerning the project work shall acknowledge State loan support.

(b) A project identification sign, at least eight feet long and four feet high, bearing the emblem of the New Jersey Department of Environmental Protection, shall be displayed in a prominent location at each publicly visible project site and facility. The sign shall identify the project, State loan support, and other information as required by the Division.

7:1A-2.23 Debarment

(a) No borrower shall enter into a contract for work on a water supply loan project with any person debarred, suspended or disqualified from Department contracting pursuant to N.J.A.C. 7:1-5.

(b) Borrowers shall insert in every contract for work on a water supply loan project a clause stating that the contractor may be debarred, suspended or disqualified from contracting with the State and the Department if the contractor commits any of the acts listed in N.J.A.C. 7:1-5.2.

(c) Bid Specifications prepared by the borrower shall require bidders to submit a sworn statement of the bidder, or an officer or partner of the bidder, indicating whether or not the bidder is, at the time of the bid, included on the State Treasurer's List of Debarred, Suspended and Disqualified bidders. Bid specifications shall also state that the borrower will immediately notify the Department whenever it appears that a bidder is on the Treasurer's list. The Department reserves the right, in such circumstances, to immediately suspend such bidder from Department contracting, and to take such other action pursuant to N.J.A.C. 7:1-5 as is appropriate.

(d) Whenever a bidder is debarred, suspended or disqualified from Department contracting pursuant to N.J.A.C. 7:1-5, the borrower may take into account the loss of Department loan funds under these regulations which would result from awarding a contract to such bidder, in determining whether

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such bidder is the lowest responsible bidder pursuant to law; and the borrower may advise prospective bidders that these procedures will be followed.

(e) Any person included on the Treasurer's List as a result of action by a state agency other than the Department, who is or may become a bidder on any contract which is or will be funded by a loan under this chapter may present information to the Department why this section should not apply to such person. If the Commissioner of the Department determines that it is essential to the public interest and files a finding thereof with the Attorney General, the Commissioner may make an exception from the application of this section with respect to a particular contract, in keeping with N.J.A.C. 7:1-5.9. In the alternative the Department may suspend or debar any such person, or take such other action as may be appropriate, pursuant to N.J.A.C. 7:1-5.

7:1A-2.24 Project changes and loan modifications

(a) A loan modification means any written alteration of the loan terms or conditions, budget or project method or other administrative, technical or financial agreements.

(b) Due to the limited amount of funds available for water supply [rehabilitation] projects there shall be no loan modification increasing the loan amount. Increased costs resulting from a loan modification shall be the responsibility of the borrower.

(c) The borrower shall promptly notify the Administrator in writing (certified mail, return receipt requested) of events or proposed changes which may require a loan modification including but not limited to:

1. Rebudgeting;
2. Changes in approved technical plans or specifications for the project;
3. Changes which may affect the approved scope or objective of a project;
4. Significant, changed conditions at the project site;
5. Deceleration in the time for the performance of the project or any major phase thereof;
6. Changes which may increase or substantially decrease the total cost of a project;
7. Changes in key personnel identified in the loan award document or a reduction in time or effort devoted to the project by such personnel.

(d) If the Department decides a formal loan amendment is necessary, it shall notify the borrower and a formal loan amendment shall be prepared in accordance with N.J.A.C. 7:1A-2.25. If the Department decides a formal loan amendment is not necessary, it shall follow the procedures of N.J.A.C. 7:1A-2.26 or 2.27, as applicable.

7:1A-2.25 Formal loan award amendments

(a) The Department shall require a formal loan award amendment to change principal provisions of a loan where project changes substantially alter the cost or time of performance of the project or any major phase thereof.

(b) The Department and borrower shall effect a formal loan award amendment only by a written amendment to the loan award document.

7:1A-2.26 Administrative loan changes

Administrative changes by the Department, such as change in the designation of key Department personnel or of the office to which a report is to be transmitted by the borrower, or a change in the payment schedule for loans for planning, design, and construction of water supply [rehabilitation] proj-

ects, constitute changes to the loan award document (but not necessarily to the project work) and do not affect the substantive rights of the Department or the borrower. The Department may issue such changes unilaterally. Such changes shall be in writing and shall generally be effected by a letter (certified mail, return receipt requested) to the borrower.

7:1A-2.27 Other changes

All other project changes, which do not require formal loan award amendment, require written approval of the Administrator.

7:1A-2.28 Noncompliance

(a) In addition to any other rights or remedies available to the Department pursuant to law, in the event of noncompliance with any loan conditions, requirement of this chapter, or loan award document requirement or specifications, the Department may take any of the following actions or combinations thereof:

1. Issue a notice of noncompliance pursuant to N.J.A.C. 7:1A-2.29;
2. Withhold loan funds pursuant to N.J.A.C. 7:1A-2.30;
3. Order suspension of the project work pursuant to N.J.A.C. 7:1A-2.31;
4. Terminate or annul a loan pursuant to N.J.A.C. 7:1A-2.32 and 7:1A-2.33.

7:1A-2.29 Notice of noncompliance

When the Department determines that the borrower is in noncompliance with any condition or requirement of these rules or with any loan award document specification or requirement, it shall notify the borrower of the noncompliance. The Department may require the borrower, its engineer, and/or contractor to take and complete corrective action within 10 working days of receipt of notice. If the borrower, its engineer, and/or contractor do not take corrective action or if it is not adequate, then the Department may issue a stop work order or withhold payment. The Department may, however, withhold payment pursuant to N.J.A.C. 7:1A-2.30 or issue a stop work order pursuant to N.J.A.C. 7:1A-2.31 without issuing a notice pursuant to this section.

7:1A-2.30 Withholding of funds

The Department may withhold a loan payment or any portion thereof when it determines in writing that a borrower has failed to comply with any loan condition, provisions of this chapter, or loan award document specification or requirement.

7:1A-2.31 Stop work orders

(a) The Department may order work to be stopped for good cause. Good cause shall include, but not be limited to, default by the borrower or noncompliance with the terms and conditions of the loan. The Department shall limit use of a stop work order to those situations where it is advisable to suspend work on the project or portion or phase of the project for important program or Department considerations.

(b) Prior to issuance, the Department shall afford the borrower an opportunity to discuss the stop work order with the Department personnel. The Department shall consider such discussions in preparing the order. Stop work orders shall contain:

1. The reasons for issuance of the stop work order;
2. A clear description of the work to be suspended;

3. Instructions as to the issuance of further orders by the borrower for materials or services;

4. Guidance as to action being taken on subagreements;

5. Other suggestions to the borrower for minimizing costs.

(c) The Department may, by written order to the borrower (certified mail, return receipt requested) require the borrower to stop all, or any part of, the project work for a period of not more than 45 days after the borrower receives the order, and for any further period to which the parties may agree.

(d) Any further stop work order.

1. Upon receipt of a stop work order, the borrower shall immediately comply with the terms thereof and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within the suspension period or within any extension of that period to which the parties shall have agreed, the Department shall either:

- i. Rescind the stop work order, in full or in part;
- ii. Terminate the work covered by such order;
- iii. Authorize resumption of work.

2. If a stop work order is cancelled or the period of the order or any extension thereof expires, the borrower shall promptly resume the previously suspended work. An equitable adjustment shall be made in the loan period, the project, or both of these, and the loan award document shall be modified accordingly within discretion of the Department.

7:1A-2.32 Termination of loans

(a) The Department may terminate a loan in whole or in part for good cause subject to negotiation and payment of appropriate termination settlement costs. The term "good cause" shall include but not be limited to substantial failure to comply with the terms and conditions of the loan, or default by the borrower.

1. The Department shall give written notice to the borrower (certified mail, return receipt requested) of intent to terminate a loan in whole or in part at least 10 days prior to the intended date of termination, stating reasons for the proposed termination.

2. The Department shall afford the borrower an opportunity for consultation prior to any termination. After such opportunity for consultation, the Department may, in writing (certified mail, return receipt requested) terminate the loan in whole or in part.

(b) A borrower shall not unilaterally terminate the project work for which a loan has been awarded, except for good cause and subject to negotiation and payment of appropriate termination settlement costs. The borrower shall promptly give written notice to the Administrator of any complete or partial termination of the project work by the borrower. If the Department determines that there is good cause for the termination of all or any portion of a project for which the loan has been awarded, the Department may enter into a termination agreement or unilaterally terminate the loan effective with the date of cessation of the project work by the borrower. If the Department determines that a borrower has ceased work on a project without good cause, the Department may unilaterally terminate the loan pursuant to this section or annul the loan pursuant to N.J.A.C. 7:1A-2.33.

(c) The Department and borrower may enter into an agreement to terminate the loan at any time pursuant to terms which are consistent with this chapter. The agreement shall establish the effective date of termination of the project and loan, basis for settlement of loan termination costs, and the amount and date of payment of any sums due either party.

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(d) Upon termination, the borrower shall refund or credit to the State of New Jersey that portion of loan funds paid to the borrower and allocable to the terminated project work, except such portion thereof as may be required to meet legal obligations incurred prior to the effective date of termination and as may be otherwise allowable. The borrower shall make no new commitments without Department approval.

1. The borrower shall reduce the amount of outstanding commitments insofar as possible and report to the Administrator the uncommitted balance of funds awarded under the loan. The Department shall make the final determination of the allowability of termination costs.

7:1A-2.33 Annulment of loan

(a) The Department may, in writing, annul the loan if it determines that:

1. Without good cause therefor substantial performance of the project work has not occurred;

2. The loan was obtained by fraud; or

3. Gross abuse or corrupt practices in the administration of the project have occurred.

(b) At least 10 days prior to the intended date of annulment, the Department shall give written notice to the borrower (certified mail, return receipt requested) of intent to annul the loan. The Department shall afford the borrower an opportunity for consultation prior to annulment of the loan. Upon annulment of the loan, the borrower shall return all loan funds previously paid to the borrower. The Department shall make no further payments to the borrower. In addition, the Department shall pursue such remedies as may be available under Federal, State and local law.

7:1A-2.34 Administrative hearings

(a) The Director of the Division shall make the initial decision regarding all disputes arising under a loan. The borrower shall be required to specify in writing and in detail the basis for its appeal. When a borrower so requests, the Division shall reduce a decision to writing and mail or otherwise furnish a copy thereof to the borrower.

(b) A borrower may request a hearing within 15 days of a decision by the Director of the Division. The request for a hearing shall specify in detail the basis for the appeal.

(c) Following receipt of an acceptable request for a hearing pursuant to (b) above, the Department may attempt to settle the dispute by conducting such proceedings, meetings and conferences as deemed appropriate.

(d) If the borrower raises a substantial and meritorious issue and such efforts at settlement fail, the Department shall file the request for a hearing with the Office of Administrative Law. Such hearings shall be granted and conducted in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. and any rules promulgated pursuant to those Acts.

AGENCY NOTE: The current text of 7:1A-3 concerning emergency interim repair of water systems is recodified to 7:1A-6 (see 14 N.J.R. 1075(b), 15 N.J.R. 141(d)).

SUBCHAPTER 3. REHABILITATION

7:1A-3.1 Eligibility and criteria

(a) Any applicant operating an antiquated, obsolete, damaged or inadequately operating water supply transmission facility in need of rehabilitation or repair is eligible for a loan in any application period where it satisfactorily completes the

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loan application process in a timely manner, meets the eligibility criteria set forth in this subchapter, receives the minimum priority score, and ranks high enough on the priority list to be funded. To receive a loan the project shall meet the following criteria to the satisfaction of the Department:

1. The minimum priority score set out in N.J.A.C. 7:1A-3.2 below.

2. The project shall be an independent and complete water supply rehabilitation project. An independent and complete project is one which by its implementation alone will render the specified portion(s) of the system adequate and efficient and will accomplish the purpose set forth in the application.

3. The project shall not be excessively expensive or cause unacceptably high environmental damage.

4. The project shall not conflict with any other State projects.

5. The application must be accompanied by adequate explanation of how the applicant plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan and the steps it plans to take before receiving the loan that will guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project. The applicant must comply with all standard loan provisions of the State of New Jersey.

6. The application documents shall clearly state and document how the loan will accomplish the goal set out in the application.

7:1A-3.2 Priority determination

(a) Each project shall be assigned priority points in accordance with the provisions outlined in this section. A project shall be ranked by the number of priority points it receives.

1. A water supply system serving less than or equal to 10,000 residents shall be eligible for a loan if it receives at least eight priority points.

2. A water supply system serving between 10,001 and 50,000 residents shall be eligible for a loan if it receives at least twelve priority points.

3. A water supply system serving greater than 50,000 residents shall be eligible for a loan if it receives at least twenty priority points.

4. In the instance of systems with a large seasonal variation in the number of residents, the residential population figure utilized for the purpose of this section shall be the mean of the greater and twice the lower residential population as determined by data deemed acceptable to the Department for the most recent calendar year.

5. If in any application period there shall be less eligible projects than funds available for any of the three size categories, the eligible projects shall only be required to receive the minimum number of priority points set forth in (a) 1 through 3 above and the remainder of the competitive priority ranking provisions of this section shall be waived.

(b) All applications must also meet the criteria set forth in N.J.A.C. 7:1A-3.1 to be eligible for a loan.

(c) Three separate priority lists shall be established in each application period according to the size of the water supply system as set forth in this section. Appropriations for each of the three separate priority lists shall be determined as a percentage of the total periodic appropriations by the Legislature to the Department for the purpose of implementing this chapter.

1. Thirty percent of the total Department appropriation for the purposes of implementing this regulation shall be appropriated for those eligible water supply systems that serve less than or equal to 10,000 residents.

2. Thirty percent of the total Department appropriation for the purposes of implementing this regulation shall be appropriated for those eligible water supply systems that serve between 10,001 through 50,000 residents; and

3. Forty percent of the total Departmental appropriation for the purposes of implementing this regulation shall be appropriated for those eligible water supply systems that serve greater than 50,000 residents.

(d) If in any application period there are an insufficient number of eligible projects on any of the three separate priority lists, the funds designated for said category shall be disbursed to eligible projects on the other priority lists in the same proportions as set forth in (c) above.

(e) A maximum loan amount for each project shall be set for each of the three categories of projects as follows:

1. A water supply system serving less than or equal to 10,000 residents may receive a loan of up to five hundred thousand dollars maximum;

2. A water supply system serving between 10,001 and 50,000 residents may receive a loan of up to one million dollars maximum;

3. A water supply system serving greater than 50,000 residents may receive a loan of up to three million dollars maximum;

4. Any loan funds appropriated for a project in excess of the actual costs spent for the completed project shall be returned to the Water Supply Fund created pursuant to the act within thirty days of final inspection of the project by the Department.

(f) Priority points shall be given for the following factors and in the amount shown below:

1. An applicant shall receive priority points listed in priority categories set forth in subsections (f)2, 3, 4, 5, 6 and 9 below only if the project scope includes the actual repair, rehabilitation, or correction of a problem item clearly related to said priority categories.

2. Priority points shall be awarded for the age of transmission lines and appurtenances including interconnections and surge tanks to be rehabilitated.

i. Two points shall be awarded for transmission lines and appurtenances constructed between the years 1966 through 1970;

ii. Four points shall be awarded for transmission lines and appurtenances constructed between the years 1951 through 1965;

iii. Eight points shall be awarded for transmission lines and appurtenances constructed between the years 1926 through 1950;

iv. Twelve points shall be awarded for transmission lines and appurtenances constructed between the years 1901 and 1925;

v. Sixteen points shall be awarded for transmission lines and appurtenances constructed in or before the year 1900.

3. The applicant shall be required to submit justification to the satisfaction of the Department before priority points are awarded under priority categories (f)4 and 5 below. The justification may consist of, but not be limited to, a technical analysis, a professional certification, unresolved Departmental administrative orders, unresolved Departmental directive letters, verifiable system failures and malfunctions, or other justifications as deemed acceptable by the Department.

4. Priority points shall be awarded, subject to (f)3 above, for the age of the pump station(s) to be rehabilitated.

i. Two points shall be awarded for each pump station constructed between the year 1960-65.

ii. Four points shall be awarded for each pump station constructed between the year 1955-59.

iii. Eight points shall be awarded for each pump station constructed between 1950-54.

iv. Twelve points shall be awarded for each pump station constructed before the year 1950.

5. Priority points shall be awarded, subject to (f)3 above, for the age of storage tank(s) to be rehabilitated.

i. Two points shall be awarded for each storage tank constructed between the years 1960-65.

ii. Four points shall be awarded for each storage tank constructed between 1955-59.

iii. Eight points shall be awarded for each storage tank constructed between 1950-54.

iv. Twelve points shall be awarded for each storage tank constructed before 1950.

6. In the instance where the project scope includes rehabilitation of different items, items of different ages, or both, the total points awarded under priority categories in (f)1, 2, 3, 4 and 5 above shall be the weighted average in accordance with the capital value associated with each item. Capital value is defined as the estimated installed cost of an existing item in its new state at the present time.

As an example see boxed table below:

Item	Age Subcategory	Points	New Cap. Cost (Million \$)	Fraction Total Cost	Points (weighted)
lines	1951-65	4	.5M	.213	.852
lines	1926-50	8	1.0	.426	3.408
tank	1950-54	8	.50	.213	1.704
pump sta.	1955-59	4	.10	.043	.172
pump sta.	1950-54	8	.25	.106	.848
			2.35M	1.001	6.984
					weighted avg.

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i. The points awarded above shall be rounded to the nearest whole number. In the example above, 7 priority points would be awarded.

7. Priority points shall be awarded for the percentage of the present daily demand of the applicant's water supply system that can be augmented from usable interconnections with other water systems. The present daily demand for the applicant's service area shall be calculated by totaling the daily water supply demand over a one year period ending in the month of the submission of the applicant's rehabilitation loan application and dividing this sum by 365.

i. One point shall be awarded for a system having usable interconnections that can augment between 71 through 80 percent of the present daily demand for the service area;

ii. Two points shall be awarded for a system having usable interconnections that can augment between 61 through 70 percent of the present daily demand for the service area;

iii. Three points shall be awarded for a system having usable interconnections that can augment between 41 through 60 percent of the present daily demand for the service area;

iv. Four points shall be awarded for a system having usable interconnections that can augment between 21 through 40 percent of the present daily demand for the service area;

v. Five points shall be awarded for a system having usable interconnections that can augment less than or equal to 20 percent of the present daily demand for the service area;

vi. Six points shall be awarded for a system having no usable interconnections with any other water supply system.

8. Priority points shall be awarded to systems serving a greater number of residents in proportion to net water usage. The net water usage shall be calculated by subtracting the unaccounted for water usage from the present daily demand, as calculated in (f)9 below. In the instance of systems with a large seasonal variation in the number of residents, the residential population figure shall be determined pursuant to this section.

i. 70 gallons per capita per day or less: 12 points

ii. 71-90 gallons per capita per day: 10 points

iii. 91-100 gallons per capita per day: 8 points

iv. 101-130 gallons per capita per day: 6 points

v. 131-154 gallons per capita per day: 4 points

vi. 155 or more gallons per capita per day: 2 points

9. Priority points shall be awarded for the leakage and other unaccountable water losses from the transmission system to be eliminated as part of the eligible project scope which shall be expressed as a percentage of the present daily demand, as calculated in (f)7 above.

i. Two points shall be awarded for the elimination of water losses of between 1 through 2 percent of the present daily demand included as part of the eligible project scope.

ii. Seven points shall be awarded for the elimination of water losses of between 3 through 5 percent of the present daily demand included as a part of the eligible project scope.

iii. Twelve points shall be awarded for the elimination of water losses of between 6 through 8 percent of the present daily demand included as a part of the eligible project scope.

iv. Fourteen points shall be awarded for the elimination of water losses of between 9 through 11 percent of the present daily demand included as a part of the eligible project scope.

v. Sixteen points shall be awarded for the elimination of water losses of between 12 through 15 percent of the present daily demand included as a part of the eligible project scope.

vi. Eighteen points shall be awarded for the elimination of water losses of between 16 through 20 percent of the present daily demand included as a part of the eligible project scope.

vii. Twenty points shall be awarded for the elimination of water losses of 21 percent or more of the present daily demand included as a part of the eligible project scope.

10. Priority points shall be awarded to each application for its cost effectiveness as compared to all the other applications within each of the population size categories specified in this section. The cost effectiveness of each project shall be expressed as gallons per day estimated to be saved per thousand dollars of estimated loan amount. Mean cost effectiveness for each population size category will be estimated by dividing total estimated water savings within the category by the corresponding total estimated loan amount. Priority points will then be awarded in accordance with the following:

i. Cost Savings: Fifty percent or more above the mean: 30 points

ii. Cost Savings: Thirty percent or more above the mean: 25 points

iii. Cost Savings: Ten percent or more above the mean: 20 points

iv. Cost Savings: Within ten percent of the mean: 15 points

v. Cost Savings: Ten percent or more below the mean: 10 points

vi. Cost Savings: Thirty percent or more below the mean: 5 points

vii. Cost Savings: Fifty percent or more below the mean: 0 points

viii. As an example see table below:

Applicant Savings (gal/day)	Estimated (thousand \$) Loan Amount	Gal. saved/day/\$1000 estimated loan amt.	Percentage of mean	Percentage Deviation from Mean	POINTS AWARDED
A 20,000	1300	15.4	87.5	- 12.5	10
B 30,000	1270	23.6	134	+ 34	25
C 50,000	2910	17.2	97.7	- 2.3	10
D 42,000	1960	21.4	121.6	+ 21.6	20
E 15,500	1520	10.2	58	- 42	5
157,500 gal/day	\$8960				

Mean: $157,500/8,960 = 17.6$ gal/day per \$1,000

(g) Total priority points shall be determined by totalling all the points awarded an applicant by (f) above.

(h) The Division shall establish and maintain a separate priority list for each application period for each of the size groups as set forth in this section in accordance with the number of priority points awarded each project pursuant to this section.

SUBCHAPTER 4. INTERCONNECTION

7:1A-4.1 Eligibility and criteria

(a) Any applicant whose system includes an antiquated, damaged, or inadequate water supply interconnection in need of rehabilitation, or repair or consolidation, or whose system lacks interconnections which qualify either as Class A or as Class B interconnections, as further defined in N.J.A.C. 7:1A-4.2, is eligible for a loan in any application period where it satisfactorily completes the loan application process in a timely manner, meets the eligibility criteria set forth in this subchapter, receives the minimum priority score, and ranks high enough on the priority list to be funded. An applicant may apply for interconnections with privately owned as well as publicly owned systems. To receive a loan the project shall meet the following criteria to the satisfaction of the Department:

1. Except for the Great Notch and New Brunswick - South River area interconnection projects the minimum priority score set out in N.J.A.C. 7:1A-4.2.

2. The project shall be an independent and complete water supply interconnection project. An independent and complete project is one which by its implementation alone will accomplish the purpose set forth in the application and raise at least one of the systems interconnected closer to the status of Class A or B interconnections.

3. The project shall have as its basic purpose the interconnection of water supply systems. It shall not be excessively expensive or cause unacceptable environmental damage.

4. The project shall not conflict with any other State projects.

5. The application shall be accompanied by adequate explanation of how the applicant plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan, and the steps it plans to take before receiving the loan that will guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project. The applicant shall comply with all standard loan provisions of the State of New Jersey.

6. The application documents shall clearly state and document how the loan will accomplish the goal set out in the application; and

7. No water supply interconnection project is eligible for a loan if construction on the project has commenced prior to filing of the loan application with the Department.

7:1A-4.2 Priority determination

(a) Each project shall be assigned priority points in accordance with the provisions outlined in this section. A project shall be ranked by the number of priority points it receives.

1. A water supply system serving 10,000 or fewer residents shall be eligible for a loan if it receives at least eight priority points.

2. A water supply system serving between 10,001 and 50,000 residents shall be eligible for a loan if it receives at least 12 priority points.

3. A water supply system serving more than 50,000 residents shall be eligible for a loan if it receives at least 20 points.

4. In the instance of systems with a large seasonal variation in the number of residents, the residential population figure utilized for the purpose of this section shall be the mean of the greater and twice the lower residential population as determined by data deemed acceptable to the Department for the most recent year.

5. If in any application period there shall be less eligible projects than funds available for any of the three size categories, the eligible projects shall only be required to receive the minimum number of priority points set forth in this subsection and the remainder of the competitive priority ranking provisions of this section shall be waived.

(b) All applications must meet the criteria set forth in N.J.A.C. 7:1A-4.1 to be eligible for a loan.

(c) Three separate priority lists shall be established in each application period according to the size of water supply systems as set forth in (a) above. Appropriations for each of the priority lists shall be determined as a percentage of the total periodic appropriations by the Legislature to the Department for the purpose of implementing this chapter. An interconnection shall be placed into its appropriate category according to the residential population served by the borrower.

1. Forty percent of the total Departmental appropriation for the purposes of implementing this regulation shall be appropriated for those eligible water supply systems that serve less than or equal to 10,000 residents;

2. Thirty percent of the total Department appropriation for the purposes of implementing this chapter shall be appropriated for those eligible water supply systems that serve between 10,001 through 50,000 residents; and

3. Thirty percent of the total Departmental appropriation for the purpose of implementing this chapter shall be appropriated for those eligible water supply systems that serve greater than 50,000 residents.

(d) If in any application period there are an insufficient number of eligible projects on any of the priority lists, the excess of funds designated for that category shall be disbursed to eligible projects on the other priority lists in the same proportions as set forth in (c) above.

(e) A maximum loan amount for each project shall be set for each of the three categories of projects as follows:

1. A water supply system serving 10,000 or fewer residents may receive a loan of up to \$150,000 maximum;

2. A water supply system serving between 10,001 and 50,000 residents may receive a loan of up to \$300,000 maximum;

3. A water supply system serving greater than 50,000 residents may receive a loan of up to \$600,000 maximum;

4. Any loan funds appropriated for a project in excess of the actual costs spent for the completed project shall be returned to the Water Supply Fund pursuant to the act within thirty days of final inspection of the project by the Department.

(f) The specific goal of interconnections is to bring all purveyor systems as far as practicable into either Condition A or Condition B, as specified below.

1. In Condition A, a system shall have interconnection capacity from adjacent systems sufficient to maintain its water supply at 75 percent of its average water supply demand while burdening no one adjacent system for more than 25 percent of its (the adjacent systems') average water supply demand.

2. In Condition B, when Condition A is impracticable to achieve, the system shall have sufficient interconnection ca-

capacity from adjacent systems to maintain its water supply at 50 percent of its average water supply demand while burdening no one adjacent system for more than 35 percent of its (the adjacent systems') average water supply [of that system.] demand.

3. The average water supply demand for the applicant's and interconnected purveyors service areas shall be calculated by totaling the daily water supply demand over a one year period ending in the month of the submission of the applicant's interconnection loan application and dividing this sum by 365.

4. In instances where Condition A is impractical to achieve, the applicant shall provide justification to the satisfaction of the Department why Condition A cannot be achieved.

5. If an interconnection project results in a burden upon any adjacent supplying system in excess of 25% under Condition A or 35% under Condition B, said project shall not be eligible for an interconnection loan. An interconnection project that will increase the total interconnection capacity of a system significantly in excess of Condition A criteria shall not be fully eligible for interconnection loan funding. An interconnection project that will increase the total interconnection capacity of a system significantly in excess of the Condition B criteria of 50% shall not be fully eligible for interconnection loan funding except when the project serves to decrease the reliance of the benefiting system on adjacent systems to significantly less than 35%.

(g) An interconnection shall be deemed to add to the water supply of either system when it is physically capable of providing an amount of additional flow under conditions of pressure and flow expected to prevail at such time, and when located where it may be distributed to points of use. An interconnection may be deemed to benefit both systems, if that will actually be the case under failure of either system.

(h) Priority points shall be governed by the following.

1. The percentage of the average water supply of a system which the interconnection can provide, up to the specific target level of 75 percent under Condition A and up to 50 percent under Condition B, computed for the two systems separately, will equal points allowed.

2. For each new interconnection or each existing interconnection not used or tested during the previous five years, which is proposed to be under the loan and which will have a capacity greater than one percent of the total average system demand, two points will be allowed.

3. Priority points shall be awarded in the amount of 10 priority points for any administrative order issued by the Department to the applicant requiring an interconnection, provided that the applicant's project scope provides for the implementation of the actions ordered by the Department in such relevant administrative order. Priority points shall also be awarded in the amount of five priority points for any directive or recommendation to provide and improve an interconnection provided that the applicant's project scope provides for the implementation of the actions directed by the Department in such relevant directive or recommendation letter.

i. No administrative order, directive or recommendation issued subsequent to September 20, 1982 may be counted towards the applicant's priority point total except for those orders issued in accordance with the procedures established by N.J.S.A. 58:1A-15e.

4. A ratio will be estimated of the maximum amount allowable for that residential size category of interconnection divided by the amount of the proposed loan.

5. A second ratio will be estimated of the residents served divided by 10,000 for small systems, 50,000 for intermediate systems, and 500,000 for the largest systems.

6. The product of these two ratios, times the sum of the points allowed under 1, 2 and 3 above, will equal the priority number allowed, for determination of priorities within each of the categories.

Full text of the adopted new rule follows.

SUBCHAPTER 5. CONTAMINATION

7:1A-5.1 Eligibility and criteria

(a) Any local unit which has received notification from the ***Water Supply and Watershed Management Administration,* Division * of Water Resources*** that ***groundwater supply*** contamination problems exist within their jurisdiction which adversely affect the potable water service of at least five dwelling units is eligible for a loan, provided it satisfactorily completes the loan application, meets the eligibility criteria set forth in this subchapter, receives the minimum priority score and ranks high enough on the priority list (as applicable) to be funded. To receive a loan the project shall meet the following criteria to the satisfaction of the Department:

1. The minimum priority score set out in N.J.A.C. 7:1A-5.2 below.

2. The project shall be an independent and complete water supply project designed to relieve the impact levied by contaminated groundwater upon the existing water supply. An independent and complete project is one which by its implementation alone will resolve the water supply problem and will accomplish the purpose set forth in the application.

3. The project shall not be excessively expensive or cause unacceptably high environmental damage. The maximum loan amount for any one project shall be \$3,000,000.

4. The project shall not conflict with any other State project nor enforcement proceedings.

5. The application must be accompanied by adequate explanation of how the applicant plans to repay the loan and pay any other expenses necessary to fully complete and implement the project, the steps it has taken to implement this plan and the steps it plans to take before receiving the loan that will guarantee that at the time of the signing of the loan award document it will be irrevocably committed to repay the loan and pay any other expenses necessary to fully complete and implement the project. The applicant must comply with all standard loan provisions of the State of New Jersey.

6. The application documents shall clearly state and document how the loan will accomplish the goal set out in the application.

7. In cases where the project costs exceed the \$3,000,000 maximum loan amount the application must be accompanied by a detailed financial assessment indicating how the applicant will finance and repay the entire project costs.

(b) A public meeting shall be held and pertinent project information disseminated to the public. The Department shall be responsible for holding this meeting.

7:1A-5.2 Priority determination

(a) Each project shall be assigned priority points in accordance with the provisions outlined in this section. A project shall be ranked by the number of priority points it receives, with those projects scoring the higher points preferred for funding.

(b) In order to be considered for funding a project must receive a minimum score of 100 priority points. Projects which receive a minimum score of 180 points will be considered "exigent" and will be processed for funding and the remainder of the competitive priority ranking provisions shall be waived except as noted in 7:1A-5.2(c).

(c) In cases where a project is classified "exigent" and processed for award but a notice of intent has not been issued and another project application is received and determined to have higher priority, the "exigent" project of lower priority score will be held and processed until after the higher scoring project is processed. In cases where a project attains "exigent" standing but sufficient loan funds are not available to cover the requested project costs, the Department may bypass the project to fund another "exigent" status project for which sufficient funds are available.

(d) Projects which receive the minimum priority score but do not obtain "exigent" status will be held over for the next competitive ranking determination. This determination will be made twice yearly, on January 2 and July 5 respectively, or the first working day thereafter unless extended as provided by N.J.A.C. 7:1A-2.4.

(e) Appropriations for each of the two annual application periods shall be 50 percent of the total annual water supply contamination program appropriations made by the Legislature to the Department.

1. Any appropriation not committed by a notice of intent to award, or released by a recalled Notice of Intent to Award, or by failure of applicant to execute loan documents within prescribed period, or through termination of project shall be carried over and added to the next application period appropriation.

(f) Priority points shall be awarded for the following three factors and in the amount shown below:

1. The total number of *[homes]* ***dwelling units*** that will be serviced with potable water by the project will be calculated. The percentage of these *[homes]* ***dwelling units*** that have confirmed levels of contaminants ***at or*** in excess of the maximum contaminant level (M.C.L.) will be calculated. The percentage of all *[homes]* ***dwelling units*** that have confirmed levels of contaminants at or above twice the M.C.L. value will also be calculated.

i. The percentage of all *[homes]* ***dwelling units*** to be serviced that at present are not above M.C.L. standards but can reasonably be expected to exceed that standard through continued contaminant movement, will be calculated. These three calculated percentages will be summed and the numerical value of the total will be equal to the points awarded for severity.

ii. Until the Federal government or the State of New Jersey establishes final standards for volatile organics, the Department will use 100 parts per billion total volatile organics ***or 50 parts per billion of any single volatile organic contaminant*** as the maximum contaminant level for volatile organics (V.O.). ***Upon establishment of a Federal or State standard or**

guidelines for volatile organics, such standard shall apply and shall be incorporated into applicable departmental rules pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.*

iii. For contaminants not included in the primary drinking water regulations or in ii above, the Department may, at its discretion, set a standard for the purposes of these regulations based upon a finding that said standard is necessary for the protection of the public health and shall be incorporated into applicable departmental rules pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

2. In considering financial hardship, project costs and the relative income levels of those affected will be considered.

i. The total construction cost of the project shall be estimated as near as practicable. A full project cost shall be calculated as 120% of this estimate. This full project cost will be assumed to be financed over a nineteen year period at an interest rate to be determined by the Department. A yearly operation and maintenance (O&M) cost will be estimated. A yearly cost per service will be calculated based upon the sum of O&M and amortization of full project costs.

ii. The Median Family Income Level reported in the latest census for the municipality applying for the loan as well as the "low" and "moderate" family income levels established by the Federal Department of Housing and Urban Development for the municipality will be determined.

iii. A point system reflecting the degree of hardship will be used according to the following schedule:

Project Costs: 0 - \$200/yr/service: 0 pts.
201 - \$300/yr/service: 15 pts.
301 - \$400/yr/service: 30 pts.
401 - \$500/yr/service: 45 pts.
over - \$501/yr/service: 60 pts.

Median Income Levels (M.I.L.)

For M.I.L. *[over \$5,000]* *** of \$7,000 or*** above established "moderate" level for area: 0 pts.

For M.I.L. less than *[\$5,000]* ***\$7,000*** above established "moderate" level for the area but *[\$5,000]* ***\$7,000*** above established low for area: 20 pts.

For M.I.L. less than *[\$5,000]* *** or equal to \$7,000*** above established low for the area: 40 pts.

iv. The total priority points awarded for the financial burden will be the sum of points awarded for project costs plus those awarded for Median Income Levels.

3. Points will be awarded based upon the following schedule:

For a project serving less than 50 people: 0 pts.

For a project serving less than 100 people but more than 49 people: 10 pts.

For a project serving 100 or more people: 20 pts.

(g) For ranking purposes the total priority score shall be the sum of points awarded for each of the three categories in N.J.A.C. 7:1A-5.2(f).

Full text of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 7:1G-1, 2, and 3 (except for 7:1G-2.13 and 3.1 which are not being repealed but recodified to 7:1A-4.1 and 4.2 respectively).

(a)

DIVISION OF PARKS AND FORESTRY

State Park Service

Notice of Correction: N.J.A.C. 7:2

Take notice that the amendments and new rules for the State Park Service, found at N.J.A.C. 7:2 and promulgated on October 17, 1983 as R.1983 d.464 at 15 N.J.R. 1760(b), should have included the "State Park and Forestry Resources Act", specifically N.J.S.A. 13:1L-19, as additional authority for the rules as adopted by the Department. The "State Park and Forestry Resources Act," N.J.S.A. 13:1L-1 et seq. (Laws 1983, c.324), became effective September 1, 1983, subsequent to the proposal and prior to its adoption on September 29, 1983 and filing with the Office of Administrative Law.

(b)

**DIVISION OF WATER RESOURCES
BUREAU OF SHELLFISH CONTROL**

Shellfish-Growing Water Classification

**Adopted Amendments: N.J.A.C. 7:12-1.3,
1.4**

Proposed: April 16, 1984 at 16 N.J.R. 786(a).
Adopted: June 1, 1984 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
Filed: June 4, 1984 as R.1984 d.233, **without change**.
Authority: N.J.S.A. 13:1D-1, 13:1B-5, 58:24-1 et seq.
Effective Date: June 18, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): June 6, 1988.
DEP Docket No. 009-84-03.

**Summary of Public Comments and Agency Responses:
No comments received.**

Full text of the adoption follows.

7:12-1.3 Growing water condemnations

(a) Charts designating growing water classifications as hereinafter described are available from the Bureau of Shellfish Control Offices, Marine Police Stations, and Shellfisheries Field Offices at Bivalve and Nacote Creek. However, all persons are cautioned that emergency closures may be necessary and may not be charted. These Shellfish Growing Water Classification Charts are developed from Nautical Charts Number 12327 New York Harbor, 79th Edition, July 2, 1983; Number 12324 Intracoastal Waterway, Sandy Hook to Little

Egg Harbor, 21st Edition, March 5, 1983; Number 12316 Intracoastal Waterway, Little Egg Harbor to Cape May, 20th Edition, November 27, 1982; and Number 12304 Delaware Bay, 28th Edition, April 17, 1982. The State Department of Environmental Protection hereby condemns all shellfish growing waters or other places from which shellfish are or may be taken, at all times of the year, except when otherwise noted in N.J.A.C. 7:12-1.4, 1.5, and 1.6.

1.-3. (No change.)

4. Shrewsbury River area (A portion is designated as a Special Restricted Area):

i. All the waters of the Shrewsbury River and tributaries thereof (not including the Navesink River) south from the Route 36 Highway bridge;

ii. Special Restricted area: All of the Shrewsbury River and tributaries thereof (not including the Navesink River. (a)5 below) with the exception of those areas listed below which shall remain Condemned.

(1) All of Oyster Bay and its tributaries;

(2) All waters in Little Silver Creek and its tributaries north and west of a line beginning on the eastern bank of that unnamed lagoon located between Wardell Avenue and Oakes Road in Rumson and bearing approximately 171 degrees T to its terminus on the southshore of Little Silver Creek (additionally, the lagoon located between Wardell Avenue and Rivers Edge Drive in Rumson as well as the lagoon located between Rivers Edge Drive and Rumson Drive in Rumson shall remain Condemned in their entirety);

(3) All waters of Town Neck Creek and its tributaries west of a line beginning on the easternmost extent of the unnamed point of land located just east of Paag Circle on the south bank of Town Neck Creek and bearing approximately 095 degrees T and terminating on Silver Point;

(4) All of Parker Creek and its tributaries west of a line beginning on the easternmost extent of Horseneck Point and bearing approximately 000 degrees T to its terminus on Breezy Point on the Little Silver side (north) of Parker Creek;

(5) All of Oceanport Creek and its tributaries south and west of a line beginning on the easternmost extent of Horseneck Point and bearing approximately 140 degrees T to its terminus on the westernmost extent of an unnamed point of land located at the westernmost extent of Monmouth Boulevard in Oceanport;

(6) All of Blackberry Creek and its tributaries located south of a line beginning on the easternmost extent of Goose-neck Point and bearing approximately 162 degrees T to its terminus on the westernmost extent of an unnamed point of land located in the vicinity of the western extent of Cayuga Avenue in Oceanport;

(7) All of the waters of Branchport Creek, Troutmans Creek, Pleasure Bay, Manhasset Creek and their tributaries, located south of a line beginning on the northernmost extent of an unnamed point of land lying north of Pocano Avenue in Oceanport and bearing approximately 055 degrees T to its terminus on the westernmost extent of the northern bulkhead at the lagoon located between Frances Avenue and Lori Road in Monmouth Beach;

(8) All waters south and east of a line beginning on the northwesternmost point of land on Raccoon Island (in the vicinity of the western extent of Highland Avenue), in Monmouth Beach, and bearing approximately 056 degrees T to the southernmost point of a small unnamed island, and then bearing approximately 091 degrees T to its terminus on the northernmost point of land located at the northern extent of Monmouth Parkway in Monmouth Beach; and

(9) All waters south of a line beginning on the western shoreline (immediately east of Monmouth Parkway in Monmouth Beach) and bearing approximately 081 degrees T, intersecting Channel Marker Flashing Red 4 and Channel Marker Flashing Red 2 (Fl R "4" and Fl R "2") and terminating on the eastern shoreline of the Galilee section of Monmouth Beach.

5.-23. (No change.)

24. Reed Bay area:

i. All the waters northwest of a line from a Department-maintained marker southwest of Somers Cove and bearing approximately 215 degrees T to another Department-maintained marker on an unnamed point of land and terminating (this line condemns an unnamed cove adjacent to the Seaview Country Club golf course);

ii.-v. (No change.)

25.-30. (No change.)

31. Strathmere and Sea Isle City area (A portion is designated as Seasonal. See N.J.A.C. 7:12-1.4.):

i.-vi. (No change.)

vii. All of Sunks Creek, Mill Creek, Ware Thorofare, Clem Thorofare, Mill Thorofare, Townsend Sound and portions of Townsend Channel and tributaries thereof northwest of a line from a Department-maintained marker at the tip of an unnamed peninsula (approximately 1000 yards north of N "140" buoy) and bearing approximately 212 degrees T to a Department-maintained marker on the adjacent shoreline;

viii. (No change.)

32. Avalon area:

i.-vi. (No change.)

vii. All of South Channel and Stites Sound contained within a line from the Department-maintained marker at the easternmost tip of the unnamed island at the confluence of South Channel and North Channel and bearing approximately 152 degrees T to another Department-maintained marker, then along the shoreline of South Channel in a westerly direction, across the mouth of Leonard Thorofare, then in a northerly direction along the shoreline of Stites Sound to a Department-maintained marker at the mouth of the second unnamed creek and bearing approximately 063 degrees T to a Department-maintained marker at the mouth of Middle Thorofare and along the shoreline in a southeasterly direction across the mouth of North Channel and along the western shorelines of a series of four unnamed, adjacent islands to the point of origin and terminating.

viii. (No change.)

33.-36. (No change.)

37. Delaware Bay area (A portion is designated as Seasonal. See: N.J.A.C. 7:12-1.4.):

i.-ii. (No change.)

iii. Bidwell Creek All of Bidwell Creek;

iv.-xi. (No change.)

xii. Fortescue Creek: All of Fortescue Creek;

xiii. All of that portion of Delaware Bay and tributaries thereof inshore of a line from a Department-maintained marker at Beadon Point and bearing approximately 309 degrees T towards flashing light (Fl 4 sec 16 ft 6M), but terminating at a Department-maintained marker on the shoreline at Nantuxent Pt.

38. (No change.)

39. Atlantic Ocean:

i.-ii. (No change.)

iii. All of the ocean waters inshore of a line beginning at the water tank at 44th Street and Bayshore Avenue, City of Brigantine, with coordinates of latitude 39 degrees 23.4 minutes

N., longitude 74 degrees 23.4 minutes W., and bearing approximately 157 degrees T for approximately 2.5 nautical miles to a point with coordinates of latitude 39 degrees 21.2 minutes N., longitude 74 degrees 22.5 minutes W. (generally marked by a buoy charted as "1A" Fl G 4 sec GONG at the entrance to Absecon Inlet), then bearing approximately 276 degrees T (reciprocal 096 degrees T) for approximately 1.9 nautical miles towards the outermost tip of Garden Pier, Atlantic City, until it is 0.25 nautical miles directly offshore, then parallel along the shoreline in a southwesterly direction, 0.25 nautical miles offshore, for approximately 1.3 nautical miles until it intersects a line bearing approximately 153 degrees T from the center of Convention Hall, Atlantic City, then proceeding in a southeasterly direction along that line for approximately 1.75 nautical miles to a point with coordinates of latitude 39 degrees 19.4 minutes N., longitude 74 degrees 25.1 minutes W., then from this point which is approximately 2 nautical miles offshore, the line runs parallel to the shoreline in a southwesterly direction for approximately 2.1 nautical miles to a point with coordinates of latitude 39 degrees 18.4 minutes N., longitude 74 degrees 27.5 minutes W., then bearing approximately 333 degrees T (reciprocal 153 degrees T) for approximately 1.9 nautical miles to the outermost tip of the Ventnor City Fishing Pier located at the Boardwalk and South Cambridge Avenue, City of Ventnor, then along that pier to the shore and terminating. This condemnation adjoins the closure defined in (a)26i.

iv.-vii. (No change.)

40. (No change.)

7:12-1.4 Seasonally Approved growing waters (Approved November 1 through April 30, Condemned May 1 through October 31, yearly)

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

6. Ocean City-Somers Point area—Great Egg Harbor Bay: Seasonal-Condemned May 1 through October 31, yearly; Approved November 1 through April 30, yearly:

i. All the waters contained within a line from the base of the Ocean City-Longport Bridge in Ocean City, extending to the southern end of the bascule, then bearing approximately 250 degrees T to "RB" N buoy, then bearing approximately 227 degrees T to the northern end of the bascule on the Ocean City-Somers Point Bridge, then bearing approximately 261 degrees T to Cowpens Island and along the southern shoreline in a westerly direction to a Department-maintained marker, then bearing approximately 286 degrees T to Flashing Red light "16" (Fl R "16"), then bearing approximately 142 degrees T to the end of West 16th Street, Ocean City, then along the Ocean City shoreline in a northeasterly direction, across the mouth of The Lagoon to the point of origin at the base of the Ocean City-Longport Bridge and terminating.

ii. All the waters of Ship Channel contained within a line from the base of Somers Point-Ocean City Bridge in Somers Point, then along the bridge to the northern end of the bascule, then bearing approximately 056 degrees T to Flashing light "1" (Fl "1"), then bearing approximately 118 degrees T to a Department-maintained marker, then along the shoreline in a northerly direction, then in a westerly direction across the mouth of an unnamed lagoon, continuing along the shoreline and across the mouth of Bass Harbor and on to the point of origin at the base of the Somers Point-Ocean City Bridge and terminating.

iii. All the waters of Peck Bay contained within a line from the base of the 34th Street Bridge (Ocean City) and continuing along the Ocean City shoreline in a northeasterly direction to

a Department-maintained marker, then bearing approximately 325 degrees T (through N "50" buoy) to another Department-maintained marker on the mainland, then along the shoreline in a southerly direction to the base of the 34th Street Bridge and across the bridge to the point of origin and terminating.

7.-8. (No change.)

9. Delaware Bay area:

i.-v. (No change in text.)

vi. Nantuxent Cove, Back Creek and portions of Cedar Creek and Nantuxent Creek: Seasonal-Condemned May 1 through October 31, yearly, Approved November 1 through April 30, yearly:

(1) All of Nantuxent Cove north of a line beginning at the light (Fl 4 sec 36 feet 6M) located at the western tip of Nantuxent Point and bearing approximately 289 degrees T to the light (Fl 6 sec 21 feet 6M) located at the southern tip of Ben Davis Point, all of Back Creek and tributaries, including Tweed Creek, all of Nantuxent Creek lying downstream from the line described in N.J.A.C. 7:12-1.3(a)37, and all of Cedar Creek lying downstream from the line described in N.J.A.C. 7:12-1.3(a)37.

(a)

DIVISION OF WASTE MANAGEMENT

**Sanitary Landfills, Resource Recovery
Facilities and Transfer Stations: Records**

Readopted Amendment: N.J.A.C. 7:26-2.13

Proposed: April 16, 1984 at 16 N.J.R. 930(a).
 Adopted: June 1, 1984 by Robert E. Hughey, Commissioner, Department of Environmental Protection.
 Filed: June 4, 1984, as R.1984, d.231, with **technical and substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).
 Authority: N.J.S.A. 13:1B-3 and 13:1E-6.
 Expiration Date pursuant to Executive Order No. 66(1978): December 6, 1987.
 DEP Docket No. 015-84-03.

Summary of Public Comments and Agency Responses:

The Department of Environmental Protection (hereinafter the Department) has carefully reviewed the transcript of the public hearing held on April 24, 1984 and the written comments submitted during the comment period which closed on May 17, 1984 concerning the amendment to N.J.A.C. 7:26-2.13.

After almost two weeks' experience with using the O and D form, pursuant to the emergency adoption of April 2, 1984, it became apparent to the the Department that if the reporting system were to work effectively, transfer station operators would have to be included in the same manner as sanitary landfill operators. Accordingly, on April 13, 1984, transfer station operators were notified by certified mail that the Department proposed, upon final adoption, to require transfer station owner/operators receive and sign O and D forms for

each incoming loan and provide the Department with monthly reports just as landfill operators are required to do. The Department also requested comments on the aspect of the rule affecting transfer station operators. No comments were submitted concerning this aspect of the rule other than questions concerning the appropriate manner in which the O and D form is to be completed. The rule amendment and the O and D form have been modified to include transfer station operators and to indicate how waste from a transfer station being disposed of at a landfill is to be identified as to origin. (7:26-2.13(a)6.) In addition, a number of operations were identified which the Department determined need not comply with the O and D reporting requirement. N.J.A.C. 7:26-2.13(d) has been added to provide for exemptions for those operations.

The following is a summary of the major issues raised in the comments which were germane to the proposal, and the Department's response to those comments. Copies of a more complete "Response to Comments" document may be obtained from: Barbara M. Greer, Office of Regulatory Services, CN 402, Trenton, New Jersey 08625.

1. Comment: The Department of Environmental Protection should clarify the significance of each of the signatures required on the Origin and Disposal (O and D) Form.

Response: Prior to disposal, the driver of the vehicle is required to sign the O and D form certifying that all of the information on the form is correct, that is, that the origin of the waste is as indicated, that the driver is a registered hauler in the State of New Jersey and the registration number and vehicle plate number are correct, that the waste type and the amount of waste being disposed of is accurate. Prior to allowing the unloading of any waste, the facility owner/operator is required to review the information provided on the form and check the waste origin identified to ensure that the loan can be accepted in accordance with the waste flow rules (N.J.A.C. 7:26-6.5). The facility owner/operator is also responsible for ensuring that the waste type identified on the O and D form can be accepted by the facility in accordance with the facility's approved registration. The owner/operator is then required to sign the O and D form and supply the facility identification number. The operator thereby verifies that the form is complete and that, based on the information provided on the form, the load can be accepted for disposal in conformance with the facility registration and waste flow rules. The O and D form and 7:26-2.13(c)4. have been modified to clarify this intent.

2. Comment: How do these regulations apply to disposal of out-of-state waste in New Jersey solid waste disposal facilities?

Response: Solid waste transported in New Jersey is subject to the provisions of the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) and the regulations promulgated under that statute. This includes wastes imported from other states. A waste origin/waste disposal form must be completed and signed by both the facility owner/operator and the registered transporter in the same manner as is required for in-state waste disposal.

3. Comment: The Department should identify available disposal sites in the event of a temporary emergency, landfill closures or closure on weekends or holidays.

Response: Although this question does not directly relate to these specific regulations, a number of commenters raised this issue. In the event of an emergency landfill closure, even on a temporary basis, the transporter should contact the Department's Division of Waste Management, Planning and Resource Management at (609) 292-8879 between 8:00 A.M. and

4:30 P.M. weekdays or the DEP Hotline at (609)292-7172 outside of normal working hours. In addition, the transporter should contact the appropriate County Solid Waste Coordinator and the BPU. The Division, in coordination with the BPU, will provide assistance in identifying either an alternate disposal site or actions to be taken in regard to that load. If applicable, the Division will contact the landfill owner/operators(s) being requested to accept the load and notify the transporter(s) upon approval. The normal days and hours of operation of solid waste facilities are a part of each facility's BPU tariff. In cases other than an emergency, the Department cannot require a landfill to remain open outside of its normal operating hours. The Department is currently evaluating the potential expansion of the waste flow rules (N.J.A.C. 7:26-6.5) to include alternate disposal sites in the event of short term emergencies.

4. Comment: Several commenters objected to the additional paperwork and costs resulting from the production and storage of O and D forms. In addition, it was noted that the O and D form does not allow for additional municipalities, counties and waste types.

Response: The O and D form has been revised to allow for the designation of additional municipalities, counties, and waste types, if necessary. It has also been made smaller in size in order to reduce copying costs and storage space requirements and ease in handling by both the transporter and facility operator.

5. Comment: Numerous comments were received regarding the waste flow rules, (N.J.A.C. 7:26-6.5); specifically that these rules do not reflect cost effective collection routes.

Response: Although the waste flow rules are not the subject of comment at this time, the Department and the BPU intend to evaluate those comments received in regard to the waste flow rules in general, and mixed loads in particular, and consider revisions to the existing rules. Any revisions determined to be necessary would be proposed under normal rule making procedures.

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]***).

7:26-2.13 Sanitary landfills ***resource recovery facilities and transfer stations***; records

(a) Sanitary landfills ***resource recovery facilities and transfer stations*** shall maintain a daily record of wastes received. The record shall include:

1. Identification of the solid waste facility by name and facility identification number;
2. Identification of the transporter by the ***[Division of Waste Management]* **Department of Environmental Protection***** registration number assigned;
3. The cubic yard or gallon capacity of the delivery vehicle or container for each of three categories of wastes as follows:
 - i. Solids: Wastes ID 10 through 27 received (in cubic yards);
 - ii. Septage ***and liquid sewage sludge***: Waste ID 73 and 74 received (in gallons);
 - iii. Bulk liquid and semiliquids: Waste ID 72 received (in gallons);
4. Date and time of delivery to the facility;
5. The license plate number ***and State initials*** of the delivery vehicle ***[or other identification authorized by the department]***; and

6. The place or origin of the waste identified by municipality, county and State ***or, in the case of waste from a transfer station, the facility ID number of the transfer station shall be substituted for the municipality.***

(b) The daily record shall be maintained on forms provided by the department (or duplication of same), or on systems acceptable to the department, shall be kept for five years, and shall be available for inspection by representatives of the department or the local health department at any time during normal working hours.

(c) The information required to be recorded in the daily record, as set forth in (a) above, shall be supplied by the transporter to the facility operator on a waste origin/waste disposal (O and D) form (or duplication of same).

1. ***An approved*** O and D form***[s]*** shall be provided by the department to each registered transporter. ***The transporter shall thereafter duplicate the form for use with each load of solid waste.***

2. Prior to disposing of the solid waste, the transporter shall complete the O and D form and sign it, thereby certifying the accuracy of the information provided; and

3. The facility operator shall verify that the form has been completed ***by a registered transporter***, that the waste ***as identified by the transporter*** may be disposed of at the facility in compliance with the waste flow rules at N.J.A.C. 7:26-6.5 ***and the facility's registration***, and, where applicable, ***[is in conformance with]*** the facility's computer recording of scale data ***is in conformance with the information supplied,*** and sign the completed form.

4. The facility operator shall retain all O and D forms for a minimum of one year and shall make them available for inspection by representatives of the department or the local health department at any time during normal working hours.

5. If an O and D form is not completed and signed by ***[the]* **a registered***** transporter for each vehicle, or if the waste disposal would not be in compliance with the waste flow rules ***or the facility's registration***, as required in (c)3. above, the facility operator shall deny the transporter the right to dispose of the solid waste at the facility.

***[d) The following solid waste collection and disposal operations are exempt from complying with the provisions of (c) above:**

1. **Noncommercial industrial facilities which dispose of only solid waste generated by that industrial firm;**

2. **Municipally operated facilities which accept only solid waste which is collected by that municipality's transporters and which is generated within that municipality;**

3. **Sludge farming operations which accept only ID 12 solid waste and which report to the Division of Water Resources;**

4. **Recycling facilities which accept only recyclable materials which have been separated at the point of generation for sale or reuse; and**

5. **Operations exempt from registration pursuant to N.J.A.C. 7:26-3.3(a).***

[e]**[(d)] Monthly summaries of wastes received shall be submitted by the owner/operator of each facility to the Division of Waste Management, on forms provided by the department (or duplication of same), no later than 20 days after the last day of each month.

[f]**[(e)] Upon approval of the department, those ***[sanitary landfills]* **facilities***** qualifying for exemption under N.J.A.C. 7:26-4.8 may compute quantities of waste received by using an alternative, acceptable method.

(g)**[(f)] Waste identification and definition of solids include the following:

1. Solid wastes; waste ID number and definitions;
 - i. 10 Municipal (household, commercial and institutional): Waste originating in the community consisting of household waste from private residences, commercial waste which originates in wholesale, retail or service establishments, such as, restaurants, stores, markets, theatres, hotels and warehouses, and institutional waste material originating in schools, hospitals, research institutions and public buildings.
 - ii. 12 Dry sewage sludge: Sludge from a sewage treatment plant which has been digested and dewatered and does not require liquid handling equipment.
 - iii. 13 Bulky waste: Large items of waste material, such as, appliances, furniture, whole trees, branches, tree trunks and stumps. Also included are waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures. Discarded automobiles, trucks and trailers and large vehicles parts, and tires are included under this category.
 - iv. 23 Vegetative waste: Waste materials from farms, plant nurseries and greenhouses that are produced from the raising of plants. This waste includes such crop residues as plant stalks, hulls, leaves and tree wastes processed through a wood chipper.
 - v. 25 Animal and food processing wastes: Processing waste materials generated in canneries, slaughterhouses, packing plants or similar industries. Also included are dead animals.

vi. 27 Dry industrial waste: Waste materials resulting from manufacturing, industrial and research and development processes and operations, and which are not hazardous in accordance with the standards and procedures set forth at N.J.A.C. 7:26-8. Also included are nonhazardous oil spill cleanup waste, dry nonhazardous pesticides, and dry nonhazardous chemical waste.

(h)**[(g)] Waste identification and definition of liquids include the following:

1. Liquid wastes; waste ID number and definitions;
 - i. 72 Bulk liquid and semiliquids: Liquid or a mixture consisting of solid matter suspended in a liquid media which is contained within, or is discharged from, any one vessel, tank or other container which has the capacity of 20 gallons or more. Not included in this waste classification are septic tank clean-out wastes and liquid sewage sludge.
 - ii. 73 Septic tank clean-out wastes: Pumpings from septic tanks and cesspools. Not included are wastes from a sewage treatment plant.
 - iii. 74 Liquid sewage sludge: Liquid residue from a sewage treatment plant consisting of sewage solids combined with water and dissolved materials.

(i)**[(h)] The following waste types have been consolidated under other categories:

1. 11 Institutional (See 10, Municipal);
2. 14 Construction and demolition (See 13, Bulky Waste);
3. 15 Pesticides; (see 27, Dry industrial waste and N.J.A.C. 7:26-8);
4. 16 Hazardous waste containers (see N.J.A.C. 7:26-8);
5. 17 Dry hazardous waste (See N.J.A.C. 7:26-8);
6. 18 Dry nonhazardous chemical waste (See 27, Dry industrial waste);
7. 19 Junked autos (see 13, Bulky waste);
8. 20 Tires (see 13, Bulky waste);
9. 21 Dead animals (see 25, Animal and food processing waste);

10. 22 Leaves and chopped tree wastes (see 23, vegetative waste);
11. 24 Tree stumps (see 13, Bulky waste);
12. 26 Oil spill cleanup wastes (see 27, Dry industrial waste and N.J.A.C. 7:26-8);
13. 28 Infectious waste (see N.J.A.C. 7:26-1.4 and the requirements established by the New Jersey Department of Health);
14. 70 Waste oil and sludges (see N.J.A.C. 7:26-8);
15. 71 Semisolid waste oils and sludges (see N.J.A.C. 7:26-8);
16. 75 Pesticide liquids (see 72, Bulk liquid and semiliquids and N.J.A.C. 7:26-8);
17. 76 Liquid hazardous waste (see N.J.A.C. 7:26-8);
18. 77 Liquid chemical waste (see N.J.A.C. 7:26-8).

HEALTH

(a)

CONSUMER HEALTH SERVICES

Food and Drugs Rules Governing Wholesale Food Establishments

Adopted New Rule: N.J.A.C. 8:21-13 Adopted Repeal: N.J.A.C. 8:21-2.31, 2.32 and 2.33

Proposed: August 15, 1983 at 15 N.J.R. 1318(a).
 Adopted: May 30, 1984 by J. Richard Goldstein, M.D.,
 Commissioner, Department of Health.
 Filed: June 5, 1984 as R.1984 d.246 **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 24:2-1.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): June 18, 1989.

Summary of Public Comments and Agency Responses:

1. COMMENT: A concern was expressed that the proposed regulations would prohibit the use of bread pans and wire conveyor belts because by nature of their construction are not seamless.
 RESPONSE: The proposal does not preclude the use of bread pans and wire conveyor belts. The proposed regulations require that seams on food contact surfaces be maintained as to minimize accumulation of food particles or to prevent microbial contamination. With proper cleaning and maintenance of this equipment compliance is easily achieved.

2. COMMENT: Bakery products are frequently manufactured during the evening hours. Therefore production may span over two calendar days. The proposed regulations, which require each day's production to be coded and identified, will create an economic and physical hardship on affected bakeries.

RESPONSE: It was not the intent of the proposal to create this type of hardship. Accordingly, the department will clarify its proposal to require coding of individual lots that are produced in a 24 hour period.

3. COMMENT: There was a request to exclude certain potentially hazardous bakery products from the provisions that require holding/storage temperatures at or below 45°F or at or above 140°F.

RESPONSE: Epidemiological evidence strongly suggests that potentially hazardous foods that can support the rapid growth of pathogenic organisms be maintained at the above mentioned temperatures. Therefore, the department could not accept this recommendation.

4. COMMENT: The proposed regulations require "chemical, microbiological, or extraneous-material testing procedures" to be used when necessary. There was some concern as to whether this type of testing applied to bread and rolls.

RESPONSE: Under normal conditions this type of testing would not be required on bread and rolls and therefore this provision would not apply.

5. COMMENT: Concern was expressed relevant to N.J.A.C. 8:21-13.3 which deals with separation of processing and storage activities.

RESPONSE: The intent of this proposed regulation is to reduce the potential for contamination of end products, raw materials, or food-packaging. This intent can be achieved by several effective means including but not limited to those identified in the proposal. If a bakery can demonstrate that its plant layout and design protects the purity, quality and wholesomeness of the processed and/or stored food then it is in substantial compliance with this standards.

Listing of comments and responses are on file at the Office of Administrative Law and the State Department of Health.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***).

8:21-2.31 (Reserved)

8:21-2.32 (Reserved)

8:21-2.33 (Reserved)

SUBCHAPTER 13. RULES GOVERNING WHOLESALE FOOD ESTABLISHMENTS

8:31-13.1 Separability

If any provision or application of any provision of this regulation is held invalid, that invalidity shall not affect other provisions or applications of this regulation.

8:21-13.2 Definitions

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

"Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practices.

"Adulteration" means the term "adulteration" as defined in N.J.S.A. 24:5-8.

"Approved" shall mean acceptable to the Department, Local Health Authority, or other appropriate Administrative Agency based on its determination as to the conformance with applicable standards and good public health practices.

"Color additive" means a material which is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and when added or applied to a food, drug or to the human body or any part thereof, is capable (alone or through reaction with other substance) of imparting color thereto; except that the term does not include any material which the Commissioner, by regulation, determines is used (or is intended to be used) solely for a purpose or purposes other than coloring and nothing herein contained shall be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting directly or indirectly, the growth or other natural physiological processes of produce of the soil and thereby affecting its color whether before or after harvest. The term "color" includes black, white and intermediate grays.

"Department" means the New Jersey State Department of Health.

"Federal Act" means the Federal Food, Drug and Cosmetic Act (Title 21, U.S.C. 301 et seq.: 52 Stat. 1040 et seq.).

"Food" means: 1. Articles used for food or drink for man or other animals; 2. Chewing gum and 3. Articles used for components of any such article. The term also includes any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale in whole or in part of food.

"Food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use; except that the term does not include:

1. A pesticide chemical in or on a raw agricultural commodity; or

2. A pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity; or

3. A color additive; or

4. Any substance used in accordance with a sanction or approval granted prior to the enactment of this paragraph pursuant to this Act, the Poultry Products Inspection Act (21 U.S.C. 451 and the following) or the Meat Inspection Act of March 4, 1907 (34 Stat., 1260), as amended and extended (21 U.S.C. 71).

“Food contact surfaces” are those surfaces that contact food and those surfaces from which drainage onto foods or onto surfaces that contact food ordinarily occurs during the normal course of operations.

“Local Health Authority” means the local board or local board of health of any municipality or the boards, body or officers in such a municipality lawfully exercising any of the powers of the local board of health under the laws governing such municipality, and includes any consolidated board of health, local or county board of health created and established pursuant to law.

“Lot” means a collection of primary containers or units of the same size, type, and style containing a finished product produced under conditions as nearly uniform as possible and designated by a common container, code or marking; and, in any event, “lot” means no more than a day’s production *or 24 hours*.

“Misbranding” means the “misbranded” or “misbranding” as defined in N.J.S.A. 24:5-16 and 17.

“Multiservice containers” means containers intended for use more than one time.

“Nontoxic materials” means materials for food contact surfaces utilized in the transporting, processing, storing or packaging of food which are free of substances which may render the food injurious to health or which may adversely affect the flavor, color, odor or bacteriological quality of the food.

“Person” means an individual, a firm, partnership, company, corporation, trustee, association or any public or private entity.

“Pesticide chemical” means any substance which, alone, in chemical combination or in formulation with one or more other substances, is a “pesticide” within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. secs. 135) as now in force or as hereafter amended, and which is used in the production, storage, or transportation of raw agricultural commodities.

“Plant” means the building or facility or parts thereof, used for or in connection with the manufacturing, storage, processing, packaging, labeling or handling of food which is not sold or distributed directly to the ultimate consumer (retail).

“Potentially hazardous food” means any food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

“Raw agricultural commodity” means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

“Rework” means clean unadulterated product, removed after or during processing, that is suitable for reprocessing and for use as food.

“Safe temperatures”, as applied to potentially hazardous food, means temperatures of 45 degrees Fahrenheit or below, and 140 degrees Fahrenheit or above unless otherwise specified, and 0 degrees Fahrenheit or below for frozen foods.

“Sanitize” means adequate treatment of surfaces by a process that is effective in destroying the vegetative cell of microorganisms of public health significance and in substan-

tially reducing numbers of other microorganisms. Such treatment shall not adversely affect the product and shall be safe for the consumer.

“Single service container” means a container intended for one-time usage only.

8:21-13.3 Facilities and procedures for the storage, distribution, handling and processing of food

(a) Grounds: The grounds surrounding a plant under the control of the operator shall be kept in a condition that will not cause the food to be contaminated and/or adulterated. The methods for adequate maintenance as a minimum shall be:

1. Properly storing equipment, removing litter, and waste, and cutting weeds or grass within the immediate vicinity of the plant buildings or structures that may constitute an attractant, breeding place or harborage for rodents, insects or other pests.

2. Maintaining roads, yards, and other parking lots so that they do not constitute a source of contamination to the food.

3. Adequately draining areas that may contribute contamination to food by seepage, by foot-borne filth, or by providing a breeding place for rodents, insects or other pests.

(b) Plant layout and design: Buildings used for and in conjunction with the handling of food shall be suitable in size, construction and design to facilitate maintenance and sanitary operations for processing purposes. The plant layout and design shall be in such a manner that the purity, quality, and wholesomeness of the food therein manufactured, produced, packaged, prepared, stored, sold or distributed shall not be impaired. No loading or unloading of trucks or other vehicles shall take place within an establishment unless acceptable segregation or isolation of the mixing, processing or filling operations is provided. The plant and facilities shall:

1. Be kept in good repair and shall be maintained in a sanitary condition at all times.

2. Provide sufficient space for such placement of equipment and storage of materials as is necessary for sanitary operations.

3. Take proper precautions to reduce the potential for contamination of end products, raw materials, or food-packaging materials with microorganisms, chemicals, filth, or other extraneous material. The potential for contamination shall be reduced by any effective means including the separation by location, partition, air flow, enclosed systems or other effective means, of the following operations:

- i. Receiving;
- ii. Raw material storage;
- iii. Food preparation and processing operations;
- iv. Weighing, wrapping, packaging, and packing;
- v. Finished product storage and shipping;
- vi. Portable equipment and utensil cleaning and sanitizing; and
- vii. Equipment and vehicle maintenance.

4. Provide floors, walls and ceilings that are of such construction as to be easily cleanable and shall be kept clean and in good repair. Fixtures, ducts, and pipes shall be installed in such a manner that drip or condensation does not contaminate the food, raw materials or food contact surfaces. Aisles or walking spaces between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties without contamination of the food or food contact surfaces.

5. Permanently fixed artificial light sources shall be installed to provide:

i. At least 20 foot candles of light in utensils and equipment storage areas and in lavatory and toilet areas.

ii. At least 10 foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.

iii. Permanently fixed artificial light sources shall be installed to provide at least 30 foot candles of light on all food preparation surfaces and at equipment or utensil-washing work levels.

iv. Light fixtures which are located in processing, preparation, equipment/utensil washing areas or other areas where food may be exposed shall be of the safety/shatter-proof type, or otherwise protected to prevent food contamination and/or adulteration in cases of breakage.

6. Ventilation:

i. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, grease, condensation, vapors, obnoxious odors, smoke, product dust and fumes;

ii. Exhaust hoods and ventilating devices shall be maintained clean and operated in areas where needed to expel excessive heat, steam, vapor, smoke, grease, fumes, product dust and obnoxious odors and to prevent the dissipation of these objectionable odors throughout the room.

iii. On all new installations or in extensively remodeled establishments, ventilating systems, including hood ventilators, shall be designed, maintained and operated in accordance with N.J.A.C. 5:23-1 and shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces.

iv. All ducts in ventilating hoods shall be provided with filters which are readily removable for cleaning and replacement excepting those systems which are effectively self-cleaning.

v. Ventilation systems shall comply with applicable State and local fire prevention requirements and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance.

vi. Where intake or exhaust air ducts are used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, rodents or other contaminating materials.

vii. In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate shall be mechanically vented to the outside.

8:21-13.4 Sanitary facilities and controls

(a) The establishment shall be provided with adequate sanitary facilities and control measures to protect the purity, quality, and wholesomeness of the food. Facilities and controls shall include, but not be limited to the requirements of this section.

(b) Water supply: The water supply shall be sufficient for the operations intended and shall be derived from an adequate and approved source. Any water that contacts food or food-contact surfaces shall be safe and of adequate sanitary quality. Running water at a suitable temperature and under pressure as needed shall be provided in all areas where the processing of food, the cleaning of equipment, utensils, or containers, or employee sanitary facilities require.

1. The water supply shall be from a public or private water supply system which is constructed, protected, operated, and maintained in conformance with the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) and regulations (N.J.A.C. 7:10-1) and local laws, ordinances, and regulations; provided, that if approved by the Department of Environmental Protection, a nonpotable water supply system may

be permitted within the establishment for purposes such as air conditioning and fire protection, only if such system complies fully within N.J.A.C. 8:24-6.6 (Size, installation and maintenance of plumbing), and the nonpotable water supply is not used in such a manner as to bring it into contact, either directly or indirectly, with food, food equipment or utensils.

(b) Sewage: All sewage and waste water shall be disposed of by means of a public sewage system or disposal system which is constructed and maintained in conformance with N.J.A.C. 7:9-2, Standards for the Construction of Individual Subsurface Sewage Disposal Systems, the New Jersey Water Pollution Control Act regulations, N.J.A.C. 7:14 and local laws, ordinances, and regulations.

(c) Plumbing: Plumbing shall be so sized, installed and maintained in accordance with applicable State and local standards as to carry sufficient quantities of water to required locations throughout the establishment; prevent contamination of the water supply; properly convey sewage and liquid waste from the establishment to the sewer or sewage disposal system; and does not constitute a source of contamination of food, equipment, or utensils or create an insanitary condition or nuisance.

(d) Drains: Provide adequate floor drainage in all areas where floors are subject to flood-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

(e) Toilet facilities: Each plant shall provide its employees with adequate toilet and associated hand-washing facilities within the plant. The facilities shall be maintained in a sanitary condition and kept in good repair at all times. Doors to toilet rooms shall be self-closing and shall not open directly into areas where food is exposed to airborne contamination, except where alternate means have been taken to prevent such contamination (such as double doors, positive air-flow systems, etc.).

1. Toilet facilities shall be installed in accordance with N.J.A.C. 5:23-1. When a common toilet is used for employees and patrons, access shall not be through food preparation, food storage and utensil and equipment washing areas.

2. A supply of toilet tissue shall be provided at each toilet at all times. Handwashing signs, for example, "Wash Hands Before Resuming Work", shall be posted conspicuously in all toilet rooms and at each separate lavatory facility in a food plant. Easily cleanable receptacles shall be provided for waste materials and such receptacles in toilet rooms for women shall be covered. Such receptacles shall be emptied at least once a day, and more frequently when necessary, to prevent excessive accumulation of waste material.

3. Hot and cold water under suitable pressure shall be provided in toilet facilities. (90°F-105°F)

(f) Hand-washing facilities: Adequate and convenient facilities for handwashing and, where appropriate, hand sanitizing shall be provided at each location in the plant where good sanitary practices require employees to wash or sanitize and dry their hands. Such facilities shall be furnished with running water at 90 degrees Fahrenheit to 105 degrees Fahrenheit for handwashing, effective hand-cleaning and sanitizing preparations, sanitary towel service or suitable drying devices, and, where appropriate, easily cleanable waste receptacles.

1. Handwashing facilities shall be installed in accordance with N.J.A.C. 5:23-1 and used only for the washing of hands and arms.

2. Each handwashing facility shall be designed to provide hot and cold or tempered water. Tempering may be accomplished by means of a mixing valve or combination faucet.

Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

(g) Rubbish and offal disposal: Rubbish and any offal shall be so conveyed, stored, and disposed of as to minimize the development of odor, prevent waste from becoming an attractant and harborage or breeding place for vermin, and prevent contamination of food, food-contact surfaces, ground surfaces, and water supplies. Rubbish and offal disposal shall also be in conformance with N.J.A.C. 8:24-6.10.

8:21-13.5 Sanitary operations

(a) General maintenance: Buildings, fixtures, and other physical facilities of the plant shall be kept in good repair and shall be maintained in a sanitary condition. Cleaning operations shall be conducted in such a manner as to minimize the danger of contamination of food and food-contact surfaces. Detergents, sanitizers, and other supplies employed in cleaning and sanitizing procedures shall be free of significant microbiological contamination and shall be safe and effective for their intended uses. Only such toxic materials as are required to maintain sanitary conditions, for use in laboratory testing procedures, for plant and equipment maintenance and operation, or in manufacturing or processing operations shall be used or stored in the plant. These materials shall be identified and used only in such manner and under conditions as will be safe for their intended uses and stored in such a manner as to preclude the contamination to the product.

(b) Animal and vermin control: No animals or birds, other than those essential as raw material, shall be allowed in any area of a food plant. Effective measures shall be taken to exclude pests from the processing and storage areas and to protect against the contamination of foods in or on the premises by animals, birds, and vermin (including, but not limited to, rodents and insects). The use of insecticides or rodenticides is permitted only under such precautions and restrictions as will prevent the contamination of food or packaging materials with illegal residues.

1. No person shall apply insecticides or rodenticides in or around any food establishment unless they do so in full compliance with New Jersey Department of Environmental Protection regulations N.J.A.C. 7:30.

(c) Sanitation of equipment and utensils: All utensils and food-contact surfaces of equipment shall be cleaned as frequently as necessary to prevent contamination of food and food products. Nonfood-contact surfaces of equipment used in the operation of food plants shall be cleaned as frequently as necessary to minimize accumulation of dust, dirt, food particles, and other debris. Single-service articles (such as utensils intended for one-time use, paper cups, paper towels, etc.) shall be stored in appropriate containers and handled, dispensed, used, and disposed of in a manner that prevents contamination of food or food-contact surfaces.

1. Where necessary to prevent the introduction of undesirable microbiological organisms into food products, all utensils and food-contact surfaces of equipment used in the plant shall be cleaned and sanitized prior to such use and following any interruption during which such utensils and contact surface may have become contaminated.

2. Where such equipment and utensils are used in a continuous production operation, the contact surfaces of such equipment and utensils shall be cleaned and sanitized on a predetermined schedule using adequate methods for cleaning

and sanitizing. Sanitizing agents shall be effective and safe under conditions of use.

3. Any facility, procedure, machine, or device may be acceptable for cleaning and sanitizing equipment and utensils if it is established that such facility, procedure, machine, or device will routinely render equipment and utensils clean and provide adequate sanitizing treatment.

4. Equipment and utensil cleanliness and sanitizing procedures shall also be in conformance with the procedures as outlined in N.J.A.C. 8:24-5.3 through 5.6.

(d) Storage and handling of cleaned portable equipment and utensils. Cleaned and sanitized portable equipment and utensils with food-contact surfaces shall be stored in such a location and manner that food-contact surfaces are protected from splash, dust, and other contamination.

8:21-13.6 Equipment and procedures

(a) General: All plant equipment and utensils shall be suitable for their intended use, so designed and of such material and workmanship as to be adequately cleanable, and properly maintained. The design, construction, and use of such equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment shall be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

1. Food-contact surfaces shall be corrosion free when in contact with food. They shall be made of nontoxic material that will withstand the environment of its intended use and action of food ingredients, cleaning compounds, and sanitizing agents. All food-contact surfaces shall be maintained to prevent product contamination.

2. Seams in food-contact surfaces shall be smoothly bonded or maintained so as to minimize accumulation of food particles or to prevent microbiological contamination in places where dirt or organic material might accumulate.

3. Equipment that is in the processing or food handling area and that does not come into contact with product shall be so constructed that it can be kept in a clean condition.

4. Ingredient and product holding, conveying, and processing systems that include, but are not limited to, gravimetric, pneumatic, closed, and automated systems shall be of a design and construction that enables them to be cleaned and sanitized.

5. Regulating and recording controls, thermometers, other temperature measuring devices and temperature recording devices on equipment used to sterilize, pasteurize, or otherwise control or prevent growth of microorganisms in raw materials or products shall be accurate, effective, and adequate in number for their designated uses.

6. Each freezer and cold storage compartment used for storing and holding raw materials or products capable of supporting growth of microorganisms shall be fitted with an indicating thermometer, temperature measuring device and/or temperature recording device so installed as to show the temperature accurately within the compartment. Thermometers and other temperature recording devices shall be accurate to $\pm 2^\circ$ Fahrenheit.

7. Instruments used for measuring or regulating pH, acidity, water activity, or other conditions that control or prevent undesirable microbial growth in foods shall be precise and properly maintained.

8. All compressed air or other gases, mechanically introduced into foods or used to clean food-contact surfaces or

equipment, shall be adequately filtered or washed and shall be free of oil and other extraneous material that might contaminate the foods.

9. All equipment ports, hatches and other openings shall be provided with tight fitting covers and shall be kept in place and used to prevent airborne contamination and/or adulteration.

10. The design, construction, installation, and materials for food equipment, shall be in compliance with N.J.A.C. 8:24-5.1 and 5.2.

8:21-13.7 Personnel

(a) No person, while affected by a disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other sources of microbiological contamination, shall work in a plant in any capacity in which there is a reasonable possibility of food or food ingredients becoming contaminated by that person, or of disease being transmitted by that person to other individuals.

(b) All persons, while working in direct contact with food preparation, food ingredients, or food contact surfaces shall conform to good hygienic practices to the extent necessary to prevent contamination of food products. The methods for maintaining cleanliness shall include, but are not limited to:

1. Wearing clean outer garments in a manner that prevents the contamination of food;
2. Maintaining a high degree of personal cleanliness;
3. Washing hands thoroughly (and sanitizing if necessary to prevent contamination by undesirable microorganisms) in an adequate hand-washing facility before starting work, after each absence from work station, and at any other time when the hands may have become soiled or contaminated;
4. Removing all insecure jewelry and during periods in which food and beverages are manipulated by hand, removing from hands any jewelry;
5. If gloves are used in food handling, maintaining them in an intact, clean, and sanitary condition. Gloves shall be made of non-absorbent material, and can be easily cleaned and sanitized if they are designed for re-use;
6. Wearing hair nets, headbands, caps, beard covers, or other effective hair restraints in an effective manner; and
7. Refrain from smoking in food preparation areas.

8:21-13.8 Production and process controls

(a) All operations in the receiving, inspecting, transporting, packaging, segregating, preparing, processing, and storing of food shall be conducted in accord with adequate sanitation principles. Overall sanitation of the plant shall be under the supervision of an individual assigned responsibility for this function. All reasonable precautions, including the following, shall be taken to assure that production procedures do not contribute contamination such as filth, harmful chemicals, undesirable microorganisms, or any other objectionable material to the processed product.

(b) Raw materials and ingredients shall be inspected and segregated as necessary to assure that they are clean, wholesome, and fit for processing into food and shall be stored under conditions that will protect against contamination and minimize deterioration. Raw materials shall be washed or cleaned as required to remove soil or other contamination. Water used for washing, rinsing, or conveying of food products shall be of approved quality, and water shall not be reused for washing, rinsing, or conveying products in a manner that may result in contamination of food products.

(c) Containers and carriers of raw ingredients shall be inspected on receipt to assure that their condition has not contributed to the contamination or deterioration of the products.

(d) When ice is used in contact with food products, it shall be made from potable water and shall be used only if it has been manufactured in accordance with accepted standards and stored, transported, and handled in a sanitary manner.

(e) Food processing areas and equipment used for processing human food shall not be used to process nonhuman food-grade animal feed or inedible products unless there is no reasonable possibility for the contamination of the human food.

(f) Processing equipment shall be maintained in a sanitary condition through frequent cleaning including sanitization where indicated. Insofar, as necessary, equipment shall be taken apart for thorough cleaning.

(g) All food processing, including packaging and storage, shall be conducted under such conditions and controls as are necessary to minimize the potential for undesirable bacterial or other microbiological growth, toxin formation, or deterioration or contamination of the processed product or ingredients. This may require careful monitoring of such physical factors as time, temperature, humidity, pressure, flow-rate and such processing operations as freezing, dehydration, heat processing, and refrigeration to assure that mechanical breakdowns, time delays, temperature fluctuation, and other factors do not contribute to the decomposition or contamination of the processed products.

(h) Chemical microbiological, or extraneous-material testing procedures shall be utilized where necessary to identify sanitation failures or food contamination, and all foods and ingredients that have become contaminated, and all foods and ingredients that have become contaminated shall be rejected or treated or processed to eliminate the contamination where this may be effectively accomplished.

(i) Packaging processes and materials shall not transmit contaminants or objectionable substances to the products and shall provide adequate protection from contamination.

(j) Meaningful coding of products sold or otherwise distributed from a manufacturing, processing, packing, or repacking activity shall be utilized to enable positive lot identification to facilitate, where necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use. Records shall be retained for a period of time that exceeds the shelf life of the product, except that they need not be retained more than two years.

(k) Storage and transportation of finished products shall be under such conditions as will prevent contamination, including development of pathogenic or toxigenic microorganisms, and will protect against undesirable deterioration of the product and the container. All potentially hazardous food shall be kept at 45 degrees Fahrenheit or below or 140 degrees Fahrenheit or above, and frozen foods at or below 0 degrees Fahrenheit during transportation, provided that, cold food may be allowed to reach 55 degrees Fahrenheit and hot food may be allowed to reach 130 degrees Fahrenheit if they are to be consumed within one-half hour of plating. During transportation all food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination and maintain safe temperatures expect for hanging meats and raw agricultural products, which will be prepared for consumption in such a manner to remove the danger of possi-

ble contaminants. All food transportation vehicles, including carts, trucks, vans, and trailers shall be kept clean, free of vermin and in good repair.

(l) Perishable and potentially hazardous food shall be stored at safe temperature and in accordance with the standards set forth in N.J.A.C. 8:24-3.2.

(m) Containers of food shall be stored above the floor, on clean racks, dollies or other clean surface in such a manner as to be protected from splash and other contamination. Additionally, foods in bulk storage must be elevated four to six inches above the floor on racks or dollies and aisles must be provided between articles in storage and walls, and masses of foods must be broken down into manageable cells with aisles to allow for cleaning and inspection and to prevent insect and rodent harborage.

1. Foods in bulk storage shall be stored at least 12 inches from each wall and there shall be a white inspection strip on the floor along each wall where food is stored.

2. Foods packaged in cans, glass or other vermin-proof containers sealed in shipping cartons and stored on clean surfaces in rooms, the floors of which are not frequently washed or otherwise subjected to water, need not be elevated and aisles need not be provided if containers are in temporary storage for five days or less or stored on dollies, skids, racks or open-ended pallets, provided such equipment is easily removable either by hand or with the use of pallet moving equipment that is on the premises and used, and the areas are clean, and rodent, insect or other vermin harborages are not provided.

(n) The following Federal standards as now enforced and hereafter amended, shall apply in determining whether the food, facilities, methods, practices and controls used in the conformance with or operated or administered in conformity with good manufacturing practices to assure that food for consumption is safe: Code of Federal Regulations, Title 21, Subchapter B Food for Human Consumption, sections 100, 101, 102, 104, 105, 109.15, 110.40, 113, 114, 118, 122, 123, 130, 131, 133, 135, 136, 137, 139, 145, 146, 150, 152, 155, 156, 158, 160, 161, 163, 164, 166, 168, 169, 170, 172, 173, 174, 175, 176, 177, 178, 179, 181, 182, 184, 186, 189 and 193.

(o) Foods shall be considered unsafe if any of the following occurs:

1. If it bears or contains any added or adulterous substance which is unsafe; or

2. If it is, or it bears or contains any food additive which is unsafe; provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under the Federal Act and the raw agricultural commodity has been subjected to processing such as canning, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on the processed food shall not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; or

3. If it is, or it bears or contains a color additive which is unsafe under the Federal Act.

4. If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect under the Federal Act.

8:21-13.9 Emergency occurrences

(a) In the event of a fire, flood, power outage, or similar

event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at safe temperatures, the person in charge shall immediately take necessary remedial action so as to prevent the adulteration of food. A fire, flood, or power outage of such duration or similar event which jeopardizes food safety shall be reported promptly to the department and the local health authority.

(b) Only those salvaged foods which comply with N.J.A.C. 8:21-11.1 entitled "Dented Cans: Salvaged or Distressed Foods, Alcohol and Nonalcoholic Beverages and Industrial Mishandling" may be used or offered for sale.

(a)

CONSUMER HEALTH SERVICES

Good Drug Manufacturing Practices Reserved Sample Retention for Radioactive Drugs: Retention Times Established

Adopted Amendment: N.J.A.C. 8:21A-2.45

Proposed: November 7, 1983 at 15 N.J.R. 1818(a).

Adopted: May 24, 1984 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health.

Filed: June 4, 1984 as R.1984 d.235, **without change.**

Authority: N.J.S.A. 24:2-1 and 24:5-1 et seq.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order
No.66(1978): November 13, 1984.

Summary of Public Comments Received and Agency
Responses:

No comments received.

Full text of the adoption follows.

8:21A-2.45 Reserve samples

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

(c) For an active ingredient in a radioactive drug product, except for nonradioactive reagent kits, the reserve sample shall be retained for:

1. Three months after the expiration date of the last lot of the drug product containing the active ingredient if the expiration dating of the period of the drug product is 30 days or less; or

2. Six months after the expiration date of the last lot of the drug product containing the active ingredient if the expiration dating period of the drug product is more than 30 days.

(d) For a radioactive drug product, except for nonradioactive reagent kits, the reserve sample shall be retained for:

1. Three months after the expiration date of the drug product if the expiration dating period of the drug product is 30 days or less; or

2. Six months after the expiration date of the drug product if the expiration dating period of the drug product is more than 30 days.

(a)

**DIVISION OF HEALTH FACILITIES
EVALUATION**

**Standards for Licensure of Hospital Facilities
Pharmaceutical Services**

Adopted Repeal: N.J.A.C. 8:43B-10

Adopted New Rule: N.J.A.C. 8:43B-10

Proposed: January 17, 1984 at 16 N.J.R. 107(a).

Adopted: May 30, 1984 by J. Richard Goldstein, M.D.,
Commissioner, Department of Health (with approval
of Health Care Administration Board).

Filed: June 5, 1984 as R.1984 d.248, **with substantive
and technical changes** not requiring additional public
notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 26:2H-1 et seq., specifically
26:2H-5b.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No.
66(1978): June 18, 1989.

Summary of Public Comments and Agency Responses:

The Department received more than 200 letters in support of the proposed Standards for Licensure of Hospital Facilities, Pharmaceutical Services, N.J.A.C. 8:43B-10, from various types of health care professionals, without recommendation for change. Supporters included in the American Society of Hospital Pharmacists, the president-elect of the New Jersey Society of Hospital Pharmacists, the dean of the College of Pharmacy of Rutgers University, the dean of the School of Pharmacy of Temple University, and the chairman of the Department of Clinical Pharmacy of Temple University. Approximately 35 additional letters were received which include comments in support of the proposed rule and/or recommendations for change from the New Jersey State Board of Pharmacy, the New Jersey State Board of Nursing, the New Jersey State Department of Human Services, the Drug Control Program of the New Jersey State Department of Health, professional associations including the New Jersey State Nurses Association, the Society of Nursing Service Administrators of New Jersey, and the New Jersey Pharmaceutical Association, the Pharmaceutical Manufacturers Association, which represents 141 pharmaceutical companies, the New Jersey Hospital Association, McNeil Pharmaceutical, Lederle Laboratories, the directors of pharmacy of nine New Jersey hospitals, administrators representing six hospitals, nursing administrators of two hospitals, the University of Medicine and Dentistry of New Jersey, and Automated Pharmaceuticals Service. Also, the president of Automated Phar-

maceuticals Service commented, by telephone, on the relation of the proposed rule to the provision of pharmaceutical services by a pharmacy not located on the hospital premises. Finally, representatives of Merck Sharp & Dohme, William H. Rorer, Inc., and Lederle Laboratories commented, in person, on the proposed rules, N.J.A.C. 8:43B-10.4(a)22 and 30, regarding investigational drugs and drug samples, respectively.

Four commentors requested an extension of the comment period. A 30-day extension was granted.

The Department has compiled the comments and recommendations which it received, responded to them individually, and sent a copy of the compilation to each respondent who made recommendations for change. This listing of the comments received by the Department and the corresponding Departmental responses and emendations is on file at the Office of Administrative Law and at the Standards Program of the Department of Health. The range of comments extends from expression of unqualified support to expression of support for the required drug distribution systems qualified by concern regarding the implementation costs of such systems and the mechanism by which hospitals will be reimbursed. The following is a summary of the comments and Departmental responses.

The American Society of Hospital Pharmacists (ASHP) offered its "unequivocal support" of the proposed rule "because its philosophical approach and technical standards fully comport with the philosophy advocated by ASHP and is justified by the technical data in the field." The unconditional support of the ASHP for the requirements for a unit dose drug distribution system (UDDS) and a pharmacy-based intravenous (I.V.) admixture service was shared by other commentors. A number of commentors, however, supported the concept of the UDDS and the concept of the I.V. admixture service but expressed concern regarding the costs associated with the implementation of these programs and questioned the willingness of the hospital rate setting program of the Department to acknowledge such costs.

Additional comments in support of the proposed rule address the flexibility which the proposed rule grants to facilities, the progressive state of pharmaceutical service which the rule would realize, the cost-effectiveness which would result from better utilization of resources, and the level of safety and quality of patient care attendant upon the use of a UDDS and an I.V. admixture service.

Other general comments express concern regarding the extent to which the requirements are prescriptive; the extent to which the proposed rule describes an optimal, rather than a minimally acceptable, state of affairs; the extent of the applicability of particular requirements to special hospitals and certain patient care areas; potential future conflicts between the proposed rule and the rules of the New Jersey State Board of Nursing; and the extent of the authority of the Department of Health.

After evaluating all of the general comments received, the Department retained the requirements for a UDDS and I.V. admixture service because the Department maintains that implementation of these systems will result in the provision of safe, cost-effective patient care. The Department acknowledges that some facilities will incur additional costs as they implement a UDDS and a pharmacy-based I.V. admixture service. Reasonable implementation costs for such programs have been taken into account in the determination of reimbursement rates in the past and will continue to be taken into account in the future. The Department also acknowledges the

atypical status of special hospitals and will give consideration to requests for waivers with respect to particular regulations. The rules regarding the UDDS and the I.V. admixture service do not prohibit the facility from establishing exempt areas (see proposed rules N.J.A.C. 8:43B-10.4(a)17 and N.J.A.C. 8:43B-10.4(a)21iii). The proposed rules, N.J.A.C. 8:43B-10.10(a)iv and N.J.A.C. 8:43B-10.10(a)2, were revised so as to make reference to the rules and policies of the New Jersey State Board of Nursing, as suggested. Finally, the authority of the Department to promulgate regulations regarding the issues addressed in the proposed rule derives from Chapters 136 and 138, P.L. 1971, Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., and amendments thereto.

In addition to revising the proposed rules in response to the comments received, the Department made other technical and substantive changes which clarify, rather than alter, the intent of the rules. These latter changes will not adversely affect patient care or safety. The following is a description of the comments received by the Department, the Departmental responses, and the other changes between proposal and adoption.

The Department received recommendations regarding the definitions, N.J.A.C. 8:43B-10.1(a), of "charge nurse," "floor stock," "formulary," "pharmacist," "stop order," and "direct supervision." As a result of these recommendations, some of the rules were rewritten. The phrase "to a patient" was deleted from the definition of "floor stock," the definition of "formulary" was expanded, as recommended, so as to include therapeutically equivalent drugs, the definition of "pharmacist" was revised so as to directly refer to the New Jersey State Board of Pharmacy rule, N.J.A.C. 13:39-1.1, and N.J.A.C. 8:43B-10.4(a)19 was rewritten so as to permit the facility to develop definitions of "stop order" and "discontinue order" thereby obviating the need for a definition of "stop order" in N.J.A.C. 8:43B-10.1(a) and granting the facility the flexibility to establish definitions determined by the facility to be most conducive to patient safety. Recommendations to expand the qualifications of a "charge nurse" were not accepted because it is the intent of the Department to state a qualification rather than to delineate the responsibilities of a "charge nurse." One commentator remarked that the definition of "direct supervision" is subjective. The definition was not rewritten since the existence of the definition in licensure manuals for other health care facilities for more than eight years has not been a source of difficulty. The definitions of "calculated dose" and "medication administration record" were deleted (see the discussions below regarding N.J.A.C. 8:43B-10.4(a)7 and the definition of a "unit dose drug distribution system," respectively).

A recommendation to add a definition of "nursing supervisor" was not accepted because all reference to a nursing supervisor was deleted from the subchapter. A definition of "intravenous infusion admixture service" was added as recommended by the New Jersey State Board of Pharmacy. The definition which was added, however, does not enumerate the many elements of an I.V. admixture service. The Department contends that such an enumeration would be unnecessarily prescriptive.

Comments were received in reference to the definition of a "unit dose drug distribution system." Commentors questioned the need for each medication to be labeled with the patient's name and location, with the trade name and generic name of the drug, and with the manufacturer's name. The definition was rewritten, as requested, so as to require that the patient's first and last names and room number appear on his

or her receptacle (tray, bin, box, drawer, cassette, compartment, etc.). The Department maintains that both the trade name and the generic name are necessary for the protection of hospital patients. The revised definition permits the labeling of each medication with either the manufacturer's or the distributor's name, in accordance with a recommendation received by the Department. In the interest of managerial flexibility and patient safety, however, medications repackaged by the pharmaceutical service may be coded by the pharmaceutical service in such a way as to permit identification of the manufacturer or distributor. The term "dose" was deleted in order to eliminate duplication of information between the medication label and the medication administration record. The Department does not expect that this deletion will jeopardize or adversely affect patient care. Two commentators recommended that the maximum number of doses available in the patient care area exceed a 24-hour supply by one dose. The Department does not intend that the rule be interpreted as precluding such a practice but, rather, intends that each facility establish policies and procedures regarding the details of its UDDS. One commentator suggested that the definition explicitly state that exchange of medications entails the removal of all unused medications. The definition was not revised in this respect because the removal of unused medications is a necessary element of the UDDS and exchange implies removal and replacement of drugs. A recommendation that the pharmaceutical service not be required to place cautionary instructions on the medication administration record (MAR) was accepted since pharmacy personnel usually do not write on the MAR. In accordance with the recommendation, reference to the MAR was deleted. The revised rule requires that instructions be transmitted to the personnel responsible for the administration of the medications.

The Department received requests for clarification of N.J.A.C. 8:43B-10.2(a). The rule was rewritten in order to make more explicit the requirement that the facility have a pharmacy on the premises. N.J.A.C. 8:43B-10.2(a) does not require that a pharmacist be present on the premises at all times, and N.J.A.C. 8:43B-10.4(a)16 was rewritten in such a way that it acknowledges the possibility of there being no pharmacist in the facility at times when drugs need to be obtained from the pharmacy. One commentator remarked that the type of care provided in a special hospital does not necessitate the presence of a fully stocked pharmacy in the facility. In addition to having the flexibility to employ the services of a pharmacy which is not in the facility, a special hospital may request a waiver of the requirement for a pharmacy on the premises from the Director of the Licensing, Certification and Standards Program of the Department.

Some respondents recommended that N.J.A.C. 8:43B-10.3(a) be revised so as to require the pharmacy and therapeutics committee to meet at least four times per year. The rule does not preclude the committee from meeting more often than twice per year and was not rewritten. N.J.A.C. 8:43B-10.3(a) establishes a minimum number of meetings per year, requires that the committee be multi-disciplinary, and is consistent with N.J.A.C. 13:39-7.15 of the New Jersey State Board of Pharmacy Rules. It was suggested that the Division of Health Facilities Evaluation of the Department provide guidance to the pharmacy and therapeutics committee. Such consultation is available upon request from facilities.

One commentator recommended that N.J.A.C. 8:43B-10.3(a)2 be revised so as to suggest quarterly review of the formulary. The rule, which was rewritten, requires that the formulary be reviewed and approved by the pharmacy and

therapeutics committee at least on an annual basis and does not, therefore, preclude the more frequent review of the formulary. Although it was recommended that N.J.A.C. 8:43B-10.3(a)4 specify the reports of the director of the pharmaceutical service which are to be reviewed by the committee, the rule was not rewritten because N.J.A.C. 8:43B-10.6(a)10 enumerates the reports which the director must provide to the committee.

With regard to N.J.A.C. 8:43B-10.4(a), one commentor suggested substitutions for the word "ensure" while another commentor recommended the addition of the phrase "through the right route of administration" for the purpose of completeness. The former recommendation was not accepted because the Department contends that the suggested change would not significantly alter the rule. The latter recommendation was accepted in the interest of patient safety.

N.J.A.C. 8:43B-10.4(a)1 elicited recommendations that the 2-year implementation period for a UDSS be extendable, recommendations that implementation of a UDSS not be required of special hospitals, and a request for clarification regarding a facility's freedom to designate particular patient care areas as areas not requiring the services of a UDSS. The Department contends that a 2-year implementation period is reasonable since it is based on a recognition of both the need of the facility to have sufficient time in which to make the necessary adjustments and the need to implement, as soon as possible, a system which is characterized by a low rate of medication error. If a facility cannot comply with the rule within the specified time, the facility may request an extension of time through the waiver process. Although N.J.A.C. 8:43B-10.4(a)1 applies to special hospitals, the Department recognizes the atypical nature of special hospitals and would give consideration to their requests for waivers of the requirement regarding a UDSS. Lastly, since a UDSS may not be feasible in particular areas such as the emergency room and the intensive care unit, the facility may designate certain patient care areas as areas not requiring the services of a UDSS.

One respondent recommended that the labeling requirement in N.J.A.C. 8:43B-10.4(a)1i include the patient's first and last names and the name of the attending physician. The rule was rewritten so as to require that the patient's first and last names appear on the patient's medication receptacle. The Department did not accept the recommendation to include the attending physician's name on the label since the inclusion would be unnecessary, and, if more than one physician were prescribing, could be confusing. A number of commentors stated that some medications are not available in single unit packaging and cannot be feasibly repackaged, and recommended that N.J.A.C. 8:43B-10.4(a)1i be revised so as to allow for exceptions. The Department acknowledges the cogency of these comments and the rule was rewritten as suggested. Finally, clarification of N.J.A.C. 8:43B-10.4(a)1iii was requested. The rule was rewritten so as to require the facility to establish policies and procedures which will ensure that cautionary instructions and additional information will be transmitted to the personnel responsible for the administration of the medications.

Three comments were received regarding N.J.A.C. 8:43B-10.4(a)3v. A recommendation that the rule require emergency kits to be secured with breakaway locks was not accepted. The Department maintains that each facility should be permitted to develop its own policy regarding the manner in which emergency kits are to be secured since a variety of methods can be used to achieve the desired degree of security. One comment concerned the security of code carts in acute psychi-

atric units. N.J.A.C. 8:43B-10.4(a)3v refers to emergency kits only. N.J.A.C. 8:43B-10.4(a)3i, however, requires the facility to establish policies and procedures regarding the location of emergency carts. In response to a request for clarification of N.J.A.C. 8:43B-10.4(a)3v, the Department has stated that the rule prohibits the keeping of emergency kits in locked nursing stations.

One respondent recommended that N.J.A.C. 8:43B(a)4 be revised so as to prescribe a time limit within which orders received by telephone from physicians must be signed. The recommended provision for the signing of such orders was not added to the rule since it presently appears in N.J.A.C. 8:43B-7.2(c)10ii. A request for clarification resulted in the reconsideration, and subsequent deletion, of reference to administration of medications by "licensed or authorized personnel." The Department contends that the deletion will not adversely affect patient care since the designation of personnel who may administer medication is not within the purview of the Department but is within the purview of the New Jersey State Board of Nursing and the New Jersey State Board of Medical Examiners. Clarification of the definition of "prescriber" was requested. The Department maintains that a definition of "prescriber" is provided in N.J.A.C. 8:43B-10.1. Two commentors recommended that orders be timed. A provision for the timing of orders was not added to the rule because such a provision would be unduly prescriptive. The rule, however, does not preclude the timing of orders.

A revision of N.J.A.C. 8:43B-10.4(a)6 intended to bring the rule into conformance with N.J.A.C. 13:39-2.1 was suggested. The rule was rewritten and the revised rule is in agreement with N.J.A.C. 13:39-2.1 of the New Jersey State Board of Pharmacy Rules.

Commentors objected to N.J.A.C. 8:43B-10.4(a)7 on the grounds that it infringes on the authority of the New Jersey State Board of Nursing and establishes a basis for future conflict between the proposed suchapter and the policies of the New Jersey State Board of Nursing upon which N.J.A.C. 8:43B-10.4(a)7 is based. It was suggested that the rule reference, rather than state, the policy of the Board regarding the administration of drugs by licensed practical nurses. The Department agrees that the New Jersey State Board of Nursing determines the responsibilities of the licensed practical nurse. The rule is included for the convenience of facility personnel and surveyors, and is expected to facilitate the survey process and reduce the number of telephone inquiries made to the Division of Health Facilities Evaluation. N.J.A.C. 8:43B-10.10(a)2 has been rewritten so as to require that licensed practical nurses calculate and administer drug doses in accordance with the rules and policies of the New Jersey State Board of Nursing. Also, N.J.A.C. 8:43B-10(a)7 may be amended in reaction to changes in the rules and policies of the New Jersey State Board of Nursing.

Reference to "Auxiliary label supplied by the pharmaceutical service" and the lack of a definition of "uncomplicated calculation" in N.J.A.C. 8:43B-10(a)7 elicited a number of requests for clarification. The rule was rewritten on the basis of the recommendations received. A definition of "uncomplicated calculated dose" was provided and reference to an auxiliary label supplied by the pharmaceutical service was deleted. This revision renders a definition of "calculated dose" unnecessary and, therefore, the definition of "calculated dose" was deleted from N.J.A.C. 8:43B-10.1. In accordance with the revision of N.J.A.C. 8:43B-10.4(a)7, a licensed practical nurse may calculate "uncomplicated calculated doses" only. One commentor remarked that the UDSS should elimi-

nate the need for calculation. The Department, however, contends that calculations will still be performed in emergency situations, at times during which no pharmacist is in the facility, and during the implementation period allowed by N.J.A.C. 8:43B-10.4(a)1.

One commentor recommended that N.J.A.C. 8:43B-10.4(a)7 clearly state the role of the licensed practical nurse with regard to intravenous medications and solutions. The Department contends that the rule should not exhaustively state the responsibilities of the licensed practical nurse since these responsibilities are determined by the New Jersey State Board of Nursing and vary in accordance with the policies and procedures of the individual facilities.

Whereas one commentor recommended that that part of N.J.A.C. 8:43B-10.4(a)8i which pertains to the administration of approved drugs for unapproved uses be revised, another recommended that it be deleted because the use of approved drugs for unapproved uses may be a source of "substantial problems" for the facility. The Department accepted the recommendation to delete the phrase in question so that patient care and safety may be enhanced. A recommendation to add the phrase "cancer (chemotherapy)" was not accepted since the addition would not essentially change the rule. Several respondents, in reference to the proposed rule, N.J.A.C. 8:43B-10.4(a)8ii, remarked that "q.d." is not an acceptable abbreviation. The Department reconsidered the potential dangers, such as minister-pretation of orders, which would result from the use of certain abbreviations, and, in the interest of patient safety, the abbreviations were deleted from the rule. The proposed rule, N.J.A.C. 8:43B-10.4(a)29, addresses the responsibility of the facility with regard to the use of abbreviations.

A request for clarification of N.J.A.C. 8:43B-10.4(a)11 was received. Specifically, the respondent questioned whether the rule applies to "previously acquired drugs of patients" or to "take-home drugs." N.J.A.C. 8:43B-10.4(a)11 concerns any drugs provided to patients upon their discharge from the facility. N.J.A.C. 8:43B-10.4(a)10, however, concerns drugs which patients may bring to the hospital and which may not be authorized in writing by the prescriber.

Commentors recommended that N.J.A.C. 8:43B-10.4(a)12i not require the documentation of adverse drug reactions on the front cover of the patient's medical record. In accordance with the recommendations, reference to adverse drug reactions was deleted. Since N.J.A.C. 8:43B-10.4(a)12ii provides for the documentation of adverse drug reactions in the patient's medical record, this deletion is not expected to adversely affect patient safety. A number of respondents recommended the deletion of the requirement in N.J.A.C. 8:43B-10.4(a)12ii for the notification by the end of the shift of the directors of the pharmaceutical and nursing services and the nursing supervisor in the event of a medication error or an adverse drug reaction. On the basis of the commentors' arguments regarding the impracticality of, and lack of necessity for, such a requirement, the rule was rewritten as requested. The Department maintains that the proposed requirement was excessively prescriptive and that the notification of the directors of the pharmaceutical and nursing services is an issue which each facility should be able to address individually. One commentor stated that the rule should specify neither the reports to be completed nor their routes. The Department contends that it is important that medication errors and adverse drug reactions be documented because medication errors and adverse reactions have direct implications for patient care and safety.

The Department received a recommendation to prohibit the relabeling of unused drugs returned to the pharmacy in opened containers. In the interest of patient safety, the term "re-labeled" was deleted from N.J.A.C. 8:43B-10.4(a)13i, as requested. Some respondents objected to the requirement in N.J.A.C. 8:43B-10.4(a)13iii for the nursing supervisor to sign all records of drug wasting. One commentor perceived conflicts between N.J.A.C. 8:43B-10.4(a)13iii and other rules within N.J.A.C. 8:43B-10. The proposed rule, N.J.A.C. 8:43B-10.4(a)13iii, was deleted. The proposed rules, N.J.A.C. 8:43B-10.4(a)26ii and iii, which concern controlled substances, were rewritten so as to render N.J.A.C. 8:43B-10.4(a)13iii unnecessary. The rewritten rules do not require the signature of the nursing supervisor. The Department contends that the deletion of the rule will not jeopardize patient care or safety.

It was suggested that the definition of stat. provided in N.J.A.C. 8:43B-10.4(a)15 is inadequate and should include specification of a time limit. The Department maintains that the definition is adequate but adds that the rule does not prohibit the facility from establishing a time limit if the facility so wishes. Two commentors remarked that the proposed rule, N.J.A.C. 8:43B-10.4(a)16, was apparently inconsistent with the proposed rule, N.J.A.C. 8:43B-10.4(a)6, and requested clarification regarding the filling of medication orders in the absence of pharmacy personnel. The Department contends that the rules are consistent. N.J.A.C. 8:43B-10.4(a)16, however, was rewritten in order to clarify the circumstances under which personnel other than pharmacists may remove drugs from the pharmacy. N.J.A.C. 13:39-7.11 and 12 of the New Jersey State Board of Pharmacy Rules delineate the responsibilities of nurses with regard to the removal of drugs from the pharmacy. A recommendation that N.J.A.C. 8:43B-10.4(a)17 be changed so as to state that the list of floor stock drugs must be approved by the pharmacy and therapeutics committee was not accepted since N.J.A.C. 8:43B-10.3(a)1 states that the pharmacy and therapeutics committee is responsible for the development of policies and procedures governing the selection and storage of all drugs. The recommended addition would be duplicative.

The Department received a request for clarification of N.J.A.C. 8:43B-10.4(a)19ii. The rule is to be interpreted within the context of N.J.A.C. 8:43B-10.4(a)19, which requires policies and procedures for stop orders. The rule is intended to ensure that the facility has a stop order policy for medications prescribed for an indefinite duration or in an unlimited total amount. Two commentors recommended the deletion of the phrase "unless otherwise specified by the prescriber" from the proposed rule, N.J.A.C. 8:43B-10.4(a)19iii, which pertains to the automatic cessation of a patient's drugs on the day of surgery. The Department contends that the elimination of the prescriber's option from the rule would impede the prescriber in the performance of his or her duties and thus would endanger patient care and safety. One respondent stated that the requirement for the notification of the prescriber regarding the expiration of a drug order, N.J.A.C. 8:43B-10.4(a)19iv, is excessively prescriptive. The rule was not rewritten. The rule does not require that a particular method of notification be employed. The rule requires that the personnel responsible for notifying the prescriber and the time period for notification be specified by the facility's policies and procedures and is, therefore, quite flexible.

It was recommended that the list of types of toxic and dangerous drugs in N.J.A.C. 8:43B-10.4(a)20 be expanded to include chemotherapeutic and other drugs determined by the

pharmacy and therapeutics committee to be toxic and dangerous. The rule was rewritten. The list of toxic and dangerous drugs was expanded to include other drugs specified by the pharmacy and therapeutics committee. The other drugs may include cancer chemotherapeutic agents.

The proposed rule, N.J.A.C. 8:43B-10.4(a)21, is the object of comments regarding the implementation of a pharmacy-based I.V. admixture service and recommendations regarding particular technical details. The Department received recommendations that the rule specify a 2-year implementation period for the I.V. admixture service as N.J.A.C. 8:43B-10.4(a)1 does for the UDDS. The rule was rewritten as requested. Comments regarding N.J.A.C. 8:43B-10(a)21 are similar to those regarding N.J.A.C. 8:43B-10.4(a)1 insofar as they present recommendations that the implementation period for the new service be extendable, recommendations that implementation of the service not be required of special hospitals because implementation of the service would not be cost-effective in special hospitals in which a relatively small number of I.V. solutions are prepared annually, and requests for clarification and recommendations regarding a facility's freedom to designate particular patient care areas as areas not requiring the service. As in the case of the UDDS, the Department maintains that a 2-year implementation period is reasonable but extendable through receipt of a waiver, and that consideration will be given to requests for waivers from special hospitals (see discussion above regarding N.J.A.C. 8:43B-10.4(a)1). Comments regarding exempt areas include a request for interpretation, a question regarding the rationale for permitting the preparation of I.V. solutions at multiple locations, and a remark that it may not be possible for at least 90 percent of the beds in a hospital to be served by an I.V. admixture service. The Department states that the facility may designate certain patient care areas, such as the operating room and the emergency room, as being exempt areas in which parenteral medications and solutions may be prepared in the absence of a laminar air flow hood and in the absence of direct supervision of a pharmacist. Although the Department recognizes the important advantages which the pharmacy-based intravenous admixture service offers, it similarly recognizes the necessity of permitting the immediate preparation of intravenous infusion solutions in certain patient care areas. The comment which makes reference to a minimum percentage of beds is based on a misunderstanding. The rule does not specify a percentage of beds which must be served by the I.V. admixture service.

One respondent proposed additions to the proposed rule, N.J.A.C. 8:43B-10.4(a)21i, intended to bring the rule into agreement with N.J.A.C. 3:39-2.1 of the New Jersey State Board of Pharmacy Rules. The rule was rewritten and the revised rule is in agreement with N.J.A.C. 13:39-2.1. In reference to the proposed rule, N.J.A.C. 8:43B-10.4(a)21ii, a commentator remarked that it is unnecessary that the cleaning of equipment be documented. The rule was rewritten as requested. Several commentators suggested that the term "centralized" be deleted from the proposed rule, N.J.A.C. 8:43B-10.4(a)21iii, because they consider a decentralized I.V. admixture service to be acceptable also. The rule was rewritten as requested. Several commentators claimed that entering the name of the I.V. solution on the supplementary label, required by N.J.A.C. 8:43B-10.4(a)21iv, would be "redundant and time consuming." The Department contends that placing the name of the solution on the supplementary label will not necessarily be duplicative since the supplementary label may obscure the original label. Another commentator

recommended that the supplementary label include the patient's full name and the name of the prescribing physician. The rule was rewritten so as to require that the patient's first and last names appear on the label. The Department contends that the inclusion of the prescribing physician's name on the label would be unnecessary. Since N.J.A.C. 8:43B-10.4(a)21iv refers to initials and identifying codes, one respondent recommended that a requirement for the recording and identification of initials and identifying codes in the pharmacy be added. A new rule, N.J.A.C. 8:43B-10.4(a)22, regarding the use of initials or identifying codes of pharmacy personnel was added. One respondent noted that a facility may have a general policy which requires that all I.V. solutions be refrigerated until time of use. The requirement in N.J.A.C. 8:43B-10.4(a)21iv for the inclusion of storage requirements on the supplementary label does not prevent the facility from requiring refrigeration of I.V. solutions. The Department contends that the revisions made in N.J.A.C. 8:43B-10.4(a)21i through iv neither jeopardize patient care or safety nor substantially change the intent of the rules.

One commentator recommended that the proposed rule, N.J.A.C. 8:43B-10.4(a)22, require the pharmaceutical service to have a copy of the signed informed consent form before dispensing investigational drugs. The rule, as written, does not prohibit the facility from establishing a policy whereby the pharmaceutical service must receive a copy of the form before dispensing investigational drugs. The Department did not accept a recommendation to revise N.J.A.C. 8:43B-10.4(a)22v in such a way as to restrict the maintenance of information on investigational drugs to the pharmacy. The rule does not prohibit the facility from restricting information on investigational drugs to the pharmacy.

Two respondents indicated that the term "devices" in the proposed rule, N.J.A.C. 8:43B-10.4(a)24, denotes too broad a class and should be deleted. The term "devices" was deleted as requested. The Department contends that patient safety will not be jeopardized by this deletion.

The Department received objections to the use of the term "verifiable record system" with regard to the purchase, storage, and distribution of needles and syringes. The rule was rewritten. The phrase "verifiable record system" was replaced by the phrase "system of accountability." The Department maintains that patient care and safety will not be jeopardized by this substitution because the system of accountability should be capable of revealing problems of misuse or diversion. The Department maintains that the rule is not to be interpreted as specifying any particular system of accountability but, rather, permits the facility to develop and implement its own system of accountability. A recommendation to revise the proposed rule, N.J.A.C. 8:43B-10.4(a)25, in such a manner as to permit the nondestruction of used needles and syringes provided that they have been rendered inaccessible was not accepted. The rule cannot be rewritten in such a way as to relieve the facility of its obligation to observe N.J.S.A. 2A:170-25.17.

Both of the proposed rules, N.J.A.C. 8:43B-10.4(a)26ii and iii, were rewritten in order to clearly distinguish between the accidental wasting of controlled drugs and the intentional wasting of controlled drugs, which requires the presence of a witness. The revision of the proposed rule, N.J.A.C. 8:43B-10.4(a)26iii, in conjunction with the deletion of N.J.A.C. 8:43B-10.4(a)13iii, eliminated the apparent duplication and inconsistency between the two proposed rules.

The Department received a recommendation that the proposed rule, N.J.A.C. 8:43B-10.4(a)26iv, be rewritten so as to

specify nurses and physicians. The rule was not rewritten. The term "persons" refers to members of the staff of the anesthesia service. Comments regarding the proposed rule, N.J.A.C. 8:43B-10.4(a)26iv(1), include requests for clarification and recommendations for deletion on the grounds that the maintenance of a system of accountability for noncontrolled drugs by the anesthesia service is unnecessary and unwarranted. The rule was not deleted. The Department contends that the anesthesia service should be required to maintain a system of accountability for noncontrolled drugs because of the potentially lethal nature of some of the noncontrolled drugs used by the anesthesia service. The Department maintains that deletion of the rule would seriously jeopardize patient safety.

The Department received recommendations that the proposed rule, N.J.A.C. 8:43B-10.4(a)28, address the provision of product information to patients. The rule was not rewritten. The rule, as written, does not preclude the provision of product information to patients. In reference to the proposed rule, N.J.A.C. 8:43B-10.4(a)28iii, one commentor requested that the rule include a provision for the automatic forwarding of drug law information "to the pharmacy whenever changes are adopted in the State of New Jersey." The rule was not rewritten. N.J.A.C. 8:43B-10 concerns the licensure of hospital facilities and cannot require the automatic forwarding of information to the hospital pharmacy from a source outside the facility. The Department, in the past, has notified facilities of changes in drug law information of which the Department was aware. Changes in State regulations appear in the New Jersey Register, which can be obtained from the Office of Administrative Law. A recommendation to revise the proposed rule, N.J.A.C. 8:43B-10.4(a)29, so as to require that the metric system be used for all medication orders was not accepted. The rule does not prohibit a facility from requiring the use of the metric system. The establishment of the use of the metric system in any institution is beyond the scope of N.J.A.C. 8:43B-10.

The proposed rule, N.J.A.C. 8:43B-10.4(a)30, elicited comments which describe the clinical and economic advantages afforded by the use of drug samples, and which indicate the importance of the role of medical and pharmaceutical sales representatives. Whereas one commentor suggested a particular policy regarding the activities of representatives, another commentor expressed concern over the possibility that representatives could be excluded from a facility in accordance with the policies and procedures of that facility. The section of the proposed rule, N.J.A.C. 8:43B-10.4(a)30, which concerns the activities of sales representatives was not rewritten. The rule neither prescribes nor suggests the content of the facility's policies and procedures. After considering the arguments in support of the use of drug samples in hospital facilities, the Department solicited and received clarification from the New Jersey State Board of Pharmacy regarding the issue of the distribution and use of drug samples in hospital facilities. The Board recommended that the rule, N.J.A.C. 8:43B-10.4(a)30, be revised so as to state that drug samples shall not be accepted, placed or maintained in stock, distributed or used in the facility. The rule was revised in accordance with the Board's recommendation, and the revised rule is in agreement with N.J.A.C. 13:39-9.12 of the New Jersey State Board of Pharmacy Rules.

The sections of the subchapter which list the responsibilities of the director, assistant director, and staff and/or clinical pharmacists of the pharmaceutical service, N.J.A.C. 8:43B-10.6 through 9, were considered by one respondent to be "superfluous" and "restrictive of management's rights." An-

other commentor claimed that N.J.A.C. 8:43B-10.6 makes the director of the pharmaceutical service accountable to the Department rather than to the hospital administration, and that N.J.A.C. 8:43B-10.6 and 7 represent job descriptions of hospital employees. No specific instances of superfluity were cited. The Department contends that the responsibilities specified are necessary and that the specification makes the rules measurable and objective. The Department maintains that the proposed rules concern the licensure of hospital facilities and do not concern the licensure of facility personnel. The rules are not job descriptions and do not address all of the many responsibilities associated with the various pharmacy personnel.

One respondent recommended that the proposed rule, N.J.A.C. 8:43B-10.6(a)5, be rewritten so as to refer specifically to the committee on quality assurance. The rewritten rule includes the recommended phrase. It was suggested that N.J.A.C. 8:43B-10.6(a)8 include specification of a "maximum ratio of one unlicensed person employed to each licensed pharmacist employed." The rule was not rewritten. The Department maintains that the issue of the ratio of registered pharmacists to pharmacy personnel other than pharmacists is an issue which transcends the particular case of the hospital pharmaceutical service. Whereas one respondent recommended that the director submit quarterly reports to the pharmacy and therapeutics committee, another commentor asserted that the facility alone should determine the nature and frequency of the reports. The rule was not rewritten. Submission of quarterly reports is not precluded by the rule. A representative of the Department recommended that N.J.A.C. 8:43B-10.6(a)12 specifically refer to Drug Enforcement Administration numbers for New Jersey since a D.E.A. number is valid only in the state indicated on the certificate. N.J.A.C. 8:43B-10.6(a)12 was rewritten. The portion of the rule pertaining to Drug Enforcement Administration numbers, to which the phrase "for New Jersey" had been added as recommended, was moved to N.J.A.C. 8:43B-10.4 so as to transfer responsibility for the maintenance of the records from the director of the pharmaceutical service to the facility and to avoid unnecessary duplication of effort (see N.J.A.C. 8:43B-10.4(a)28). N.J.A.C. 8:43B-10.6(a)12, as rewritten, requires that the director maintain a means of identifying the signatures of prescribers.

A respondent recommended that N.J.A.C. 8:43B-10.8(a)1 not require the inspection of "laboratories which store chemicals that are not used pharmaceutically." The rule was not rewritten. The comment cannot be the basis for a revision in the rule since the language of the comment is too imprecise. "Chemicals" and "pharmaceutically" are very broad terms. Problems regarding particular laboratories may be brought to the attention of the Director of the Licensing, Certification and Standards Programs of the Department. N.J.A.C. 8:43B-10.8(a)4 was misinterpreted by one respondent as precluding "the compounding of drugs by physicians in their specialty areas." The rule was not rewritten. The rule does not place restrictions on the activities of physicians. The Department received recommendations that the proposed rules, N.J.A.C. 8:43B-10.8(a)6, 7, and 9, be rewritten so as to be more flexible with regard to the extent of the responsibility of the pharmacist for performing the functions described in the rules. Also, it was remarked that the proposed rules, N.J.A.C. 8:43B-10.8(a)7 and 9, would impede nurses in the performance of their duties. N.J.A.C. 8:43B-10.8(a)6, 7, and 9 as rewritten, provide for the participation of the pharmacist in the activities described in the rules in accordance with the policies and

procedures of the facility. These revisions permit the flexibility requested by the commentators, will not adversely affect patient care, and do not prohibit the nurse from performing any nursing functions. Finally, a respondent asserted that instruction of patients regarding medication to be taken following discharge is a nursing function. N.J.A.C. 8:43B-10.8(a)10 was not rewritten. The rule specifies a responsibility of staff and/or clinical pharmacists and does not specify or place restrictions upon the responsibilities of nurses.

Several commentators objected to the inclusion of a section regarding nursing care services, N.J.A.C. 8:43B-10.10, in N.J.A.C. 8:43B-10. Respondents claimed that this section should not be isolated from the section on nursing services, N.J.A.C. 8:43B-5.3, and represents a usurpation of the authority of the New Jersey State Board of Nursing. The current rule, N.J.A.C. 8:43B-5.3, will eventually be revised. N.J.A.C. 8:43B-10.10 will be incorporated into N.J.A.C. 8:43B-5.3 at that time. The Department agrees that the interpretation of the Nursing Practice Act is the responsibility of the New Jersey State Board of Nursing. The revised rules refer to the rules and policies of the New Jersey State Board of Nursing where such reference is appropriate. One commentator suggested that N.J.A.C. 8:43B-10.10 be rewritten so as to require that the name and strength of the drug be checked before and after administration. No such revision was made, however, because the definition of "drug administration" in N.J.A.C. 8:43B-10.1 includes the verification requested.

In regard to the proposed rule, N.J.A.C. 8:43B-10.10(a)1, respondents stated that the rule makes nursing personnel accountable for the actions of prescribers and that the rule precludes the administration of verbally ordered medication in an emergency. The Department maintains that the rules was misinterpreted. The rule prohibits nurses from administering medications which are not properly prescribed in writing. The rule is not to be confused with N.J.A.C. 8:43B-10.4(a)4 which requires the facility to establish policies and procedures to ensure that all medications are ordered in writing and that the medication orders contain the information specified in the rule. Also, the rule does not preclude the acceptance of verbal orders in accordance with N.J.A.C. 8:43B-7.2(c)10ii. One commentator suggested the addition of a provision concerning the administration of medication by personnel such as radiologic technicians and respiratory therapists in accordance with institutional policy. It is not within the purview of the Department, however, to add such a provision. Applicable State laws are to be observed. Also, N.J.A.C. 8:43B-10.10(a)1 pertains to nursing personnel only. Another commentator stated that reference to the rules and regulations of the New Jersey State Board of Nursing should replace N.J.A.C. 8:43B-10.10(a)1i through v and N.J.A.C. 8:43B-10.10(a)2. Each of these rules, in its final form, makes reference to the rules, policies, or actions of the New Jersey State Board of Nursing. It was noted that the New Jersey State Board of Nursing is in the process of revising and promulgating N.J.A.C. 13:37 (see 15 N.J.R. 1850), and it was recommended that N.J.A.C. 8:43B-10.10(a)1iv refer to the New Jersey State Board of Nursing Rules in general rather than to the particular rules currently under revision. The rule was rewritten as requested. The New Jersey State Board of Nursing stated that the proposed rule, N.J.A.C. 8:43B-10.10(a)1v, is unrealistic and unnecessary, and recommended that it be rewritten so as to indicate that student nurses in an approved school of nursing "under the supervision of a nurse faculty member" are authorized to administer medication. The rule was rewritten as requested. The Department con-

tends that the revision will not jeopardize patient care or safety.

Several respondents objected to the provision in the proposed rule, N.J.A.C. 8:43B-10.10(a)3, for the designation by the medical staff of personnel who may accept verbal and telephone orders. The rule was deleted. It would not be appropriate to include a general rule regarding verbal and telephone orders in N.J.A.C. 8:43B-10.10 because this section concerns nursing care services exclusively. Patient care or safety will not be jeopardized by this deletion because the requirements regarding the acceptance and countersigning of telephone and verbal orders are stated in N.J.A.C. 8:43B-7.2(c)10ii. One commentator stated that the proposed rules address the measurement of vital signs before drug administration yet do not require that allergies be noted. N.J.A.C. 8:43B-10.4(a)12i requires that allergies be documented in the patient's medical record and on its outside front cover.

A new rule was added to N.J.A.C. 8:43B-10.10 in order to provide for the recording of cautionary instructions and additional information regarding medications received from the pharmacy (see discussions above regarding the definition of "unit dose drug distribution system" and N.J.A.C. 8:43B-10.4(a)1iii).

Although the proposed rules, N.J.A.C. 8:43B-10.10(a)10, N.J.A.C. 8:43B-10.10(a)14, and N.J.A.C. 8:43B-10.10(a)15iii, specifically address responsibilities of nursing personnel, these rules are similar to the proposed rules, N.J.A.C. 8:43B-10.4(a)2ii, N.J.A.C. 8:43B-10.4(a)25, and N.J.A.C. 8:43B-10.4(a)26iv, respectively, and, consequently, elicited similar or identical comments. The proposed rule, N.J.A.C. 8:43B-10.10(a)10, was rewritten as requested and is similar to, and consistent with, the revision of N.J.A.C. 8:43B-10.4(a)12ii described above. The provision for the reporting of drug product defects was deleted from the proposed rule, N.J.A.C. 8:43B-10.10(a)11, and added to the revised rule, N.J.A.C. 8:43B-10.4(a)12, which specifically addressed drug defects. Despite the fact that a commentator claimed that the nurse cannot record the date on which a drug was received from the pharmacy at the time of drug administration, N.J.A.C. 8:43B-10.10(a)15iii, was not rewritten for the reason given above in reference to a similar comment regarding the proposed rule, N.J.A.C. 8:43B-10.4(a)26iv. One respondent suggested that the director of the pharmaceutical service should be able to require a declining inventory of particular Schedule III and IV substances. The Department maintains that N.J.A.C. 8:43B-10.10(a)15 does not prohibit any facility from requiring the maintenance of declining inventories of Schedules III and Schedule IV drugs. The proposed rule, N.J.A.C. 8:43B-10.10(a)15iv, was revised so as to be consistent with the revision of the proposed rule, N.J.A.C. 8:43B-10.4(a)26ii (see discussion above regarding the proposed rule, N.J.A.C. 8:43B-10.4(a)26ii).

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

SUBCHAPTER 10. PHARMACEUTICAL SERVICES

8:43B-10.1 Definitions and/or qualifications

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

*["Calculated dose" shall mean a drug dose that requires mathematical computation because the amount of drug to be

given differs from the dose that has been supplied for administration. The amount of drug prescribed may be:

1. Smaller than that supplied, requiring administration of a fractional part of the drug;
2. Larger than that supplied, requiring administration of more than one tablet, milliliter, or other measurement; or
3. Ordered in one measurement and available in the units of another measurement (for example, the number of drops per minute to administer a prescribed amount of solution).]

"Charge nurse" shall mean a person who is licensed in the State of New Jersey as a registered professional nurse.

"Controlled dangerous substances" shall mean drugs subject to the Controlled Substances Act of 1970 (Title II, Public Law 91-513) and the New Jersey Controlled Dangerous Substances Act of 197 *[]* *0*.

"Current" shall mean up-to-date, extending to the present time.

"Drug" shall mean a substance as defined in the New Jersey State Board of Pharmacy Rules, N.J.A.C. 13:39-1.1. The word "medication," which also occurs in these standards, has an equivalent meaning and is used interchangeably with the word "drug."

"Drug administration" shall mean a procedure in which a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such procedures. The complete procedure of administration includes removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), verifying it with the prescriber's orders, giving the individual dose to the patient, seeing that the patient takes it (if oral), and recording the required information, including the method of administration.

"Drug dispensing" shall mean a procedure entailing the interpretation of the original or direct copy of the prescriber's order for a drug and, pursuant to that order, the proper selection, measuring, labeling, packaging, and issuance of the drug to a patient or a service unit of the facility, in conformance with all applicable Federal, State, and local rules and regulations.

"Drug distribution station" shall mean an area as defined in Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities, DHEW Publication No. (HRA) 79-14500.

"Floor stock" shall mean a supply of drugs provided by the pharmacist to a *[patient or a]* service *or* unit in a labeled container in limited quantities, as approved by the pharmacy and therapeutics committee of the facility.

"Formulary" shall mean a list of all drugs stocked by the facility. It may also list drugs which are considered appropriate for treating specific illnesses, or may list substitutions of chemically equivalent drugs for trade name prescription drugs*, or may list therapeutically equivalent drugs*.

"Intravenous infusion admixture service" shall mean the preparation by the pharmaceutical service during the hours of operation of the pharmacy of intravenous infusion solutions requiring compounding and/or reconstitution.

"Licensed nursing personnel" (licensed nurse) shall mean registered professional nurses or practical (vocational) nurses licensed in the State of New Jersey.

"Licensed practical nurse" shall mean a person who is licensed by the New Jersey State Board of Nursing.

"Medical record" shall mean all records in the facility which pertain to the patient, including radiological films.

"*[Medication administration record" (MAR) shall mean the documentation of medication administered to a patient.]*

"Medication error" shall mean the administration of the wrong medication or dose of medication, drug, diagnostic agent, chemical, or treatment requiring use of such agents, to the wrong patient, or at the wrong time, or the failure to administer such agents at the specified time, or in the manner prescribed or normally considered as accepted practice. Errors may be classified as "commissions," that is, medications incorrectly administered to the patient, such as unordered medication or medication in the wrong strength; and "omissions," that is, medications not administered at prescribed times.

"Medication profile" shall mean a patient profile record system as defined in the New Jersey State Board of Pharmacy Rules, N.J.A.C. 13:39-9.13.

"Pharmacist" shall mean a person who is registered*, *, as defined in N.J.A.C. 13:39-1.1,* by the New Jersey State Board of Pharmacy.

"Prescriber" shall mean a person who is authorized to write prescriptions in accordance with Federal and State laws and the medical staff bylaws, rules and regulations.

"Registered professional nurse" shall mean a person who is licensed by the New Jersey State Board of Nursing.

"Self-administration" shall mean a procedure in which any medication is taken orally, injected, inserted, or topically or otherwise administered by a patient to himself or herself. The complete procedure of self-administration includes removing an individual dose from a previously dispensed, labeled container (including a unit dose container), verifying it with the directions on the label, and taking orally, injecting, inserting, or topically or otherwise administering the medication.

["Stop order" shall mean a written, signed, and dated statement by the prescriber mandating the cessation of a written order (except those orders indicated in N.J.A.C. 8:43B-10.4(a)19).]

"Supervision" shall mean authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his or her sphere of competence, with initial direction and periodic on-site inspection of the actual act of accomplishing the function or activity.

"Direct supervision" shall mean the supervision on the premises within view of the supervisor.

"Unit dose drug distribution system" shall mean a system in which drugs are delivered to the patient areas in single unit packaging. Each patient shall have his or her own *[medications]* *receptacle, such as a tray, bin, box, cassette, drawer, or compartment,* labeled with his or her *first and last* name and *[location in the facility]* *room number, and containing his or her own medications*. Each medication shall be individually wrapped and labeled with the generic and trade names and strength of the drug, lot number or reference code, expiration date, *[dose,]* and manufacturer's *or distributor's* name, and ready for administration to the patient.

If the facility repackages medications in single unit packages, the facility's policies and procedures shall indicate how such packages shall be labeled to identify the lot number or reference code and manufacturer's or distributor's name. Cautionary instructions *[shall appear on the patient's medication administration record (MAR), and the system shall include provisions for noting]* *and* additional information, such as special times *[or routes]* of administration *regarding dis-

pensed medications are transmitted to the personnel responsible for the administration of the medications*. Delivery and exchange of patient medications shall occur promptly, and at least one exchange of patient medications shall occur daily. The number of doses for each patient shall be sufficient for a maximum of 24 hours.

8:43B-10.2 Pharmaceutical services

(a) Pharmaceutical services shall be available at all times on the premises. The ***facility shall have a*** pharmacy ***(shall be)*** licensed by, and operated in accordance with, the New Jersey State Board of Pharmacy and shall possess a current Drug Enforcement Administration registration and a Controlled Dangerous Substance registration from the Department.

(b) The facility shall maintain the organization, management, and operation of the pharmaceutical service in accordance with a written organizational plan which shall describe the responsibility, authority, and accountability relationships of personnel, the functional structure of the service, and the relationship of the pharmaceutical service to the other services.

8:43B-10.3 Pharmacy and therapeutics committee's responsibilities

(a) A multidisciplinary pharmacy and therapeutics committee shall be appointed by and accountable to the governing authority. The committee shall meet at least two times a year and shall document its activities, findings, and recommendations, as specified in the New Jersey State Board of Pharmacy Rules, N.J.A.C. 13:39-7.15. The committee shall be responsible for, but not limited to, the following:

1. With the director of the pharmaceutical service, development of policies and procedures, approved by the governing authority, and documentation of their annual review. These policies and procedures shall govern evaluation, selection, obtaining, dispensing, storage, distribution, administration, use, control, accountability, and safe practices pertaining to all drugs used in the treatment of patients;

2. Development and ***at least an*** annual review and approval of a current formulary of drugs for use in the facility. The formulary shall be available to at least nursing personnel and the medical staff;

3. Provision of consultation and in-service education to at least the medical staff, nursing personnel, and the director of the pharmaceutical service concerning the choice of drugs used in the facility;

4. Review of the reports of the director of the pharmaceutical service; and

5. Submission of a report to the governing authority and the medical staff in accordance with the facility's policies and procedures.

8:43B-10.4 Drug administration; policies and procedures

(a) Policies and procedures shall ensure that the right drug is administered to the right patient in the right amount*[s]* ***through the right route of administration*** and at the right time*[s]*. Policies and procedures shall include, but not be limited to, the following:

1. Specification of a unit dose drug distribution system. (Note: All facilities shall have a unit dose drug distribution system within two years of the effective date of this subchapter.) Policies and procedures for the unit dose drug distribution system shall include, but not be limited to, the following:

- i. Each patient shall have his or her own ***[medications]*, *receptacle, such as a tray, bin, box, cassette, drawer, or compartment,*** labeled with his or her ***first and last*** name and room number*, and containing his or her own **medications***. Each ***single*** unit ***[dose]* *package*** of medication shall be labeled to include the generic name, trade name (if appropriate), and strength of the drug, ***[dose,]*** manufacturer's ***or distributor's*** name and expiration date, and lot number or reference code ***[. Cautionary instructions shall appear on the patient's medication administration record (MAR)]***;

- *(1) If the facility repackages medications in single unit packages, the facility's policies and procedures shall indicate how such packages shall be labeled to identify the lot number or reference code and manufacturer's or distributor's name; and**

- (2) The facility's policies and procedures shall specify the medications which will not be obtained from manufacturers or distributors in single unit packages and will not be repackaged as single units in the facility;***

- ii. Delivery and exchange of patient medications shall occur as scheduled. Patient medications shall be exchanged at least once a day. No more than a 24-hour supply of doses shall be delivered to or available in the patient care area at any time; and

- iii. ***[There shall be provisions for noting]* *The facility's policies and procedures shall ensure that cautionary instructions and* additional information, such as special times ***[or routes]*** of administration ***[and special precautions]* ***, **are transmitted to the personnel responsible for the administration of the medications*;****

2. Methods for procuring drugs on a routine basis, in emergencies, and in the event of disaster;

3. Policies and procedures, approved by the pharmacy and therapeutics committee in accordance with the standards in this chapter, regarding emergency kits and emergency carts, including the following:

- i. Approval of their locations and contents;

- ii. Provision for pediatric doses in areas of the facility where pediatric emergencies may occur, including, but not limited to, the pediatric service, the emergency room, and the operating room;

- iii. Determination of the frequency of checking contents, including expiration dates;

- iv. Approval of the assignment of responsibility for checking contents; and

- v. Ensuring that emergency kits are secure but are not kept under lock and key;

4. A policy and procedures, approved by the medical staff of the facility, to ensure that all medications are ordered in writing, that the written order specifies the name of the drug, dose, frequency, and route of administration, that the order is signed and dated by the prescriber, and that all medications are administered ***[by licensed or authorized personnel,]*** in accordance with the laws of the State of New Jersey;

5. Policies and procedures regarding the clarification of orders, including a definition of "clarification;"

6. A policy that only a pharmacist, or pharmacy personnel other than a pharmacist and under the direction and supervision of a pharmacist ***(in accordance with the New Jersey State Board of Pharmacy Rules, N.J.A.C. 13:39-2.1)***, shall compound, prepare, label, or dispense drugs, make labeling changes, or transfer drugs to different containers ***[. Pharmacy personnel other than the pharmacist while performing these functions shall be within view of the pharmacist, who**

shall check prior to and upon completion of the person's performance]*;

7. A definition and policies and procedures for doses of drugs that may be calculated and administered by licensed practical nurses *[, according to directions on an auxiliary label supplied by the pharmaceutical service]*. A licensed practical nurse may:

i. Administer drugs orally, subcutaneously, and intramuscularly, according to the unit dosage labeling;

ii. Administer drugs that require uncomplicated calculations *. **An uncomplicated calculated dose shall mean a drug dose that requires mathematical computation because the amount of drug to be given differs from the dose that has been supplied for administration. The amount of drug prescribed may be:**

(1) smaller than that supplied, requiring administration of a fractional part of the drug; or

(2) larger than that supplied, requiring administration of more than one tablet, milliliter, or other measurement*; and

iii. Administer fractional doses that have been precalculated when the dose to be administered is noted on the vial or container;

8. Policies and procedures for drug administration, including, but not limited to, the following:

i. Specification of *[additional]* information and training required for personnel who administer toxic or dangerous drugs (such as chemotherapeutic agents, investigational drugs, or drugs administered intravenously or by clysis), or *[who administer approved drugs for unapproved uses,]* new dosage forms, *[or any unusual or new drug requiring ancillary precautions]*; and

ii. Establishment of the times for administration of drugs prescribed *[, for example, q.d., b.i.d., t.i.d., and q.i.d. (one, two, three, and four times a day)]*;

9. If facility policy permits, policies and procedures regarding self-administration of drugs, including, but not limited to, the following:

i. A requirement that self-administration be permitted only upon a written order of the prescriber;

ii. Storage of drugs;

iii. Labeling of drugs;

iv. Methods for documentation in the patient's medical record of self-administered drugs;

v. Assistance in training and education of patients in self-administration and the safe use of drugs; and

vi. Establishment of precautions and policies and procedures so that patients do not share their drugs or take the drugs of another patient;

10. If facility policy permits, policies and procedures regarding the previously acquired drugs of patients. A written order signed by the prescriber shall be required for the administration of such drugs. The drugs shall be given to the pharmacist for identification of contents and dispensing origin, and for relabeling for use in the facility;

i. Policies and procedures regarding drugs brought into the facility by a patient and not authorized in writing by the prescriber;

11. If facility policy permits, procedures regarding release of drugs to patients upon discharge. Drugs shall be released only on the written order of the prescriber, and shall be relabeled and repackaged by the pharmacist, in accordance with the New Jersey State Board of Pharmacy Rules. Released drugs shall be documented in the patient's medical record, in accordance with facility policy;

12. Policies and procedures for documenting and reviewing adverse drug reactions, medication errors, and drug defects, including, but not limited to, the following:

i. *[Adverse drug reactions and/or a]* ***A*** shall be documented in the patient's medical record and on its outside front cover; *[and]*

ii. Medication errors and adverse drug reactions shall be orally reported immediately to the charge nurse and the prescriber. By the end of the shift, *[the director of the pharmaceutical service, the nursing supervisor, and the director of the nursing service shall be notified,]* an entry ***shall be*** made in the patient's medical record, and an incident report ***shall be*** completed. As determined by facility policy, incident reports shall be reviewed by the pharmacy and therapeutics committee or by another specified committee, or its equivalent, with the participation of the director of the pharmaceutical service or his or her designee; ***and***

iii. Drug product defects shall be reported in accordance with the ASHP-USP-FDA (American Society of Hospital Pharmacists, United States Pharmacopoeia, Food and Drug Administration) Drug Product Defect Reporting System;

13. Policies and procedures for unused ***controlled and noncontrolled*** drugs, including, but not limited to, the following:

i. Drugs in opened containers, in containers with broken seals, or in containers missing drug source and exact identification (e.g., control lot number) shall be returned to the pharmacy to be *[relabelled,]* replaced, disposed of, or immediately destroyed in accordance with the New Jersey State Board of Pharmacy Rules; ***and***

ii. Drugs in unopened containers and in ***single*** unit ***[dose]*** packages which have seal and exact identification intact may be redispensed; ***[and]***

[iii. In all areas of the facility where drugs are dispensed, administered or stored, a record shall be made of any controlled substances that are wasted, either by accident or intent. This record shall be signed by the person responsible, any witnesses, and by the nursing supervisor if nursing personnel wasted the substance, and returned to the pharmacy with a written explanation;]

14. Policies and procedures concerning drug repackaging;

15. Policies and procedures for ensuring the immediate delivery of stat. doses. Stat. (statim) shall mean immediately;

16. Policies and procedures to ensure the provision of pharmaceutical services at all times. ***[Drugs]* In the event that a pharmacist is not present in the facility, drugs*** shall be removed ***as needed*** from the pharmacy in accordance with the New Jersey State Board of Pharmacy Rules*, **N.J.A.C. 13:39-7.12***;

17. If facility policy permits, policies and procedures for the use of floor stock drugs. A list shall be maintained of floor stock drugs and their amounts stored throughout the facility;

18. Policies and procedures regarding outpatient prescriptions, including, but not limited to, prescription labeling, profiles, and record storage, in accordance with the New Jersey State Board of Pharmacy Rules;

19. Policies and procedures for stop orders ***and discontinued orders, as defined in the facility's policies and procedures***, including, but not limited to, the following:

i. The length of time orders may be in effect;

ii. A policy for control of drugs, including intravenous infusion solutions, not specifically limited as to duration of use or number of doses when ordered;

iii. Automatic stoppage of a patient's drugs as of the time of day specified by facility policy, on the day the patient undergoes surgery, unless otherwise specified by the prescriber; and

iv. Notification of the prescriber by specified personnel and within a specified period of time prior to the expiration of a drug order to ensure that the drug is discontinued if no specific renewal is ordered. The prescriber shall rewrite the specific drug orders for postoperative medication, including name of the drug, dose, frequency, and route of administration;

20. Policies and procedures to control the administration of toxic and dangerous drugs, including ***at least*** narcotics, sedatives, anticoagulants, antibiotics, oxytocics, corticosteroid products, ***[and]*** intravenous infusion solutions*, **and other drugs specified by the pharmacy and therapeutics committee***;

21. Policies and procedures for the use of parenterals, including, but not limited to, the following:

[i.]* *ii. Safety measures for the preparation, sterilization, and admixture of intravenous infusion solutions. These shall be prepared only by a pharmacist or by pharmacy personnel under the direction and supervision of a pharmacist ***(in accordance with the New Jersey State Board of Pharmacy Rules, N.J.A.C. 13:39-2.1)***, and under a laminar air flow hood except in patient care areas specified by facility policy ***[. Pharmacy personnel other than the pharmacist while performing these functions shall be within view of the pharmacist, who shall check prior to and upon completion of the person's performance]***;

[ii.]* *iii. ***[Documented q]* *Q***quality control ***[measures]* *procedures*** for laminar air flow hoods shall include cleaning of the equipment used on each shift, ***documented*** microbiological monitoring as required by the infection control committee, or its equivalent, and ***documented*** checks at least every 12 months for operational efficiency; ***and***

[iii.]* *i. The facility shall have a ***n*** ***[centralized]*** intravenous infusion admixture service operated by the pharmaceutical service ***within two years of the effective date of this subchapter***. If the preparation, sterilization, and labeling of parenteral medications and solutions are performed in the exempt areas within the facility, as specified by facility policy, but not under direct supervision of a pharmacist, the director of the pharmaceutical service shall be responsible for providing written guidelines and for approving the procedures; ***[and]***

iv. Labeling of intravenous infusion solutions, such that a supplementary label is affixed to the container of any intravenous infusion solution to which drugs are added. The label shall include the patient's ***first and last*** name and ***[location]*; *room number***; the name of the solution; the name and amount of the drug(s) added; the date and time of the addition; the date, time, and rate of administration; the name or initials of the pharmacy personnel who prepared the admixture; the name, initials, or identifying code of the pharmacist who prepared or supervised preparation of the admixture; supplemental instructions, including storage requirements; and the expiration date of the solution;

***22. Policies and procedures regarding the use of initials or identifying codes of pharmacy personnel. If facility policy permits the use of initials or identifying codes by pharmacy personnel, a list shall be maintained of these initials or identifying codes and the corresponding printed or typed names and signatures. Each entry shall be retained for a period of at least**

five years after the date of termination of the person's employment;*

23. If facility policy permits, policies and procedures for drug research and the use of investigational drugs, in accordance with Federal and State regulations, including, but not limited to, the following:

i. The use, storage, control, and distribution of investigational drugs. The pharmacy shall be accountable for drug storage, control, and distribution;

ii. Authorization of personnel who shall administer investigational drugs;

iii. Procedures for notification of personnel who administer investigational drugs, or who have patients receiving them, that the drugs are approved for investigational purposes;

iv. Procedures for the provision of information to personnel concerning investigational drugs, including their side effects, actions, uses, and symptoms of toxicity;

v. Establishment of a central location, such as the pharmacy, for the maintenance of information on investigational drugs; and

vi. Authorization of personnel who shall have access to information concerning investigational drugs;

24. If drug dispensing devices are used in the facility, policies and procedures for their limited and restricted use, in accordance with the New Jersey State Board of Pharmacy Rules;

[24.]* *25. Policies and procedures regarding the purchase, storage, safeguarding, accountability, use, and disposition of drugs ***[and devices]***, in accordance with the New Jersey State Board of Pharmacy Rules and the Controlled Dangerous Substances Acts and amendments thereto;

[25.]* *26. Needles and syringes are procured, stored, used, and disposed of in accordance with the ***[New Jersey State Board of Pharmacy Rules and the]*** laws of the State of New Jersey and amendments thereto. ***[A verifiable record system]* *There*** shall be ***[maintained of]* *a system of accountability for*** the purchase, storage, and distribution of needles and syringes. There shall be a system of accountability for the disposal of used needles and syringes which shall not necessitate the counting of individual needles and syringes after they are placed in the container for disposal;

[26.]* *27. Policies and procedures regarding the control of drugs subject to the Controlled Dangerous Substances Acts and amendments thereto, in compliance with the New Jersey State Board of Pharmacy Rules and all other Federal and State laws and regulations concerning procurement, storage, dispensing, administration, and disposition. Such policies and procedures shall include, but not be limited to, the following:

i. Provision for a verifiable record system for controlled substances;

ii. Policies and procedures to be followed in the event that the inventories of controlled substances cannot be verified or drugs are lost, contaminated, ***unintentionally*** wasted, or destroyed. A report of any such incident shall be written and signed by the ***[licensed nurses]* *persons*** involved ***[.]* *and*** any witnesses present ***[, and the nursing supervisor, and copies shall be sent for review to the director of the nursing service and the director of the pharmaceutical service]***;

iii. In all areas of the facility where drugs are dispensed, administered, or stored, procedures for ***the intentional wasting of controlled substances, including the*** disposition of partial doses ***[of controlled substances]* ***, **and for documentation***. A second person shall witness the disposition;

and

iv. A declining inventory shall be maintained by the anesthesia service of all controlled substances. This inventory shall be checked by actual count by two persons at least once every 24 hours. The following shall be recorded: name of the patient receiving the drug, prescriber's name, name and strength of the drug, date received from the pharmacy, date of administration, dosage administered, route of administration, signature of the person administering the drug, amount of drug remaining, amount of drug destroyed or wasted (when appropriate), and the signature of the person witnessing the destruction or wasting of the drug (when appropriate). The anesthesia service shall return a record of the inventory to the pharmacy when requesting new supplies;

(1) The anesthesia service shall maintain a system of accountability for all other (noncontrolled) drugs;

28. Policies and procedures for the maintenance of records of prescribers' Drug Enforcement Administration numbers for New Jersey;

29. Policies and procedures to ensure that all drugs are kept in locked storage areas, except intravenous infusion solutions which shall be stored according to a system of accountability, as specified in the facility's policies and procedures;

30. Policies and procedures regarding the provision of current pharmaceutical reference materials and sources of information, approved by the pharmacy and therapeutics committee, to at least pharmacy and nursing personnel and medical staff. These shall include pharmaceutical compendia and periodicals, and current editions of texts and reference books;

i. The pharmacy and therapeutics committee shall approve the minimal reference materials to be retained at the drug distribution stations, those to be kept in the pharmacy and made available to at least nursing personnel and the medical staff, and methods for communicating product information to at least nursing personnel and the medical staff;

ii. Information on drugs, their indications, contraindications, actions, reactions, interactions, cautions, precautions, toxicity, and dosage, shall be provided in the pharmacy and at each drug distribution station. Authoritative, current antidote information and the telephone number of the regional poison control center shall also be provided in the pharmacy and at each drug distribution station; and

iii. Current Federal and State drug law information shall be available to the pharmaceutical service;

31. A list of abbreviations, metric apothecary conversion charts, and chemical symbols, approved by the medical staff, to be kept in each drug distribution station; and

[30.]* *32 Policies and procedures concerning the activities of medical and pharmaceutical sales representatives in the facility. Drug samples shall not be ***[distributed or used in the facility]* *accepted, placed or maintained in stock, distributed, or used in the facility***.

8:43B-10.5 Decentralized pharmaceutical service

If the facility operates a decentralized pharmaceutical service, a pharmacist shall be assigned to each satellite pharmacy or separate organizational element during its hours of operation.

8:43B-10.6 Director's responsibilities

(a) A pharmacist shall be appointed as director of the pharmaceutical service. He or she shall be responsible for the direction, provision, and quality of the pharmaceutical services provided. He or she shall be responsible for, but not limited to, the following:

1. Together with the pharmacy and therapeutics committee, developing and maintaining written objectives, standards of practice, policies, a procedure manual, and an organizational plan for the pharmaceutical service;

2. Implementing and reviewing annually all pharmaceutical policies and procedures, which shall be kept current;

3. Participating in planning and budgeting for the pharmaceutical service;

4. Coordinating and integrating the pharmaceutical service with other patient care services;

5. Participating or ensuring representation of the pharmaceutical service in committees of the facility, or their equivalents, including, but not limited to, committees on patient care policies, infection control, utilization review, antibiotic and other drug utilization review, and evaluation ***(quality assurance)***, at least on a consultative basis;

6. Maintaining working relationships with administration through conferences, written memoranda, and other methods of exchanging information;

7. Developing and maintaining lines of authority, work schedules, and written job descriptions for pharmacy personnel and the use of pharmacy resources;

8. Recommending the number and levels of pharmacy personnel to be employed;

9. Assisting in selecting for employment, assigning duties to, supervising, and evaluating all pharmacy personnel;

10. Providing a report at least two times a year to the pharmacy and therapeutics committee of the facility's pharmaceutical service, an analysis of any incident reports relating to drug therapy, and results of the monthly inspection of all areas in the facility where drugs are dispensed, administered, or stored;

11. Providing for the generic listing of drugs;

12. Maintaining a means of identifying the signatures of all prescribers authorized to use the pharmaceutical service for prescriptions ***[, as well as a listing of their Drug Enforcement Administration numbers]***;

13. Maintaining records of the transactions of the pharmaceutical service, as required by Federal, State, and local laws, to ensure control and accountability of all drugs. This shall include a system of controls and records for the requisitioning and dispensing of pharmaceutical supplies to all services of the facility; and

14. Assisting in the development of, and participating in, staff orientation and educational programs for the facility and the pharmaceutical service, and documenting these activities. Orientation and education shall include, but not be limited to:

i. Providing pharmaceutical guidance to ***[other]*** personnel providing patient care;

ii. Instructing facility personnel in continuing education programs concerning the handling and storage of drugs; and

iii. Participating in the education of students of the health care professions, if any.

(b) The director of the pharmaceutical service shall appoint a pharmacist who shall be designated in writing to act in the absence of the director.

8:43B-10.7 Assistant director's responsibilities

(a) If the facility appoints an assistant director of the pharmaceutical service, he or she shall be responsible for, but not limited to, the following:

1. Supervising the daily functions of the pharmaceutical service;

2. Implementing all policies and procedures;
3. Assisting the director of the pharmaceutical service;
4. Representing the director of the pharmaceutical service at meetings of the facility's committees, or their equivalents;
5. Implementing work schedules for supervising and evaluating pharmacy personnel; and
6. Assisting the director of the pharmaceutical service in determining staff education needs and in the planning, organization, and teaching of staff orientation and staff education programs.

8:43B-10.8 Staff pharmacists' and/or clinical pharmacists' responsibilities

(a) If the facility appoints staff pharmacists and/or clinical pharmacists, they shall be responsible for, but not limited to, the following. In the event that the facility does not appoint staff pharmacists and/or clinical pharmacists, the director of the pharmaceutical service shall ensure that these functions are performed.

1. Supervising drug storage and preparation areas within the pharmacy and throughout the facility. A pharmacist shall inspect at least monthly all areas in the facility where drugs are dispensed, administered, or stored, including, but not limited to, central supply, operating rooms, labor and delivery rooms, drug distribution stations, medication carts, laboratories, emergency service, intensive care service, coronary care service, anesthesia service, and radiological service, and shall maintain a record of such inspections;

2. Clarifying and processing new and refill medication orders. This shall include reviewing medication orders and the patient's drug regimen (medication profile) prior to the dispensing of an initial dose of medication. Any potential allergies, interactions, interferences, incompatibilities or other irregularities shall be reported immediately to the prescriber, with notification through the nurse in charge to the nurse responsible for administering the drug;

3. Conducting and supervising the intravenous additive program;

4. Compounding drugs;

5. Supervising pharmacy personnel;

6. Providing education, training, and consultation to patients and to personnel of the facility *, **in accordance with the facility's policies and procedures***;

7. Participating in antibiotic and other drug utilization review, including consultation on the monitoring of drug therapies, monitoring cultures and sensitivities for appropriate antibiotic utilization, and participation in formulary review *, **in accordance with the facility's policies and procedures***;

8. Participating in committees, or their equivalents, including, but not limited to, those on infection control and pharmacy and therapeutics;

9. Monitoring *[patients, drug regimens, use of antibiotics, and patient care, including patients receiving ambulatory care services and patients receiving total parenteral nutrition]* ***the pharmaceutical component of patient care***;

10. Establishing procedures to ensure that patients are instructed concerning medication to be taken following discharge, if so requested by the prescriber or directed by the medical staff;

11. Making available to facility personnel current drug information resources, including information on investigational drugs in use in the facility; and

12. Ensuring that:

- i. All medications, except intravenous infusion solutions, are kept in locked storage areas. Medication storage and preparation areas shall be kept locked when not in use;

- ii. Drugs requiring refrigeration are kept in a separate, locked box in the refrigerator, in a locked refrigerator, or in a refrigerator in the locked medication room, at or near the drug distribution station. All substances in Schedule II of the Controlled Dangerous Substances Acts and amendments thereto shall be stored in a separate, locked, permanently affixed compartment within the locked medication cabinet, medication room, refrigerator, or mobile medication cart. The key to the separate, locked compartment for Schedule II drugs shall not be the same key that is used to gain access to storage areas for other drugs. The refrigerator shall have a thermometer to indicate temperature in conformance with U.S.P. (United States Pharmacopoeia) requirements; and

- iii. Drugs for external use are kept separate from drugs for internal use.

8:43B-10.9 Pharmacy personnel assisting registered pharmacists

If the facility provides pharmacy personnel, other than pharmacists, who assist the registered pharmacists in preparing, compounding, distributing, and dispensing drugs, their functions shall be specified in written job descriptions.

8:43B-10.10 Nursing care services related to pharmaceutical services

(a) Nursing personnel shall be responsible for, but not limited to, ensuring the following:

1. All medications administered are prescribed in writing and the order signed and dated by the prescriber. Medications shall be administered in accordance with all Federal and State laws and regulations by the following licensed or authorized nursing personnel:

- i. Registered professional nurses;

- ii. Licensed practical nurses who have undergone formal training in drug administration in programs approved by the New Jersey State Board of Nursing;

- iii. Nurses with valid "permission to work" letters issued by the New Jersey State Board of Nursing *(N.J.A.C. 13:37-3.5; 13:37-4.6; 13:37-10.4; and 13:37-11.5). This excludes foreign exchange visitor nurses)*;

- iv. Unlicensed nurses who are graduates of domestically accredited nursing schools, *[pending the results of the first two consecutive licensing examinations immediately following the completion of their nursing program (N.J.A.C. 13:37-2.7 and 13:37-9.5)]* ***in accordance with the New Jersey State board of Nursing Rules***; and

- v. Student nurses in a school of nursing approved by the New Jersey State Board of Nursing under the *[direct]* supervision *[and within immediate view]* of a *[registered professional]* nurse ***faculty member***;

2. Licensed practical nurses may calculate and administer drug doses, as defined by facility policy and in accordance with N.J.A.C. 8:43B-10.4(a)7; ***and the rules and policies of the New Jersey State Board of Nursing***;

- *[3. Verbal and telephone orders are accepted only by personnel designated according to title or category by the medical staff, are written into the patient's medical record by the person accepting them, and are authenticated by the prescriber within 24 hours;]*

3. Measurement of vital signs, as defined in the facility's policies and procedures, prior to drug administration;

4. Drugs are not prepared. Drugs shall be administered promptly (immediately) after the dose has been prepared, and by the individual who prepared the dose, except when a unit dose drug distribution system is used;

5. If facility policy permits, policies and procedures are implemented regarding self-administration of drugs;

6. Drugs for individual patients are kept in the original prescription containers, and there is no transferring of drugs between containers;

7. Cautionary instructions and additional information, such as special times of administration, regarding medications received from the pharmacy are recorded in accordance with the facility's policies and procedures;

8. The patient is identified prior to drug administration. Drugs prescribed for one patient shall not be administered to another patient;

9. A record of drugs administered is maintained. After each drug administration, the following shall be documented by the nurse who administers the drug:

- i. Name and strength of the drug;
- ii. Date and time of administration;
- iii. Dosage administered;
- iv. Method of administration, and
- v. Signature of the nurse who administers the drug;

10. Drug errors and adverse drug reactions are orally reported immediately to the charge nurse and the prescriber. By the end of the shift, *[the director of the pharmaceutical service, the nursing supervisor, and the director of the nursing service shall be notified,]* an entry ***shall be*** made in the patient's medical record, and an incident report ***shall be*** completed. As determined by facility policy, incident reports shall be reviewed by the pharmacy and therapeutics committee or by another specified committee, or its equivalent, with the participation of the director of the pharmaceutical service or his or her designee;

11. Discontinued, unused, expired (outdated), recalled, visibly deteriorated, or unlabeled drugs and intravenous infusion solutions, and containers with worn, illegible, damaged, incomplete, or missing labels, are returned to the pharmacy *[. Drug product defects shall be reported in accordance with the ASHP-USP-FDA (American Society of Hospital Pharmacists, United States Pharmacopoeia, Food and Drug Administration) Drug Product Defect Reporting System]*;

12. All drugs are kept in locked storage areas, except intravenous infusion solutions which shall be stored according to a system of accountability, as specified in the facility's policies and procedures. Drug storage and preparation areas shall be kept locked when not in use. Drugs requiring refrigeration are kept in a separate, locked box in the refrigerator, in a locked refrigerator, or in a refrigerator in the locked medication room. The refrigerator shall have a thermometer to indicate temperature in conformance with U.S.P. (United States Pharmacopoeia) requirements;

13. Drugs for external use are kept separate from drugs for internal use;

14. Needles and syringes are procured, stored, used, and disposed of in accordance with the *[New Jersey State Board of Pharmacy Rules and the]* laws of the State of New Jersey and amendments thereto. There shall be a system of accountability for the disposal of used needles and syringes which shall not necessitate the counting of individual needles and syringes after they are placed in the container for disposal; and

15. Controlled substances are stored and verified according to the following:

i. Substances in Schedules III and IV of the Controlled Dangerous Substances Acts and amendments thereto shall be stored under lock and key. Substances in Schedule II of the Controlled Dangerous Substances Acts and amendments

thereto shall be stored in a separate, locked, permanently affixed compartment within the locked medication cabinet, medication room, refrigerator, or mobile medication cart. The key to the separate, locked compartment for Schedule II drugs shall not be the same key that is used to gain access to storage areas for other drugs (except that substances in Schedule II in a unit dose drug distribution system shall be kept under double lock and key, but may stored with other controlled substances);

ii. The keys for the storage compartments for controlled substances in Schedules II, III, and IV shall be kept on a person who meets the criteria listed in N.J.A.C. 8:43B-10.10(a)1i through v;

iii. A declining inventory of all substances in Schedule II of the Controlled Dangerous Substances Acts and amendments thereto retained at each drug distribution station or wherever these drugs are maintained shall be made at the termination of each tour of duty. This record shall be signed by both the outgoing and incoming nurses who shall meet the criteria listed in N.J.A.C. 8:43B-10.10(a)1i through v. The following shall be recorded: name of the patient receiving the drug, prescriber's name, name and strength of the drug, date received from the pharmacy, date of administration, dosage administered, method of administration, signature of the licensed nurse administering the drug, amount of drug remaining, amount of drug destroyed or wasted (when appropriate), and the signature of the nurse witnessing the destruction or wasting of the drug (when appropriate); and

iv. In the event that the inventories cannot be verified or drugs are lost, contaminated, ***unintentionally*** wasted, or destroyed, a report of such incident shall be written and signed by the *[licensed nurses]* ***persons*** involved *[,]* ***and*** any witnesses present *[, and the nursing supervisor, and copies sent for review to the director of the nursing service and the director of the pharmaceutical service]*.

(a)

OCCUPATIONAL AND ENVIRONMENTAL HEALTH SERVICES

Worker and Community Right to Know Act Workplace Hazardous Substance List

Adopted New Rule: N.J.A.C. 8:59-1

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Expiration Date pursuant to Executive Order No. 66(1978): June 18, 1989.

Summary of Public Comments and Agency Responses:

The New Jersey State Department of Health held three public hearings concerning the proposed new rules on April 4, 1984 in Northern New Jersey, on April 10, 1984 in Central New Jersey, and on April 11, 1984 in Southern New Jersey. Approximately 450 copies of the proposal were distributed to the public. The public comment period remained open for 30 days through April 19, 1984. Sixteen persons testified at the public hearings, eight of whom also submitted written testimony (indicated by an asterisk).

Assemblyman Stephen Adubato, Jr.
 Chemical Workers Association—Charles Morris
 Coalition Against Toxics—Jane Nogaki*
 Ironbound Committee Against Toxic Wastes—Arnold
 Cohen
 James McGovern*
 Mobilab Union—James Gelsinger*
 Dr. Bruce Molholt*
 N.J. Coalition for Alternatives to Pesticides—Susan Shaw*
 N.J. Department of the Public Advocate—Edward
 Tetelman*
 N.J. Environmental Lobby—James Lanard
 N.J. Fireman's Benevolent Association—James Butler
 Oil, Chemical and Atomic Workers Union—Eric Scherzer
 Owens Corning Fiberglass—Dr. John L. Konzen*
 Philadelphia Project on Occupational Safety and Health—
 Richard Engler
 Public Interest Law Center of Philadelphia—Jerome
 Balter*
 United Auto Workers, District 65—Samuel Meyers

An additional 22 written comments were submitted by the following:

American Cyanamid Company
 ASARO Incorporated
 Association of New Jersey Environmental Commissions
 Cardinal Color, Incorporated
 Chemical Industry Council of New Jersey
 COSAN Chemical Corporation
 Ell-Bee Chemical Company, Incorporated
 Essex County—Office of the County Counsel
 Fragrance Materials Association/Flavor and Extract
 Manufacturer's Association
 HLR Service Corporation
 Hoffmann-La Roche Incorporated
 Jersey Central Power & Light Company
 Johnson Matthey Incorporated
 Kerr-McGee Chemical Corporation
 Merck Chemical Manufacturing Division
 National Paint & Coatings Association
 New Jersey Business & Industry Association
 New Jersey Petroleum Council
 New Jersey State Chamber of Commerce
 Franklin J. Riesenburger, Esquire
 Thermal Insulation Manufacturer's Association
 Union Carbide Corporation

The following summarizes the comments received and provides the department's responses to those comments. All comments are on file at the Office of Administrative Law and the State Department of Health.

1. Comment: Several industries and industrial trade associations criticized the department for not publishing the pro-

posed Workplace Hazardous Substance List in the New Jersey Register. They claimed that this omission placed a burden on citizens who wanted to comment on the proposed rules and who, consequently, did not have enough time to comment on or never saw the proposed List. They also claimed the 30 day public comment period was insufficient to permit adequate evaluation of the 2079 substances on the proposed List. One commenter suggested a 60 day extension of the comment period.

Response: The department realized that the business community and the public needed sufficient time to evaluate the 2079 substances which comprised the proposed Workplace Hazardous Substance List, so it established informal advisory committees composed of industrial and labor/environmental representatives. The bulk of the proposed List was distributed to these advisory committees, which included the trade associations which comment above, several months in advance of publication in the New Jersey Register for the express purpose of giving them sufficient time to evaluate the substances on the proposed List. The trade associations, in turn, disseminated copies of the preliminary List to some of their members. During the public comment period the department provided to the public access to copies of the proposed List. Toward this end, copies of the proposed List were placed in 30 library depositories throughout the State, a press release announcing publication of the proposed List was sent to major newspapers throughout the State, members of the two advisory committees were sent copies, and over 400 copies were printed and distributed to the public upon request.

Public hearings were held in the North, Central, and Southern areas of the State to provide easy access for members of the public to department personnel who were responsible for developing the proposed List. Although many industrial representatives attended the hearings, few testified. The department believes it has substantially exceeded the public notice requirements of the Administrative Procedure Act in publicly disseminating the proposed Workplace Hazardous Substance List and soliciting comments from the public.

2. Comment: Hoffmann-La Roche objected to the definition of "substances which cause a threat to the health or safety of an employee" because it allows the inclusion of substances which are suspected of causing cancer, etc., in animals. This commenter recommended that only substances which are known animal carcinogens, mutagens, etc., should be included on the Workplace Hazardous Substance List.

Response: The department agrees with the commenter and will change the definition to restrict substances on the List to known animal carcinogens, mutagens, etc.

3. Comment: Various commenters urged the department to modify the definitions of "hazardous substance" and "mixture" and add definitions of "substance", "impurity" and "facility."

Response: The New Jersey Worker and Community Right-to-Know Act definitions of "hazardous substance" and "mixture" were included in the proposed rule. The definitions of "substance", "impurity" and "facility" may be considered for inclusion in a future amendment to the definition section. It was not necessary to include them in this rule which related only to the Workplace Hazardous Substance List.

4. Comment: Several industries and industrial trade associations asserted that the department exceeded the legislature's

intention to limit the number of hazardous substances on the Workplace Hazardous Substance List to the Occupational Safety and Health Administration's (OSHA) Hazardous Materials List and the New Jersey Department of Environmental Protection's (DEP) Environmental Hazardous Substance List, which amount to less than 1,000 substances.

Response: Although varying numbers of hazardous substances were proposed for inclusion on the Workplace Hazardous Substance List during the legislative hearings (500 to 50,000), it was the clear intention of the legislature to assure that New Jersey workers received information about the hazardous substances with which they worked. In section 2, N.J.S.A. 34:5A-2, of the Act, the legislature stated:

"The Legislature finds and declares that the proliferation of hazardous substances in the environment poses a growing threat to the public health, safety, and welfare; that the constantly increasing number and variety of hazardous substances, and the many routes of exposure to them make it difficult and expensive to adequately monitor and detect any adverse health effects attributable thereto; that individuals themselves are often able to detect and thus minimize effects of exposure to hazardous substances if they are aware of the identity of the substances and the early symptoms of unsafe exposure; and that individuals have an inherent right to know the full range of the risks they face so that they can make reasoned decisions and take informed action concerning their employment and their living conditions.

The Legislature further declares that local health, fire, police, safety and other government officials require detailed information about the identity, characteristics, and quantities of hazardous substances used and stored in communities within their jurisdictions, in order to adequately plan for, and respond to, emergencies, and enforce compliance with applicable laws and regulations concerning these substances.

The Legislature further declares that the extent of the toxic contamination of the air, water, and land in this State has caused a high degree of concern among its residents; and that much of this concern is needlessly aggravated by the unfamiliarity of these substances to residents.

The Legislature therefor determines that it is in the public interest to establish a comprehensive program for the disclosure of information about hazardous substances in the workplace and the community, and to provide a procedure whereby residents of this State may gain access to this information."

This Act did not limit the Workplace Hazardous Substance to the OSHA and DEP Lists. In fact, the Act clearly stated that the Workplace Hazardous Substance List shall include:

"Any other substance which the department, based on documented scientific evidence, determines poses a threat to the health or safety of an employee." N.J.S.A. 34:5A-5(a)(3)'

Pursuant to the authority vested in it by this section, the department made a careful and thorough review of the chemicals commonly used in the workplace and their hazards as documented by various governmental and scientific groups, and determined that substances in addition to those on the OSHA and DEP Lists posed a threat to the health or safety of employees. The department accordingly used lists of hazard-

ous substances developed by the most authoritative governmental and scientific groups based upon the hazardous physical properties and toxicological and medical evidence of harmful effects, to ensure that the Workplace Hazardous Substance List reflected the intention of the legislature to notify workers about all substances with documented health and safety hazards.

In addition, the department, with the encouragement of industry, expanded the OSHA list by specifying many of the hazardous substances for a substance which was described in general terms by OSHA in Subpart Z. For example, "metallic lead, inorganic lead compounds, and organic lead soaps" was listed by OSHA in Subpart Z. The department included on the Workplace Hazardous Substance List those specific inorganic and organic compounds containing lead which are hazardous. This expanded the List by approximately 250 substances.

5. Comment: Various industries and industrial trade associations criticized the department's use of lists developed by the United States Department of Transportation, National Institute for Occupational Safety and Health, Carcinogens Assessment Group (EPA), International Agency for Research on Cancer, Environmental Protection Agency, and the National Fire Protection Association, as not constituting documented scientific evidence of substances which pose a threat to the health or safety of employees.

Response: The department considers the lists used documented scientific evidence of substances which pose a threat to the health or safety of employees.

The law requires the department to include substances which pose safety hazards on the Workplace Hazardous Substances List. The department determined that the United States Department of Transportation's (DOT) List of hazardous materials constituted the best documented scientific evidence of safety hazards for these types of substances. Labeling required by the DOT is required to be used by industry for materials being shipped, however, labels are not required within the plant. In fact, it is common practice to remove labels when chemicals are received at a facility or to transfer chemicals into smaller unlabeled drums. The department believes that the same protection afforded by DOT regulations for chemicals during transportation should also be applicable inside a facility. The presence of other chemicals in a plant and processes requiring heat indicate that the safety hazards inside a plant are greater than those found during transportation.

The National Institute of Occupational Safety and Health (NIOSH) is the research institute of the Federal government mandated to conduct investigations on the hazards of chemicals in the workplace. The criteria documents which they prepare on an individual chemical are used by the Occupational Safety and Health Administration for subsequent rule making. The chemicals contained in their reports are reviewed both by an internal committee as well as by a special outside review committee whose members are specially selected from academia, industry and labor for their knowledge of the particular chemical being reviewed. The review process is more vigorous than an article in a medical journal which the commenter suggested as an alternative source.

Three lists were used by the department to evaluate carcinogens. These were the International Agency for Research on Cancer of the World Health Organization, the National Toxicology Program of the United States government, and the Carcinogens Assessment Group of the Environmental Protec-

tion Agency. All three organizations have expert committees that review toxicological and epidemiological data and assess the likelihood of a substance's carcinogenicity. To question the authoritativeness and reliability of the lists generated by these three organizations is to question the scientific community's knowledge of what constitutes a carcinogen. Therefore, the department determined that these lists constituted documented scientific evidence of a substance's threat to the health or safety of employees.

The department did not use the EPA Hazardous Air Pollutant and Toxic Water Pollutant lists as the basis for inclusion of substances on the Workplace Hazardous Substance List, only as reference sources. This apparently was confusing and, as a result of comments received, reference to these two lists has been deleted.

The National Fire Protection Association's list of flammable and explosive material was not used as a sole source reference for inclusion on the department's proposed List. The department believes, however, that it is important to reference this information.

6. Comment: The Oil, Chemical and Atomic Workers Union (OCAW) proposed that the Environmental Protection Agency's Clean Water Act and Clean Air Act lists (sources #15 and #16) and the National Fire Protection Association's list (source #17), be considered as primary sources for inclusion of a substance on the Workplace Hazardous Substance List. (A primary source means that the listing of a substance in that source is sufficient for inclusion on the Workplace Hazardous Substance List.)

Response: At this time, the department does not consider use of these sources as constituting sufficient reason for inclusion of a substance on the List. In order to avoid confusion, Sources #15 and #16 have been removed as sources. Source #17, which will be used in the development of the Special Health Hazard Substance List, will not be changed to a primary source.

7. Comment: The Public Advocate asserted that the department should include all substances that are listed in the source lists on the Workplace Hazardous Substance List.

Response: The department has reviewed the authoritative lists from which it developed the proposed Workplace Hazardous Substance List. Certain source lists contained non-specific substance designations such as processes or groups of compounds by chemical class or other designation. These non-specific designations were not included on the Workplace Hazardous Substance List. In some cases, specific chemical substances were derived from the non-specific group of compounds. The department also excluded nuisance particulates which were listed on the American Conference of Governmental Industrial Hygienist's (ACGIH) source list because of the absence of toxicological and medical evidence of harmful effects.

8. Comment: The Public Advocate suggested that the sources used in compiling the proposed Workplace Hazardous Substance List should be listed in N.J.A.C. 8:59-1.4(a)(3) rather than in Appendix A, in order to clearly state the basis for the List. This would eliminate the need to list the sources in N.J.A.C. 8:59-1.6.

Response: The department believes that, for purposes of clarity and understanding, it is better to list the sources with the list of hazardous substances in Appendix A. The list of sources fills several pages and includes over 60 separate docu-

ments. Changing the location of the sources would not eliminate the need to list sources in N.J.A.C. 8:59-1.6 because N.J.A.C. 8:59-1.6 only contains source lists and not individual articles.

9. Comment: Several industries and industrial trade associations asserted that substances on the proposed Workplace Hazardous Substance List need to be footnoted to indicate the circumstances under which the substance presents a workplace hazard. Both the DOT and ACGIH lists contain footnotes indicating the physical state or form and concentration of a substance which constitutes a health or safety hazard. Not all substances in all physical states or forms and concentrations present health or safety hazards.

Response: The department agrees with the underlying concern expressed in the comments but not with the suggestions for resolving the issues raised. The department does not believe the law allows the Workplace Hazardous Substance List to be constructed in a manner that includes footnotes. The placement of a substance on the Workplace Hazardous Substance List has four purposes:

1. To require the employer to report the presence of that substance to the department. (N.J.S.A. 34:5A-7)
2. To require the department to prepare fact sheets on the substance. (N.J.S.A. 34:5A-8)
3. To require the employer to provide education, training and the department's fact sheets to the employee. (N.J.S.A. 34:5A-12 and 13)
4. To require labeling of containers with those substances within six months. (N.J.S.A. 34:5A-14)

The department believes that it is the purpose of the fact sheets and education and training programs also required under this law to convey to the employee the relative toxicity and conditions under which the worker may be harmed by these substances. If this were not the legislative intent, all substances would have been required to be listed because under certain circumstances and amounts of exposure all substances are harmful to the worker. Rather, the proposed Workplace Hazardous Substances List is a compilation of substances with documented health and safety hazards which are frequently used in industry and which, under certain conditions and uses of exposure, are harmful to people. The department intends to produce fact sheets and require employers to conduct training programs that convey to the employee information about when and under what conditions a substance can cause health and safety problems.

10. Comment: Several public interest groups suggested the addition of language to N.J.A.C. 8:59-1.5(a) to reflect, in more detail, the requirements of the Right-to-Know Act and to clarify certain issues.

Response: N.J.A.C. 8:59-1.5(a) is not intended to comprehensively regulate the workplace survey, hazardous substance fact sheets, education and training programs, and labeling of containers. It is intended to briefly inform any person who reads this partial rule about the application of the Workplace Hazardous Substance List to the workplace. The four subjects mentioned above will be covered in detail in forthcoming rules.

11. Comment: The OCAW and the Public Advocate suggested that the Workplace Hazardous Substance List should be automatically revised to reflect revisions to the eight source lists listed in N.J.A.C. 8:59-1.6(b). The Public Interest Law Center of Philadelphia (PILCOP) claimed that, in any case,

the Right-to-Know Act requires the department to revise the proposed Workplace Hazardous Substance List to reflect revisions to the OSHA and DEP Lists.

Response: Section 5(a), N.J.S.A. 34:5A-5(a), of the Act requires the department to incorporate the OSHA and DEP Lists into the initial Workplace Hazardous Substance List. The department intends to continuously review revisions to the eight authoritative source lists. However, the law requires the department to independently consider whether revisions to these lists are based upon documented scientific evidence and should be reflected on the Workplace Hazardous Substance List.

12. Comment: The OCAW suggested that source #14, the New Jersey Department of Environmental Protection's and United States Environmental Protection Agency's Pesticide Lists, should be added to the eight sources listed in N.J.A.C. 8:59-1.6(b) for review for possible revision to the Workplace Hazardous Substance List.

Response: The department agrees with this comment and will add these two pesticide lists to N.J.A.C. 8:59-1.6(b) in a future proposal.

13. Comment: Several environmental groups proposed that the Workplace Hazardous Substance List be updated as soon as scientific information about the hazardous properties of a substance becomes available, rather than annually.

Response: It would be administratively burdensome to update the List and notify all 40,000 employers every time new scientific information on a substance becomes available. The department believes an annual update is sufficient to keep the List current with the understanding that it may be updated sooner if special circumstances warrant. (See N.J.A.C. 8:59-1.6(a)) In any case, employers would not be required to report substances added during the year because they will only complete a workplace survey once a year.

14. Comment: Several environmental groups and the Public Advocate recommended that a petition process be added to the proposed rule to allow the public to petition the department to add or delete a substance on the Workplace Hazardous Substance List.

Response: A provision establishing a petition process was considered by the department but was deemed unnecessary because the Administrative Procedure Act provides that any member of the public may petition the department to amend a rule.

15. Comment: Essex County, Office of the County Counsel, suggested that the proposed Workplace Hazardous Substance List include common names and trade names for each substance to enable easier use of the List.

Response: It would be administratively impractical to list every common name and trade name for every chemical substance on the proposed Workplace Hazardous Substance List. The department has chosen one common name, which is printed above the chemical name, that an employer can use in labeling containers and completing workplace surveys, and which an employee would easily identify.

16. Comment: The Coalition Against Toxics recommended that the following substances be added to the proposed Workplace Hazardous Substance List: EDB, Aldicarb, and Lindane.

Response: These substances are already listed on the proposed Workplace Hazardous Substance List.

17. Comment: Several individuals and unions submitted over a dozen names of substances which they proposed for addition to the proposed Workplace Hazardous Substance List.

Response: These substances are not listed in any of the authoritative sources constituting documented scientific evidence which have been cited by the department for the inclusion of substances on the proposed Workplace Hazardous Substance List. These substances will be reviewed for documented scientific evidence of health or safety hazards and possible inclusion on the List during the first annual revision.

18. Comment: Many industries and industrial trade associations suggested the deletion of substances from the proposed Workplace Hazardous Substance List. The substances in question are listed below on the left hand side and the reasons for denial of the proposed deletion are listed on the right.

fibrous glass-	Both ACGIH and NIOSH consider the potential health effects resulting from exposure to this substance to be "greater than that of a nuisance dust" with potentially significant health effects. In addition, common industry practice is to issue various types of protective equipment when using fibrous glass and we feel this information needs to be conveyed to workers through departmental fact sheets.
titanium dioxide- zinc oxide carbon black oil mist-mineral calcium oxide Portland Cement titanium oxide talc propane octane platinum rhodium tantalum zirconium copper cotton iron dioxide nickel silver	Listed on the OSHA Subpart Z list. The Right-to-Know Act requires the inclusion of all substances on the OSHA Subpart Z list on the Workplace Hazardous Substance List.
2,6 di-tert-butyl- p-cresol (BHT)-	Listed on the ACGIH list based on demonstrated health effects on animals.
calcium- kerosene methane nitrogen	Listed on both DOT Lists of Hazardous Materials. Calcium (metal) is a flammable solid and dangerous when wet. Kerosene is a flammable liquid. Methane is a flammable gas. Nitrogen is reactive and toxic under certain conditions.

sodium phosphate, dibasic-sodium phosphate, tribasic

Listed on the DOT list-Part 172.101. Can emit highly toxic fumes when heated to decomposition.

trimethoprim-sulfamethoxazole

Source #13(Y) suggests a hazard from trimethoprim and a potential hazard from sulfamethoxazole. New sources #13(EE) and #13(FF) (see Comment 32, #7) also reference these substances. Listed as category C by the Food and Drug Administration for its teratogenic potential.

ammonium chloroplatinate-sodium chloroplatinate chloroplatinic acid

Required to be included because the OSHA List includes the soluble salts of platinum. These substances are soluble salts of platinum.

butyl benzyl phthalate-

Listed on the DEP Environmental Hazardous Substance List. The Right-to-Know Act requires the inclusion of all substances on the DEP Environmental Hazardous Substance List on the Workplace Hazardous Substance List.

19. Comment: An industry and the Mobilab Union advised the department that "gasoline" should be added to the proposed Workplace Hazardous Substance List because it has its own CAS number and is listed in ACGIH.

Response: Gasoline was inadvertently omitted from the proposed List and will be added to the List in a future proposal.

20. Comment: HLR Corporation recommended that benzodiazepines other than "diazepam" listed in source #13(Y) be added to the proposed Workplace Hazardous Substance List.

Response: The department agrees and will add oxazepam, lorazepam, chlordiazepoxide hydrochloride, clorazepate dipotassium, and alprazolam to the List in a future proposal.

21. Comment: The New Jersey Coalition for Alternatives to Pesticides (NJCAP) suggested that the department use the NIOSH Registry of Toxic Effects of Chemical Substances in determining future substances which should be added to the Workplace Hazardous Substance List.

Response: The Registry of Toxic Effects of Chemical Substances is a compendium of toxicity data which is not evaluated by NIOSH and must be evaluated by the department if the department is going to use that data. The department has not used the Registry because the chemicals in that list have not been individually evaluated.

Comment: PILCOP recommended that the department use the United States Department of Transportation's Hazardous Materials Table, 49 CFR Part 172.101, as a reference source in addition to Part 172.102.

Response: The department agrees and has added Part 172.101 to the list of referenced sources, which it mistakenly omitted. No new substances are added to the List as the result of this addition.

23. Comment: The Association of New Jersey Environmental Commissions suggested that the department review substances for their synergistic effects with other substances and add those which it determines are hazardous to the proposed Workplace Hazardous Substance List.

Response: The department will consider the synergistic effect of substances on the Hazardous Substance Fact Sheets.

24. Comment: Several environmental groups requested the addition of pesticides beyond those listed in source #14—the DEP and EPA lists, including those that have not been registered with EPA, have not been adequately tested, and whose toxicity data has been proven to be falsified, on the proposed Workplace Hazardous Substance List.

Response: The department cannot add substances to the Workplace Hazardous Substance List unless their hazard to employee safety or health has been substantiated by documented scientific evidence. The situations referred to by the commenters concern pesticides where little is known concerning their toxicity. The department must wait until this toxicity evidence is developed before these pesticides can be added to the List. Requests for inclusion of specific pesticides will be considered when the List is reviewed for its annual revision.

25. Comment: The Chemical Industry Council proposed the inclusion of hyphens in the CAS Registry Numbers listed on the proposed Workplace Hazardous Substance List. Their omission has created considerable confusion for employers which have attempted to use the List.

Response: The department wishes to make the List as easily usable as possible and has added hyphens to the CAS Registry Numbers.

26. Comment: Franklin Riesenburger, a consultant attorney for an arsenical herbicide manufacturer, advised the department that the manner in which heavy metals are listed on the proposed Workplace Hazardous Substance List is confusing.

Response: The metallic form of elements on the OSHA Subpart Z list are listed on the proposed Workplace Hazardous Substance List with their specific CAS numbers. The inclusion of the metallic form on the proposed List does not imply that all compounds containing the element are considered hazardous substances. The proposed List also contains a number of specific metal compounds with CAS numbers. It is recognized that the proposed List does not contain all of the metal compounds as provided for on the OSHA Subpart Z list. Additional metal compounds may be considered for inclusion when the List is reviewed for its annual revision.

27. Comment: To allow future additions to the Workplace Hazardous Substance List to be inserted in proper alphabetic sequence, PILCOP proposed that the Survey Form numbering system be changed to add a "0" to the right of each number in order to permit nine future additions between any two present substances.

Response: The Survey Form numbering system has been deleted in order to allow additions to the List in alphabetical order in the future. The Workplace Hazardous Substance List distributed to employers with the Workplace Survey in the fall will contain Survey Form numbers.

28. Comment: Statements made in the Social Impact Statement were criticized by industries and industrial trade associa-

tions for stating that 4 to 40 percent of all cancers are related to occupation and that over a million workers will benefit from knowledge gained as a result of implementation of the law. These commenters asserted that the law may not serve to limit or reduce the number of occupational diseases because it does not provide for hazard communication.

Response: The department derived the estimate that 4 to 40 percent of all cancers are related to occupation from federal governmental reports and other recognized studies. The commenters, business trade associations, supported the lower estimate of 4 percent. More work needs to be done in this field in order to establish a more accurate estimate of cancers related to occupation. However, even if the most conservative estimate of 4 percent is considered, New Jersey workers will experience 1,200 new cancers per year related to occupation, a significant number.

The department recognizes that many New Jersey employers provide their employees with information and training on the hazards of substances with which they work. However, not all 42,000 employers and over one million employees covered by the law have education and training programs that convey to the employees the extensive information required by the New Jersey Worker and Community Right-to-Know Act, which includes labeling of all containers with the names of the hazardous and other ingredients, a complete listing of all hazardous substances present at a company's facility on a workplace survey, and fact sheets with extensive information about health hazards and methods of control of hazardous substances.

A worker benefits from increased knowledge about the substances with which he or she works. The information being provided as a result of the Right-to-Know law will enable a worker to handle hazardous substances properly, respond to emergency exposures, and be aware of the health hazards resulting from exposure to these substances. Knowledge of the health hazards would help an employee who suffers from an illness or injury to determine whether it results from exposure to the hazardous substance. The information provided by the Right-to-Know Law will serve to limit or reduce the number of occupational diseases.

The Occupational Safety and Health Administration recognizes the social benefits from increasing an employee's knowledge of the health and safety hazards of the substances with which he or she works. In the Preamble to the Final OSHA Standard on Workplace Hazard Communication published on November 25, 1983 at 48 FR 53280, OSHA discussed the benefits of its standard, which is not as inclusive as New Jersey' Right-to-Know law, and stated,

"Implementation of this final standard will reduce the incidence of chemically-related occupational illnesses and injuries in employees (covered by the standard). Increased availability of hazard information will assist employers in these industries to devise appropriate protective measures, and will give employees the information they need to take steps to protect themselves."

"Improved hazard communication should also result in early job transfers and treatment of chronic disease and lowering of future health care costs."

The State legislature declared that

"the proliferation of hazardous substances in the environment poses a growing threat to the public health, safety, and welfare; . . . (and) that individuals themselves are often

able to detect and thus minimize effects of exposure to hazardous substances if they are aware of the identity of the substances and the early symptoms of unsafe exposure; . . . therefor . . . it is in the public interest to establish a comprehensive program for the disclosure of information about hazardous substances in the workplace . . ." N.J.S.A. 34:5A-2.

29. Comment: Several industries and industrial trade associations have criticized the Economic Impact Statement for stating that the cost of compliance with the law is not expected to be significant. They assert that the costs of first year compliance will be in the range of \$40 to \$90 million; that the full economic impact of the law cannot be adequately determined until the rules on trade secrets, labeling, and education and training are proposed; that the Economic Impact Statement ignores current training and information programs; and that no evidence supports the department's assertion that the employer community will receive offsetting benefits of reductions in health benefit costs, workers compensation awards, worker absenteeism and turnover, and increased productivity by its employees.

Response: The full economic impact of the law cannot be exactly determined until the rules on trade secrets, labeling, and education and training are implemented. The department has reason to believe that most employers will have 25 or fewer of the hazardous substances on the Workplace Hazardous Substance List at their facility. It then follows that few containers will have to be labeled initially and that education and training programs need only cover these relatively few hazardous substances. Because of the time period over which labeling is phased in, employers will be able to change the stencils and labels currently used on their containers in an orderly fashion that allows them to use up current stockpiles of such labels. Since employers currently label containers with either a code or trade name, the costs of this legislation are limited to changing the content of the label.

The information for education and training is substantially contained in the hazardous substance fact sheets prepared by the department. Employers will have to make changes on the content of their education and training programs, but within the framework of currently operating programs these costs should be minimal.

Various corporate commenters have cited a study conducted by the Midwest Research Institute which estimates a cost of \$56 million to initially comply with the law. However, the department has not had the opportunity to evaluate the validity of the study.

An employee who is aware of the hazards associated with a chemical substance will be more careful in handling that substance which will reduce illness and disease to the employee. A healthier employee means less absenteeism and turnover and increased productivity. Employers will benefit from reduced health benefit costs, reduced workers compensation awards, reduced absenteeism and turnover, and increased productivity.

These same conclusions have been reached by OSHA. In the Preamble to its Hazard Communication Standard, OSHA states:

"Employers would also benefit from lower production costs as a result of gains in worker and equipment productivity, reduced worker absenteeism and turnover, and over the long run, lower Worker's Compensation costs."

30. Comment: Several industries suggested that the department refrain from implementing the New Jersey Worker and Community Right-to-Know Act until the issue of pre-emption by the Occupational Safety and Health Administration's Hazard Communication Regulations is resolved, or conform New Jersey's rules with the OSHA regulations.

Response: The issue of pre-emption is a Federal issue which is presently in litigation. The department is required by law to implement the New Jersey Worker and Community Right-to-Know Act.

31. Comment: Many commenters commented on provisions of the Right-to-Know law relating to labeling of containers, education and training programs and other matters.

Response: These comments will be considered by the department in formulating the rules regarding these provisions of the law, which are presently being prepared. The rules will be proposed during the summer and will be subject to public review and comment at that time.

32. The department has conducted a thorough review of the proposed Workplace Hazardous Substance List in response to comments received from the public and as part of its ongoing quality control. The names of all chemicals proposed on the List were sent to the Chemical Abstracts Service, an organization which assigns the names and CAS numbers to chemical substances and is the definitive source for this information. The Chemical Abstracts Service has verified spelling, nomenclature and the Chemical Abstracts Service number of substances on the List. As a result of this review, the List contains 2029 substances. A summary of technical corrections and changes to the proposed List is outlined below:

1. Secondary sources #15 (EPA toxic water pollutants) and #16 (EPA hazardous air pollutants) have been deleted from the List.
2. In accordance with 1. above, source #17 has been renumbered #15.
3. Some substances which are contained in the referenced source lists were inadvertently omitted from the proposed List. They were overlooked for the proposed List because of clerical errors and will be added to the List in a future proposal.
4. Quality control indicated that the proper isomeric compound (the same chemical with a slight structural difference) of a substance was not always placed on the proposed List. To remedy this, 41 isomers were deleted and 30 were added. No actual substances were changed.
5. Thirty-six substances were deleted from the proposed List. Twenty-five substances were deleted because they were not listed in the referenced source—#3, the DOT Lists—to which they were originally referenced.

Butyl lithium
Calcium dithionite
Chloropropane
3-chloro-1,2-propanediol
Dicycloheptadiene
Di (2-ethylhexyl) phosphoric acid
Dimethylaminoethanol
Diocyl acid phosphate
Dipropylene triamine
Dipropylene triamine
Isododecane
Isopropylformate

Magnesium bisulfite
Methyl butyl ether
Methylhexanone
Methylpropenyl ketone
Methyl propyl benzene
Octyl aldehyde
Potassium bisulfite
Potassium dithionite
Pyrosulfuric acid
Sodium vanadate
Tricresylphosphate
Triethylene diamine
Trifluorochloroethane

Six substances were deleted because the names provided to the Chemical Abstracts Service could not be identified by Chemical Abstracts Services as specific substances.

Azoquinone
Ethanol, 2,2'-nitrosiminodi-
Methyl acetylene-propadiene mixture
Molybdenum (IV) sulphide
Phenyl ether-biphenyl mixture
Sulfonechloramide

Four substances were incorrectly referenced to source #13(Y). A review of that source revealed that it did not contain sufficient evidence of their hazardous nature, so the four substances were deleted.

Ethynodiol diacetate
Norethynodrel
Norgestrel
Oxytocin

One substance which is listed in the ACGIH Appendix D list of Nuisance Dusts was inadvertently included on the proposed Workplace Hazardous Substance List and was deleted.

Zinc stearate

6. Three duplicate names were deleted from the proposed List.
7. Two new authoritative sources were added to source #13, pharmaceuticals:

13(EE) **Physicians' Desk Reference**, 37th Edition, Medical Economics Company, Inc., Oradell, NJ 1983.

13(FF) **AMA Drug Evaluations**, 5th Edition, American Medical Association, W.B. Saunders Company, Philadelphia, April 1983.

Source #13(EE) was added to 20 substances. Source #13(FF) was added to 26 substances. No substances were added to the List because of these additional sources.

8. The United States Department of Transportation's Hazardous Materials Table, 49 CFR Part 172.101, was mistakenly omitted from the List of referenced sources and has been added to source #3. No substances were added to the List because of this addition.
9. The Chemical Abstracts Service (CAS) number was added to 21 substances on the List; deleted from 1 substance; and corrected for 26 substances.
10. Hyphens have been added to the CAS numbers.

11. The sources of all substances were checked. Source numbers were added to 157 substances and deleted from 21 substances. These changes did not cause a substance to be added or deleted.
12. Errors in the spelling of 41 chemical names were corrected and 14 chemical synonyms were entered below common names already on the proposed List.
13. Thirty-eight incorrect or misspelled common names have been replaced with correct names.
14. The Survey Form Number has been deleted for all substances.

33. Several technical corrections and clarifications were made to the proposed regulations. They included the addition of a citation for the Environmental Hazardous Substance List, replacement of the word "synonym" with "common name" in N.J.A.C. 8:59-1.4(b), and the addition of "annual" to modify "revisions" in N.J.A.C. 8:59 1.6(d) to clarify that pre-proposal publication is not necessary for technical corrections or in special circumstances.

On June 4, 1984 pursuant to authority of N.J.S.A. 34:5A-1 et seq., and in accordance with the applicable provisions of the Administrative Procedure Act, J. Richard Goldstein, M.D., Commissioner, Department of Health, adopted a new rule to be cited as N.J.A.C. 8:59-1 concerning the Workplace Hazardous Substance List as proposed in the Notice published on March 19, 1984 at 16 N.J.R. 478(a) with changes not in violation of N.J.A.C. 1:30-3.5 and not requiring additional public notice and comment.

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

CHAPTER 59

WORKPLACE HAZARDOUS SUBSTANCES

SUBCHAPTER 1. WORKPLACE HAZARDOUS SUBSTANCE LIST

8:59-1.1 Authority

N.J.A.C. 8:59-1 is promulgated pursuant to the authority of the Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq.

8:59-1.2 Purpose

It is the purpose of N.J.A.C. 8:59-1 to establish a workplace hazardous substance list as required by Section 5 of the Act, N.J.S.A. 34:5A-5.

8:59-1.3 Definitions

(a) The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Act" means the Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq.

"Chemical Abstracts Service number" means the unique identification number assigned by the Chemical Abstracts Service to chemicals.

"Chemical name" is the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the Chemical Abstracts Service rules of nomenclature.

"Common name" means any designation or identification such as a code name, code number, trade name, brand name

or generic name used to identify a chemical other than by its chemical name.

"Department" means the New Jersey Department of Health unless the usage clearly indicates otherwise.

"Employer" means any person or corporation in the State engaged in business operations having a Standard Industrial Classification, as designated in the Standard Industrial Classification Manual prepared by the Federal Office of Management and Budget, within Major Group numbers 20 through 39 inclusive (manufacturing industries), numbers 46 through 49 inclusive (pipelines, transportation services, communications, and electric, gas, and sanitary services), number 51 (wholesale trade, nondurable goods), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), number 82 (educational services), and number 84 (museums, art galleries, botanical and zoological gardens). Except for purposes of the Worker and Community Right to Know Fund (N.J.S.A. 34:5A-26), "employer" means the State and local governments, or any agency, authority, department, bureau, or instrumentality thereof.

"Environmental hazardous substance" means any substance on the environmental hazardous substance list.

"Environmental hazardous substance list" means the list of environmental hazardous substances developed by the Department of Environmental Protection which includes, but is not limited to, substances used, manufactured, stored, packaged, repackaged, or disposed of or released into the environment of the State which, in the Department of Environmental Protection's determination, may be linked to the incidence of cancer; genetic mutations; physiological malfunctions, including malfunctions in reproduction; and other diseases; or which, by virtue of their physical properties, may pose a threat to the public health and safety. The environmental hazardous substance list is based on the list of substances developed and used by the department for the purposes of the Industrial Survey Project, established pursuant to N.J.S.A. 13:1D-1 et seq. and N.J.S.A. 58:10A-1 et seq., and may include other substances which the Department of Environmental Protection, based on documented scientific evidence, determines pose a threat to the public health and safety.

"Hazardous substance" means any substance, or substance contained in a mixture, included on the workplace hazardous substance list developed by the Department of Health, introduced by an employer to be used, studied, produced, or otherwise handled at a facility. "Hazardous substance" shall not include:

1. Any article containing a hazardous substance if the hazardous substance is present in a solid form which does not pose any acute or chronic health hazard to an employee exposed to it;

2. Any hazardous substance constituting less than 1 percent of a mixture unless the hazardous substance is present in an aggregate amount of 500 pounds or more at a facility;

3. Any hazardous substance which is a special health hazard substance constituting less than the threshold percentage established by the Department of Health for that special health hazard substance when present in a mixture; or

4. Any hazardous substance present in the same form and concentration as a product packaged for distribution and use by the general public to which an employee's exposure during handling is not significantly greater than a consumer's exposure during the principal use of the toxic substance.

"Hazardous substance fact sheet" means a written document prepared by the Department of Health for each hazard-

ous substance and transmitted by the department to employers.

"Mixture" means a combination of two or more substances not involving a chemical reaction.

Substances which pose a "threat to the health or safety of an employee" include, but are not limited to, substances which are flammable, explosive, corrosive, reactive, or possess other physical properties which pose a threat to the health or safety of an employee; substances which are known to cause*, or are suspected of causing]* cancer, genetic mutations, malfunctions in reproduction, acute or chronic disease, or other physiological malfunctions, in humans or animals.

"Workplace survey" means a written document, prepared by the Department of Health and completed by an employer pursuant to the Act, on which the employer shall report each hazardous substance present at his facility.

(b) The definition of other terms contained in these rules shall be governed by the definitions contained in the Worker and Community Right to Know Act, N.J.S.A. *[35:5A-3.]* *34:5A-3*.

8:59-1.4 Contents of the workplace hazardous substance list

(a) The Workplace Hazardous Substance List consists of the hazardous substances listed in Appendix A, which includes:

1. Any substance or substance contained in a mixture regulated by the Occupational Safety and Health Administration, United States Department of Labor, under Title 29 Code of Federal Regulations (CFR) Part 1910—Occupational Safety and Health Standards for General Industry, Subpart Z—Toxic and Hazardous Substances, July 1, 1983.

2. Environmental hazardous substances contained in the "Environmental Hazardous Substance List" adopted by the New Jersey Department of Environmental Protection pursuant to the Act and codified in the New Jersey Administrative Code as N.J.A.C. *[____ (to be promulgated at a future date).]* *7:1G.*

3. Additional substances which the department has determined pose a threat to the health or safety of employees. The scientific evidence documenting the health or safety threat of the substances listed in Appendix A is contained in the referenced sources listed *[at the end of]* *in* Appendix A.

(b) The Workplace Hazardous Substance List identifies the Chemical Abstracts Service number, *a common name, the* chemical name, *[synonym,]* and the source or sources which provides scientific evidence supporting selection of the substance to the list, for each substance.

8:59-1.5 Application

(a) Every employer shall:

1. Report to the department the hazardous substances listed in the Workplace Hazardous Substance List which are present at its facility on workplace survey forms. The workplace survey forms shall be updated annually by the employer.

2. Maintain at its facility hazardous substance fact sheets for each hazardous substance reported on the workplace survey form.

3. Establish an education and training program for its employees about the hazardous substances reported on the workplace survey form.

4. Label every container at its facility containing a hazardous substance reported on the workplace survey form with the chemical name and Chemical Abstracts Service number of the substance or the trade secret registry number assigned to the substance, by March 1, 1985.

(b) Substances not included on the Workplace Hazardous Substance List shall not be subject to the reporting provisions of the Act. However, the absence of any substance from the Workplace Hazardous Substance List or the provision of any information by an employer to an employee or any other person pursuant to the provisions of the Act, shall not in any way affect any other liability of an employer with regard to safeguarding the health and safety of an employee or any other person exposed to the substance, nor shall it affect any other duty or responsibility of an employer to warn ultimate users of a substance of any potential health hazards associated with the use of the substance pursuant to the provisions of any law or rule or regulation adopted pursuant thereto.

8:59-1.6 Modification of the list

(a) The department shall periodically review the Workplace Hazardous Substance List and shall make any necessary revisions in accordance with the procedures set forth in *[N.J.A.C. 8:59-1.6.]* ***(b) through (f) below.*** The list shall be revised by the department, if necessary, once a year unless the department determines that special circumstances warrant an earlier revision.

(b) The Workplace Hazardous Substance List shall be reviewed to consider revisions to the following sources:

1. (Source #1) *[OSHA regulations contained in]* ***Occupational Safety and Health Administration,*** Title 29, CFR Part 1910, *[subpart z;]* ***Subpart Z—Toxic and Hazardous Substances.***

2. (Source #2) "Threshold Limit Values (TLVs) for Chemical Substances in the Work Environment Adopted by ACGIH for 1983-1984" (inclusive of intended changes for 1983-84), American Conference of Governmental Industrial Hygienists (ACGIH), 1983.

3. (Source #3) Materials Transportation Bureau, U.S. Department of Transportation, Title 49 *[Code of Federal Regulations (CFR)]* ***CFR Part 172.101—Hazardous Materials Table, October 1, 1982, and*** Part 172.102—Optional Hazardous Materials Table, amended in Federal Register, Vol. 48, No. 211, October 31, 1983, p.50234-50279.

4. (Source #4) "NIOSH Recommendations for Occupational Health Standards," National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, Morbidity and Mortality Weekly Report Supplement, Vol. 32, No. 1S, October 7, 1983.

5. (Source #5) "Third Annual Report on Carcinogens," National Toxicology Program, U.S. Department of Health and Human Services, December 1982.

6. (Source #6) *[The environmental hazardous substance list developed by the]* ***Environmental Hazardous Substance List,**** New Jersey Department of Environmental Protection*[*;]* ***N.J.A.C. 7:1G.***

7. (Source #7) "Chemicals, Industrial Processes and Industries Associated with Cancer in Humans," Supplement 4, Groups 1, 2A and 2B, International Agency for Research on Cancer (IARC), World Health Organization, 1982 (multi-volume).

8. (Source #8) "Chemicals Having Substantial Evidence of Carcinogenicity", Carcinogens Assessment Group, Office of Health and Environmental Assessment, U.S. Environmental Protection Agency (EPA), Chemical Regulation Reporter, Bureau of National Affairs, August 15, 1980, pages 647-649.

(c) The department shall add to the workplace hazardous substance list any substance which it determines poses a threat to the health or safety of any employee and is based on documented scientific evidence.

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(d) The Right to Know Advisory Council shall advise the department of its recommendations for proposed revisions to the Workplace Hazardous Substance List. *[Revisions]* ***Annual revisions*** to the Workplace Hazardous Substance List proposed by the department shall be submitted to the Advisory Council for review and ***shall be*** published in the New Jersey Register as a notice of pre-proposal for a rule pursuant to the requirements of N.J.A.C. 1:30-3.2.

(e) The department shall consider relevant scientific information in evaluating a revision to the Workplace Hazardous Substance List. For substances which cause health effects, this information may include, but is not limited to, short-term in vitro tests, animal toxicity tests, human epidemiological studies, clinical studies, and scientifically documented reports of symptoms or adverse health effects among employees. The department may investigate the situation surrounding any studies or reports in order to obtain additional information regarding a revision.

1. All evidence from scientific studies *[must]* ***shall*** be based on properly designed studies for endpoints indicating health effects in humans, for example, carcinogenicity, mutagenicity, neurotoxicity, organ damage and/or effect, physiologic changes.

2. For purposes of this subchapter, animal data is admissible and generally indicative of potential effects in humans. The absence of a particular category of studies shall not be used to prove the absence of risk.

3. Negative results generally indicate the absence of statistically positive results in appropriate studies. As all tests for toxicological effects have inherent insensitivities, negative results must be reevaluated in light of the limits of sensitivity of each study, its test design, and the protocol followed.

4. In evaluating different results among proper tests, as a general rule, positive results shall be given more weight than negative results for purposes of including a substance on the list. In each case, the relative sensitivity of each test shall be a factor in resolving such conflicts.

(f) Notice of proposed revisions to the Workplace Hazardous Substance List shall be published once a year, or more frequently if warranted by special circumstances, in the New Jersey Register as a proposed amendment to these rules in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. At least 30 days shall be allowed for public comment. A public hearing shall be held, if, in the department's determination, there is significant public interest in the proposal.

(g) Employers will be notified of any revisions to the Workplace Hazardous Substance List through the annually updated workplace survey.

8:59-1.7 Severability

If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of these rules and to this end, the provisions of these rules are declared to be severable.

**APPENDIX A
WORKPLACE HAZARDOUS SUBSTANCE LIST**

Explanation of Column Headings

[Survey Form Number -This designation will be used to identify substances on the workplace survey form.]

CAS #	-Chemical Abstracts Service Number
Common Name/Chemical Name	-The first name is the common name for the substance; the second name is the chemical name. When there is only one name, the common and chemical names are the same.
Source Number(s)	-These numbers correspond to the reference sources listed below. In the formulation of the Workplace Hazardous Substance List, the department has *[made extensive use of]* *used* lists of hazardous substances *[used in the workplace]* developed by other public agencies and private organizations. The department has reviewed their contents and development criteria and has determined that substances on these lists pose a threat to employee health or safety. Hazardous substances from the following sources have been incorporated into the Workplace Hazardous Substance List.

*Indicates continuation of chemical name.

Note: The Workplace Hazardous Substance List is arranged alphabetically. Where a substance contains a prefix, for example, alpha, beta, tert, sec, bis, p-, o-, m-, the substance was alphabetized according to the first letter in the prefix.

**REFERENCED SOURCES
*[ON THE]***

[WORKPLACE HAZARDOUS SUBSTANCES LIST]

Source No.

1. Occupational Safety and Health Administration, U.S. Department of Labor, Title 29 Code of Federal Regulations (CFR) Part 1910—Occupational Safety and Health Standards for General Industry, *[subpart Z]* ***Subpart Z*-Toxic and Hazardous Substances**, OSHA 2206, June 1981 (rev.).

2. "Threshold Limit Values (TLVs) for Chemical Substances in the Work Environment Adopted by ACGIH for 1983-1984" (inclusive of intended changes for 1983-1984), American Conference of Governmental Industrial Hygienists (ACGIH), 1983.

3. Materials Transportation Bureau, U.S. Department of Transportation, Title 49, Code of Federal Regulations (CFR) ***Part 172.101-Hazardous Materials Table, October 1, 1982, and*** Part 172.102—Optional Hazards Materials Table, amended in Federal Register, Vol. 48, No. 211, October 31, 1983, p. 50234-50279.

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Services, Morbidity and Mortality Weekly Report Supplement, Vol. 32, No. 1S, October 7, 1983.

5. "Third Annual Report on Carcinogens," National Toxicology Program, U.S. Department of Health and Human Services, December 1982.

6. "Environmental Hazardous Substance List," NJ Department of Environmental Protection, Title 7 New Jersey Administrative Code (NJAC) *[, Chapter 7: 1G-Z, proposed in April 2, 1984, New Jersey Register.]* **Chapter 1G.***

7. "Chemicals, Industrial Processes and Industries Associated with Cancer in Humans," Supplement 4, Groups 1, 2A and 2B, International Agency for Research on Cancer (IARC), 1982.

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14. Pesticides

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List of restricted use pesticides. U.S. EPA, Title 40 CFR Part 162.31 *[Pesticide use classification]*, July 1, 1983.

The following *[sources support]* *source supports* the State Department of Health's determination that a substance is hazardous but *[were]* *was* not used as the sole source for including any substance on the List.

[15. U.S. Environmental Protection Agency "Priority Pollutant List" developed pursuant to Section 307 of the Clean Water Act.]

[16. "Hazardous Air Pollutants," list of toxic substances in air by the U.S. Environmental Protection Agency pursuant to Section 112 of the Clean Air Act.]

[17.] *15.* National Fire Codes—A compilation of NFPA Codes, Standards, Recommended Practices, and Manuals, Volume 13, "Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids," (NFPA 325M-1977), National Fire Protection Association (NFPA), 1981.

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
75-07-0	ACETALDEHYDE	1 2 3 6 15
75-39-8	ACETALDEHYDE AMMONIA ETHANOL, 1-AMINO-	3
107-29-9	ACETALDEHYDE OXIME ACETALDEHYDE, OXIME	3
64-19-7	ACETIC ACID	1 2 3 15
108-24-7	ACETIC ANHYDRIDE ACETIC ACID, ANHYDRIDE	1 2 3 15
67-64-1	ACETONE 2-PROPANONE	1 2 3 4 15
75-86-5	ACETONE CYANOHYDRIN PROPANENITRILE, 2-HYDROXY-2-METHYL-	3 4 15
75-05-8	ACETONITRILE	1 2 3 4 15
37187-22-7	ACETYL ACETONE PEROXIDE 2,4-PENTANEDIONE, PEROXIDE	3 15
53-96-3	2-ACETYLAMINOFLUORENE ACETAMIDE, N-9H-FLUOREN-2-YL-	1 5 8
644-31-5	ACETYL BENZOYL PEROXIDE PEROXIDE, ACETYL BENZOYL	3
506-96-7	ACETYL BROMIDE	3
75-36-5	ACETYL CHLORIDE	3 15
3179-56-4	ACETYL CYCLOHEXANE SULFONYL PEROXIDE PEROXIDE, ACETYL CYCLOHEXYLSULFONYL	3
74-86-2	ACETYLENE ETHYNE	2 3 4 15
79-27-6	ACETYLENE TETRABROMIDE ETHANE, 1,1,2,2-TETRABROMO-	1 2 3 15
507-02-8	ACETYL IODIDE	3
513-86-0	ACETYL METHYL CARBINOL 2-BUTANONE, 3-HYDROXY-	3
110-22-5	ACETYL PEROXIDE PEROXIDE, DIACETYL	3 15
50-78-2	ACETYLSALICYLIC ACID BENZOIC ACID, 2-(ACETYLOXY)-	2
107-02-8	ACROLEIN 2-PROPENAL	1 2 6 14 15
79-06-1	ACRYLAMIDE 2-PROPENAMIDE	1 2 3 4
79-10-7	ACRYLIC ACID 2-PROPENOIC ACID	2 3 6 15
107-13-1	ACRYLONITRILE 2-PROPENENITRILE	1 2 3 4 5 6 7 8 10 14 15
50-76-0	ACTINOMYCIN D	1 7 13(H,G,X)
124-04-9	ADIPIC ACID HEXANEDIOIC ACID	3 15
111-69-3	ADIPONITRILE HEXANEDINITRILE	3 4 15
23214-92-8	ADRIAMYCIN 5,12-NAPHTHACENEDIONE, 10- (3-AMINO-2,3,6-TRIDEOXY-ALPHA-L-LYX * O-HEXOPYRANOSYL)OXY -7,8,9,10-TETRAHYDRO-6,8,11-TRIHYDROXY-8- * (HYDROXYACETYL)-1-METHOXY-, (8S-CIS)-	7
7220-81-7	AFLATOXIN B2 CYCLOPENTA(C)FURO(3',2':4,5)FURO(2,3-H)(1)BENZOPYRAN-1,11-DIONE, * 2,3,6A-ALPHA,8,9,9A-ALPHA-HEXAHYDRO-4-METHOXY-	5 7
1165-39-5	AFLATOXIN G1 1H,12H-FURO(3',2':4,5)FURO(2,3-H)PYRANO(3,4-C)(1)(BENZOPYRAN-1,1 * 2-DIONE,3,4,7A,10A-TETRAHYDRO-5-METHOXY-	5 7 8
116-06-3	ALDICARB PROPANAL, 2-METHYL-2-(METHYLTHIO)-, O-((METHYLAMINO)CARBONYL)- * OXIME	14

ADOPTIONS

HEALTH

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
107-89-1	ALDOL, 3-HYDROXYBUTYRALDEHYDE 3-HYDROXYBUTANAL	3
309-00-2	ALDRIN 1,4:5,8-DIMETHANONAPHTHALENE, 1,2,3,4,10,10-HEXACHLORO-1,4,4A,5, * 8,8A-HEXAHYDRO-, (1.ALPHA.,4.ALPHA.,4A.BETA.,5.ALPHA.,6.ALPHA, * ..8A.BETA.)-	1 2 3 4 6 8 14
75-75-2	ALKANE SULFONIC ACID METHANESULFONIC ACID	3
591-87-7	ALLYL ACETATE ACETIC ACID, 2-PROPENYL ESTER	3 15
107-18-6	ALLYL ALCOHOL 2-PROPEN-1-OL	1 2 3 14 15
107-11-9	ALLYL AMINE 2-PROPEN-1-AMINE	3 15
106-95-6	ALLYL BROMIDE 1-PROPENE, 3-BROMO-	3 15
107-05-1	ALLYL CHLORIDE 1-PROPENE, 3-CHLORO-	1 2 3 4 6 15
2937-50-0	ALLYL CHLOROCARBONATE CARBONCHLORIDIC ACID, 2-PROPENYL ESTER	3 15
557-31-3	ALLYL ETHYL ETHER 1-PROPENE, 3-ETHOXY-	3
1838-59-1	ALLYL FORMATE FORMIC ACID, 2-PROPENYL ESTER	3
106-92-3	ALLYL GLYCIDYL ETHER OXIRANE, (2-PROPENYLOXY)METHYL -	1 2 3 4 10
556-56-9	ALLYL IODIDE 1-PROPENE, 3-IODO-	3
57-06-7	ALLYL ISOTHIOCYANATE 1-PROPENE, 3-ISOTHIOCYANATO-	3
2179-59-1	ALLYL PROPYL DISULFIDE DISULFIDE, 2-PROPENYL PROPYL	1 2
107-37-9	ALLYL TRICHLOROSILANE SILANE, TRICHLORO-2-PROPENYL-	3 15
532-27-4	.ALPHA.-CHLORDACETOPHENONE ETHANONE, 2-CHLORO-1-PHENYL-	1 2 3
96-85-1	.ALPHA.-METHYLBENZYL ALCOHOL BENZENEMETHANOL, .ALPHA.-METHYL-	3
555-30-6	ALPHA-METHYLDOPA	12(A)
	2-TYROSINE, 3-HYDROXY-ALPHA-METHYL-	
86-88-4	ALPHANAPHTHYL THIOUREA (ANTU) THIOUREA, 1-NAPHTHALENYL-	1 2 3 14
80-56-8	.ALPHA.-PINENE BICYCLO 3.1.1 HEPT-2-ENE, 2,6,6-TRIMETHYL-	3
7429-90-5	ALUMINUM	2 3
7727-15-3	ALUMINUM BROMIDE ALUMINUM BROMIDE (ALBR3)	3
12656-43-8	ALUMINUM CARBIDE	3
7446-70-0	ALUMINUM CHLORIDE ALUMINUM CHLORIDE (ALCL3)	1 2 3
12003-41-7	ALUMINUM FERROSILICON ALUMINUM IRON SILICIDE (ALFES1)	3
7784-18-1	ALUMINUM FLUORIDE	1 2 4
7784-21-6	ALUMINUM HYDRIDE ALUMINUM HYDRIDE (ALH3)	3
13473-90-0	ALUMINUM NITRATE NITRIC ACID, ALUMINUM SALT	2 3
7784-30-7	ALUMINUM PHOSPHATE PHOSPHORIC ACID, ALUMINUM SALT (1:1)	2 3
20859-73-8	ALUMINUM PHOSPHIDE ALUMINUM PHOSPHIDE (ALP)	2 3 14
61789-65-9	ALUMINUM RESINATE RESIN ACIDS AND ROSIN ACIDS, ALUMINUM SALTS	3

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
50810-25-8	ALUMINUM SILICON ALUMINUM SILICIDE (ALS15)	3
12042-55-6	ALUMINUM SILICON ALUMINUM SILICIDE (ALS1)	3
57485-31-1	ALUMINUM SILICON ALUMINUM SILICIDE (ALS12)	3
10043-01-3	ALUMINUM SULFATE SULFURIC ACID, ALUMINUM SALT (3:2)	2 3
117-79-3	2-AMINOANTHRAQUINONE 9,10-ANTHRACENEDIONE, 2-AMINO-	5 6
95-85-2	2-AMINO-4-CHLOROPHENOL PHENOL, 2-AMINO-4-CHLORO-	3
140-80-7	2-AMINO-5-DIETHYLAMINOPENTANE 1,4-PENTANEDIAMINE, N1,N1-DIETHYL-	3
92-67-1	4-AMINODIPHENYL 1,1'-BIPHENYL -4-AMINE	1 2 5 7 8
110-76-9	AMINOETHOXYETHANOL ETHANAMINE, 2-ETHOXY-	3
111-41-1	AMINOETHYLETHANOLAMINE ETHANOL, 2- (AMINOETHYL)ETHYL -	12(A,B,F,I) 15
28631-79-0	AMINOETHYLPIPERAZINE PIPERAZINEETHANAMINE	3 15
82-28-0	1-AMINO-2-METHYLANTHRAQUINONE 9,10-ANTHRACENEDIONE, 1-AMINO-2-METHYL-	5
551-16-6	6-AMINO-PENICILLANIC ACID 4-THIA-1-AZABICYCLO 3.2.0 HEPTANE-2-CARBOXYLIC ACID, 6-AMINO-3,3 * -DIMETHYL-7-OXO-, 2S-(2.ALPHA.,5.ALPHA.,6.BETA.) -	12(A,G)
27596-85-2	AMINOPHENOL PHENOL, AMINO-	3
4985-85-7	AMINOPROPYLDIETHANOLAMINE ETHANOL, 2,2'- (3-AMINOPROPYL)IMINO BIS-	3
123-00-2	AMINOPROPYLMORPHOLINE 4-MORPHOLINEPROPANAMINE	3 15
504-29-0	2-AMINOPYRIDINE 2-PYRIDINAMINE	1 2 3
462-06-8	3-AMINO PYRIDINE 3-PYRIDINAMINE	3
61-82-5	AMITROL 1H-1,2,4-TRIAZOL-3-AMINE	2 5 7 8
7664-41-7	AMMONIA	1 2 3 4 15
631-61-8	AMMONIUM ACETATE ACETIC ACID, AMMONIUM SALT	3
7784-44-3	AMMONIUM ARSENATE ARSENIC ACID (H3ASO4), DIAMMONIUM SALT	1 2 3
1863-63-4	AMMONIUM BENZOATE BENZOIC ACID, AMMONIUM SALT	3
1066-33-7	AMMONIUM BICARBONATE CARBONIC ACID, MONOAMMONIUM SALT	3
1341-49-7	AMMONIUM BIFLUORIDE AMMONIUM FLUORIDE ((NH4)(HF2))	1 2 3
10192-30-0	AMMONIUM BISULFITE SULFUROUS ACID, MONOAMMONIUM SALT	3
1111-78-0	AMMONIUM CARBAMATE CARBAMIC ACID, MONOAMMONIUM SALT	3
10361-29-2	AMMONIUM CARBONATE CARBONIC ACID, AMMONIUM SALT	3
12125-02-9	AMMONIUM CHLORIDE AMMONIUM CHLORIDE ((NH4)CL)	2 3
16919-58-7	AMMONIUM CHLOROPLATINATE PLATINATE (2-1), HEXACHLORO-, DIAMMONIUM	1 2
52110-72-2	AMMONIUM CHROMATE AMMONIUM CHROMIUM OXIDE	1 2 3
7632-50-0	AMMONIUM CITRATE 1,2,3-PROPANETRICARBOXYLIC ACID, 2-HYDROXY-, AMMONIUM SALT	3

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
7789-09-5	AMMONIUM DICHROMATE CHROMIC ACID (H ₂ CR ₂ O ₇), DIAMMONIUM SALT	1 2 3
2980-64-5	AMMONIUM DINITRO-O-CRESOLATE O-CRESOL, 4,6-DINITRO-, AMMONIUM SALT	3
12125-01-8	AMMONIUM FLUORIDE AMMONIUM FLUORIDE ((NH ₄)F)	1 2 3
13826-83-0	AMMONIUM FLUOROBORATE BORATE(1-), TETRAFLUORO-, AMMONIUM	1 2 3
1309-32-6	AMMONIUM FLUOSILICATE CRYPTOMALITE	1 2 3
7803-63-6	AMMONIUM HYDROGEN SULFATE SULFURIC ACID, MONOAMMONIUM SALT	3
1336-21-6	AMMONIUM HYDROXIDE AMMONIUM HYDROXIDE ((NH ₄)(OH))	3
7803-55-6	AMMONIUM METAVANADATE VANADATE (VO ₃ ¹⁻), AMMONIUM	3
13106-76-8	AMMONIUM MOLYBDATE MOLYBDIC ACID, DIAMMONIUM SALT	1 2
6484-52-2	AMMONIUM NITRATE NITRIC ACID AMMONIUM SALT	3
57608-40-9	AMMONIUM NITRATE PHOSPHATE	3
1113-38-8	AMMONIUM OXALATE ETHANEDIOIC ACID, DIAMMONIUM SALT	3
7790-98-9	AMMONIUM PERCHLORATE PERCHLORIC ACID, AMMONIUM SALT	3
13446-10-1	AMMONIUM PERMANGANATE PERMANGANIC ACID (HMNO ₄), AMMONIUM SALT	3
7727-54-0	AMMONIUM PERSULFATE PEROXYDISULFURIC ACID ((HO)S(O) ₂ 2O ₂), DIAMMONIUM SALT	3
131-74-8	AMMONIUM PICRATE PHENOL, 2,4,6-TRINITRO-, AMMONIUM SALT	3
9080-17-5	AMMONIUM POLYSULFIDE AMMONIUM SULFIDE ((NH ₄) ₂ (SX))	3
7773-06-0	AMMONIUM SULFAMATE SULFAMIC ACID, MONOAMMONIUM SALT	1 2 3
12135-76-1	AMMONIUM SULFIDE AMMONIUM SULFIDE ((NH ₄) ₂ S)	3
10196-04-0	AMMONIUM SULFITE	3
	SULFUROUS ACID, DIAMMONIUM SALT	
3164-29-2	AMMONIUM TARTRATE BUTANEDIOIC ACID, 2,3-DIHYDROXY- R-(R*,R*) -, DIAMMONIUM SALT	3
13820-41-2	AMMONIUM TETRACHLOROPLATINATE PLATINATE (2-), TETRACHLORO-, DIAMMONIUM	1 12(A)
1762-95-4	AMMONIUM THIOCYANATE THIOCYANIC ACID, AMMONIUM SALT	3
7783-18-8	AMMONIUM THIOSULFATE THIOSULFURIC ACID (H ₂ S ₂ O ₃), DIAMMONIUM SALT	3
69-53-4	AMPICILLIN 4-THIA-1-AZABICYCLO 3.2.0 HEPTANE-2-CARBOXYLIC ACID, 6- (AMINOPH * ENYLACETYL)AMINO -3,3-DIMETHYL-7-OXO-, 2S- 2.ALPHA.,.5.ALPHA. * .6.BETA.(S*) -	12(A,G)
137-86-2	AMPROLIUM HYDROCHLORIDE PYRIDINIUM, 1- (4-AMINO-2-PROPYL-5-PYRIMIDINYL)METHYL -2-METHYL- * , CHLORIDE, MONOHYDROCHLORIDE	12 (A)
12789-46-7	AMYL ACID PHOSPHATE PHOSPHORIC ACID, PENTYL ESTER	3
71-41-0	AMYL ALCOHOL 1-PENTANOL	3 15
110-58-7	AMYL AMINE 1-PENTANAMINE	3 15
540-18-1	AMYL BUTYRATE BUTANOIC ACID, PENTYL ESTER	3 15
543-59-9	AMYL CHLORIDE PENTANE, 1-CHLORO-	3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
25377-72-4	AMYLENE, NORMAL PENTENE	3 15
638-49-3	AMYL FORMATE FORMIC ACID, PENTYL ESTER	3 15
110-66-7	AMYL MERCAPTAN 1-PENTANETHIOL	3 4 15
1002-16-0	AMYL NITRATE NITRIC ACID, PENTYL ESTER	3 15
110-46-3	AMYL NITRITE NITROUS ACID, 3-METHYLBUTYL ESTER	3 15
463-04-7	AMYL NITRITE NITROUS ACID, PENTYL ESTER	3 15
107-72-2	AMYLTRICHLOROSILANE SILANE, TRICHLOROPENTYL-	3 15
62-53-3	ANILINE BENZENAMINE	1 2 3 6 15
142-04-1	ANILINE HYDROCHLORIDE BENZENAMINE, HYDROCHLORIDE	3 15
100-66-3	ANISOLE BENZENE, METHOXY-	3 15
1300-64-7	ANISOYL CHLORIDE BENZOYL CHLORIDE, METHOXY-	3
120-12-7	ANTHRACENE	6 15
84-65-1	ANTHRAQUINONE	12(A) 15
7440-36-0	ANTIMONY	1 2 3 4 6
58164-88-8	ANTIMONY LACTATE PROPANOIC ACID, 2-HYDROXY-, ANTIMONY(3+) SALT (3:1)	1 2 3
7647-18-9	ANTIMONY PENTACHLORIDE ANTIMONY CHLORIDE (SBCL5)	1 2 3
7783-70-2	ANTIMONY PENTAFLUORIDE ANTIMONY FLUORIDE (SBF5)	1 2 3
28300-74-5	ANTIMONY POTASSIUM TARTRATE ANTIMONATE(2-), BIS .MU.- 2,3-DIHYDROXYBUTANEDIOATO(4-)-01,02:03 * .04 DI-, DIPOTASSIUM, TRIHYDRATE, STEREOISOMER	1 2 3
7789-61-9	ANTIMONY TRIBROMIDE STIBINE, TRIBROMO-	1 2 3
10025-91-9	ANTIMONY TRICHLORIDE STIBINE, TRICHLORO-	1 2 3
7783-56-4	ANTIMONY TRIFLUORIDE STIBINE, TRIFLUORO-	1 2 3
1309-64-4	ANTIMONY TRIOXIDE ANTIMONY OXIDE (SB203)	1 2 3
140-57-8	ARAMITE SULFUROUS ACID, 2-CHLOROETHYL 2- 4-(1,1-DIMETHYLETHYL)PHENOXY -1 * -METHYLETHYL ESTER	5 8
7440-37-1	ARGON	2 3
7440-38-2	ARSENIC	1 2 3 4 5 6 7 8 10
7778-39-4	ARSENIC ACID ARSENIC ACID (H3ASO4)	1 2 3
64973-06-4	ARSENIC BROMIDE	1 2 3
37226-49-6	ARSENIC CHLORIDE	1 2 3
56320-22-0	ARSENIC DISULFIDE ARSENIC SULFIDE (ASS2)	1 3
13453-17-3	ARSENIC IODIDE ARSENIC IODIDE (AS12)	1 3
1303-28-2	ARSENIC PENTOXIDE ARSENIC OXIDE (AS205)	1 2 3 5 8
7784-34-1	ARSENIC TRICHLORIDE ARSENOUS TRICHLORIDE	1 2 3
60646-36-8	ARSENIC TRICHLORIDE	1 2 3
1327-53-3	ARSENIC TRIOXIDE ARSENIC OXIDE (AS203)	1 2 3 5 7 8 14

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
1303-33-9	ARSENIC TRISULFIDE ARSENIC SULFIDE (AS ₂ S ₃)	1 2 3
7764-42-1	ARSINE	1 2 3 10
1332-21-4	ASBESTOS	1 2 4 5 6 7 8 10
12172-73-5	ASBESTOS, AMOSITE ASBESTOS, GRUNERITE	1 2 5 7 8
77536-67-5	ASBESTOS, ANTHOPHYLLITE	1 2 5 7 8
12001-29-5	ASBESTOS, CHRYSOTILE	1 2 5 7 8
12001-28-4	ASBESTOS, CROCIDOLITE	1 2 5 7 8
9015-68-3	ASPARAGINASE	13(P)
1912-24-9	ATRAZINE 1,3,5-TRIAZINE-2,4-DIAMINE, 6-CHLORO-N-ETHYL-N'-(1-METHYLETHYL)-	2
504-24-5	AVITROL PYRIDINE, 4-AMINO	14
115-02-6	AZASERINE L-SERINE, DIAZOACETATE (ESTER)	8
446-86-6	AZATHIOPRINE 1H-PURINE, 6- (1-METHYL-4-NITRO-1H-IMIDAZOL-5-YL)THIO -	7
13929-82-3	1-AZIRIDINYL PHOSPHINE OXIDE AZIRIDINE, 1-PHOSPHINYL	3
15545-97-8	2,2'-AZODI-(2,4-DIMETHYL-4-METHOXYVALERONITRILE) PENTANENITRILE, 2,2'-AZOBIS 4-METHOXY-2,4-DIMETHYL -	3
28604-91-3	2,2'-AZODI-(2,4-DIMETHYLVALERONITRILE) PENTANENITRILE, AZOBIS 2,4-DIMETHYL-	3
25551-14-8	AZODI-(1,1'-HEXAHYDROBENZONITRILE) CYCLOHEXANECARBONITRILE, AZOBIS-	3
78-67-1	AZODIISOBUTYRONITRILE PROPANENITRILE, 2,2'-AZOBIS 2-METHYL-	3
7440-39-3	BARIUM	1 2
18810-58-7	BARIUM AZIDE BARIUM AZIDE (BA(N ₃) ₂)	1 2 3
13967-90-3	BARIUM BROMATE BROMIC ACID, BARIUM SALT	1 2 3
13477-00-4	BARIUM CHLORATE CHLORIC ACID, BARIUM SALT	1 2 3
542-62-1	BARIUM CYANIDE	1 2 3
	BARIUM CYANIDE (BA(CN) ₂)	
13477-10-6	BARIUM HYPOCHLORITE HYPOCHLOROUS ACID, BARIUM SALT	1 2 3
10022-31-8	BARIUM NITRATE NITRIC ACID, BARIUM SALT	1 2 3
1304-28-5	BARIUM OXIDE BARIUM OXIDE (BAO)	1 2 3
13465-95-7	BARIUM PERCHLORATE PERCHLORIC ACID, BARIUM SALT	1 2 3
7787-36-2	BARIUM PERMANGANATE PERMANGANIC ACID (HMNO ₄), BARIUM SALT	1 2 3
1304-29-6	BARIUM PEROXIDE BARIUM PEROXIDE (BA(O ₂))	1 2 3
22781-23-3	BENDIOCARE 1,3-BENZODIOXOL-4-OL, 2,2-DIMETHYL-, METHYL CARBAMATE	14
17804-35-2	BENOMYL CARBAMIC ACID, 1- (BUTYLAMINO) CARBONYL -1H-BENZIMIDAZOL-2-YL -, * METHYL ESTER	2
56-55-3	BENZ (A) ANTHRACENE	5 8
57-97-6	BENZ (A) ANTHRACENE, 7,12-DIMETHYL-	8
98-87-3	BENZAL CHLORIDE BENZENE, (DICHLOROMETHYL)-	3 6
100-52-7	BENZALDEHYDE	3 15
71-43-2	BENZENE	1 2 3 4 5 6 7 8 15

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
120-58-1	BENZENE, 1,2-METHYLENEDIOXY-4-PROPENYL- 1,3-BENZODIOXOLE, 5-(1-PROPENYL)-	8
94-58-6	BENZENE, 1,2-METHYLENEDIOXY-4-PROPYL- 1,3-BENZODIOXOLE, 5-PROPYL-	8
3497-00-5	BENZENE PHOSPHOROUS THIODICHLORIDE PHOSPHONOTHIOIC DICHLORIDE, PHENYL-	3
644-97-3	BENZENE PHOSPHOROUS DICHLORIDE PHOSPHORUS DICHLORIDE, PHENYL-	3
98-09-9	BENZENE SULFONYL CHLORIDE	3
108-98-5	BENZENETHIOL PHENYLMERCAPTAN	2 3 4
92-87-5	BENZIDINE 1,1'-BIPHENYL -4,4'-DIAMINE	1 2 3 5 7 8
510-15-6	BENZILIC ACID, 4,4'-DICHLORO-, ETHYL ESTER BENZENEACETIC ACID, 4-CHLORO-.ALPHA.-(4-CHLOROPHENYL)-.ALPHA.-HY * DROXY-, ETHYL ESTER	8
8030-30-6	BENZINE PETROLEUM SPIRITS	1 2 3
50-32-8	BENZO(A)PYRENE	2 5 7 8
205-99-2	BENZO(B)FLUORANTHENE BENZ(E)ACETPHENANTHRYLENE	5 8
65-85-0	BENZOIC ACID	3 15
205-82-3	BENZO(J) FLUORANTHENE	8
100-47-0	BENZONITRILE	3
98-07-7	BENZOTRICHLORIDE BENZENE, (TRICHLOROMETHYL)-	3 6 7 15
98-08-8	BENZOTRIFLUORIDE BENZENE, (TRIFLUOROMETHYL)-	3 15
98-88-4	BENZOYL CHLORIDE	3 6 15
94-36-0	BENZOYL PEROXIDE PEROXIDE, DIBENZOYL	1 2 3 4 6
100-39-0	BENZYL BROMIDE BENZENE, (BROMOMETHYL)-	3
100-44-7	BENZYL CHLORIDE BENZENE, (CHLOROMETHYL)-	1 2 3 4 6 15
501-53-1	BENZYL CHLOROFORMATE CARBOCHLORIDIC ACID, PHENYLMETHYL ESTER	3
103-83-3	BENZYL DIMETHYLAMINE BENZENEMETHANAMINE, N,N-DIMETHYL-	3
620-05-3	BENZYL IODIDE BENZENE, (IODOMETHYL)-	3
61-33-6	BENZYL PENICILLIN 4-THIA-1-AZABICYCLO 3.2.0 HEPTANE-2-CARBOXYLIC ACID, 3,3-DIMETHY * 1-7-OXO-6-(PHENYLACETYL)AMINO - 2S-(2.ALPHA.,5.ALPHA.,6.BET * A.) -	12(A,G)
7440-41-7	BERYLLIUM	1 2 3 4 5 6 7 8
7787-47-5	BERYLLIUM CHLORIDE BERYLLIUM CHLORIDE (BECL2)	1 2 3 5 7 8
7787-49-7	BERYLLIUM FLUORIDE BERYLLIUM FLUORIDE (BEF2)	1 2 3 5 7 8
13597-99-4	BERYLLIUM NITRATE NITRIC ACID, BERYLLIUM SALT	1 2 3
1738-25-6	BETA-DIMETHYLAMINOPROPIONITRILE PROPIONITRILE, 3-(DIMETHYLAMINO)	10
57-57-8	BETA-PROPIOLACTONE 2-OXETANONE	1 2 5 8
92-93-3	BIPHENYL, 4-NITRO 1,1'-BIPHENYL, 4-NITRO-	1 2
56-18-8	BIS(AMINOPROPYL)AMINE 1,3-PROPANEDIAMINE, N-(3-AMINOPROPYL)-	3
7209-38-3	BIS(AMINOPROPYL)PIPERAZINE PIPERAZINE, 1,4-BIS(3-AMINOPROPYL)-	3

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
111-44-4	BIS (2-CHLOROETHYL) ETHER ETHANE, 1,1'-OXYBIS 2-CHLORO-	1 2 3 8 15
154-93-8	BISCHLOROETHYL NITROSOUREA UREA, N,N'-BIS(2-CHLOROETHYL)-N-NITROSO	7 13(H,Q)
108-60-1	BIS(2-CHLORO-1-METHYLETHYL) ETHER PROPANE, 2,2'-OXYBIS 1-CHLORO-	3 6
542-88-1	BIS (2-CHLOROMETHYL) ETHER METHANE, OXYBIS(CHLORO-)	1 2 3 5 7 8
110-18-9	BIS(DIMETHYLAMINO)ETHANE ETHYLENEDIAMINE, N,N,N',N'-TETRAMETHYL-	3
103-23-1	BIS (2-ETHYLHEXYL) ADIPATE HEXANEDIOIC ACID, BIS(2-ETHYLHEXYL) ESTER	6
117-81-7	BIS (2-ETHYLHEXYL) PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, BIS(2-ETHYLHEXYL) ESTER	1 2 5 6
1304-82-1	BISMUTH TELLURIDE	2
21725-46-2	BLADEX PROPIONITRILE, 2-((4-CHLORO-6-(ETHYLAMINO)-1,3,5-TRIAZIN-2-YL)AM * -2-METHYL-	14
16940-66-2	BORATE, TETRASODIUM SALT BORATE (1-) TETRAHYDRO-,SODIUM	2 3
507-70-0	BORNEOL BICYCLO 2.2.1 HEPTAN-2-OL, 1,7,7-TRIMETHYL-, ENDO-	3 15
54566-73-3	BORON OXIDE	1 2
10294-33-4	BORON TRIBROMIDE BORANE, TRIBROMO-	2 3
10294-34-5	BORON TRICHLORIDE BORANE, TRICHLORO-	3
7637-07-2	BORON TRIFLUORIDE BORANE, TRIFLUORO-	1 2 3 4
753-53-7	BORON TRIFLUORIDE ACETIC ACID COMPLEX BORANE, TRIFLUORO-COMPOUND WITH ACETIC ACID (1:1)	3
109-63-7	BORON TRIFLUORIDE DIETHYL ETHERATE BORON, TRIFLUORO 1,1'-OXYBIS ETHANE -, (T-4)-	1 2 3 15
353-42-4	BORON TRIFLUORIDE DIMETHYL ETHERATE BORON, TRIFLUORO OXYBIS METHANE -, (T-4)-	1 2 3
13319-75-0	BORON TRIFLUORIDE DIMYDRATE BORANE, TRIFLUORO-, DIMYDRATE	1 2 3
314-40-9	BROMACIL	2
	2,4(1H,3H)-PYRIMIDINEDIONE, 5-BROMO-6-METHYL-3-(1-METHYLPROPYL)-	
7726-95-6	BROMINE	1 2 .3
13863-41-7	BROMINE CHLORIDE	3
7789-30-2	BROMINE PENTAFLUORIDE BROMINE FLUORIDE (BRF5)	2 3
7787-71-5	BROMINE TRIFLUORIDE BROMINE FLUORIDE (BRF3)	3
598-31-2	BROMOACETONE 2-PROPANONE, 1-BROMO-	3
598-21-0	BROMOACETYL BROMIDE ACETYL BROMIDE, BROMO-	3
108-86-1	BROMOBENZENE BENZENE, BROMO-	3 15
5798-79-8	BROMOBENZYL CYANIDE ACETONITRILE, BROMOPHENYL	3
78-76-2	2-BROMOBUTANE BUTANE, 2-BROMO-	3
592-55-2	BROMOETHYL ETHYL ETHER ETHANE, 1-BROMO-2-ETHOXY	3
75-25-2	BROMOFORM METHANE, TRIBROMO-	1 2 3
107-82-4	BROMOMETHYLBUTANE BUTANE, 1-BROMO-3-METHYL	3
507-19-7	BROMOMETHYLPROPANE PROPANE, 2-BROMO-2-METHYL	3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
78-77-3	BROMOMETHYLPROPANE PROPANE, 1-BROMO-2-METHYL	3
29756-38-5	BROMOPENTANE PENTANE, BROMO-	3
26446-77-5	BROMOPROPANE PROPANE, BROMO-	3
106-96-7	3-BROMOPROPYNE PROPYNE, 3-BROMO-	3
598-73-2	BROMOTRIFLUOROETHYLENE ETHENE, BROMOTRIFLUORO-	3
357-57-3	BRUCINE STRYCHNIDIN-10-ONE, 2,3-DIMETHOXY-	3
55-98-1	BUSULFAN 1,4-BUTANEDIOL, DIMETHANESULFONATE	7 13(H,T,V,Y,EE,FF)
106-99-0	1,3-BUTADIENE	1 2 3 6 15
76-68-3	1,3-BUTADIENE, 1,1,2,3,4,4-HEXACHLORO- (HEXACHLOROBUTADIENE)	2 3 8 15
106-97-8	BUTANE	2 3 15
431-03-8	BUTANEDIONE 2,3-BUTANEDIONE	3
111-76-2	2-BUTOXY ETHANOL ETHANOL, 2-BUTOXY-	1 2 3 15
4435-53-4	BUTOXYL 1-BUTANOL, 3-METHOXY-, ACETATE	3
52933-01-4	BUTYL ACID PHOSPHATE PHOSPHORIC ACID, DIBUTYL ESTER, MIXT. WITH BUTYL DIHYDROGEN PHOS * PHATE	3
141-32-2	BUTYL ACRYLATE 2-PROPENOIC ACID, BUTYL ESTER	2 3 15
110-69-0	BUTYL ALDEHYDE, OXIME BUTANAL OXIME	3
109-73-9	BUTYLAMINE 1-BUTANAMINE	1 2 3 15
1126-78-9	BUTYLANILINE BENZENAMINE, N-BUTYL	3 15
104-51-8	BUTYL BENZENE BENZENE, BUTYL-	3 15
85-68-7	BUTYL BENZYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, BUTYL PHENYLMETHYL ESTER	6 15
109-65-9	BUTYL BROMIDE BUTANE, 1-BROMO-	3 15
109-69-3	BUTYL CHLORIDE BUTANE, 1-CHLORO-	3 15
592-34-7	BUTYLCHLOROFORMATE CARBONCHLORIDIC ACID, BUTYL ESTER	3
25167-67-3	BUTYLENE BUTENE	3 15
106-88-7	1,2-BUTYLENE OXIDE OXIRANE, ETHYL-	6 15
142-96-1	BUTYL ETHER BUTANE, 1,1'-OXYBIS-	3 15
592-84-7	BUTYL FORMATE FORMIC ACID, BUTYL ESTER	3 15
109-79-5	BUTYL MERCAPTAN 1-BUTANETHIOL	1 2 3 4 15
97-88-1	BUTYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, BUTYL ESTER	3 15
544-16-1	BUTYL NITRITE NITROUS ACID, BUTYL ESTER	3
16215-49-9	BUTYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIBUTYL ESTER	3
28805-86-9	BUTYL PHENOL PHENOL, BUTYL-	3
590-01-2	BUTYL PROPIONATE PROPANOIC ACID, BUTYL ESTER	3 15

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
7521-80-4	BUTYL TRICHLOROSILANE SILANE, BUTYLTRICHLORO-	3 15
111-34-2	BUTYL VINYL ETHER BUTANE, 1-(ETHENYLOXY)-	3 15
110-65-6	1,4-BUTYNEDIOL 2-BUTYNE-1, 4-DIOL	3
123-72-8	BUTYRALDEHYDE BUTANAL	3 15
107-92-6	BUTYRIC ACID BUTANOIC ACID	3 15
106-31-0	BUTYRIC ANHYDRIDE BUTANOIC ACID, ANHYDRIDE	3 15
109-74-0	BUTYRONITRILE BUTANENITRILE	3 4 15
141-75-3	BUTYRYL CHLORIDE BUTANOYL CHLORIDE	3
75-60-5	CACODYLIC ACID ARSENIC ACID, DIMETHYL-	1 2 3
7440-43-9	CADMIUM	1 2 4 5 6 7 8
543-90-8	CADMIUM ACETATE ACETIC ACID, CADMIUM SALT	1 2 3 5 7 8
7789-42-6	CADMIUM BROMIDE CADMIUM BROMIDE (CDBR2)	1 2 3
10108-64-2	CADMIUM CHLORIDE CADMIUM CHLORIDE (CDCL2)	1 2 3 5 7 8
7440-70-2	CALCIUM	3
7778-44-1	CALCIUM ARSENATE ARSENIC ACID (H3ASO4), CALCIUM SALT (2:3)	1 3 5 7 8
52740-16-6	CALCIUM ARSENITE ARSONIC ACID, CALCIUM SALT (1:1)	1 2 3 5 7 8
75-20-7	CALCIUM CARBIDE CALCIUM CARBIDE (CAC2)	3
10137-74-3	CALCIUM CHLORATE CHLORIC ACID, CALCIUM SALT	3
14674-72-7	CALCIUM CHLORITE CHLOROUS ACID, CALCIUM SALT	3
13765-19-0	CALCIUM CHROMATE CHROMIC ACID (H2CR04), CALCIUM SALT (1:1)	1 2 3 5 7 8
156-62-7	CALCIUM CYANAMIDE CYANAMIDE, CALCIUM SALT (1:1)	2 3
592-01-8	CALCIUM CYANIDE CALCIUM CYANIDE (CA(CN)2)	1 2 3 14
26264-06-2	CALCIUM DODECYLBENZENE SULFONATE BENZENESULFONIC ACID, DODECYL-, CALCIUM SALT	3
7789-75-5	CALCIUM FLUORIDE	4
57308-10-8	CALCIUM HYDRIDE	3
13780-03-5	CALCIUM HYDROGEN SULFITE SULFUROUS ACID, CALCIUM SALT (2:1)	3
1305-62-0	CALCIUM HYDROXIDE CALCIUM HYDROXIDE (CA(OH)2)	2
7778-54-3	CALCIUM HYPOCHLORITE HYPOCHLOROUS ACID, CALCIUM SALT	3
10124-37-5	CALCIUM NITRATE NITRIC ACID, CALCIUM SALT	3
1305-78-8	CALCIUM OXIDE CALCIUM OXIDE (CAO)	1 2 3
13477-36-6	CALCIUM PERCHLORATE PERCHLORIC ACID, CALCIUM SALT	3
10118-76-0	CALCIUM PERMANGANATE PERMANGANIC ACID (HMNO4), CALCIUM SALT	3
1305-79-9	CALCIUM PEROXIDE CALCIUM PEROXIDE (CA(O2))	3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
1305-99-3	CALCIUM PHOSPHIDE CALCIUM PHOSPHIDE (CA ₃ P ₂)	3
9007-13-0	CALCIUM RESINATE RESIN ACIDS AND ROSIN ACIDS, CALCIUM SALTS	3
14019-91-1	CALCIUM SELENATE SELENIC ACID, CALCIUM SALT (1:1)	1 2
12737-18-7	CALCIUM SILICIDE	3
79-92-5	CAMPHENE BICYCLO 2.2.1 HEPTANE, 2,2-DIMETHYL-3-METHYLENE-	3
76-22-2	CAMPHOR BICYCLO 2.2.1 HEPTAN-2-ONE, 1,7,7-TRIMETHYL-	1 2 3 15
8008-51-3	CAMPHOR OIL OILS, CAMPHOR	3
142-62-1	CAPROIC ACID HEXANOIC ACID	3 15
105-60-2	CAPROLACTAM 2H-AZEPIN-2-ONE, HEXAHYDRO-	2
2425-06-1	CAPTAFOL 1H-ISOINDOLE-1,3(2H)-DIONE, 3A,4,7,7A-TETRAHYDRO-2- (1,1,2,2-TET * RACHLOROETHYL)THIO -	2
133-06-2	CAPTAN 1H-ISOINDOLE-1,3(2H)-DIONE, 3A,4,7,7A-TETRAHYDRO-2- (TRICHLOROME * THYL)THIO -	2 3 6
63-25-2	CARBARYL 1-NAPHTHALENOL, METHYLCARBAMATE	1 2 3 4 6
1563-66-2	CARBOFURAN 7-BENZOFURANOL, 2,3-DIHYDRO-2,2-DIMETHYL-, METHYLCARBAMATE	2 3 14
1333-86-4	CARBON BLACK	1 2 4
124-38-9	CARBON DIOXIDE	1 2 3 4
75-15-0	CARBON DISULFIDE	1 2 3 4 14 15
630-08-0	CARBON MONOXIDE	1 2 3 4 15
558-13-4	CARBON TETRABROMIDE METHANE, TETRABROMO-	2 3
56-23-5	CARBON TETRACHLORIDE METHANE, TETRACHLORO-	1 2 3 4 5 6 7 8 14
353-50-4	CARBONYL FLUORIDE CARBONIC DIFLUORIDE	1 2 3
463-58-1	CARBONYL SULFIDE CARBON OXIDE SULFIDE (COS)	3
NO CAS #	CASTOR BEAN POMACE	12(B)
535-89-7	CASTRIX PYRIMIDINE, 2-CHLORO-4-(DIMETHYLAMINO)-6-METHYL-	14
7440-45-1	CERIUM	3
7440-46-2	CESIUM	3
21351-79-1	CESIUM HYDROXIDE CESIUM HYDROXIDE (CS(OH))	2 3
7789-18-6	CESIUM NITRATE NITRIC ACID, CESIUM SALT	3
75-87-6	CHLORAL ACETALDEHYDE, TRICHLORO-	3
133-90-4	CHLORAMBEN BENZOIC ACID, 3-AMINO-2,5-DICHLORO-	1 6
305-03-3	CHLORAMBUCIL BENZENE BUTANOIC ACID, 4- BIS(2-CHLOROETHYL)AMINO -	5 7 13(E,F,H,R,Y,EE,FF)
10599-90-3	CHLORAMINE CHLORAMIDE	12(B)
56-75-7	CHLORAMPHENICOL ACETAMIDE, 2,2-DICHLORO-N- 2-HYDROXY-1-(HYDROXYMETHYL)-2-(4-NITR * OPHENYL)ETHYL -, R-(R*,R*) -	7
57-74-9	CHLORDANE	1 2 3 6 8 14
58-25-3	CHLORDIAZEPOXIDE 3H-1,4-BENZODIAZEPINE, 7-CHLORO-2-(METHYLAMINO)-5-PHENYL-,4-OXID * E	13(EE,FF)
470-90-6	CHLORFENYINPHOS PHOSPHORIC ACID, 2-CHLORO-1-(2,4-DICHLOROPHENYL) ETHENYL DIETHYL * ESTER	14
7790-93-4	CHLORIC ACID	3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
51289-10-2	CHLORINATED DIPHENYL OXIDE BENZENE, 1,1'-OXY BIS CHLORO-	1 2
7782-50-5	CHLORINE	1 2 3 4
10049-04-4	CHLORINE DIOXIDE CHLORINE OXIDE (ClO ₂)	1 2
13637-63-3	CHLORINE PENTAFLUORIDE CHLORINE FLUORIDE (ClF ₅)	1 2 3
7790-91-2	CHLORINE TRIFLUORIDE CHLORINE FLUORIDE (ClF ₃)	1 2 3
107-20-0	CHLOROACETALDEHYDE ACETALDEHYDE, CHLORO-	1 2 3
79-11-8	CHLOROACETIC ACID ACETIC ACID, CHLORO-	3 15
78-95-5	CHLOROACETONE 2-PROPANONE, 1-CHLORO-	3
107-14-2	CHLOROACETONITRILE ACETONITRILE, CHLORO-	3
1341-24-8	CHLOROACETOPHENONE ETHANONE, 1-PHENYL-, MONOCHLORO DERIV.	3
79-04-9	CHLOROACETYL CHLORIDE ACETYL CHLORIDE, CHLORO-	2 3
27134-26-5	CHLOROANILINE BENZENAMINE, CHLORO-	3
108-90-7	CHLOROBENZENE BENZENE, CHLORO-	1 2 3 6 15
52181-51-8	CHLOROBENZOTRIFLUORIDE BENZENE, CHLORO (TRIFLUOROMETHYL)-	3 15
74-97-5	CHLOROBROMOMETHANE METHANE, BROMOCHLORO-	1 2 3
25154-42-1	CHLOROBUTANE BUTANE, CHLORO-	3
1321-10-4	CHLOROCRESOL PHENOL, CHLOROMETHYL-	3
353-59-3	CHLORODIFLUOROBROMO-METHANE METHANE, BROMOCHLORODIFLUORO-	3
25497-29-4	CHLORODIFLUOROETHANE ETHANE, CHLORODIFLUORO-	3
75-45-6	CHLORODIFLUOROMETHANE	2 3
	METHANE, CHLORODIFLUORO-	
13010-47-4	1-(2-CHLOROETHYL)-3-CYCLOHEXYL-1-NITROUREA UREA, 1-(2-CHLOROETHYL)-3-CYCLOHEXYL-1-NITROSO-	1 7 13(H,Q)
67-66-3	CHLOROFORM METHANE, TRICHLORO-	1 2 3 4 5 6 7 8 10
22128-62-7	CHLOROMETHYLCHLORO-FORMATE CARBOCHLORIDIC ACID, CHLOROMETHYL ESTER	3
3188-13-4	CHLOROMETHYL ETHYL ETHER ETHANE, (CHLOROMETHOXY)-	3
107-30-2	CHLOROMETHYL METHYL ETHER METHANE, CHLOROMETHOXY-	1 2 3 8
28479-22-3	3-CHLORO-4-METHYLPHENYL ISOCYANATE	3
41587-36-4	CHLORONITROANILINE BENZENAMINE, CHLORONITRO-	3
25167-93-5	CHLORONITROBENZENE BENZENE, CHLORONITRO-	3 15
600-25-9	1-CHLORO-1-NITROPROPANE PROPANE, 1-CHLORO-1-NITRO-	1 2 15
25567-68-4	CHLORONITROTOLUENE BENZENE, CHLOROMETHYLNITRO-	3
3165-93-3	4-CHLORO-O-TOLUIDINE HYDROCHLORIDE BENZENAMINE, 4-CHLORO-2-METHYL-, HYDROCHLORIDE	3
76-15-3	CHLOROPENTAFLUROETHANE ETHANE, CHLOROPENTAFLURO-	3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
937-14-4	3-CHLOROPEROXYBENZOIC ACID BENZENECARBOPEROXOIC ACID, 3-CHLORO-	3
3691-35-8	CHLOROPHACINONE (ROZOL) 1,3-INDANDIONE, 2-((P-CHLOROPHENYL)PHENYLACETYL)-	14
106-48-9	CHLOROPHENATE PHENOL, P-CHLORO	3
108-43-0	CHLOROPHENATE PHENOL, H-CHLORO	3
95-57-8	2-CHLOROPHENOL PHENOL, 2-CHLORO-	3 7
26571-79-9	CHLOROPHENYL TRI-CHLOROSILANE SILANE, TRICHLORO(CHLOROPHENYL)-	3
76-06-2	CHLOROPICRIN METHANE, TRICHLORONITRO-	1 2 3 14
16941-12-1	CHLOROPLATINIC ACID PLATINATE(2-), HEXACHLORO-, DIHYDROGEN, (OC-6-11)-	1 2 3
126-99-8	CHLOROPRENE 1,3-BUTADIENE, 2-CHLORO-	1 2 3 4 6 10 15
627-30-5	3-CHLOROPROPANOL 1-PROPANOL, 3-CHLORO-	3
557-98-2	2-CHLOROPROPENE PROPENE, 2-CHLORO-	3
28554-00-9	CHLOROPROPIONIC ACID PROPANOIC ACID, CHLORO-	3 15
109-09-1	2-CHLOROPYRIDINE PYRIDINE, 2-CHLORO-	3
54-05-7	CHLOROQUINE 1,4-PENTANEDIAMINE, N,N,N,N-(7-CHLORO-4-QUINOLINYL)-N,N-DIETHYL-	13(Y,EE,FF)
7790-94-5	CHLOROSULPHONIC ACID CHLOROSULFURIC ACID	3
63938-10-3	CHLOROTETRAFLUORO-ETHANE ETHANE, CHLOROTETRAFLUORO-	3
1897-45-6	CHLOROTHALONIL 1,3-BENZENEDICARBONITRILE, 2,4,5,6-TETRACHLORO-	6
25168-05-2	CHLOROTOLUENE BENZENE, CHLOROMETHYL-	3 15
615-65-6	CHLOROTOLUIDINE BENZENAMINE, 2-CHLORO, 4-METHYL-	3
95-74-9	CHLOROTOLUIDINE BENZENAMINE, 3-CHLORO, 4-METHYL-	3
87-60-5	CHLOROTOLUIDINE BENZENAMINE, 3-CHLORO, 2-METHYL-	3
95-81-8	CHLOROTOLUIDINE BENZENAMINE, 2-CHLORO, 5-METHYL-	3
95-79-4	CHLOROTOLUIDINE BENZENAMINE, 5-CHLORO, 2-METHYL-	3
29027-17-6	CHLOROTOLUIDINE BENZENAMINE, 2-CHLORO, 3-METHYL-	3
87-63-8	CHLOROTOLUIDINE BENZENAMINE, 2-CHLORO, 6-METHYL-	3
7149-75-9	CHLOROTOLUIDINE BENZENAMINE, 4-CHLORO, 3-METHYL-	3
75-72-9	CHLOROTRIFLUOROMETHANE METHANE, CHLOROTRIFLUORO-	3
50-53-3	CHLORPROMAZINE 10H-PHENOTHIAZINE-10-PROPANAMINE, 2-CHLORO-N,N-DIMETHYL-	13(DD)
2921-88-2	CHLORPYRIFOS PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-(3,5,6-TRICHLORO-2-PYRIDINYL *) ESTER	2 3 14
56-49-5	CHOLANTHRENE, 3-METHYL- BENZ (J) ACENANTHRYLENE, 1,2-DIHYDRO-3-METHYL-	8
1066-30-4	CHROMIC ACETATE ACETIC ACID, CHROMIUM (3+) SALT	1 2 3
13530-68-2	CHROMIC ACID CHROMIC ACID (H2CR2O7)	1 3 4

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
7786-97-8	CHROMIC FLUORIDE CHROMIUM FLUORIDE (CRF3)	1 2 3
10101-53-8	CHROMIC SULFATE SULFURIC ACID, CHROMIUM(3+) SALT (3:2)	1 2 3
7440-47-3	CHROMIUM	1 2 5 6 7 8
22541-79-3	CHROMIUM (II) CHROMIUM, ION (CR2+)	1 2
1308-38-9	CHROMIUM(III) OXIDE(2:3)	1 2 3
13548-38-4	CHROMIUM NITRATE CHROMIUM (III) NITRATE	1 2 3
14977-61-8	CHROMIUM OXYCHLORIDE CHROMIUM, DICHLORODIOXO-	1 2 3
1333-82-0	CHROMIUM(VI) OXIDE(1:3)	1 2 3 5 7 8
64093-79-4	CHROMOSULFURIC ACID NEOCHROMIUM	1 2 3
15005-90-0	CHROMOSULFURIC ACID CHROMIUM (III), HEXAHYDRATE(2:3:6)	1 2 3
10049-05-5	CHROMOUS CHLORIDE CHROMIUM CHLORIDE (CRCL2)	1 2 3
218-01-9	CHRYSENE	2 4 8
2650-18-2	C.I. ACID BLUE 9 BENZENEMETHANAMINIUM, N-ETHYL-N-4- 4- ETHYL (3-SULFOPHENYL)MET * HYL AMINO PHENYL (2-SULFOPHENYL)METHYLENE -2,5-CYCLOHEXADIEN- * 1-YLIDENE -3-SULFO-, HYDROXIDE, INNER SALT, DIAMMONIUM SALT	6
16391-92-7	C.I. ACID GREEN 3	6
2429-80-3	C.I. ACID ORANGE 45 2,7-NAPHTHALENEDISULFONIC ACID, 3-AMINO-4- 4'- 4- (4-METHYLPH * ENYL)SULFONYL OXY PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -, DISO * DIUM SALT	9
3567-65-5	C.I. ACID RED 85 1,3-NAPHTHALENEDISULFONIC ACID, 7-HYDROXY-8- 4'- 4- (4-METHYL * PHENYL)SULFONYL OXY PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -, DI * SODIUM SALT	9
6459-94-5	C.I. ACID RED 114, DISODIUM SALT 1,3-NAPHTHALENEDISULFONIC ACID, 8- 3,3'-DIMETHYL-4'- 4- (4-ME * THYLPHENYL)SULFONYL OXY PHENYL AZO 1,1'-BIPHENYL -4-YL AZO - * 7-HYDROXY-, DISODIUM SALT	11
91-96-3	C.I. AZOIC COUPLING COMPONENT 5 BUTANAMIDE, N,N'-(3,3'-DIMETHYL 1,1'-BIPHENYL -4,4'-DIYL)BIS 3-O * XO-	11
91-92-9	C.I. AZOIC COUPLING COMPONENT	11
569-64-2	C.I. BASIC GREEN 4 METHANAMINIUM, N- 4- 4-(DIMETHYLAMINO)PHENYL PHENYLMETHYLENE -2 * ,5-CYCLOHEXADIEN-1-YLIDENE -N-METHYL-, CHLORIDE	6
989-38-8	C.I. BASIC RED 1 XANTHYLIUM, 9- 2-(ETHOXYCARBONYL)PHENYL -3,6-BIS(ETHYLAMINO)-2,7 * -DIMETHYL-, CHLORIDE	6
2465-27-2	C.I. BASIC YELLOW 2 MONOHYDROCHLORIDE BENZENAMINE, 4,4'-CARBONIMIDDYLBIS N,N-DIMETHYL-, MONOHYDROCHLOR * IDE	7 8
2429-83-6	C.I. DIRECT BLACK 4 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-3- 4'- (2,4-DIAMINO-5-M * ETHYLPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -5-HYDROXY-6-(PHENYL * AZO)-, DISODIUM SALT	9
25156-49-4	C.I. DIRECT BLACK 4 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-3- 4'- (2,4-DIAMINO-5-M * ETHYLPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -5-HYDROXY-6-(PHENYL * AZO)-	9
1937-37-7	C.I. DIRECT BLACK 38 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-3- 4'- (2,4-DIAMINOPHEN * YL)AZO 1,1'-BIPHENYL -4-YL AZO -5-HYDROXY-6-(PHENYL AZO)-, DI * SODIUM SALT	5 6 7 9
61703-05-7	C.I. DIRECT BLACK 114	11
6739-62-4	C.I. DIRECT BLACK 91, TRISODIUM SALT BENZOIC ACID, 2- 2-AMINO-6- 4'- (3-CARBOXY-4-HYDROXYPHENYL)AZO * -3,3'-DIMETHOXY 1,1'-BIPHENYL -4-YL AZO -5-HYDROXY-7-SULFO-1 * -NAPHTHALENYL AZO -5-NITRO-, TRISODIUM SALT	11
2150-54-1	C.I. DIRECT BLUE 25 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'-BIPHEN * YL -4,4'-DIYL)BIS(AZO) BIS 4,5-DIHYDROXY-, TETRASODIUM SALT	11

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
25180-19-2	C.I. DIRECT BLUE 2 2,7-NAPHTHALENEDISULFONIC ACID, 5-AMINO-3- 4'- (7-AMINO-1-HYDRO * XY-3-SULFO-2-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -4-HYD * ROXY-	9
2610-05-1	C.I. DIRECT BLUE 1 1,3-NAPHTHALENEDISULFONIC ACID, 6,6'- (3,3'-DIMETHOXY 1,1'-BIPHE * NYL -4,4'-DIYL)BIS(AZO) BIS 4-AMINO-5-HYDROXY-, TETRASODIUM S * ALT	11
2429-74-5	C.I. DIRECT BLUE 15 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHOXY 1,1'-BIPHE * NYL -4,4'-DIYL)BIS(AZO) BIS 5-AMINO-4-HYDROXY-, TETRASODIUM S * ALT	11
25180-27-2	C.I. DIRECT BLUE 25 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'-BIPHEN * YL -4,4'-DIYL)BIS(AZO) BIS 4,5-DIHYDROXY-	11
2429-73-4	C.I. DIRECT BLUE 2 2,7-NAPHTHALENEDISULFONIC ACID, 5-AMINO-3- 4'- (7-AMINO-1-HYDRO * XY-3-SULFO-2-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -4-HYD * ROXY-, TRISODIUM SALT	9
2429-71-2	C.I. DIRECT BLUE 8, DISODIUM SALT 1-NAPHTHALENESULFONIC ACID, 3,3'- (3,3'-DIMETHOXY 1,1'-BIPHENYL * -4,4'-DIYL)BIS(AZO) BIS 4-HYDROXY-, DISODIUM SALT	11
2586-57-4	C.I. DIRECT BLUE 22, DISODIUM SALT 1,3-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-6- 4'- (2-HYD * ROXY-1-NAPHTHALENYL)AZO -3,3'-DIMETHOXY 1,1'-BIPHENYL -4-YL A * ZO -, DISODIUM SALT	11
72-57-1	C.I. DIRECT BLUE 14, TETRASODIUM SALT 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'-BIPHEN * YL -4,4'-DIYL)BIS(AZO) BIS 5-AMINO-4-HYDROXY-, TETRASODIUM SA * LT	8 11
6247-51-4	C.I. DIRECT BROWN 59 BENZOIC ACID, 2-HYDROXY-5- 4'- 1-HYDROXY-7-(PHENYLAMINO)-3-SUL * FO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -	9
2893-80-3	C.I. DIRECT BROWN 6 BENZOIC ACID, 5- 4'- 2,4-DIHYDROXY-3- (4-SULFOPHENYL)AZO PHENY * L AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, DISODIUM SALT	9
25180-39-6	C.I. DIRECT BROWN 6 BENZOIC ACID, 5- 4'- 2,4-DIHYDROXY-3- (4-SULFOPHENYL)AZO PHENY * L AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-	9
8014-91-3	C.I. DIRECT BROWN 74 BENZOIC ACID, 3,3'- (3,7-DISULFO-1,5-NAPHTHALENEDIYL)BIS AZO(6-H * YDROXY-3,1-PHENYLENE)AZO 6(OR 7)-SULFO-4,1-NAPHTHALENEDIYL AZ * O 1,1'-BIPHENYL -4,4'-DIYLAZO BIS 6-HYDROXY-, HEXASODIUM SAL * T	9
12222-20-7	C.I. DIRECT BROWN 111	9
2429-82-5	C.I. DIRECT BROWN 2 BENZOIC ACID, 5- 4'- (7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL) * AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, DISODIUM SALT	9 11
3476-90-2	C.I. DIRECT BROWN 59 BENZOIC ACID, 2-HYDROXY-5- 4'- 1-HYDROXY-7-(PHENYLAMINO)-3-SUL * FO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -, DISODIUM SA * LT	9
6360-54-9	C.I. DIRECT BROWN 154 BENZOIC ACID, 5- 4'- 2,6-DIAMINO-3-METHYL-5- (4-SULFOPHENYL)AZ * O PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-3-METHYL-, D * ISODIUM SALT	9
3811-71-0	C.I. DIRECT BROWN 1 BENZOIC ACID, 5- 4'- 2,4-DIAMINO-5- (4-SULFOPHENYL)AZO PHENYL * AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, DISODIUM SALT	9
2429-81-4	C.I. DIRECT BROWN 31 BENZOIC ACID, 5- 4'- 2,6-DIAMINO-3- 8-HYDROXY-3,6-DISULFO-7- * (4-SULFO-1-NAPHTHALENYL)AZO -2-NAPHTHALENYL AZO -5-METHYLPHEN * YL AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, TETRASODIUM SALT	9 11
25180-41-0	C.I. DIRECT BROWN 31 BENZOIC ACID, 5- 4'- 2,6-DIAMINO-3- 8-HYDROXY-3,6-DISULFO-7- * (4-SULFO-1-NAPHTHALENYL)AZO -2-NAPHTHALENYL AZO -5-METHYLPHEN * YL AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-	9
25255-06-5	C.I. DIRECT BROWN 2 BENZOIC ACID, 5- 4'- (7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL) * AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-	9

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
25180-45-4	C.I. DIRECT GREEN 1 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-3- 4'- (4-HYD * ROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -6-(PHENYL AZO)-	9
3626-28-6	C.I. DIRECT GREEN 1 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-3- 4'- (4-HYD * ROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -6-(PHENYL AZO)-, DISO * DIUM SALT	9
4335-09-5	C.I. DIRECT GREEN 6 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-6- 4'- (4-HYD * ROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -3- (4-NITROPHENYL)AZ * O -, DISODIUM SALT	9
5422-17-3	C.I. DIRECT GREEN 8 BENZOIC ACID, 5- 4'- 8-AMINO-1-HYDROXY-7- (4-NITROPHENYL)AZO - * 3,6-DISULFO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -2-HY * DROXY-, TRISODIUM SALT	9
25180-47-6	C.I. DIRECT GREEN 8 BENZOIC ACID, 5- 4'- 8-AMINO-1-HYDROXY-7- (4-NITROPHENYL)AZO - * 3,6-DISULFO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -2-HY * DROXY-	9
25180-46-5	C.I. DIRECT GREEN 6 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-6- 4'- (4-HYD * ROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -3- (4-NITROPHENYL)AZ * O -	9
54579-28-1	C.I. DIRECT ORANGE 1	9
64083-59-6	C.I. DIRECT ORANGE 8	9
6637-88-3	C.I. DIRECT ORANGE 6, DISODIUM SALT BENZOIC ACID, 5- 4'- (2,6-DIAMINO-3-METHYL-5-SULFOPHENYL)AZO -3 * (3-DIMETHYL 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, DISODIUM SA * LT	11
573-58-0	C.I. DIRECT RED 28 1-NAPHTHALENESULFONIC ACID, 3,3'- 1,1'-BIPHENYL -4,4'-DIYLBIS(A * ZO) BIS 4-AMINO-, DISODIUM SALT	9
1937-35-5	C.I. DIRECT RED 13 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (2-AMINO-8-HYDROXY-6 * -SULFO-1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -, DISODIU * M SALT	9
3530-19-6	C.I. DIRECT RED 37 1,3-NAPHTHALENEDISULFONIC ACID, 8- 4'- (4-ETHOXYPHENYL)AZO 1,1 * -BIPHENYL -4-YL AZO -7-HYDROXY-, DISODIUM SALT	9
25188-30-1	C.I. DIRECT RED 13 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (2-AMINO-8-HYDROXY-6 * -SULFO-1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -	9
2429-84-7	C.I. DIRECT RED 1 BENZOIC ACID, 5- 4'- (2-AMINO-8-HYDROXY-6-SULFO-1-NAPHTHALENYL) * AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, DISODIUM SALT	9
2429-70-1	C.I. DIRECT RED 10 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (1-HYDROXY-4-SULFO-2 * -NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -, DISODIUM SALT	9
25188-29-8	C.I. DIRECT RED 10 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (1-HYDROXY-4-SULFO-2 * -NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -	9
25188-24-3	C.I. DIRECT RED 1 BENZOIC ACID, 5- 4'- (2-AMINO-8-HYDROXY-6-SULFO-1-NAPHTHALENYL) * AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-	9
6358-29-8	C.I. DIRECT RED 39, DISODIUM SALT 1,3-NAPHTHALENEDISULFONIC ACID, 8- 4'- (4-ETHOXYPHENYL)AZO -3,3 * -DIMETHYL 1,1'-BIPHENYL -4-YL AZO -7-HYDROXY-, DISODIUM SALT	11
992-59-6	C.I. DIRECT RED 2, DISODIUM SALT 1-NAPHTHALENESULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'-BIPHENYL - * 4,4'-DIYLBIS(AZO) BIS 4-AMINO-, DISODIUM SALT	11
2586-60-9	C.I. DIRECT VIOLET 1 2-NAPHTHALENESULFONIC ACID, 5,5'- 1,1'-BIPHENYL -4,4'-DIYLBIS(A * ZO) BIS 6-AMINO-4-HYDROXY-, DISODIUM SALT	9

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
25329-82-2	C.I. DIRECT VIOLET 22 1,3,6-NAPHTHALENETRISULFONIC ACID, 8-HYDROXY-7- 4'- (2-HYDROXY- * 1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -	9
6426-67-1	C.I. DIRECT VIOLET 22 1,3,6-NAPHTHALENETRISULFONIC ACID, 8-HYDROXY-7- 4'- (2-HYDROXY- * 1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -, TRISODIUM SALT	9
25188-44-7	C.I. DIRECT VIOLET 1 2-NAPHTHALENESULFONIC ACID, 5,5'- 1,1'-BIPHENYL -4,4'-DIYLBIS(A * 2O) BIS 6-AMINO-4-HYDROXY-	9
6426-62-6	C.I. DIRECT YELLOW 20	9
2832-40-8	C.I. DISPERSE YELLOW 3 ACETAMIDE, N- 4- (2-HYDROXY-5-METHYLPHENYL)AZO PHENYL -	6
3761-53-3	C.I. FOOD RED 5 2,7-NAPHTHALENEDISULFONIC ACID, 4- (2,4-DIMETHYLPHENYL)AZO -3-HY * DROXY-, DISODIUM SALT	6
81-88-9	C.I. FOOD RED 15 XANTHYLIUM, 9-(2-CARBOXYPHENYL)-3,6-BIS(DIETHYL AMINO)-, CHLORID * E	6
3118-97-6	C.I. SOLVENT ORANGE 7 2-NAPHTHALENOL, 1- (2,4-DIMETHYLPHENYL)AZO -	6
97-56-3	C.I. SOLVENT YELLOW 3 BENZENAMINE, 2-METHYL-4- (2-METHYLPHENYL)AZO -	6
60-09-3	C.I. SOLVENT YELLOW 1 BENZENAMINE, 4-(PHENYLAZO)-	6
842-07-9	C.I. SOLVENT YELLOW 14 2-NAPHTHALENOL, 1-(PHENYLAZO)-	6
15663-27-1	CISPLATIN CIS-DIAMMINEDICHLOROPLATINUM(II)	7
6358-53-8	CITRUS RED NO. 2 2-NAPHTHALENOL, 1- (2,5-DIMETHOXYPHENYL)AZO -	8
128-66-5	C.I. VAT YELLOW 4 DIBENZO B,DEF CHRYSENE-7,14-DIONE	6
50-41-9	CLOMIPHENE CITRATE ETHANAMINE, 2-(4-(2-CHLORO-1,2-DIPHENYLETHENYL)PHENOXY)-N,N-DIET * HYL,-	13(Y,EE,FF)
2971-90-6	CLOPIDOL 4-PYRIDINOL, 3,5-DICHLORO-2,6-DIMETHYL-	2
NO CAS #	COAL DUST	1 2
8001-58-9	COAL TAR CREOSOTE CREOSOTE	1 8 15
65996-79-4	COAL TAR NAPHTHA	1
NO CAS #	COAL TAR PITCH VOLATILES	1 2
7440-48-4	COBALT	1 2 4 12(B)
37264-96-3	COBALT CARBONYL	1 2
16842-03-8	COBALT HYDROCARBONYL COBALT, TETRACARBONYLHYDRO-	1 2
61789-51-3	COBALT NAPHTHENATE NAPHTHENIC ACID, COBALT SALT	1 2 3 15
7789-43-7	COBALTOUS BROMIDE COBALT BROMIDE (COBR2)	1 3
544-18-3	COBALTOUS FORMATE FORMIC ACID, COBALT(2+) SALT	1 2 3
124-87-8	COCCULUS PICROTOXIN	3
NO CAS #	COKE OVEN EMISSIONS	1
84-02-6	COMPAZINE OH-PHENOTHIAZINE, 2-CHLORO-10-(3-(4-METHYL-1-PIPERAZINYL)PROPYL)-, (2)-2-BUTENEDIOATE	13(DD)
7440-50-8	COPPER	1 2 6
12002-03-8	COPPER ACETOARSENITE COPPER, BIS(ACETO)HEXAMETA-ARSENITOTETRA-	1 3
33382-64-8	COPPER ARSENITE ARSENOUS ACID, TRICOPPER(1+) SALT	1 2 3
26506-47-8	COPPER CHLORATE CHLORIC ACID, COPPER SALT	1 2 3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
1344-67-8	COPPER CHLORIDE	1 2 3
39377-49-6	COPPER CYANIDE	1 2 3
8001-31-8	COPRA COCONUT OIL	3
56-72-4	COUMAPHOS PHOSPHOROTHIOIC ACID, O-(13-CHLORO-4-METHYL-2-OXO-2H-1-BENZOPYRAN * -7-YL) O,O-DIETHYL ESTER	3 14
1319-77-3	CRESYLIC ACID PHENOL, METHYL-	3 15
123-73-9	CROTONALDEHYDE 2-BUTENAL	1 2 3 15
3724-65-0	CROTONIC ACID 2-BUTENOIC ACID	3 15
5732-10-5	CROTONYLENE 2,3-BUTADIENOIC ACID	3
299-86-5	CRUFOMATE PHOSPHORAMIDIC ACID, METHYL-, 2-CHLORO-4-(1,1-DIMETHYLETHYL)PHEN * YL METHYL ESTER	2
98-82-8	CUMENE BENZENE, (1-METHYLETHYL)-	1 2 3 6 15
80-15-9	CUMENE HYDROPEROXIDE HYDROPEROXIDE, 1-METHYL-1-PHENYLETHYL	3 6 15
26748-47-0	CUMYL PEROXYNEODECANOATE NEODECANEPEROXOIC ACID, 1-METHYL-1-PHENYLETHYL ESTER	3
135-20-6	CUPFERRON BENZENAMINE, N-HYDROXY-N-NITROSO-, AMMONIUM SALT	5
142-71-2	CUPRIC ACETATE ACETIC ACID, COPPER(2+) SALT	1 2 3
3251-23-8	CUPRIC NITRATE NITRIC ACID, COPPER(2+) SALT	1 2 3
7057-72-9	CUPRIC OXALATE ETHANEDIOIC ACID, COPPER SALT	1 2 3
7758-98-7	CUPRIC SULFATE SULFURIC ACID COPPER(2+) SALT (1:1)	1 3
815-82-7	CUPRIC TARTRATE BUTANEDIOIC ACID, 2,3-DIHYDROXY- R-(R*,R*) -, COPPER(2+) SALT (* 1:1)	1 2 3
13426-91-0	CUPRIETHYLENEDIAMINE COPPER(2+), BIS(1,2-ETHANEDIAMINE-N,N')-	1 2 3
420-04-2	CYANAMIDE	2 15
57-12-5	CYANIDE	1 2 3 6
2074-87-5	CYANOGEN	2 3 15
460-19-5	CYANOGEN ETHANEDINITRILE	2 3 15
506-77-4	CYANOGEN CHLORIDE	1 2 3
108-77-0	CYANURIC CHLORIDE 1,3,5-TRIAZINE, 2,4,6-TRICHLORO-	3
14901-08-7	CYCASIN BETA-D-GLUCOPYRANOSIDE, (METHYL-ONN-AZOXY)METHYL)-	5 8
287-23-0	CYCLOBUTANE	3 15
81228-87-7	CYCLOBUTYLCHLORO-FORMATE CARBONOCHLORIDIC ACID, CYCLOBUTYL ESTER	3
4904-61-4	1,5,9-CYCLODODECATRIENE	3
291-64-5	CYCLOHEPTANE	3 15
544-25-2	CYCLOHEPTATRIENE 1,3,5-CYCLOHEPTATRIENE	3
628-92-2	CYCLOHEPTENE	3
110-82-7	CYCLOHEXANE	1 2 3 15
6108-11-8	CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, ALPHA-ISOMER CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-ALPHA ISOMER	8
319-85-7	CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, BETA-ISOMER	8
1569-69-3	CYCLOHEXANETHIOL	4 15

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
108-93-0	CYCLOHEXANOL	1 2 15
108-94-1	CYCLOHEXANONE	1 2 3 4 15
12262-58-7	CYCLOHEXANONE PEROXIDE CYCLOHEXANONE, PEROXIDE	3
110-83-8	CYCLOHEXENE	1 2 3 15
10137-69-6	CYCLOHEXYL TRI-CHLOROSILANE SILANE, (3-CYCLOHEXYL)TRICHLORO-	3
66-81-9	CYCLOHEXIMIDE GLUTARIMIDE, 3-(2-(3,5-DIMETHYL-2-OXOCYCLOHEXYL)-2-HYDROXYETHYL)	14
622-45-7	CYCLOHEXYL ACETATE ACETIC ACID, CYCLOHEXYL ESTER	3 15
108-91-8	CYCLOHEXYLAMINE CYCLOHEXANAMINE	2 3 15
3173-53-3	CYCLOHEXYL ISOCYANATE CYCLOHEXANE, ISOCYANATO-	3
98-12-4	CYCLOHEXYL TRICHLORO-SILANE SILANE, TRICHLOROCYCLOHEXYL-	3 15
121-82-4	CYCLONITE 1,3,5-TRIAZINE, HEXAHYDRO-1,3,5-TRINITRO-	2
29965-97-7	CYCLOOCTADIENE	3 15
629-20-9	CYCLOOCTATETRAENE 1,3,5,7-CYCLOOCTATETRAENE	3
542-92-7	CYCLOPENTADIENE 1,3-CYCLOPENTADIENE	1 2
287-92-3	CYCLOPENTANE	2 3 15
96-41-3	CYCLOPENTANOL	3 15
120-92-3	CYCLOPENTANONE	3 15
142-29-0	CYCLOPENTENE	3 15
50-18-0	CYCLOPHOSPHAMIDE 2H-1,3,2-OXAZAPHOSPHORIN-2-AMINE, N,N-BIS(2-CHLOROETHYL)TETRAHYD * RO-, 2-OXIDE	5 7 8 13(C,E,F,G,H,Y,EE,FF)
75-19-4	CYCLOPROPANE	3 15
2691-41-0	CYCLOTETRAMETHYLENETETRANITRAMINE 1,3,5,7-TETRAZOCINE, OCTAHYDRO-1,3,5,7-TETRANITRO-	3
13121-70-5	CYHEXATIN	1 2
	STANNANE, TRICYCLOHEXYLHYDROXY-	
25155-15-1	CYMENE BENZENE, METHYL(1-METHYLETHYL)-	3 15
147-94-4	CYTOSINE ARABINOSIDE CYTOSINE, 1-BETA-D-ARABINO-FURANOSYL	13(H,S)
94-75-7	2,4-D ACETIC ACID, (2,4-DICHLORO-PHENOXY)-	1 2 3 6 14
20830-81-3	DAUNOMYCIN 5,12-NAPHTHACENEDIONE, 8-ACETYL-10-(3-AMINO-2,3,6-TRIDEOXY-.ALP * HA.-L-LYXO-HEXOPYRANOSYL)OXY -7,8,9,10-TETRAHYDRO-6,8,11-TRIH * YDROXY-1-METHOXY-, (8S-CIS)-	8
96-12-8	DBCP PROPANE, 1,2-DIBROMO-3-CHLORO-	1 3 4 5 8
50-29-3	DDT (DICHLORODIPHENYL-TRICHLOROETHANE)	1 2 3 4 7 8
17702-41-9	DECABORANE DECABORANE(14)	1 2 3
1163-19-5	DECABROMODIPHENYL ETHER BENZENE, 1,1'-OXYBIS 2,3,4,5,6-PENTABROMO-	6
91-17-8	DECAHYDRONAPHTHALENE NAPHTHALENE, DECAHYDRO-	3 15
124-18-5	DECANE	3 15
143-10-2	1-DECANETHIOL	4
762-12-9	DECANOYL PEROXIDE PEROXIDE, BIS(1-OXODECYL)	3
732-11-6	DECEMTHION PHOSPHORODITHIOIC ACID, S-((1,3-DIHYDRO-1,3-DIOXO-24-ISOINDOL-2- * YL)METHYL) O,O-DIMETHYL ESTER	14

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
8065-48-3	DEMETON PHOSPHOROTHIOIC ACID, O,O-DIETHYL O- 2-(ETHYLTHIO)ETHYL ESTER * MIXT. WITH O,O-DIETHYL S- 2-(ETHYLTHIO)ETHYL PHOSPHOROTHIOAT * E	1 2 14
7782-39-0	DEUTERIUM	3 15
123-42-2	DIACETONE ALCOHOL 2-PENTANONE, 4-HYDROXY-4-METHYL-	1 2 3 4 15
54693-46-8	DIACETONE ALCOHOL PEROXIDE 2-PENTANONE, 4-HYDROXY-4-METHYL-, PEROXIDE	3
2303-16-4	DIALLATE CARBAMOTHIOIC ACID, BIS (1-METHYLETHYL)-S-(2,3-DICHLORO-2-PROPE * NYL) ESTER	6 8
124-02-7	DIALLYLAMINE 2-PROPEN-1-AMINE, N-2-PROPENYL-	3
557-40-4	DIALLYLETHER 1-PROPENE, 3,3'-OXYBIS-	3 15
615-05-4	2,4-DIAMINODANISOLE 1,3-BENZENEDIAMINE, 4-METHOXY-	6 10
101-80-4	4,4'-DIAMINODIPHENYL ETHER BENZENAMINE, 4,4'-OXYBIS-	6
95-80-7	2,4-DIAMINOTOLUENE 1,3-BENZENEDIAMINE, 4-METHYL-	5 6
2050-92-2	DIAMYLAMINE 1-PENTANAMINE, N-PENTYL-	3 15
9000-92-4	DIASTASE AMYLASE	12(A)
61790-53-2	DIATOMACEOUS EARTH KIESELGUHR	2
439-14-5	DIAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 7-CHLORO-1,3-DIHYDRO-1-METHYL-5-PHE * NYL-	13(Y, EE, FF)
333-41-5	DIAZINON PHOSPHOROTHIOIC ACID, O,O-DIETHYL O- 6-METHYL-2-(1-METHYLETHYL)- * 4-PYRIMIDINYL ESTER	2 3 14
4682-03-5	DIAZODINITROPHENOL 2,4-CYCLOHEXADIEN-1-ONE, 6-DIAZO-2,4-DINITRO-	3
334-88-3	DIAZOMETHANE METHANE, DIAZO-	1 2
226-36-8	DIBENZ(A,H)ACRIDINE	5
53-70-3	DIBENZ(A,H)ANTHRACENE	5 8
224-42-0	DIBENZ(A,J)ACRIDINE	5 8
92-65-4	DIBENZO(A,E)PYRENE	8
189-64-0	DIBENZO(A,H)PYRENE DIBENZO(B,DEF)CHRYSENE	5 8
189-55-9	DIBENZO(A,I)PYRENE BENZO(RS1)PENTAPHENE	5 8
18414-36-3	DIBENZYL DICHLOSILANE SILANE, DICHLOROBIS(PHENYLMETHYL)-	3
2144-45-8	DIBENZYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, BIS(PHENYLMETHYL) ESTER	3
19287-45-7	DIBORANE DIBORANE(6)	1 2 3 15
26249-12-7	DIBROMOBENZENE BENZENE, DIBROMO-	3
3479-86-5	DIBROMOBUTANONE 1,1-DIBROMO-2-BUTANONE	3
111-92-2	DIBUTYLAMINE 1-BUTANAMINE, N-BUTYL-	3 15
107-66-4	DIBUTYL PHOSPHATE PHOSPHORIC ACID, DIBUTYL ESTER	1 2
1918-00-9	DICAMBA BENZOIC ACID, 3,6-DICHLORO-2-METHOXY-	3
26322-14-5	DICETYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIMEXADACYL ESTER	3
1194-65-6	DICHLOBENIL BENZONITRILE, 2,6-DICHLORO-	3

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
117-80-6	DICHLONE 1,4-NAPHTHALENE DIONE, 2,3-DICHLORO-	3
79-43-6	DICHLOROACETIC ACID ACETIC ACID, DICHLORO-	3
79-36-7	DICHLOROACETYL CHLORIDE ACETYL CHLORIDE, DICHLORO-	3 15
7572-29-4	DICHLOROACETYLENE ETHYNE, DICHLORO-	2
27134-27-6	DICHLOROANILINE BENZENAMINE, AR, AR-DICHLORO-	3 15
95-50-1	1,2-DICHLOROBENZENE BENZENE, 1,2-DICHLORO-	1 2 3 6 15
106-46-7	1,4-DICHLOROBENZENE BENZENE, 1,4-DICHLORO-	1 2 3 6 15
91-94-1	3,3'-DICHLOROBENZIDINE 1,1'-BIPHENYL -4,4'-DIAMINE, 3,3'-DICHLORO-	1 2 5 6 7 8
133-14-2	2,4-DICHLOROBENZOYL PEROXIDE PEROXIDE, BIS(2,4-DICHLOROBENZOYL)	3
72-54-8	1,1-DICHLORO-2,2-BIS-(P-CHLOROPHENYL)ETHANE BENZENE, 1,1'-(2,2-DICHLOROETHYLIDENE)BIS 4-CHLORO-	3
11069-19-5	DICHLOROBUTENE BUTENE, DICHLORO-	3 15
27156-03-2	DICHLORODIFLUORO-ETHYLENE ETHENE, DICHLORODIFLUORO-	3
75-71-8	DICHLORODIFLUOROMETHANE METHANE, DICHLORODIFLUORO-	1 2 3
118-52-5	1,3-DICHLORO-5,5-DIMETHYL HYDANTOIN 2,4-IMIDAZOLIDINEDIONE, 1,3-DICHLORO-5,5-DIMETHYL-	1 2
75-34-3	1,1-DICHLOROETHANE ETHANE, 1,1-DICHLORO-	1 2 3 10
107-06-2	1,2-DICHLOROETHANE ETHANE, 1,2-DICHLORO-	1 2 3 4 5 6 8 10 15
540-59-0	1,2-DICHLOROETHYLENE ETHENE, 1,2-DICHLORO-	1 2 3 14 15
2782-57-2	DICHLOROISOCYANURIC ACID 1,3,5-TRIAZINE-2,4,6-(1H,3H,5H)-TRIONE, 1,3-DICHLORO-	3
594-72-9	1,1-DICHLORO-1-NITROETHANE ETHANE, 1,1-DICHLORO-1-NITRO-	1 2 3 15
30586-10-8	DICHLOROPENTANE PENTANE, DICHLORO-	3 15
41195-90-8	DICHLOROPHENYL-ISOCYANATE BENZENE, 1,2-DICHLORO-3-ISOCYANATO-	3
102-36-3	DICHLOROPHENYL-ISOCYANATE BENZENE, 1,2-DICHLORO-4-ISOCYANATO-	3
39920-37-1	DICHLOROPHENYL-ISOCYANATE BENZENE, 1,3-DICHLORO-2-ISOCYANATO-	3
34893-92-0	DICHLOROPHENYL-ISOCYANATE BENZENE, 1,3-DICHLORO-5-ISOCYANATO-	3
5392-82-5	DICHLOROPHENYL-ISOCYANATE BENZENE, 1,4-DICHLORO-2-ISOCYANATO-	3
2612-57-9	DICHLOROPHENYL-ISOCYANATE BENZENE, 2,4-DICHLORO-1-ISOCYANATO-	3
27137-85-5	DICHLOROPHENYL TRI-CHLOROSILANE SILANE, TRICHLORO(DICHLOROPHENYL)-	3
78-87-5	1,2-DICHLOROPROPANE PROPANE, 1,2-DICHLORO-	1 2 3 6 15
96-23-1	1,3-DICHLOROPROPANOL 2-PROPANOL, 1,3-DICHLORO-	3
563-54-2	1,2-DICHLOROPROPENE 1-PROPENE-1,2-DICHLORO-	1 2
26952-23-8	DICHLOROPROPENE 1-PROPENE, DICHLORO-	3
75-99-0	2,2-DICHLOROPROPIONIC ACID PROPANOIC ACID, 2,2-DICHLORO-	2 3

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
542-75-6	1,3-DICHLOROPROPYLENE 1-PROPENE, 1,3-DICHLORO-	2 3 6 15
4109-96-0	DICHLOROSILANE SILANE, DICHLORO-	3
1320-37-2	DICHLOROTETRAFLUOROETHANE ETHANE, DICHLOROTETRAFLURO-	1 2 3
28165-71-1	DICHLORPHENOXYACETIC ACID ESTER PHENOL, 2,6-DICHLORO-ACETATE	3
6341-97-5	DICHLORPHENOXYACETIC ACID ESTER PHENOL, 2,4-DICHLORO-ACETATE	3
62-73-7	DICHLORVOS PHOSPHORIC ACID, 2,2-DICHLOROETHENYL DIMETHYL ESTER	1 2 3 6 14
115-32-2	DICOFOL BENZENEMETHANOL, 4-CHLORO-.ALPHA.-(4-CHLOROPHENYL)-.ALPHA.-(TRIC * HLOROMETHYL)-	6
141-66-2	DICROTOPHOS PHOSPHORIC ACID, 3-(DIMETHYLAMINO)-1-METHYL-3-OXO-1-PROPENYL DIM * ETHYL ESTER, (E)-	2 14
80-43-3	DICUMYL PEROXIDE PEROXIDE, BIS(1-METHYL-1-PHENYLETHYL)	3
101-83-7	DICYCLOHEXYLAMINE CYCLOHEXANAMINE, N-CYCLOHEXYL-	3 15
3882-06-2	DICYCLOHEXYLAMMONIUM NITRATE CYCLOHEXANAMINE, N-CYCLOHEXYL-, NITRATE	3
1561-49-5	DICYCLOHEXYL PEROXY-DICARBONATE PEROXYDICARBONIC ACID, DICYCLOHEXYL ESTER	3
77-73-6	DICYCLOPENTADIENE 4,7-METHANO-1H-INDENE, 3A,4,7,7A-TETRAHYDRO-	2 3 15
102-54-5	DICYCLOPENTADIENYL IRON FERROCENE	2
60-57-1	DIELDRIN 2,7:3,6-DIMETHANONAPHTH 2,3-B OXIRENE, 3,4,5,6,9,9-HEXACHLORO-1A * ,2,2A,3,6,6A,7,7A-OCTAHYDRO- (1A.ALPHA.,2.BETA.,2A.ALPHA.,3. * BETA.,6.BETA.,6A.ALPHA.,7.BETA.,7A.ALPHA.)-	1 2 3 8 14
84-17-3	DIENESTROL PHENOL, 4,4-(DIETHYLIDENE-ETHYLENE)DI-	7
1464-53-5	1,2:3,4-DIEPOXYBUTANE 2,2'-BIOXIRANE	5 6
111-42-2	DIETHANOLAMINE ETHANOL, 2,2'-IMINO BIS-	2 15
462-95-3	DIETHOXYMETHANE ETHANE, 1,1'- METHYLENEBIS(OXY) BIS-	3
3054-95-3	DIETHOXYPROPENE 1-PROPENE, 3,3-DIETHOXY	3
96-10-6	DIETHYLALUMINUM CHLORIDE ALUMINUM, CHLORODIETHYL-	2 3 15
109-89-7	DIETHYLAMINE ETHANAMINE, N-ETHYL-	1 2 3 15
100-37-8	DIETHYLAMINOETHANOL ETHANOL, 2-(DIETHYLAMINO)-	1 2 3 15
104-78-9	3-(DIETHYLAMINO) PROPYLAMINE 1,3-PROPANEDIAMINE, N,N-DIETHYL-	3
91-66-7	DIETHYL ANILINE BENZENAMINE, N,N-DIETHYL-	3 15
25340-17-4	DIETHYLBENZENE BENZENE, DIETHYL-	3 15
88-10-8	DIETHYLCARBAMOYL CHLORIDE CARBAMIC CHLORIDE, DIETHYL-	10
584-02-1	DIETHYLCARBINOL 3-PENTANOL	3 15
105-58-8	DIETHYL CARBONATE CARBONIC ACID, DIETHYL ESTER	3 15
1719-53-5	DIETHYL DICHLOROSILANE SILANE, DICHLORODIETHYL-	3
693-21-0	DIETHYLENEGLYCOL DINITRATE ETHANOL, 2,2'-OXYBIS-, DINITRATE	3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
111-40-0	DIETHYLENE TRIAMINE 1,2-ETHANEDIAMINE, N-(2-AMINOETHYL)-	2 15
60-29-7	DIETHYL ETHER ETHANE, 1,1'-OXYBIS-	1 2 3 4 15
100-36-7	DIETHYLETHYLENE DIAMINE N,N-DIETHYL-1,2-ETHANEDIAMINE	3 15
16111-62-9	DI(2-ETHYLHEXYL) PEROXY-DICARBONATE PEROXYDICARBONIC ACID, BIS(2-ETHYLHEXYL) ESTER	3
96-22-0	DIETHYL KETONE 3-PENTANONE	2 3 15
557-18-6	DIETHYLMAGNESIUM MAGNESIUM, DIETHYL-	3
14666-78-5	DIETHYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIETHYL ESTER	3
84-66-2	DIETHYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIETHYL ESTER	2 6 15
120-22-9	DIETHYL-P-NITROSOANILINE N,N-DIETHYL-4-NITROSOBENZENAMINE	3
56-53-1	DIETHYLSTILBESTROL PHENOL, 4,4'-(1,2-DIETHYL-1,2-ETHENEDIYL)BIS-, (E)-	5 7 8
64-67-5	DIETHYL SULFATE SULFURIC ACID, DIETHYL ESTER	3 7 15
352-93-2	DIETHYL SULFIDE ETHANE, 1,1'-THIOBIS-	3
2524-04-1	DIETHYLTHIOPHOSPHORYL CHLORIDE PHOSPHOROCHLORIDOTHIOIC ACID, O,O-DIETHYL ESTER	3
557-20-0	DIETHYLZINC ZINC, DIETHYL-	3 15
75-61-6	DIFLUORODIBROMOMETHANE METHANE, DIBROMODIFLUORO-	1 2 3
25497-28-3	DIFLUOROETHANE ETHANE, DIFLUORO-	3
13779-41-4	DIFLUOROPHOSPHORIC ACID PHOSPHORODIFLUORIDIC ACID	1 2 3
2238-07-5	DIGLYCIDYL ETHER OXIRANE, 2,2'-OXYBIS(METHYLENE) BIS-	1 2 4 10
2614-76-8	2, 2-DIHYDROPEROXY PROPANE HYDROPEROXIDE, (1-METHYLETHYLIDENE)-BIS-	3
25512-65-6	DIHYDROPYRAN 2H-PYRAN, DIHYDRO-	3 15
128-46-1	DIHYDROSTREPTOMYCIN STREPTAMINE, D-BETA-D-MANNOPYRANOSYL-(1-4)-2-DEOXY-2-(METHYLAMI * NO)-ALPHA-L-GLUCOPYRANO-SYL-(1-2)-5-DEOXY-O-3-C-(HYDROXYMETHY * L)-ALPHA-L-LYXOFURANOSYL-(1-4)-N,N'-DIAMIDINO-,1)-	13(Y, FF)
120-80-9	1,2-DIHYDROXYBENZENE 1,2-BENZENEDIOL	2 6
1758-61-8	DI(1-HYDROXYCYCLO-HEXYL) PEROXIDE DICYCLOHEXYL PEROXIDE	3
110-96-3	DI-ISOBUTYLAMINE 1-PROPANAMINE, 2-METHYL-N-(2-METHYLPROPYL)-	3 15
25167-70-8	DI-ISOBUTYLENE PENTENE, 2,4,4-TRIMETHYL-	3 15
3437-84-1	DI-ISOBUTYRYL PEROXIDE PEROXIDE, BIS(2-METHYL-1-OXOPROPYL)	3
27215-10-7	DIISOCTYL ACID PHOSPHATE ISOCTANOL HYDROGEN PHOSPHATE	3
108-18-9	DI-ISOPROPYLAMINE 2-PROPANAMINE, N-(1-METHYLETHYL)-	1 2 3
96-80-0	DI-ISOPROPYLETHANOLAMINE ETHANOL, 2- BIS(1-METHYLETHYL)AMINO -	3
108-20-3	DI-ISOPROPYL ETHER PROPANE, 2,2'-OXYBIS-	1 2 3
105-64-6	DI-ISOPROPYL PEROXY-DICARBONATE PEROXYDICARBONIC ACID, BIS(1-METHYLETHYL) ESTER	3

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
674-82-8	DIKETENE 2-OXETANONE, 4-METHYLENE-	3 15
60-51-5	DIMETHOATE PHOSPHORODITHIOIC ACID, O,O-DIMETHYL, S-(2-(METHYLAMINO)-2-OXOETHYL) ESTER	14
119-90-4	3,3'-DIMETHOXYBENZIDINE 1,1'-BIPHENYL -4,4'-DIAMINE, 3,3'-DIMETHOXY-	5 7 8
534-15-6	1,1-DIMETHOXYETHANE ETHANE, 1,1-DIMETHOXY-	3 15
127-19-5	DIMETHYL ACETAMIDE ACETAMIDE, N,N-DIMETHYL-	1 2 15
124-40-3	DIMETHYLAMINE METHANAMINE, N-METHYL-	1 2 3 15
926-64-7	DIMETHYLAMINOACETO-NITRILE ACETONITRILE, (DIMETHYLAMINO)-	3
60-11-7	4-DIMETHYLAMINOAZOBENZENE BENZENAMINE, N,N-DIMETHYL-4-(PHENYLAZO)-	1 5 8
2867-47-2	DIMETHYLAMINOETHYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, 2-(DIMETHYLAMINO)ETHYL ESTER	3 15
121-69-7	DIMETHYLANILINE BENZENAMINE, N,N-DIMETHYL-	2 3 15
119-93-7	3,3'-DIMETHYLBENZIDINE 1,1'-BIPHENYL -4,4'-DIAMINE, 3,3'-DIMETHYL-	2 4 5 6 8
3034-79-5	DI(2-METHYLBENZOYL) PEROXIDE BIS(2-METHYLBENZOYL) PEROXIDE	3
79-29-8	2,3-DIMETHYLBUTANE BUTANE, 2,3-DIMETHYL-	3
927-62-8	DIMETHYLBUTYLAMINE N,N-DIMETHYL-1-BUTANAMINE	3 15
79-44-7	DIMETHYLCARBAMOYL CHLORIDE CARBAMIC CHLORIDE, DIMETHYL-	2 5 7 8 10
616-38-6	DIMETHYL CARBONATE CARBONIC ACID, DIMETHYL ESTER	3 15
589-90-2	1,4-DIMETHYLCYCLOHEXANE CYCLOHEXANE, 1,4-DIMETHYL-	3 15
98-94-2	DIMETHYLCYCLOHEXYL AMINE CYCLOHEXANAMINE, N,N-DIMETHYL	3
2618-77-1	2,5-DIMETHYL-2,5-DI-(BENZOYLPEROXY)HEXANE BENZENECARBOPEROXOIC ACID, 1,1,4,4-TETRAMETHYL-1,4-BUTANEDIYL ES	3
	* TER	
300-76-5	DIMETHYL 1,2-DIBROMO-2,2-DICHLOROETHYL PHOSPHATE (NALED) PHOSPHORIC ACID, 1,2-DIBROMO-2,2-DICHLOROETHYL DIMETHYL ESTER	1 2 3
75-78-5	DIMETHYLDICHLOROSILANE SILANE, DICHLORODIMETHYL-	3 15
78-62-6	DIMETHYLDIETHOXSILANE SILANE, DIETHOXYDIMETHYL-	3
3025-88-5	2,5-DIMETHYL-2,5-DIHYDRO-PEROXYHEXANE HYDROPEROXIDE, (1,1,4,4-TETRAMETHYL-1,4-BUTANEDIYL)BIS-	3
25136-55-4	DIMETHYLDIOXANE 1,4-DIOXAN, DIMETHYL-	3 15
624-92-0	DIMETHYLDISULFIDE DISULFIDE, DIMETHYL	3
76-63-7	2,5-DIMETHYL-2,5-DI(TERT-BUTYLPEROXY)HEXANE PEROXIDE, (1,1,4,4-TETRAMETHYL-1,4-BUTANEDIYL)BIS (1,1-DIMETHYLE * THYL)	3
115-10-6	DIMETHYL ETHER METHANE, OXYBIS-	3 15
66-12-2	DIMETHYLFORMAMIDE FORMAMIDE, N,N-DIMETHYL-	1 2 3 15
106-83-6	2,6-DIMETHYLHEPTANONE 4-HEPTANONE, 2,6-DIMETHYL	1 2 3 4 15
57-14-7	1,1-DIMETHYLHYDRAZINE HYDRAZINE, 1,1-DIMETHYL-	1 2 3 4 8 15
2999-74-8	DIMETHYLMAGNESIUM MAGNESIUM, DIMETHYL-	3
593-74-6	DIMETHYL MERCURY MERCURY, DIMETHYL-	1 2

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
105-67-9	2,4-DIMETHYLPHENOL PHENOL, 2,4-DIMETHYL-	6
131-11-3	DIMETHYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIMETHYL ESTER	1 2 6 15
463-82-1	DIMETHYLPROPANE PROPANE, 2,2-DIMETHYL	3 15
926-63-6	DIMETHYLPROPYLAMINE 1-PROPANAMINE, N,N-DIMETHYL-	3
77-78-1	DIMETHYL SULFATE SULFURIC ACID, DIMETHYL ESTER	1 2 3 5 6 7 8 15
75-18-3	DIMETHYL SULFIDE METHANE, THIOBIS-	3
2524-03-0	DIMETHYL THIOPHOSPHORYL CHLORIDE PHOSPHOROCHLORODITHIOIC ACID, O,O-DIMETHYL ESTER	3
544-97-8	DIMETHYLZINC ZINC, DIMETHYL-	3
53220-22-7	DIMYRISTYL PEROXYDI-CARBONATE PEROXYDICARBONIC ACID, DITETRADECYL ESTER	3
84-74-2	DI-N-BUTYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIBUTYL ESTER	1 2 3 6
131-89-5	DINEX PHENOL, 2-CYCLOHEXYL-4,6-DINITRO	3 14
148-01-6	DINITOLMIDE BENZAMIDE, 2-METHYL-3,5-DINITRO-	2
26471-56-7	DINITROANILINE BENZENAMINE, AR,AR-DINITRO-	3 15
25154-54-5	DINITROBENZENE BENZENE, DINITRO	1 2 3 15
25567-67-3	DINITROCHLOROBENZENE BENZENE, CHLORODINITRO-	3 15
534-52-1	4,6-DINITRO-O-CRESOL PHENOL, 2-METHYL-4,6-DINITRO-	1 2 3 4 14
35860-51-6	DINITRORESORCINOL 1,3-BENZENEDIOL, DINITRO-	3
25550-55-4	DINITROSOBENZENE BENZENE, DINITROSO-	3
121-14-2	2,4-DINITROTOLUENE BENZENE, 1-METHYL-2,4-DINITRO-	1 2 3 6 8 15
606-20-2	2,6-DINITROTOLUENE BENZENE, 2-METHYL-1,3-DINITRO-	1 2 3 6
762-13-0	DI-N-NONANOYL PEROXIDE PEROXIDE, BIS(1-ONONONOYL)	3
762-16-3	DI-N-OCTANOYL PEROXIDE PEROXIDE, BIS(1-OXOOCTYL)	3
117-84-0	DI-N-OCTYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIOCTYL ESTER	6
16066-36-9	DI-N-PROPYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIPROPYL ESTER	3
123-91-1	1,4-DIOXANE	1 2 3 4 5 6 7 8
78-34-2	DIOXATHION PHOSPHORODITHIOIC ACID, S,S'-1,4-DIOXANE-2,3-DIYL O,O,O',O'-TETR * AETHYL ESTER	2 14
646-06-0	DIOXOLANE 1,3-DIOXOLANE	3 15
138-86-3	DIPENTENE CYCLOHEXENE, 1-METHYL-4-(1-METHYLETHENYL)-	3 15
1941-79-3	DIPEROXYAZELAIC ACID NONANEDIPEROXOIC ACID	3
82-66-6	DIPHACINONE 1H-INDENE-1,3(2H)-DIONE, 2-(DIPHENYLACETYL)-	14
92-52-4	DIPHENYL 1,1'-BIPHENYL	1 2 6 15
122-39-4	DIPHENYLAMINE BENZENAMINE, N-PHENYL-	2 15

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
578-94-9	DIPHENYLAMINECHLORO-ARSINE PHENARSAZINE, 10-CHLORO-5,10-DIHYDRO-	3
712-48-1	DIPHENYLCHLORDARSINE ARSINOUS CHLORIDE, DIPHENYL-	1 3
80-10-4	DIPHENYL DICHLOROSILANE SILANE, DICHLORODIPHENYL-	3 15
122-66-7	1,2-DIPHENYLHYDRAZINE (HYDRAZOBENZENE) HYDRAZINE, 1,2-DIPHENYL-	5 6 8
776-74-9	DIPHENYLMETHYL BROMIDE BENZENE, 1,1'-(BROMOMETHYLENE)BIS-	3
2217-06-3	DIPICRYL SULFIDE BENZENE, 1,1'-THIOBIS 2,4,6-TRINITRO-	3
142-84-7	DIPROPYLAMINE 1-PROPANAMINE, N-PROPYL-	3 15
12002-25-4	DIPROPYLENE GLYCOL METHYL ETHER PROPANOL, OXYBIS-, METHYL ETHER	1 2 15
111-43-3	DIPROPYL ETHER PROPANE, 1,1'-OXYBIS-	3 15
123-19-3	DIPROPYL KETONE 4-HEPTANONE	2 3 15
2764-72-9	DIQUAT DIPYRIDO 1,2-A:2',1'-C PYRAZINEDIIUM, 6,7-DIHYDRO-	2 3
85-00-7	DIQUAT DIPYRIDO 1,2-A:2',1'-C PYRAZINEDIIUM, 6,7-DIHYDRO-, DIBROMIDE	2 3
2602-46-2	DIRECT BLUE 6 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- 1,1'-BIPHENYL -4,4'-DIYLB * IS(AZO) BIS 5-AMINO-4-HYDROXY-, TETRASODIUM SALT	5 6 7 9 10 11
16071-86-6	DIRECT BROWN 95 4-PYRIDINECARBOETHIOAMIDE, 2-ETHYL- *)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXYBENZOATO(4 * -) -, DISODIUM	6 7 9 10
19910-65-7	DI-SEC-BUTYL PEROXY-DICARBONATE PEROXYDICARBONIC ACID, BIS(1-METHYLPROPYL) ESTER	3
52326-66-6	DISTEARYL PEROXYDI-CARBONATE PEROXYDICARBONIC ACID, DIOCTADECYL ESTER	3
97-77-8	DISULFIRAM THIOPEROXYDICARBONIC DIAMIDE ((H2N)C(S) 2S2), TETRAETHYL-	2 10
298-04-4	DISULFOTON PHOSPHORODITHIOIC ACID, O,O-DIETHYL S- 2-(ETHYLTHIO)ETHYL ESTER	2 3 14
15520-11-3	DI(4-TERT-BUTYL CYCLOHEXYL)-PEROXYDICARBONATE PEROXYDICARBONIC ACID, BIS 4-(1,1-DIMETHYLETHYL)CYCLOHEXYL ESTE * R	3
128-37-0	2,6-DI-TERT-BUTYL-P-CRESOL PHENOL, 2,6-BIS(1,1-DIMETHYLETHYL)-4-METHYL-	2
6731-36-8	1, 1-DI(TERT-BUTYLPEROXY)-3, 3, 5-TRIMETHYLCYCLOHEXANE PEROXIDE, (3,3,5-TRIMETHYLCYCLOHEXYLIDENE)BIS (1,1-DIMETHYLETHYL *)	3
3006-86-8	1, 1-DI(TERT-BUTYLPEROXY)-CYCLOHEXANE PEROXIDE, CYCLOHEXYLIDENE BIS (1,1-DIMETHYLETHYL)	3
2167-23-9	2, 2-DI(TERT-BUTYLPEROXY)-BUTANE PEROXIDE, (1-METHYLPROPYLIDENE)BIS (1,1-DIMETHYLETHYL)	3
110-05-4	DI-TERT-BUTYL PEROXIDE PEROXIDE, BIS(1,1-DIMETHYLETHYL)	3
330-54-1	DIURON UREA, N'-(3,4-DICHLOROPHENYL)-N,N-DIMETHYL-	2 3
1321-74-0	DIVINYL BENZENE BENZENE, DIETHENYL-	2 15
109-93-3	DIVINYL ETHER ETHENE, 1,1'-OXYBIS-	3 15
27176-87-0	DODECYLBENZENE-SULFONIC ACID BENZENESULFONIC ACID, DODECYL-	3
4484-72-4	DODECYL TRICHLOROSILANE SILANE, TRICHLORODODECYL-	3
115-29-7	ENDOSULFAN 6,9-METHANO-2,4,3-BENZODIOXATHIEPIN, 6,7,8,9,10,10-HEXACHLORO-1, * 5,5A,6,9,9A-HEXAHYDRO-, 3-OXIDE	2 3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
72-20-8	ENDRIN 2,7:3,6-DIMETHANONAPHTH 2,3-B OXIRENE, 3,4,5,6,9,9-HEXACHLORO-1A * 2,2A,3,6,6A,7,7A-OCTAHYDRO- (1A,ALPHA.,2-BETA.,2A,BETA.,3.A * (PHA.,6.ALPHA.,6A.BETA.,7.BETA.,7A.ALPHA.)-	1 2 3 14
13838-16-9	ENFLURANE ETHANE, 2-CHLORO-1-(DIFLUOROMETHOXY)-1,1,2-TRIFLUORO-	2 4
3132-64-7	EPIBROMOHYDRIN OXIRANE, (BROMOMETHYL)-	3
106-89-8	EPICHLOROHYDRIN OXIRANE, (CHLOROMETHYL)-	1 2 3 4 6 7 8 10 15
2104-64-5	EPN PHOSPHONOTHIOIC ACID, PHENYL-, O-ETHYL O-(4-NITROPHENYL) ESTER	1 2 14
4016-11-9	EPOXY ETHYLOXY PROPANE (ETHOXYMETHYL)-OXIRANE	3
556-52-5	2,3-EPOXY 1-PROPANOL (GLYCIDOL) OXIRANEMETHANOL	1 2
50-28-2	ESTRADIOL ESTRA-1,3,5(10)-TRIENE-3,17-DIOL (17.BETA.)-	7
53-16-7	ESTRONE ESTRA-1,3,5(10)-TRIEN-17-ONE, 3-HYDROXY-	7
74-84-0	ETHANE	2 3 15
141-43-5	ETHANOLAMINE ETHANOL, 2-AMINO-	1 2 3 15
57-63-6	ETHINYLOESTRADIOL 19-NORPREGNA-1,3,5(10)-TRIEN-20-YNE-3,17-DIOL, (17.ALPHA.)-	7
563-12-2	ETHION PHOSPHORODITHIOIC ACID, S,S'-METHYLENE O,O,O',O'-TETRAETHYL ESTE * R	2 3 14
536-33-4	ETHIONAMIDE ISONICOTINAMIDE, 2-ETHYLTHIO-	13(Y,EE,FF)
110-80-5	2-ETHOXYETHANOL ETHANOL, 2-ETHOXY-	1 2 3 10 15
111-15-9	2-ETHOXYETHYLACETATE ETHANOL, 2-ETHOXY-, ACETATE	1 2 3 15
141-78-6	ETHYL ACETATE ACETIC ACID ETHYL ESTER	1 2 3 15
107-00-6	ETHYL ACETYLENE 1-BUTYNE BOMYL	3
140-88-5	ETHYL ACRYLATE 2-PROPENOIC ACID, ETHYL ESTER	1 2 3 15
64-17-5	ETHYL ALCOHOL ETHANOL	1 2 3 15
563-43-9	ETHYL ALUMINUM DI-CHLORIDE ALUMINUM, DICHLOROETHYL-	2 3 15
12075-68-2	ETHYL ALUMINUM SESQUI-CHLORIDE ALUMINUM, TRICHLOROTRIETHYLOI-	2 3 15
75-04-7	ETHYLAMINE ETHANAMINE	1 2 3 15
106-68-3	ETHYL AMYL KETONE 3-OCTANONE	2 3
578-54-1	2-ETHYLANILINE BENZENAMINE, 2-ETHYL-	3
103-69-5	ETHYLANILINE BENZENAMINE, N-ETHYL-	3 15
100-41-4	ETHYL BENZENE BENZENE, ETHYL-	1 2 3 6 15
92-59-1	ETHYLBENZYLANILINE BENZENEMETHANAMINE, N-ETHYL-N-PHENYL-	3 15
119-94-8	ETHYLBENZYL TOLUIDINE BENZENEMETHANAMINE, N-ETHYL-N-(3-METHYL-PHENYL)-	3
51845-86-4	ETHYL BORATE BORIC ACID, ETHYL ESTER	3 15
74-96-4	ETHYL BROMIDE ETHANE, BROMO-	1 2 3 15

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
105-36-2	ETHYL BROMOACETATE ACETIC ACID, BROMO-, ETHYL ESTER	3 15
97-95-0	ETHYLBUTANOL 1-BUTANOL, 2-ETHYL	3 15
40780-64-1	ETHYLBUTYL ACETATE 3-HEXANOL ACETATE	3 15
628-81-9	ETHYLBUTYL ETHER BUTANE, 1-ETHOXY-	3 15
106-35-4	ETHYL BUTYL KETONE 3-HEPTANONE	1 2 15
97-96-1	ETHYLBUTYRALDEHYDE BUTANAL, 2-ETHYL	3 15
105-54-4	ETHYL BUTYRATE BUTANOIC ACID, ETHYL ESTER	3 15
75-00-3	ETHYL CHLORIDE ETHANE, CHLORO-	1 2 3 15
105-39-5	ETHYL CHLOROACETATE ACETIC ACID, CHLORO-, ETHYL ESTER	3 15
541-41-3	ETHYL CHLOROFORMATE CARBONCHLORIDIC ACID, ETHYL ESTER	3 15
535-13-7	ETHYL-2-CHLOROPROPIONATE PROPANOIC ACID, 2-CHLORO-, ETHYL ESTER	3
2941-64-2	ETHYL CHLOROTHIOFORMATE CARBONCHLORIDOTHIOIC ACID, S-ETHYL ESTER	3
26555-35-1	ETHYL CHLOROTHIOFORMATE CARBONOTHIOIC ACID, ANHYDROSULFIDE WITH THIOHYPOCHLOROUS ACID, E * THYL ESTER	3
10544-63-5	ETHYL CROTONATE 2-BUTENOIC ACID, ETHYL ESTER	3 15
105-56-6	ETHYL CYANOACETATE ACETIC ACID, CYANO-, ETHYL ESTER	3 15
598-14-1	ETHYL DICHLOROARSINE ARSONOUS DICHLORIDE, ETHYL-	1 3
1789-58-8	ETHYL DICHLOROSILANE SILANE, DICHLOROETHYL-	3 15
74-85-1	ETHYLENE ETHENE	2 3 15
107-07-3	ETHYLENE CHLOROHYDRIN ETHANOL, 2-CHLORO-	1 2 3 15
107-15-3	ETHYLENEDIAMINE 1,2-ETHANEDIAMINE	1 2 3 15
60-00-4	ETHYLENEDIAMINE TETRA-ACETIC ACID GLYCINE, N,N'-1,2-ETHANEDIYLBIS N-(CARBOXYMETHYL)-	3
106-93-4	ETHYLENE DIBROMIDE (1,2-DIBROMETHANE) ETHANE, 1,2-DIBROMO-	1 2 3 4 5 6 7 8 10
107-21-1	ETHYLENE GLYCOL 1,2-ETHANEDIOL	2 15
628-96-6	ETHYLENE GLYCOL DINITRATE 1,2-ETHANEDIOL, DINITRATE	1 2 4
629-14-1	ETHYLENE GLYCOL DIETHYL ETHER ETHANE, 1,2-DIETHOXY-	3 15
151-56-4	ETHYLENEIMINE AZIRIDINE	1 2 3 6 8 15
75-21-8	ETHYLENE OXIDE OXIRANE	1 2 3 4 6 7 8 10 14 15
96-45-7	ETHYLENE THIOUREA 2-IMIDAZOLIDINETHIONE	4 5 6 7 8 10
353-36-6	ETHYL FLUORIDE ETHANE, FLUORO-	1 2 3 15
109-94-4	ETHYL FORMATE FORMIC ACID, ETHYL ESTER	1 2 3 15
123-05-7	ETHYL HEXALDEHYDE HEXANAL, 2-ETHYL	3 15
18513-34-3	ETHYL HEXALDEHYDE HEXANAL, 3-ETHYL	3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
104-75-6	2-ETHYL HEXYLAMINE HEXYLAMINE, 2-ETHYL-	3
24468-13-1	ETHYL HEXYLCHLORO-FORMATE CARBOCHLORIDIC ACID, 2-ETHYLHEXYL ESTER	3
16219-75-3	ETHYLIDENE NORBORNENE BICYCLO 2.2.1 HEPT-2-ENE, 5-ETHYLIDENE-	2
97-62-1	ETHYL ISOBUTYRATE PROPANOIC ACID, 2-METHYL-, ETHYL ESTER	3 15
109-90-0	ETHYL ISOCYANATE ETHANE, ISOCYANATO-	3
97-64-3	ETHYL LACTATE PROPANOIC ACID, 2-HYDROXY-, ETHYL ESTER	3 15
75-08-1	ETHYL MERCAPTAN ETHANETHIOL	1 2 3 4 15
107-27-7	ETHYLMERCURIC CHLORIDE MERCURY, CHLOROETHYL-	1 2
2235-25-8	ETHYLMERCURIC PHOSPHATE MERCURATE(2-), ETHYL PHOSPHATO(3-)-O -, DIHYDROGEN	1 2
97-63-2	ETHYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, ETHYL ESTER	3 15
625-58-1	ETHYL NITRATE NITRIC ACID, ETHYL ESTER	3 15
109-95-5	ETHYL NITRITE NITROUS ACID, ETHYL ESTER	3 15
122-51-0	ETHYL ORTHOFORMATE ETHANE, 1,1',1''- METHYLIDYNETRIS(OXY) TRIS-	3
95-92-1	ETHYL OXALATE ETHANEDIOIC ACID, DIETHYL ESTER	3 15
1125-27-5	ETHYL PHENYL DICHLORO-SILANE SILANE, DICHLOROETHYLPHENYL	3
993-43-1	ETHYLPHOSPHONOTHIOIC-DICHLORIDE PHOSPHONOTHIOIC DICHLORIDE, ETHYL-	3
1498-40-4	ETHYL PHOSPHONOUS DICHLORIDE PHOSPHONOUS DICHLORIDE, ETHYL-	3
1498-51-7	ETHYL PHOSPHORODICHLORIDATE PHOSPHORODICHLORIDIC ACID, ETHYL ESTER	3
766-09-6	1-ETHYL PIPERIDINE PIPERIDINE, 1-ETHYL-	3
105-37-3	ETHYL PROPIONATE PROPANOIC ACID, ETHYL ESTER	3 15
628-32-0	ETHYL PROPYL ETHER PROPANE, 1-ETHOXY-	3 15
11099-06-2	ETHYL SILICATE SILICIC ACID, ETHYL ESTER	1 2 3 15
540-82-9	ETHYL SULFURIC ACID SULFURIC ACID, MONOETHYL ESTER	3
622-57-1	ETHYL TOLUIDINE N-ETHYL-4-METHYLBENZENAMINE	3
115-21-9	ETHYLTRICHLOROSILANE SILANE, TRICHLOROETHYL-	3 15
140-56-7	FENAMINOSULF (LESAN) BENZENEDIAZOSULFONIC ACID, P-(DIMETHYLAMINO)-, SODIUM SALT	14
22224-92-6	FENAMIPHOS PHOSPHORAMIDIC ACID, (1-METHYLETHYL)-, ETHYL 3-METHYL-4-(METHYL * MID)PHENYL ESTER	2 14
115-90-2	FENSULFOTHION PHOSPHOROTHIOIC ACID, O,O-DIETHYL O- 4-(METHYLSULFINYL)PHENYL E * STER	2 14
55-38-9	FENTHION PHOSPHOROTHIOIC ACID, O,O-DIMETHYL O- 3-METHYL-4-(METHYLTHIO)PHE * NYL ESTER	2 14
14484-64-1	FERBAM IRON, TRIS(DIMETHYLCARBAMODITHIOATO-S,S')-, (OC-6-11)-	1 2
1185-57-5	FERRIC AMMONIUM CITRATE 1,2,3-PROPANETRICARBOXYLIC ACID, 2-HYDROXY-, AMMONIUM IRON(3+) S * ALT	2 3
14221-47-7	FERRIC AMMONIUM OXALATE FERRATE(3-), TRIS ETHANEDIOATO(2-)-O,O' -, TRIAMMONIUM, (OC-6-11 *)-	2 3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
10102-49-5	FERRIC ARSENATE ARSENIC ACID (H3ASO4), IRON(3+) SALT (1:1)	1 3
63989-69-5	FERRIC ARSENITE IRON(III) O-ARSENITE PENTAHYDRATE	1 3
7705-08-0	FERRIC CHLORIDE IRON CHLORIDE (FECL3)	2 3
7783-50-8	FERRIC FLUORIDE IRON FLUORIDE (FEF3)	3
10421-48-4	FERRIC NITRATE NITRIC ACID, IRON(3+) SALT	2 3
10028-22-5	FERRIC SULFATE SULFURIC ACID, IRON(3+) SALT (3:2)	2 3
69523-06-4	FERROCERIUM	3
8049-17-0	FERROSILICON	3
10045-89-3	FERROUS AMMONIUM SULFATE SULFURIC ACID, AMMONIUM IRON(2+) SALT (2:2:1)	2 3
10102-50-8	FERROUS ARSENATE ARSENIC ACID (H3ASO4), IRON(2+) SALT (2:3)	1 3
7758-94-3	FERROUS CHLORIDE IRON CHLORIDE (FECL2)	2 3
7720-78-7	FERROUS SULFATE SULFURIC ACID, IRON(2+) SALT (1:1)	2 3
12604-58-9	FERROVANADIUM VANADIUM ALLOY, BASE, V,C,FE (FERROVANADIUM)	1 2 4
NO CAS #	FIBROUS GLASS	2 4
16872-11-0	FLUOBORIC ACID BORATE(1-), TETRAFLUORO-, HYDROGEN	1 2 3
2164-17-2	FLUOMETURON UREA, N,N-DIMETHYL-N-(3-TRIFLUOROMETHYL)PHENYL)- * L)-	6
16984-48-8	FLUORIDE	1 2 4
7782-41-4	FLUORINE	1 2 3
144-49-0	FLUOROACETIC ACID ACETIC ACID, FLUORO-	1 2 3
462-06-6	FLUOROBENZENE BENZENE, FLUORO-	3 15
13478-20-1	FLUOROPHOSPHORIC ACID	1 2 3
	PHOSPHORYL FLUORIDE	
7789-21-1	FLUOROSULPHONIC ACID FLUOROSULFURIC ACID	3
25496-08-6	FLUOROTOLUENE BENZENE, FLUOROMETHYL-	1 2 3
16961-83-4	FLUOSILICIC ACID SILICATE(2-), HEXAFLUORO-, DIHYDROGEN	1 2 3
944-22-9	FONOFOS PHOSPHONODITHIOIC ACID, ETHYL-, O-ETHYL S-PHENYL ESTER	2 14
50-00-0	FORMALDEHYDE	1 2 3 4 5 6 7 8 10 12(A,B) 15
75-12-7	FORMAMIDE	2 15
64-18-6	FORMIC ACID	1 2 3 15
110-17-8	FUMARIC ACID 2-BUTENEDIOIC ACID (E)-	3
117-52-2	FUMARIN COUMARIN, 3-(ALPHA-ACETONYLFURFURYL)-4-HYDROXY-	14
627-63-4	FUMARYL CHLORIDE 2-BUTENEDIOYL DICHLORIDE, (E)-	3
110-00-9	FURAN	3 15
98-01-1	FURFURAL 2-FURANCARBOXALDEHYDE	1 2 3 15
98-00-0	FURFURYL ALCOHOL 2-FURANMETHANOL	1 2 4 15
617-89-0	FURFURYLAMINE 2-FURANMETHANAMINE	3 15

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
7440-55-3	GALLIUM	3
7782-65-2	GERMANIUM HYDRIDE GERMANE	2 3
9001-37-0	GLUCOSE OXIDASE OXIDASE, GLUCOSE	12(A)
111-30-8	GLUTARALDEHYDE PENTANEDIAL	2
765-34-4	GLYCIDALDEHYDE OXIRANECARBOXYALDEHYDE	3 8
107-16-4	GLYCOLNITRILE ACETONITRILE, HYDROXY-	4
70-25-7	GUANIDINE, 1-METHYL-3-NITRO-1-NITROSO- GUANIDINE, N-METHYL-N'-NITRO-N-NITROSO-	8
52470-25-4	GUANIDINE NITRATE GUANIDINE, NITRATE	3
9000-01-5	GUM ARABIC	12(A,B)
86-50-0	GUTHION PHOSPHORODITHIOIC ACID, O,O-DIMETHYL S- (4-OXO-1,2,3-BENZOTRIAZI * N-3(4H)-YL)METHYL ESTER	1 2 3 14
151-67-7	HALOTHANE ETHANE, 2-BROMO-2-CHLORO-1,1,1-TRIFLUORO-	2 4
194-59-2	7H-DIBENZO(C,G)CARBAZOLE	5 8
680-31-9	HEMPA PHOSPHORIC TRIAMIDE, HEXAMETHYL-	2 6 10
76-44-8	HEPTACHLOR 4,7-METHANO-1H-INDENE, 1,4,5,6,7,8,8-HEPTACHLORO-3A,4,7,7A-TETRA * HYDRO-	1 2 3 6 8 14
1639-09-4	1-HEPTANETHIOL	4
81624-04-6	HEPTENE	3 15
116-16-5	HEXACHLOROACETONE 2-PROPANONE, 1,1,1,3,3,3-HEXACHLORO-	3
118-74-1	HEXACHLOROBENZENE BENZENE, HEXACHLORO-	3 5 6 8
77-47-4	HEXACHLOROCYCLOPENTADIENE 1,3-CYCLOPENTADIENE, 1,2,3,4,5,5-HEXACHLORO-	2 3
67-72-1	HEXACHLOROETHANE ETHANE, HEXACHLORO-	1 2 3 6 8
1335-87-1	HEXACHLORONAPHTHALENE NAPHTHALENE, HEXACHLORO-	1 2
70-30-4	HEXACHLOROPHENE PHENOL, 2,2'-METHYLENEBIS 3,4,6-TRICHLORO-	3
2917-26-2	1-HEXADECANETHIOL	4 15
42296-74-2	HEXADIENE	3 15
757-58-4	HEXAETHYL TETRAPHOSPHATE TETRAPHOSPHORIC ACID, HEXAETHYL ESTER	3
677-71-4	HEXAFLUROACETONE HYDRATE 2,2-PROPANEDIOL, 1,1,1,3,3,3-HEXAFLURO-	3
684-16-2	HEXAFLUROACETONE 2-PROPANONE, 1,1,1,3,3,3-HEXAFLURO-	2 3
76-16-4	HEXAFLUROETHANE ETHANE, HEXAFLURO-	3
16940-81-1	HEXAFLUROPHOSPHORIC ACID PHOSPHATE(1-), HEXAFLURO-, HYDROGEN	1 2 3
428-59-1	HEXAFLUROPROPYLENE OXIDE OXIRANE, TRIFLUORO(TRIFLUOROMETHYL)-	3
116-15-4	HEXAFLUROPROPYLENE 1-PROPENE, 1,1,2,3,3,3-HEXAFLURO-	3
66-25-1	HEXALDEHYDE HEXANAL	3 15
124-09-4	HEXAMETHYLENE DIAMINE 1,6-HEXANEDIAMINE	3 15
822-06-0	HEXAMETHYLENE DI-ISO-CYANATE HEXANE, 1,6-DIISOCYANATO-	3 4

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
100-97-0	HEXAMINE 1,3,5,7-TETRAAZATRICYCLO 3.3.1.13,7 DECANE	3
131-73-7	HEXAMINE BENZENAMINE, 2,4,6-TRINITRO-N-(2,4,6-TRINITROPHENYL)-	3
111-31-9	1-HEXANETHIOL	4
35860-31-2	HEXANITRODIPHENYLAMINE BENZENAMINE, N-PHENYL-, HEXANITRO DERIV.	3
20062-22-0	HEXANITROSTILBENE BENZENE, 1,1'-(1,2-ETHENEDIYL)-BIS 2,4,6-TRINITRO -	3 4
25917-35-5	HEXANOL 1-HEXANOL	3 15
81624-06-8	HEXENE	3 15
107-41-5	HEXYLENE GLYCOL 2,4-PENTANEDIOL, 2-METHYL-	2 15
928-65-4	HEXYL TRICHLOROSILANE SILANE, TRICHLOROHEXYL-	3
2746-19-2	HIMIC ANHYDRIDE 4,7-METHANISOBENZOFURAN-1,3-DIONE, 3A,4,7,7A-TETRAHYDRO-, (3A.A * ALPHA.,4.BETA.,7.BETA.,7A.ALPHA.)-	12(A)
302-01-2	HYDRAZINE	1 2 3 6 7 8 15
1615-80-1	HYDRAZINE, 1,2-DIETHYL-	8
540-73-8	HYDRAZINE, 1,2-DIMETHYL-	3 8
10034-85-2	HYDRIODIC ACID	3
1333-74-0	HYDROGEN	2 3 15
10035-10-6	HYDROGEN BROMIDE HYDROBROMIC ACID	1 2 3
7647-01-0	HYDROGEN CHLORIDE HYDROCHLORIC ACID	1 2 3
74-90-8	HYDROGEN CYANIDE HYDROCYANIC ACID	1 2 3 4 14 15
7664-39-3	HYDROGEN FLUORIDE HYDROFLUORIC ACID	1 2 3 4
7722-84-1	HYDROGEN PEROXIDE HYDROGEN PEROXIDE (H2O2)	1 2 3
7783-07-5	HYDROGEN SELENIDE HYDROGEN SELENIDE (H2SE)	1 2 3
7783-06-4	HYDROGEN SULFIDE HYDROGEN SULFIDE (H2S)	1 2 3 4 15
85-42-7	HYDROHEXAPHTHALIC ANHYDRIDE HEXAHYDRO-1,3-ISOBENZOFURANDIONE	12(A)
123-31-9	HYDROQUINONE 1,4-BENZENEDIOL	1 2 3 4 6 15
10039-54-0	HYDROXYLAMINE SULFATE HYDROXYLAMINE, SULFATE (2:2) (SALT)	3
127-07-1	HYDROXYUREA UREA, HYDROXY-	13(U,V,X)
4342-03-4	IMIDAZOLE-4-CARBOXAMIDE, 5-(3,3-DIMETHYL-1-TRIAZENO)- 1H-IMIDAZOLE-4-CARBOXAMIDE, 5-(3,3-DIMETHYL-1-TRIAZENYL)-	7
95-13-6	INDENE 1H-INDENE	2
7440-74-6	INDIUM	2
7553-56-2	IODINE	1 2
7790-99-0	IODINE MONOCHLORIDE IODINE CHLORIDE (ICL)	3
7783-66-6	IODINE PENTAFLUORIDE IODINE FLUORIDE (IF5)	3
25267-27-0	iodo BUTANE BUTANE, IODO-	3
75-47-8	iodoFORM METHANE, TRIiodo-	2
513-38-2	iodo METHYLPROPANE 1-iodo-2-METHYL PROPANE	3

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
558-17-8	IODO METHYLPROPANE 2-IODO-2-METHYL PROPANE	3
26914-02-3	IODO PROPANE PROPANE, IODO-	3
12040-57-2	IRON CHLORIDE	2 3 15
9004-66-4	IRON-DEXTRAN COMPLEX IRON DEXTRAN	5 8
1309-37-1	IRON OXIDE FUME	1 2
13463-40-6	IRON PENTACARBONYL IRON CARBONYL (FE(CO)5), (TB-5-11)-	2 3 15
123-92-2	ISOAMYL ACETATE 1-BUTANOL, 3-METHYL-, ACETATE	1 2 15
123-51-3	ISOAMYL ALCOHOL 1-BUTANOL, 3-METHYL-	1 2 15
75-28-5	ISOBUTANE PROPANE, 2-METHYL-	3 15
110-19-0	ISOBUTYL ACETATE ACETIC ACID, 2-METHYLPROPYL ESTER	1 2 3 15
106-63-8	ISOBUTYL ACRYLATE 2-PROPENOIC ACID, 2-METHYLPROPYL ESTER	3 15
78-83-1	ISOBUTYL ALCOHOL 1-PROPANOL, 2-METHYL-	1 2 3 15
78-81-9	ISOBUTYLAMINE 1-PROPANAMINE, 2-METHYL-	3 15
115-11-7	ISOBUTYLENE 1-PROPENE, 2-METHYL-	3 15
542-55-2	ISOBUTYL FORMATE FORMIC ACID, 2-METHYLPROPYL ESTER	3 15
97-85-8	ISOBUTYL ISOBUTYRATE PROPANOIC ACID, 2-METHYL-, 2-METHYLPROPYL ESTER	3 15
1873-29-6	ISOBUTYL ISOCYANATE PROPANE, 1-ISOCYANATO-2-METHYL-	3
97-86-9	ISOBUTYLMETHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, 2-METHYLPROPYL ESTER	3
540-42-1	ISOBUTYL PROPIONATE PROPANOIC ACID, 2-METHYLPROPYL ESTER	3
78-84-2	ISOBUTYRALDEHYDE PROPANAL, 2-METHYL-	3
79-31-2	ISOBUTYRIC ACID PROPANOIC ACID, 2-METHYL-	3 15
97-72-3	ISOBUTYRIC ANHYDRIDE PROPANOIC ACID, 2-METHYL-, ANHYDRIDE	3 15
78-82-0	ISOBUTYRONITRILE PROPANENITRILE, 2-METHYL-	3 4 15
79-30-1	ISOBUTYRYLCHLORIDE PROPANOYL CHLORIDE, 2-METHYL-	3
71121-36-3	ISOCYANATOBENZOTRI-FLUORIDE BENZENE, ISOCYANATO (TRIFLUOROMETHYL)-	3
26675-46-7	ISOFLURANE ETHANE, 2-CHLORO-2-(DIFLUOROMETHOXY)-1,1,1-TRIFLUORO-	4
68975-47-3	ISOHEPTENE	3
27236-46-0	ISOHEXENE PENTENE, 2-METHYL-	3
58449-37-9	ISONONANOYL PEROXIDE PEROXIDE, BIS(1-OXOISONONYL)	3
26635-64-3	ISOCTANE	3 15
11071-47-9	ISOCTENE	3 15
26952-21-6	ISOCTYL ALCOHOL ISOCTANOL	2 15
78-78-4	IOPENTANE BUTANE, 2-METHYL-	3 15

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
503-74-2	ISOPENTANOIC ACID BUTANOIC ACID, 3-METHYL-	3 15
78-59-1	ISOPHORONE 2-CYCLOHEXEN-1-ONE, 3,5,5-TRIMETHYL-	1 2 4 15
2855-13-2	ISOPHORONEDIAMINE CYCLOHEXANEMETHANAMINE, 5-AMINO-1,3,3-TRIMETHYL-	3
4098-71-9	ISOPHORONE DIISOCYANATE CYCLOHEXANE, 5-ISOCYANATO-1-(ISOCYANATOMETHYL)-1,3,3-TRIMETHYL-	2 3 4
78-79-5	ISOPRENE 1,3-BUTADIENE, 2-METHYL-	3 15
54590-52-2	ISOPROPANOLAMINE DO-DECYLBENZENESULFONATE BENZENESULFONIC ACID, 4-DODECYL-, COMPD. WITH 1-AMINO-2-PROPANOL * (1:1)	3
108-22-5	ISOPROPENYL ACETATE 1-PROPEN-2-OL, ACETATE	3 15
98-83-9	ISOPROPENYL BENZENE BENZENE, (1-METHYLETHENYL)-	1 2 3
109-59-1	ISOPROPOXYETHANOL ETHANOL, 2-(1-METHYLETHOXY)	2
108-21-4	ISOPROPYL ACETATE ACETIC ACID, 1-METHYLETHYL ESTER	1 2 3 15
1623-24-1	ISOPROPYL ACID PHOSPHATE PHOSPHORIC ACID, MONO(1-METHYLETHYL) ESTER	3
67-63-0	ISOPROPYL ALCOHOL 2-PROPANOL	1 2 3 15
75-31-0	ISOPROPYLAMINE 2-PROPANAMINE	1 2 3 15
638-11-9	ISOPROPYL BUTYRATE BUTANOIC ACID, 1-METHYLETHYL ESTER	3
105-48-6	ISOPROPYL CHLOROACETATE ACETIC ACID, CHLORO-, 1-METHYLETHYL ESTER	3
108-23-6	ISOPROPYL CHLOROFORMATE CARBONCHLORIDIC ACID, 1-METHYLETHYL ESTER	3
40058-87-5	ISOPROPYL-2-CHLOROPROPIONATE PROPIONIC ACID, 2-CHLORO-1-METHYLETHYL ESTER	3
4016-14-2	ISOPROPYL GLYCIDYL ETHER OXIRANE, (1-METHYLETHOXY)METHYL -	1 2 4
617-50-5	ISOPROPYL ISOBUTYRATE PROPANOIC ACID, 2-METHYL-, 1-METHYLETHYL ESTER	3
1795-48-8	ISOPROPYL ISOCYANATE PROPANE, 2-ISOCYANATO-	3
75-33-2	ISOPROPYL MERCAPTAN 2-PROPANETHIOL	3
1712-64-7	ISOPROPYL NITRATE NITRIC ACID, 1-METHYLETHYL ESTER	3
637-78-5	ISOPROPYL PROPIONATE PROPANOIC ACID, 1-METHYLETHYL ESTER	3
59-01-8	KANAMYCIN D-STREPTAMINE, 0-3-AMINO-3-DEOXY-ALPHA-D-GLUCOPYRANOSYL-(1-6)-OR * THO-(6-AMINO-6-DEOXY-ALPHA-D-GLUCOPYRANOSYL-(1-4))-2-DEOXY-	13(DD)
NO CAS #	KARAYA	12(A)
143-50-0	KEPONE 1,3,4-METHENO-2H-CYCLOBUTA CD PENTALEN-2-ONE, 1,1A,3,3A,4,5,5,5A *,5B,6-DECACHLOROCTAHYDRO-	3 4 5 8
8008-20-6	KEROSENE KEROSENE	3
463-51-4	KETENE ETHENONE	1 2
7439-90-9	KRYPTON	3
303-34-4	LASIOCARPINE 2-BUTENOIC ACID, 2-METHYL-, 7- 2,3-DIHYDROXY-2-(1-METHOXYETHYL) * -3-METHYL-1-OXOBUTOXY METHYL -2,3,5,7A-TETRAHYDRO-1H-PYRROLIZ * IN-1-YL ESTER, 1S-1.ALPHA.(Z),7(2S*,3R*),7A.ALPHA. -	8
105-74-8	LAUROYL PEROXIDE PEROXIDE, BIS(1-OXODODECYL)	3
7439-92-1	LEAD	1 2 4 6

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
301-04-2	LEAD ACETATE (2+) LEAD ACETATE	1 3 4 5
7645-25-2	LEAD ARSENATE ARSENIC ACID (H3ASO4), LEAD SALT	1 2 3 4 5 7 8
10031-13-7	LEAD ARSENITE ARSENENOUS ACID, LEAD(2+) SALT	1 2 3 4
13424-46-9	LEAD AZIDE LEAD AZIDE (PB(N3)2)	1 2 3 4
12612-47-4	LEAD CHLORIDE	1 2 3 4
18454-12-1	LEAD CHROMATE CHROMIUM LEAD OXIDE	1 2 4 5 7 8
592-05-2	LEAD CYANIDE LEAD CYANIDE PB(CN)2	1 2 3 4
1309-60-0	LEAD DIOXIDE LEAD OXIDE (PBO2)	1 2 3 4
13814-96-5	LEAD FLUOBORATE BORATE(1-), TETRAFLUORO-, LEAD(2+)	1 2 3 4
53096-04-1	LEAD FLUORIDE	1 2 3 4
12684-19-4	LEAD IODIDE	1 2 3 4
18256-98-9	LEAD NITRATE NITRIC ACID, LEAD SALT	1 2 3 4
13637-76-8	LEAD PERCHLORATE PERCHLORIC ACID, LEAD(2+) SALT	1 2 3 4
7428-48-0	LEAD STEARATE OCTADECANOIC ACID, LEAD SALT	1 3 4
15245-44-0	LEAD STYPHNATE 1,3-BENZENEDIOL, 2,4,6-TRINITRO-, LEAD(2+) SALT (1:1)	1 3 4
39377-56-5	LEAD SULFIDE	1 2 3 4
7446-14-2	LEAD SULPHATE LEAD(II) SULFATE(1:1)	1 2 3
592-87-0	LEAD THIOCYANATE THIOCYANIC ACID, LEAD(2+) SALT	1 2 3 4
112-56-1	LETHANE THIOCYANIC ACID, 2-(2-BUTOXYETHOXY)ETHYL ESTER	14
58-89-9	LINDANE CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, (1.ALPHA.,2.ALPHA.,3.BETA. * ,4.ALPHA.,5.ALPHA.,6.BETA.)-	1 2 3 5 6 14
68476-85-7	LIQUIFIED PETROLEUM GAS	1 2 3
7439-93-2	LITHIUM	3
50475-76-8	LITHIUM ACETYLIDE ETHYLENEDIAMINE LITHIUM ACETYLIDE COMPLEXED WITH ETHYLENEDIAMINE	3
16853-85-3	LITHIUM ALUMINUM HYDRIDE ALUMINATE(1-), TETRAHYDRO-, LITHIUM, (T-4)-	2 3
7782-89-0	LITHIUM AMIDE LITHIUM AMIDE (LI(NH2))	3
16949-15-8	LITHIUM BOROHYDRIDE BORATE(1-), TETRAHYDRO-, LITHIUM	3
554-13-2	LITHIUM CARBONATE CARBONIC ACID, DILITHIUM SALT	13(Y,EE,FF)
14307-35-8	LITHIUM CHROMATE CHROMIC ACID (H2CR04), DILITHIUM SALT	1 2 3
70399-13-2	LITHIUM FERROSILICON	3
7580-67-8	LITHIUM HYDRIDE LITHIUM HYDRIDE (LIH)	1 2 3
1310-66-3	LITHIUM HYDROXIDE MONOHYDRATE LITHIUM HYDROXIDE (LI(OH)), MONOHYDRATE	3
13840-33-0	LITHIUM HYPOCHLORITE HYPOCHLOROUS ACID, LITHIUM SALT	3
7790-69-4	LITHIUM NITRATE NITRIC ACID, LITHIUM SALT	3
26134-62-3	LITHIUM NITRIDE LITHIUM NITRIDE (LI3N)	3

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
12031-80-0	LITHIUM PEROXIDE LITHIUM PEROXIDE (LI ₂ O ₂)	3
53095-76-4	LITHIUM SILICON LITHIUM SILICIDE (LISI)	3
8012-74-6	LONDON PURPLE	3
7439-95-4	MAGNESIUM	3
10103-50-1	MAGNESIUM ARSENATE ARSENIC ACID (H ₃ ASO ₄), MAGNESIUM SALT	1 2 3
7789-36-8	MAGNESIUM BROMATE BROMIC ACID, MAGNESIUM SALT	3
10326-21-3	MAGNESIUM CHLORATE CHLORIC ACID, MAGNESIUM SALT	3
7803-54-5	MAGNESIUM DIAMIDE MAGNESIUM AMIDE (MG(NH ₂) ₂)	3
555-54-4	MAGNESIUM DIPHENYL MAGNESIUM, DIPHENYL-	3
60616-74-2	MAGNESIUM HYDRIDE	3
10377-60-3	MAGNESIUM NITRATE NITRIC ACID, MAGNESIUM SALT	3
1309-48-4	MAGNESIUM OXIDE MAGNESIUM OXIDE (MGO)	1 2
10034-81-8	MAGNESIUM PERCHLORATE PERCHLORIC ACID, MAGNESIUM SALT	3
1335-26-8	MAGNESIUM PEROXIDE	3
12057-74-8	MAGNESIUM PHOSPHIDE MAGNESIUM PHOSPHIDE (MG ₃ P ₂)	3
39404-03-0	MAGNESIUM SILICIDE	3
16949-65-8	MAGNESIUM SILICO-FLUORIDE SILICATE(2-), HEXAFLUORO-, MAGNESIUM (1:1)	1 2 3
121-75-5	MALATHION BUTANEDIOIC ACID, (DIMETHOXYPHOSPHINOTHIOYL)THIO -, DIETHYL EST * ER	1 2 3 4
110-16-7	MALEIC ACID 2-BUTENEDIOIC ACID (Z)-	3
108-31-6	MALEIC ANHYDRIDE 2,5-FURANDIONE	1 2 3 12(A) 15
109-77-3	MALONONITRILE	3 4
	PROPANEDINITRILE	
12427-38-2	MANEB MANGANESE, (ETHYLENEBIS(DITHIOCARBAMATO))-	1 2 3 6 8
7439-96-5	MANGANESE	1 2
12079-65-1	MANGANESE CYCLOPENTADIENYL TRICARBONYL MANGANESE, TRICARBONYL(.ETA.5-2,4-CYCLOPENTADIEN-1-YL)-	1 2
1313-13-9	MANGANESE DIOXIDE MANGANESE OXIDE (MNO ₂)	1 2 3
10377-66-9	MANGANESE NITRATE NITRIC ACID, MANGANESE(2+) SALT	1 2 3
1317-34-6	MANGANESE TRIOXIDE MANGANESE OXIDE (MN ₂ O ₃)	1 2
15825-70-4	MANNITOL HEXANITRATE D-MANNITOL, HEXANITRATE	3
108-39-4	M-CRESOL PHENOL, 3-METHYL-	1 2 3 4 15
148-82-3	MELPHALAN L-PHENYLALANINE, 4- BIS(2-CHLOROETHYL)AMINO -	5 7 8 13(E,H)
80-47-7	MENTHANE HYDROPEROXIDE, PARA MENTHANE-8-HYDROPEROXIDE	3
57-53-4	MEPROBAMATE 1,3-PROPANEDIOL, 2-METHYL-2-PROPYL-, DICARBAMATE	13(Y,EE,FF)
2032-65-7	MERCAPTODIMETHUR PHENOL, 3,5-DIMETHYL-4-(METHYLTHIO)-, METHYL CARBAMATE	3 14
1600-27-7	MERCURIC ACETATE ACETIC ACID, MERCURY(2+) SALT	1 2 3

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
7784-37-4	MERCURIC ARSENATE ARSENIC ACID (H3ASO4), MERCURY(2+) SALT (1:1)	1 2 3
583-15-3	MERCURIC BENZOATE MERCURY (II) BENZOATE	1 2 3
7789-47-1	MERCURIC BROMIDE MERCURY BROMIDE (HGBR2)	1 2 3
7487-94-7	MERCURIC CHLORIDE MERCURY CHLORIDE (HGCL2)	1 2 3
592-04-1	MERCURIC CYANIDE MERCURY CYANIDE (HG(CN)2)	1 2 3
10045-94-0	MERCURIC NITRATE NITRIC ACID, MERCURY(2+) SALT	1 2 3
1335-31-5	MERCURIC OXYCYANIDE MERCURY CYANIDE OXIDE (HG2(CN)2O)	1 2 3
591-89-9	MERCURIC POTASSIUM CYANIDE MERCURATE(2-), TETRAKIS(CYANO-C)-, DIPOTASSIUM, (T-4)-	1 2 3
7783-35-9	MERCURIC SULFATE SULFURIC ACID, MERCURY(2+) SALT (1:1)	1 2 3
12002-19-6	MERCUROL	1 2 3
7546-30-7	MERCUROUS CHLORIDE MERCURY CHLORIDE (HGCL)	1 2
10112-91-1	MERCUROUS CHLORIDE MERCURY CHLORIDE (HG2CL2)	1 2
10415-75-5	MERCUROUS NITRATE NITRIC ACID, MERCURY(1+) SALT	1 2 3
7783-36-0	MERCUROUS SULFATE SULFURIC ACID, DIMERCURY(1+) SALT	1 2 3
7439-97-6	MERCURY	1 2 3 4 6
10124-48-8	MERCURY AMMONIUM CHLORIDE MERCURY AMIDE CHLORIDE (HG(NH2)CL)	1 2 3
10031-18-2	MERCURY(1)BROMIDE(1:1) MERCURY BROMIDE (HGBR)	1 2 3 4
15385-58-7	MERCURY(1)BROMIDE(1:1) MERCURY BROMIDE (HG2BR2)	1 2 3 4
628-86-4	MERCURY FULMINATE FULMINIC ACID, MERCURY(2+) SALT	1 2 3 4
63937-14-4	MERCURY GLUCONATE MERCURY(II) GLUCONATE	1 2 3 4
37320-91-5	MERCURY IODIDE	1 2 3 4
1191-80-6	MERCURY OLEATE 9-OCTADECENOIC ACID (Z)-, MERCURY(2+) SALT	1 2 3 4
12653-71-3	MERCURY OXIDE	1 2 3 4
7783-33-7	MERCURY POTASSIUM IODIDE MERCURATE (2-), TETRAIODO-, DIPOTASSIUM	1 2 3 4
5970-32-1	MERCURY SALICYLATE MERCURY, 2-HYDROXYBENZOATE(2-)-01,02 -	1 2 3 4
53408-91-6	MERCURY THIOCYANATE THIOCYANIC ACID, MERCURY SALT	1 2 3 4
141-79-7	MESITYL OXIDE 3-PENTEN-2-ONE, 4-METHYL-	1 2 3 4
72-33-3	MESTRANOL 19-NORPREGNA-1,3,5(10)-TRIEN-20-YN-17-OL, 3-METHOXY-, (17.ALPHA. *)-	7
37273-91-9	METALDEHYDE	3 15
78-85-3	METHACRYLALDEHYDE 2-PROPENAL, 2-METHYL-	3
79-41-4	METHACRYLIC ACID 2-PROPENOIC ACID, 2-METHYL-	2 3 15
513-42-8	METHALLYL ALCOHOL 2-PROPEN-1-OL, 2-METHYL-	3 15
10265-92-6	METHAMIDOPHUS PHOSPHORAMIDOTHIOIC ACID, O, S-DIMETHYL ESTER	14
74-82-8	METHANE	2 3 15

ADOPTIONS

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
62-50-0	METHANESULFONIC ACID, ETHYL ESTER	8
66-27-3	METHANESULFONIC ACID, METHYL ESTER	8
91-80-5	METHAPYRILENE 1,2-ETHANEDIAMINE, N,N-DIMETHYL-N'-2-PYRIDINYL-N'-(2-THIENYLMETHYL)-	8
950-37-8	METHIDATHION PHOSPHORODITHIOIC ACID, S-((5-METHOXY-2-OXO-1,3,4-THIAZOL-3(2H)-METHYL)O,O-DIMETHYL ESTER	14
60-56-0	METHIMAZOLE 2H-IMIDAZOLE-2-THIONE, 1,3-DIHYDRO-1-METHYL-	13(Y)
2032-65-7	METHIOCARB CARBAMIC ACID, N-METHYL, 4-(METHYL THIO)-3,5-XYLYL ESTER	14
16752-77-5	METHOMYL ETANIMIDOTHIOIC ACID, N- (METHYLAMINO)CARBONYL OXY -, METHYL ESTER	2 14
59-05-2	METHOTREXATE L-GLUTAMIC ACID, N- 4- (2,4-DIAMINO-6-PTERIDINYLMETHYL METHYLAMINO BENZOYL)-	13(C,G,O,Y,EE,FF)
72-43-5	METHOXYCHLOR BENZENE, 1,1'-(2,2,2-TRICHLOROETHYLIDENE)BIS 4-METHOXY-	1 2 3 6
109-86-4	2-METHOXYETHANOL ETHANOL, 2-METHOXY-	1 2 10 15
110-49-6	2-METHOXYETHYL ACETATE (METHYL CELLOSOLVE ACETATE) ETHANOL, 2-METHOXYACETATE	1 2 3
76-38-0	METHOXYFLURANE ETHANE, 2,2-DICHLORO-1,1-DIFLUORO-1-METHOXY-	4
6427-21-0	METHOXYMETHYL ISOCYANATE METHANE, ISOCYANATOMETHOXY-	3
107-70-0	4-METHOXY-4-METHYLPENTAN-2-ONE 2-PENTANONE, 4-METHOXY-4-METHYL-	3
150-76-5	4-METHOXYPHENOL PHENOL, 4-METHOXY-	2
79-20-9	METHYL ACETATE ACETIC ACID, METHYL ESTER	1 2 3 15
74-99-7	METHYL ACETYLENE 1-PROPYNE	1 2 15
96-33-3	METHYL ACRYLATE 2-PROPENOIC ACID, METHYL ESTER	1 2 3 15
126-98-7	METHYLACRYLONITRILE	2
	2-PROPENENITRILE, 2-METHYL-	
109-87-5	METHYLAL METHANE, DIMETHOXY-	1 2 3 15
67-56-1	METHYL ALCOHOL METHANOL	1 2 3 4 15
563-47-3	METHYL ALLYL CHLORIDE 1-PROPENE, 3-CHLORO-2-METHYL-	3
12542-85-7	METHYL ALUMINUM SESQUICHLORIDE ALUMINUM, TRICHLOROTRIMETHYLDI-	2 3 15
74-89-5	METHYLAMINE METHANAMINE	1 2 3 15
7789-99-3	METHYLAMYL ACETATE ACETIC ACID, 2-METHYL PENTYL ESTER	3 15
108-84-9	METHYLAMYL ACETATE 2-PENTANOL, 4-METHYL, ACETATE	3 15
54972-97-3	METHYL AMYL ALCOHOL 1-PENTANOL, METHYL-	1 2 3 15
100-61-8	METHYLANILINE BENZENAMINE, N-METHYL-	1 2 3 15
93-58-3	METHYLBENZOATE BENZOIC ACID, METHYL ESTER	3 15
74-83-9	METHYL BROMIDE METHANE, BROMO-	1 2 3 14 15
96-32-2	METHYL BROMOACETATE ACETIC ACID, BROMO-, METHYL ESTER	3
26760-64-5	METHYLBUTENE BUTENE, 2-METHYL-	3 15
623-42-7	METHYL BUTYRATE BUTANOIC ACID, METHYL ESTER	3 15

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
74-87-3	METHYL CHLORIDE METHANE, CHLORO-	1 2 3 15
96-34-4	METHYL CHLOROACETATE ACETIC ACID, CHLORO-, METHYL ESTER	3 15
79-22-1	METHYL CHLOROFORMATE CARBONCHLORIDIC ACID, METHYL ESTER	3
71-55-6	METHYL CHLOROFORM ETHANE, 1,1,1-TRICHLORO-	1 2 3 4 6
17639-93-9	METHYL-2-CHLOROPROPIONATE PROPANOIC ACID, 2-CHLORO-, METHYL ESTER	3
993-00-0	METHYL CHLOROSILANE SILANE, CHLOROMETHYL-	3
137-05-3	METHYL 2-CYANOACRYLATE 2-PROPENOIC ACID, 2-CYANO-, METHYL ESTER	2
25639-42-3	METHYL CYCLOHEXANOL CYCLOHEXANOL, METHYL-	1 2 3 15
108-87-2	METHYLCYCLOHEXANE CYCLOHEXANE, METHYL-	1 2 3 15
12108-13-3	METHYLCYCLOPENTADIENYL MANGANESE TRICARBONYL MANGANESE, TRICARBONYL (1,2,3,4,5-.ETA.)-1-METHYL-2,4-CYCLOPENTA * DIEN-1-YL -	1 2
96-37-7	METHYL CYCLOPENTANE CYCLOPENTANE, METHYL-	3 15
8022-00-2	METHYL DEMETON PHOSPHOROTHIOIC ACID, O- 2-(ETHYLTHIO)ETHYL O,O-DIMETHYL ESTER, * MIXT. WITH S- 2-(ETHYLTHIO)ETHYL O,O-DIMETHYL PHOSPHOROTHIO * ATE	2 14
116-54-1	METHYL DICHLOROACETATE ACETIC ACID, DICHLORO-, METHYL ESTER	3
593-89-5	METHYL DICHLOROARSINE ARSONOUS DICHLORIDE, METHYL-	1 2 3
75-54-7	METHYL DICHLOROSILANE SILANE, DICHLOROMETHYL-	3 15
101-14-4	4,4'-METHYLENEBIS (2-CHLOROANILINE) BENZENAMINE, 4,4'-METHYLENEBIS 2-CHLORO-	1 2 4 5 6 8
5124-30-1	METHYLENE BIS (4-CYCLOHEXYLISOCYANATE) CYCLOHEXANE, 1,1'-METHYLENEBIS 4-ISOCYANATO-	2
101-61-1	4,4'-METHYLENEBIS (N,N-DIMETHYL) BENZENAMINE ANILINE, 4,4'-METHYLENEBIS (N,N-DIMETHYL)-	5 6
101-68-8	METHYLENE BISPHENYL ISOCYANATE (MDI) ISOCYANIC ACID, METHYLENEDI-P-PHENYLENE ESTER	1 2 3 4 12(B)
74-95-3	METHYLENE BROMIDE METHANE, DIBROMO-	3
75-09-2	METHYLENE CHLORIDE METHANE, DICHLORO-	1 2 3 4 6 15
101-77-9	4,4'-METHYLENE DIANILINE BENZENAMINE, 4,4'-METHYLENEBIS-	2 3 6 10 15
540-67-0	METHYL ETHYL ETHER ETHANE, METHOXY-	3 15
1338-23-4	METHYL ETHYL KETONE PEROXIDE 2-BUTANONE, PEROXIDE	2 3
78-93-3	METHYL ETHYL KETONE 2-BUTANONE	1 2 3 4 15
104-90-5	2-METHYL-5-ETHYLPYRIDINE -PICOLINE, 5-ETHYL-	3
593-53-3	METHYL FLUORIDE METHANE, FLUORO-	1 2 3
107-31-3	METHYL FORMATE FORMIC ACID, METHYL ESTER	1 2 3 15
534-22-5	2-METHYLFURAN FURAN, 2-METHYL-	3
541-85-5	5-METHYL-3-HEPTANONE 3-HEPTANONE, 5-METHYL-	1
60-34-4	METHYL HYDRAZINE HYDRAZINE, METHYL-	1 2 3 4 6 15

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
74-88-4	METHYL IODIDE METHANE, IODO-	1 2 3 6 8
110-12-3	METHYL ISOAMYL KETONE 2-HEXANONE, 5-METHYL-	2 3 4 15
108-10-1	METHYL ISOBUTYL KETONE 2-PENTANONE, 4-METHYL-	1 2 3 4 15
37206-20-5	METHYL ISOBUTYL KETONE PEROXIDE 2-PENTANONE, 4-METHYL-, PEROXIDE	3
624-83-9	METHYL ISOCYANATE METHANE, ISOCYANATO-	2 3 12(B) 15
563-80-4	METHYL ISOPROPYL KETONE 2-BUTANONE, 3-METHYL-	2 3
556-61-6	METHYL ISOTHIOCYANATE METHANE, ISOTHIOCYANATO-	3
556-24-1	METHYL ISOVALERATE BUTANOIC ACID, 3-METHYL-, METHYL ESTER	3
75-16-1	METHYL MAGNESIUM BROMIDE MAGNESIUM, BROMOMETHYL-	3
74-93-1	METHYL MERCAPTAN METHANETHIOL	1 2 3 4 15
502-39-6	METHYL MERCURY DICYANDIAMIDE MERCURY, (3-CYANOQUANIDINO)-METHYL	1 2
80-62-6	METHYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, METHYL ESTER	1 2 3 6 15
109-02-4	METHYLMORPHOLINE 4-METHYLMORPHOLINE	3 15
110-43-0	METHYL (N-AMYL) KETONE 2-HEPTANONE	1 2 3 15
591-78-6	METHYL N-BUTYL KETONE 2-HEXANONE	1 2 4
624-91-9	METHYL NITRITE NITROUS ACID, METHYL ESTER	3
681-84-5	METHYL ORTHOSILICATE SILICIC ACID (H4SiO4), TETRAMETHYL ESTER	2 3
298-00-0	METHYL PARATHION PHOSPHOROTHIOIC ACID, O,O-DIMETHYL O-(4-NITROPHENYL) ESTER	2 3 4 14
39382-31-5	METHYLPENTADIENE PENTADIENE, METHYL-HOMOPOLYMER	3
43133-95-5	METHYLPENTANE PENTANE, METHYL-	3
149-74-6	METHYLPHENYLDICHLOROSILANE SILANE, DICHLOROMETHYLPHENYL-	3
676-98-2	METHYL PHOSPHONOTHIOIC DICHLORIDE PHOSPHONOTHIOIC DICHLORIDE, METHYL-	3
676-83-5	METHYL PHOSPHONOUS DICHLORIDE PHOSPHONOUS DICHLORIDE, METHYL-	3
626-67-5	1-METHYLPYPERIDINE PYPERIDINE, 1-METHYL-	3
554-12-1	METHYL PROPIONATE PROPANOIC ACID, METHYL ESTER	3 15
557-17-5	METHYL PROPYL ETHER PROPANE, 1-METHOXY-	3 15
107-87-9	METHYL PROPYL KETONE 2-PENTANONE	1 2 3 4 15
1634-04-4	METHYL-TERT-BUTYL ETHER ETHYL, TERT-BUTYL METHYL	3
25265-68-3	METHYL TETRAHYDROFURAN FURAN, TETRAHYDROMETHYL-	3 15
598-99-2	METHYL TRICHLOROACETATE ACETIC ACID, TRICHLORO-, METHYL ESTER	3
75-79-6	METHYL TRICHLOROSILANE SILANE, TRICHLOROMETHYL-	3 15
615-53-2	METHYL URETHANE CARBAMIC ACID, METHYL NITROSO-ETHYL ESTER	8

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
15877-57-3	METHYL VALERALDEHYDE PENTANAL, 3-METHYL	3 15
123-15-9	METHYL VALERALDEHYDE PENTANAL, 2-METHYL	3 15
1119-16-0	METHYL VALERALDEHYDE PENTANAL, 4-METHYL	3 15
78-94-4	METHYL VINYL KETONE 3-BUTEN-2-ONE	3 15
21087-64-9	METRIBUZIN 1,2,4-TRIAZIN-5(4H)-ONE, 4-AMINO-6-(1,1-DIMETHYLETHYL)-3-(METHYL * THIO)-	2
443-48-1	METRONIDAZOLE 1H-IMIDAZOLE-1-ETHANOL, 2-METHYL-5-NITRO-	7
315-18-4	MEXACARBATE PHENOL, 4-(DIMETHYLAMINO)-3,5-DIMETHYL-, METHYLCARBAMATE (ESTER)	3 14
90-94-8	MICHLERS KETONE METHANONE-BIS 4-(DIMETHYLAMINO) PHENYL -	5
2385-85-5	MIREX 1,3,4-METHENO-1H-CYCLOBUTA CD PENTALENE, 1,1A,2,2,3,3A,4,5,5,5A, * 5B,6-DODECACHLOROCTAHYDRO-	5
1404-00-8	MITOMYCIN	1 13(H)
99-51-4	M-NITROXYLENE 1,2-DIMETHYL-4-NITROBENZENE	3
7439-98-7	MOLYBDENUM	1 2
10241-05-1	MOLYBDENUM PENTACHLORIDE MOLYBDENUM CHLORIDE (MOCL5)	1 2 3
1313-27-5	MOLYBDENUM TRIOXIDE	1 2
6923-22-4	MONOCROTOPHOS PHOSPHORIC ACID, DIMETHYL 1-METHYL-3-(METHYLAMINO)-3-OXO-1-PROPE * NYL ESTER, (E)-	2 14
13537-32-1	MONOFLUOROPHOSPHORIC ACID PHOSPHOROFUORIDIC ACID	1 2 3
110-91-8	MORPHOLINE	1 2 3 15
108-45-2	M-PHENYLENEDIAMINE 1,3-BENZENEDIAMINE	11
626-17-5	M-PHTHALODINITRILE 1,3-BENZENEDICARBONITRILE	2
108-44-1	M-TOLUIDINE	3
	BENZENAMINE, 3-METHYL-	
505-60-2	MUSTARD GAS ETHANE, 1,1'-THIOBIS 2-CHLORO-	5 7 8
1477-55-0	M-XYLENE A, A'-DIAMINE 1,3-BENZENEDIMETHANAMINE	2
628-63-7	N-AMYL ACETATE ACETIC ACID, PENTYL ESTER	1 2 3 15
91-20-3	NAPHTHALENE	1 2 3 6 15
25551-28-4	NAPHTHALENE DIISOCYANATE NAPHTHALENE, DIISOCYANATO-	4
91-59-8	2-NAPHTHYLAMINE 2-NAPHTHALENAMINE	1 2 3 5 7 8
134-32-7	1-NAPHTHYLAMINE 1-NAPHTHALENAMINE	1 6 8 15
30553-04-9	NAPHTHYLTHIOUREA THIOUREA, NAPHTHALENYL-	3
6950-84-1	NAPHTHYLUREA UREA, 1-NAPHTHALENYL	3
13114-62-0	NAPHTHYLUREA UREA, 2-NAPHTHALENYL	3
123-86-4	N-BUTYL ACETATE ACETIC ACID, BUTYL ESTER	1 2 3 15
71-36-3	N-BUTYL ALCOHOL 1-BUTANOL	1 2 3 15
2426-08-6	N-BUTYL GLYCIDYL ETHER OXIRANE, (BUTOXYMETHYL)-	1 2 4 10
111-36-4	N-BUTYLISOCYANATE BUTANE, 1-ISOCYANATO-	3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
138-22-7	N-BUTYL LACTATE PROPANOIC ACID, 2-HYDROXY-, BUTYL ESTER	2
102-81-8	2-N-DIBUTYLAMINOETHANOL 2-(DIBUTYLAMINO)-ETHANOL	2 3
75-83-2	NEOHEXANE BUTANE, 2,2-DIMETHYL-	3 15
7440-01-9	NEON	2 3
517-16-8	N-(ETHYLMERCURIC)-P-TOLUENESULPHONANILIDE MERCURY, ETHYL (P-TOLUENESULFONANILIDATO)-	1 2
100-74-3	N-ETHYLMORPHOLINE MORPHOLINE, 4-ETHYL-	1 2
142-82-5	N-HEPTANE HEPTANE	1 2 3 4 15
110-54-3	N-HEXANE HEXANE	1 2 3 4 15
7440-02-0	NICKEL	1 2 4 5 6 7 8 12(A,B,G,K)
15699-18-0	NICKEL AMMONIUM SULFATE SULFURIC ACID, AMMONIUM NICKEL(2+) SALT (2:2:1)	1 2 3 4
12612-55-4	NICKEL CARBONYL	1 2 3 4 15
37211-05-5	NICKEL CHLORIDE	1 2 3 4
557-19-7	NICKEL CYANIDE NICKEL CYANIDE (NI(CN)2)	3
11113-74-9	NICKEL HYDROXIDE	3
13138-45-9	NICKEL NITRATE NITRIC ACID, NICKEL(2+) SALT	1 2 3 4
7786-81-4	NICKEL SULFATE SULFURIC ACID, NICKEL(2+) SALT (1:1)	1 2 3 4
54-11-5	NICOTINE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-	1 2 3 15
2820-51-1	NICOTINE HYDROCHLORIDE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, HYDROCHLORIDE, (S)-	3
29790-52-1	NICOTINE SALICYLATE BENZOIC ACID, 2-HYDROXY-, COMPD. WITH (S)-3-(1-METHYL-2-PYRROLIDINYL)PYRIDINE (1:1)	3
6505-86-8	NICOTINE SULFATE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-, SULFATE	3
3275-73-8	NICOTINE TARTRATE	3
643-28-7	PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-, R-(R*,R*) -2,3-DI * HYDROXYBUTANEDIOATE	2
1929-82-4	N-ISOPROPYLANILINE BENZENAMINE, N-(1-METHYLETHYL)-	2
7697-37-2	NITRAPYRIN PYRIDINE, 2-CHLORO-6-(TRICHLOROMETHYL)-	2
10102-43-9	NITRIC ACID NITRIC OXIDE NITROGEN OXIDE (NO)	1 2 3 4
139-13-9	NITRILOTRIACETIC ACID GLYCINE, N,N-BIS(CARBOXYMETHYL)-	5
29757-24-2	NITROANILINE BENZENAMINE, AR-NITRO-	3 15
100-17-4	NITROANISOLE 1-METHOXY-4-NITROBENZENE	3
98-95-3	NITROBENZENE BENZENE, NITRO-	1 2 3 15
31212-28-9	NITROBENZENESULFONIC ACID BENZENESULFONIC ACID, NITRO-	3
2338-12-7	5-NITROBENZOTRIAZOL 1H-BENZOTRIAZOLE, 5-NITRO-	3
98-46-4	3-NITROBENZOTRIFLUORIDE TOLUENE, 3-NITRO-ALPHA, ALPHA, ALPHA-TRIFLUORO-	1 2 3 15
586-78-7	NITROBROMOBENZENE 1-BROMO-4-NITROBENZENE	3
9004-70-0	NITROCELLULOSE CELLULOSE, NITRATE	3 15

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
121-17-5	NITROCHLOROBENZOTRI-FLUORIDE BENZENE, 1-CHLORO, 2-NITRO,-4-(TRIFLUOROMETHYL)-	3
118-83-2	NITROCHLOROBENZOTRI-FLUORIDE BENZENE, 4-CHLORO, 1-NITRO,-2-(TRIFLUOROMETHYL)-	3
39974-35-1	NITROCHLOROBENZOTRI-FLUORIDE BENZENE, 2-CHLORO, 1-NITRO,-3-(TRIFLUOROMETHYL)-	3
777-37-7	NITROCHLOROBENZOTRI-FLUORIDE BENZENE, 1-CHLORO, 4-NITRO,-2-(TRIFLUOROMETHYL)-	3
25889-38-7	NITROCHLOROBENZOTRI-FLUORIDE BENZENE, 4-CHLORO, 2-NITRO,-1-(TRIFLUOROMETHYL)-	3
12167-20-3	NITROCREOSOL PHENOL, METHYLNITRO-	3
79-24-3	NITROETHANE ETHANE, NITRO-	1 2 3 15
1836-75-5	NITROFEN BENZENAMINE, 4-ETHOXY-N- (5-NITRO-2-FURANYL)METHYLENE -	5 6
7727-37-9	NITROGEN	3
10102-44-0	NITROGEN DIOXIDE NITROGEN OXIDE (NO2)	1 2 3 4
55-86-7	NITROGEN MUSTARD ETHANAMINE, 2-CHLORO-N-(2-CHLOROETHYL)-N-METHYL-, HYDROCHLORIDE	7 8 13(D,H,L,Q,Y,EE,FF)
302-70-5	NITROGEN MUSTARD N-OXIDE HYDROCHLORIDE DIETHYLAMINE,2,2'-DICHLORO-N-METHYL,N-OXIDE, HYDROCHLORIDE	8
10544-72-6	NITROGEN TETROXIDE NITROGEN OXIDE (N2O4)	3
7783-54-2	NITROGEN TRIFLUORIDE NITROGEN FLUORIDE (NF3)	1 2 3
10544-73-7	NITROGEN TRIOXIDE NITROGEN OXIDE (N2O3)	3
12033-49-7	NITROGEN TRIOXIDE NITROGEN OXIDE (NO3)	3
55-63-0	NITROGLYCERIN 1,2,3-PROPANETRIOL, TRINITRATE	1 2 3 4 15
556-88-7	NITROGUANIDINE GUANIDINE, NITRO-	3
8007-56-5	NITROHYDROCHLORIC ACID AQUA REGIA	3
75-52-5	NITROMETHANE	1 2 3 15
	METHANE, NITRO-	
27254-36-0	NITRONAPHTHALENE NAPHTHALENE, NITRO-	3 15
99-59-2	5-NITRO-O-ANISIDINE BENZENAMINE, 2-METHOXY-5-NITRO-	5 6
554-84-7	3-NITROPHENOL PHENOL, 3-NITRO-	3
100-02-7	4-NITROPHENOL PHENOL, 4-NITRO-	3 6
88-75-5	2-NITROPHENOL PHENOL, 2-NITRO-	3
79-46-9	2-NITROPROPANE PROPANE, 2-NITRO-	1 2 3 6 10 15
25322-01-4	NITROPROPANE PROPANE, NITRO-	3
108-03-2	1-NITROPROPANE PROPANE, 1-NITRO-	1 2 3 15
9056-38-6	NITROSTARCH STARCH, NITRATE	3
2696-92-6	NITROSYL CHLORIDE NITROSYL CHLORIDE ((NO)CL)	3
7782-78-7	NITROSYLSULFURIC ACID SULFURIC ACID, MONOANHYDRIDE WITH NITROUS ACID	3
1321-12-6	NITROTOLUENE BENZENE; METHYLNITRO-	1 2 3 15

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
10024-97-2	NITROUS OXIDE NITROGEN OXIDE (N2O)	3 4
25168-04-1	NITROXYLOL XYLENE, NITRO-	3
110-68-9	N-METHYLBUTYLAMINE 1-BUTANAMINE, N-METHYL-	3
4316-42-1	N-N-BUTYL-IMIDAZOLE 1H-IMIDAZOLE, 1-BUTYL-	3
1116-54-7	N-NITROSODIETHANOLAMINE ETHANOL, 2,2'-NITrosoIMINO)BIS-	5 8
55-18-5	N-NITROSODIETHYLAMINE ETHANAMINE, N-ETHYL-N-NITROSO-	5 8
62-75-9	N-NITROSODIMETHYLAMINE METHANAMINE, N-METHYL-N-NITROSO-	1 2 5 8
924-16-3	N-NITROSODI-N-BUTYLAMINE 1-BUTANAMINE, N-BUTYL-N-NITROSO-	5 8
621-64-7	N-NITROSODI-N-PROPYLAMINE 1-PROPANEAMINE N-NITROSO, N-PROPYL-	5 8
86-30-6	N-NITROSODIPHENYLAMINE BENZENAMINE, N-NITROSO-N-PHENYL-	6
59-89-2	N-NITROSOMORPHOLINE MORPHOLINE, 4-NITROSO-	5 8
759-73-9	N,NITROSO-N-ETHYLUREA UREA, N-ETHYL-N-NITROSO-	5 8
684-93-5	N-NITROSO-N-METHYLUREA UREA, N-METHYL-N-NITROSO-	5 8
100-75-4	N-NITROSOPIPERIDINE PIPERIDINE, 1-NITROSO-	5 8
13256-22-9	N-NITROSOSARCOSINE GLYCINE, N-METHYL-N-NITROSO-	5 8
111-84-2	NONANE	2 3 15
1455-21-6	1-NONANETHIOL	4
5283-67-0	NONYL TRICHLOROSILANE SILANE, TRICHLORONONYL-	3
66-22-4	NORETHISTERONE 19-NORPREGN-4-EN-20-YN-3-ONE, 17-HYDROXY-, (17.ALPHA.)-	7
135-88-6	N-PHENYL-BETA-NAPHTHYLAMINE 2-NAPHTHALENAMINE, N-PHENYL-	2
109-60-4	N-PROPYL ACETATE ACETIC ACID, PROPYL ESTER	1 2 3 15
627-13-4	N-PROPYL NITRATE NITRIC ACID, PROPYL ESTER	1 2 3 15
90-04-0	O-ANISIDINE BENZENAMINE, 2-METHOXY-	1 2 3 5 6 15
134-29-2	O-ANISIDINE HYDROCHLORIDE BENZENAMINE, 2-METHOXY-, HYDROCHLORIDE	5
2698-41-1	O-CHLOROBENZYLIDENE MALONONITRILE PROPANEDINITRILE, (2-CHLOROPHENYL)METHYLENE -	1 2
2039-87-4	O-CHLOROSTYRENE BENZENE, 1-CHLORO-2-ETHENYL-	2
95-49-8	O-CHLOROTOLUENE BENZENE, 1-CHLORO-2-METHYL-	2
95-48-7	O-CRESOL PHENOL, 2-METHYL-	1 2 3 4 15
2234-13-1	OCTACHLORONAPHTHALENE NAPHTHALENE, OCTACHLORO-	1 2
2885-00-0	1-OCTADECANETHIOL	4
112-04-9	OCTADECYL TRICHLORO-SILANE SILANE, TRICHLOROCTADECYL-	3 15
63597-41-1	OCTADIENE	3
360-89-4	OCTAFLUOROBUT-2-ENE 2-BUTENE, 1,1,1,2,3,4,4,4-OCTAFLUORO-	3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
115-25-3	OCTAFLUOROCYCLOBUTANE CYCLOBUTANE, OCTAFLURO-	3
76-19-7	OCTAFLUOROPROPANE PROPANE, OCTAFLURO-	3
111-65-9	OCTANE	1 2 3 4 15
111-88-6	1-OCTANETHIOL	4 15
5283-66-9	OCTYL TRICHLOROSILANE SILANE, TRICHLORODCTYL-	3
NO CAS #	OIL MIST, MINERAL MINERAL OIL	1 2
583-60-8	O-METHYLCYCLOHEXANONE CYCLOHEAXANONE, METHYL-	1 2 3 15
90-43-7	O-PHENYLPHENOL 1,1'-BIPHENYL -2-OL	6
89-72-5	O-SEC-BUTYLPHENOL PHENOL, 2-(1-METHYLPROPYL)-	2
20816-12-0	OSMIUM TETROXIDE OSMIUM OXIDE (OSO4), (7-4)-	1 2 3
95-53-4	O-TOLUIDINE BENZENAMINE, 2-METHYL-	1 2 6 7 15
636-21-5	O-TOLUIDINE HYDROCHLORIDE BENZENAMINE, 2-METHYL-, HYDROCHLORIDE	5 8
99-55-8	O-TOLUIDINE, 5-NITRO BENZENAMINE, 2-METHYL-5-NITRO-	3 8
144-62-7	OXALIC ACID ETHANEDIOIC ACID	1 2 3
1120-71-4	1,2-OXATHIOLANE 2,2-DIOXIDE 1,2-OXATHIOLANE, 2,2-DIOXIDE	2 8
7782-44-7	OXYGEN	3
7783-41-7	OXYGEN DIFLUORIDE OXYGEN FLUORIDE (OF2)	1 2 3
434-07-1	OXYMETHOLONE ANDROSTAN-3-ONE, 17-HYDROXY-2-(HYDROXYMETHYLENE)-17-METHYL-, (5. * ALPHA.,17.BETA.)-	5 7
10028-15-6	OZONE	1 2
8049-47-6	PANCREATIN	12(A)
9001-73-4	PAPAIN	12(A)
30525-89-4	PARAFORMALDEHYDE	3 15
123-63-7	PARALDEHYDE 1,3,5-TRIOXANE, 2,4,6-TRIMETHYL-	3 15
26762-92-5	PARAMENTHANE HYDRO-PEROXIDE CYCLOHEXANE, 1-METHYL-(1-METHYLETHYL)-, MONOHYDROPEROXY DERIVATI * VE	3
311-45-5	PARAOXON PHOSPHORIC ACID, DIETHYL P-NITROPHENYL ESTER	14
4685-14-7	PARAQUAT 4,4'-BIPYRIDINIUM, 1,1'-DIMETHYL-	1 2 14
56-38-2	PARATHION PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-(4-NITROPHENYL) ESTER	1 2 3 4 6
106-51-4	P-BENZOQUINONE 2,5-CYCLOHEXADIENE-1,4-DIONE	1 2 3
68-76-8	P-BENZOQUINONE, 2,3,5-TRIS(1-AZIRIDINYL)- 2,5-CYCLOHEXADIENE-1,4-DIONE, 2,3,5-TRIS(1-AZIRIDINYL)-	7
53469-21-9	PCB-1242 (CHLORODIPHENYL (42% CL))	1 2 8
11097-69-1	PCB-1254 (CHLORODIPHENYL (54% CL))	1 2 8
94-17-7	P-CHLOROBENZOYL PEROXIDE PEROXIDE, BIS(4-CHLOROBENZOYL)	3
104-83-6	P-CHLOROBENZYL CHLORIDE TOLUENE, P, ALPHA-DICHLORO-	3
93-50-5	P-CHLORO-O-ANISIDINE O-ANISIDINE, 4-CHLORO-	3
120-71-8	P-CRESIDINE BENZENAMINE, 2-METHOXY-5-METHYL-	5 6

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
106-44-5	P-CRESOL PHENOL, 4-METHYL-	1 2 3 4 15
9032-75-1	PECTINASE POLYGALACTURONASE	12(A)
19624-22-7	PENTABORANE PENTABORANE (9)	1 2 3 15
76-01-7	PENTACHLOROETHANE ETHANE, PENTACHLORO-	3
1321-64-8	PENTACHLORONAPHTHALENE NAPHTHALENE, PENTACHLORO-	1 2
87-86-5	PENTACHLOROPHENOL PHENOL, PENTACHLORO-	1 2 3 6 14
78-11-5	PENTAERYTHRITE TETRANITRATE PENTAERYTHRITOL, TETRANITRATE	3
30586-18-6	PENTAMETHYLHEPTANE HEPTANE, PENTAMETHYL-	3
109-66-0	PENTANE	1 2 3 4 15
123-54-6	PENTANE-2, 4-DIONE 2,4-PENTAMEDIONE	3 15
12772-47-3	PENTOL 9-OCTADECENOIC ACID (Z)-, ESTER WITH 2,2-BIS(HYDROXYMETHYL)-1,3- * PROPANEDIOL	3
8066-33-9	PENTOLITE 1,3-PROPANEDIOL, 2,2-BIS (NITROOXY)METHYL - , DINITRATE (ESTER), * MIXT. WITH 2-METHYL-1,3,5-TRINITROBENZENE	3
594-42-3	PERCHLOROMETHYL MERCAPTAN METHANESULFENYL CHLORIDE, TRICHLORO-	1 2 3
7616-94-6	PERCHLORYL FLUORIDE	1 2 3
79-21-0	PEROXYACETIC ACID ETHANEPEROXOIC ACID	3 6
62-44-2	PHENACETIN ACETAMIDE, N-(4-ETHOXYPHENYL)-	5 7 8
70-11-1	PHENACYL BROMIDE ETHANONE, 2-BROMO-1-PHENYL-	3
136-40-3	PHENAZOPYRIDINE HYDROCHLORIDE 2,6-PYRIDINEDIAMINE, 3-(PHENYLAZO)-, MONOHYDROCHLORIDE	5
1321-31-9	PHENETIDINE BENZENAMINE, AR-ETHOXY-	3
108-95-2	PHENOL	1 2 3 4 6 12(B) 15
98-11-3	PHENOLSULPHONIC ACID BENZENESULFONIC ACID	3
92-84-2	PHENOTHIAZINE 10H-PHENOTHIAZINE	2
140-29-4	PHENYLACETONITRILE BENZENEACETONITRILE	3 15
103-80-0	PHENYLACETYL CHLORIDE BENZENEACETYL CHLORIDE	3
622-44-6	PHENYL CARBYLAMINE CHLORIDE CARBONIMIDIC DICHLORIDE, PHENYL-	3
1885-14-9	PHENYLCHLOROFORMATE CARBONCHLORIDIC ACID, PHENYL ESTER	3
696-2E-6	PHENYLDICHLOROARSINE ARSONOUS DICHLORIDE, PHENYL-	1 3
25265-76-3	PHENYLENEDIAMINE BENZENEDIAMINE	3 15
101-84-E	PHENYL ETHER BENZENE, 1,1'-OXYBIS-	1 2
122-60-1	PHENYL GLYCIDYL ETHER OXIRANE, (PHENOXYMETHYL)-	1 2 4
69-91-0	PHENYLGLYCINE ACID .ALPHA.-AMINO-BENZENEACETIC ACID	12(A)
100-63-0	PHENYLHYDRAZINE HYDRAZINE, PHENYL-	1 2 3 4 15
103-71-9	PHENYL ISOCYANATE BENZENE, ISOCYANATO-	3

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
62-38-4	PHENYLMERCURIC ACETATE MERCURY, (ACETATO-O)PHENYL-	1 2 3
100-57-2	PHENYLMERCURIC HYDROXIDE MERCURY, HYDROXYPHENYL-	1 2 3
55-68-5	PHENYLMERCURIC NITRATE MERCURY, (NITRATO-O)PHENYL-	1 2 3
638-21-1	PHENYLPHOSPHINE PHOSPHINE, PHENYL-	2
98-13-5	PHENYL TRICHLOROSILANE SILANE, TRICHLOROPHENYL-	3 15
57-41-0	PHENYTOIN 2,4-IMIDAZOLIDINEDIONE, 5,5-DIPHENYL-	5 7
298-02-2	PHORATE PHOSPHORODITHIOIC ACID, O,O-DIETHYL S- (ETHYLTHIO)METHYL ESTER	2 14
7786-34-7	PHOSDRIN 2-BUTENOIC ACID, 3- (DIMETHOXYPHOSPHINYL)OXY -, METHYL ESTER	1 2 14
75-44-5	PHOSGENE CARBONIC DICHLORIDE	1 2 3 4 6
13396-80-0	9-PHOSPHABICYCLONONANE 9-PHOSPHABICYCLO 4.2.1 NONANE	3
13387-02-0	9-PHOSPHABICYCLONONANE 9-PHOSPHABICYCLO 3.3.1 NONANE	3
13171-21-6	PHOSPHAMIDON PHOSPHORIC ACID, 2-CHLORO-3-(DIETHYLAMINO)-1-METHYL-3-OXO-1-PRO * PENYL DIMETHYL ESTER	14
7803-51-2	PHOSPHINE	1 2 3 15
52-24-4	PHOSPHINE SULFIDE, TRIS(1-AZIRIDINYL)- AZIRIDINE, 1,1',1''-PHOSPHINOTHIOYLIDYMETRIS-	5 7 8
7664-38-2	PHOSPHORIC ACID	1 2 3
1314-56-3	PHOSPHORIC ANHYDRIDE PHOSPHORUS OXIDE (P2O5)	3
10294-56-1	PHOSPHOROUS ACID, ORTHO O-PHOSPHOROUS ACID	3
13598-36-2	PHOSPHOROUS ACID, ORTHO PHOSPHONIC ACID	3
7723-14-0	PHOSPHORUS, AMORPHOUS, RED PHOSPHORUS (RED)	3 14
12037-82-0	PHOSPHORUS HEPTA-SULPHIDE	3
	PHOSPHORUS SULFIDE (P4S7)	
7789-59-5	PHOSPHORUS OXYBROMIDE PHOSPHORYL BROMIDE	3
10025-87-3	PHOSPHORUS OXYCHLORIDE PHOSPHORYL CHLORIDE	3
7789-69-7	PHOSPHORUS PENTABROMIDE PHOSPHORANE, PENTABROMO-	3
10026-13-8	PHOSPHORUS PENTACHLORIDE PHOSPHORANE, PENTACHLORO-	1 2 3
7647-19-0	PHOSPHORUS PENTA-FLUORIDE PHOSPHORANE, PENTAFLURO-	1 2 3
1314-80-3	PHOSPHORUS PENTASULFIDE PHOSPHORUS SULFIDE (P2S5)	1 2 3
1314-85-8	PHOSPHORUS SESQUISULFIDE PHOSPHORUS SULFIDE (P4S3)	3
7789-60-8	PHOSPHORUS TRIBROMIDE PHOSPHOROUS TRIBROMIDE	3
7719-12-2	PHOSPHORUS TRICHLORIDE PHOSPHOROUS TRICHLORIDE	1 2 3
7783-55-3	PHOSPHORUS TRIFLUORIDE PHOSPHOROUS TRIFLUORIDE	1 2
1314-24-5	PHOSPHORUS TRIOXIDE PHOSPHORUS OXIDE (P2O3)	3
12165-69-4	PHOSPHORUS TRISULFIDE PHOSPHORUS SULFIDE (P2S3)	3

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
7723-14-0	PHOSPHORUS (YELLOW) PHOSPHORUS (WHITE)	1 2 3 14
85-44-9	PHTHALIC ANHYDRIDE 1,3-ISOBENZOFURANDIONE	1 2 3 12(A,B,G) 15
1918-02-1	PICLORAM 2-PYRIDINECARBOXYLIC ACID, 4-AMINO-3,5,6-TRICHLORO-	2 14
1333-41-1	PICOLINE PYRIDINE, METHYL-	3 15
28324-52-9	PINANE HYDROPEROXIDE HYDROPEROXIDE, 2,6,6-TRIMETHYLBICYCLO 3.1.1 HEPTYL	3
1330-16-1	PINENE BICYCLO 3.1.1 HEPTANE, 2,6,6-TRIMETHYL-, DIDEHYDRO DERIV.	3 15
110-85-0	PIPERAZINE	3 15
142-64-3	PIPERAZINE DIHYDROCHLORIDE PIPERAZINE, DIHYDROCHLORIDE	2
6094-40-2	PIPERAZINE HYDROCHLORIDE PIPERAZINE, HYDROCHLORIDE	12(A,E)
110-89-4	PIPERIDINE	3 15
23103-98-2	PIRIMICARB CARBAMIC ACID, DIMETHYL-,2-(DIMETHYLAMINO)-5,6-DIMETHYL-4-PYRIMI * DYL ESTER	14
23505-41-1	PIRIMPHOS-ETHYL PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-(2-(DIETHYLAMINO)-6-METHYL-4 * -PYRIMIDINYL) ESTER	14
83-26-1	PIVAL 1H-INDENE-1,3(2H)-DIONE, 2-(2,2-DIMETHYL-1-OXOPROPYL)-	1 2 14
7440-06-4	PLATINUM	1 2 12(A,B,D,G)
100-01-6	P-NITROANILINE BENZENAMINE, 4-NITRO-	1 2
100-00-5	P-NITROCHLOROBENZENE BENZENE, 1-CHLORO-4-NITRO-	1 2
138-89-6	P-NITROSODIMETHYLANILINE BENZENAMINE, N,N-DIMETHYL-4-NITROSO-	3
156-10-5	P-NITROSODIPHENYLAMINE BENZENAMINE, 4-NITROSO-N-PHENYL-	5
59536-65-1	POLYBROMINATED BIPHENYLS FIREMASTER BP-6	5
67774-32-7	POLYBROMINATED BIPHENYLS FIREMASTER FF1	5
1336-36-3	POLYCHLORINATED BIPHENYLS	3 4 5 6 7 8
7440-09-7	POTASSIUM	3
7784-41-0	POTASSIUM ARSENATE ARSENIC ACID (H3ASO4), MONOPOTASSIUM SALT	1 2 3 5 7 8
10124-50-2	POTASSIUM ARSENITE ARSONIC ACID, POTASSIUM SALT	1 2 3 5 7 8
13762-51-1	POTASSIUM BOROHYDRIDE BORATE(1-), TETRAHYDRO-, POTASSIUM	3
7758-01-2	POTASSIUM BROMATE BROMIC ACID, POTASSIUM SALT	3
3811-04-9	POTASSIUM CHLORATE CHLORIC ACID, POTASSIUM SALT	3
7789-00-6	POTASSIUM CHROMATE CHROMIC ACID (H2CR04), DIPOTASSIUM SALT	1 2 3 7
151-50-8	POTASSIUM CYANIDE POTASSIUM CYANIDE (K(CN))	1 2 3 4
2244-21-5	POTASSIUM DICHLORO-ISOCYANURATE 1,3,5-TRIAZINE-2,4,6-(1H,3H,5H)-TRIONE, 1,3-DICHLORO-, POTASSIUM * SALT	3
7778-50-9	POTASSIUM DICHROMATE CHROMIC ACID (H2CR2O7), DIPOTASSIUM SALT	1 2 3 5 7 8
7789-23-3	POTASSIUM FLUORIDE POTASSIUM FLUORIDE (KF)	1 2 3
23745-86-0	POTASSIUM FLUOROACETATE ACETIC ACID, FLUORO-, POTASSIUM SALT	1 2 3
16921-30-5	POTASSIUM HEXACHLOROPLATINATE PLATINATE(2-), HEXACHLORO-, DIPOTASSIUM, (OC-6-11)-	1 2

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
7789-29-9	POTASSIUM HYDROGEN FLUORIDE POTASSIUM FLUORIDE	1 2 3
7646-93-7	POTASSIUM HYDROGEN SULFATE SULFURIC ACID, MONOPOTASSIUM SALT	3
14293-73-3	POTASSIUM HYDROSULFITE DITHIONOUS ACID, DIPOTASSIUM SALT	3
1310-58-3	POTASSIUM HYDROXIDE POTASSIUM HYDROXIDE (K(OH))	2 3
7778-66-7	POTASSIUM HYPOCHLORITE HYPOCHLOROUS ACID, POTASSIUM SALT	3
13769-43-2	POTASSIUM-META-VANADATE POTASSIUM VANADATE	3
7757-79-1	POTASSIUM NITRATE NITRIC ACID POTASSIUM SALT	3
7758-09-0	POTASSIUM NITRITE NITROUS ACID, POTASSIUM SALT	3
12136-45-7	POTASSIUM OXIDE POTASSIUM OXIDE (K ₂ O)	3
7778-74-7	POTASSIUM PERCHLORATE PERCHLORIC ACID, POTASSIUM SALT	3
7722-64-7	POTASSIUM PERMANGANATE PERMANGANIC ACID (HMNO ₄), POTASSIUM SALT	3
17014-71-0	POTASSIUM PEROXIDE POTASSIUM PEROXIDE (K ₂ O ₂)	3
7727-21-1	POTASSIUM PERSULFATE PEROXYDISULFURIC ACID ((HO)S(O) ₂ 2O ₂), DIPOTASSIUM SALT	3
13659-67-1	POTASSIUM PHOSPHIDE POTASSIUM PHOSPHIDE (K(H ₂ P))	3
16871-90-2	POTASSIUM SILICOFLUORIDE SILICATE(2-), HEXAFLUORO-, DIPOTASSIUM	1 2 3
37248-34-3	POTASSIUM SULFIDE	3
12030-88-5	POTASSIUM SUPEROXIDE POTASSIUM SUPEROXIDE (K(O ₂))	3
10025-99-7	POTASSIUM TETRACHLOROPLATINATE PLATINATE(2-), TETRACHLORO-, DIPOTASSIUM, (SP-4-1)-	1 2
106-50-3	P-PHENYLENE DIAMINE 1,4-BENZENEDIAMINE	1 2 3 12(A,B)
50-24-8	PREDNISOLONE	13(Z,AA,FF)
53-03-2	PREGNA-1,4-DIENE-3,20-DIONE, 11,17,21-TRIHYDROXY-, (11.BETA.)- PREDNISON PREGNA-1,4-DIENE-3,11,20-TRIONE, 17,21-DIHYDROXY-	13(Z,AA,FF)
366-70-1	PROCARBAZINE HYDROCHLORIDE BENZAMIDE, N-(1-METHYLETHYL)-4- (2-METHYLHYDRAZINO)METHYL - MON * HYDROCHLORIDE	5 7 13(D,H,L,Q)
57-83-0	PROGESTERONE PREGN-4-ENE-3,20-DIONE	7
23950-58-5	PRONAMIDE BENZAMIDE, 3,5-DICHLORO-N-(1,1-DIMETHYL-2-PROPYNYL)-	8
463-49-0	PROPADIENE 1,2-PROPADIENE	3
74-98-6	PROPANE	1 2 15
79869-58-2	PROPANETHIOL	3 4
2312-35-8	PROPARGITE SULFUROUS ACID, 2- 4-(1,1-DIMETHYLETHYL)PHENOXY CYCLOHEXYL 2-PRO * PNYL ESTER	3
107-19-7	PROPARGYL ALCOHOL 2-PROPYN-1-OL	2 3 15
123-38-6	PROPIONALDEHYDE PROPANAL	3 15
79-09-4	PROPIONIC ACID PROPANOIC ACID	2 3 15
123-62-6	PROPIONIC ANHYDRIDE PROPANOIC ACID, ANHYDRIDE	3 15
107-12-0	PROPIONITRILE PROPANENITRILE	3 4 15

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
79-03-8	PROPIONYL CHLORIDE PROPANOYL CHLORIDE	3 15
3248-28-0	PROPIONYL PEROXIDE PEROXIDE, BIS(1-OXOPROPYL)	3
114-26-1	PROPOXUR PHENOL, 2-(1-METHYLETHOXY)-, METHYLCARBAMATE	2 6 14
71-23-8	PROPYL ALCOHOL 1-PROPANOL	1 2 3 15
107-10-8	PROPYLAMINE 1-PROPANAMINE	3 15
103-65-1	PROPYL BENZENE BENZENE, PROPYL-	3 15
109-61-5	PROPYLCHLOROFORMATE CARBOXYCHLORIDIC ACID, PROPYL ESTER	3
115-07-1	PROPYLENE 1-PROPENE	2 3 15
78-89-7	PROPYLENE CHLOROHYDRIN 1-PROPANOL, 2-CHLORO-	3
78-90-0	PROPYLENEDIAMINE 1,2-PROPANEDIAMINE	3 15
6423-43-4	PROPYLENE GLYCOL DINITRATE 1,2-PROPANEDIOL, DINITRATE	2
107-98-2	PROPYLENE GLYCOL MONOMETHYL ETHER PROPANOL, METHOXY-	2
75-55-8	PROPYLENE IMINE AZIRIDINE, 2-METHYL	1 2 3
75-56-9	PROPYLENE OXIDE OXIRANE, METHYL-	1 2 3 6 15
110-74-7	PROPYL FORMATE FORMIC ACID, PROPYL ESTER	3 15
110-78-1	PROPYL ISOCYANATE PROPANE, 1-ISOCYANATO-	3
107-03-9	PROPYL MERCAPTAN 1-PROPANETHIOL	3
141-57-1	PROPYL TRICHLOROSILANE SILANE, TRICHLOROPROPYL-	3 15
98-51-1	P-TERT-BUTYL TOLUENE BENZENE, 1-(1,1-DIMETHYLETHYL)-4-METHYL-	1 2
671-16-9	P-TOLUAMIDE, N-ISOPROPYL-ALPHA-(2-METHYLHYDRAZINO)-	5 7
106-49-0	P-TOLUIDINE BENZENAMINE, 4-METHYL-	3 15
8003-34-7	PYRETHRUM PYRETHRINS AND PYRETHROIDS	1 2
110-86-1	PYRIDINE	1 2 3 15
7791-27-7	PYROSULPHURYL CHLORIDE PYROSULFURYL CHLORIDE	3
123-75-1	PYRROLIDINE	3 15
69-05-6	QUINACRINE HYDROCHLORIDE 1,4-PENTANEDIAMINE, N,N,N,N-(6-CHLORO-2-METHOXY-9-ACRIDINYL)-N,N * -DIETHYL-, DIHYDROCHLORINE	13(Y, FF)
91-22-5	QUINOLINE	3 6 15
56-57-5	QUINOLINE, 4-NITRO-, 1-OXIDE	8
82-68-8	QUINTOZENE BENZENE, PENTACHLORONITRO-	6 8
NO CAS #	RED SQUILL	14
50-55-5	RESERPINE YOHIMBAN-16-CARBOXYLIC ACID, 11,17-DIMETHOXY-18-(3,4,5-TRIMETHO * XYBENZOYL OXY)-, METHYL ESTER, (3.BETA.,16.BETA.,17.ALPHA.,18 * .BETA.,20.ALPHA.)-	5 8
NO CAS #	RESIN FAST BLACK WP	9
108-46-3	RESORCINOL 1,3-BENZENEDIOL	2 3 15
7440-16-6	RHODIUM	1 2

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
10049-07-7	RHODIUM TRICHLORIDE RHODIUM (III) CHLORIDE (1:3)	1 2
299-84-3	RONNEL PHOSPHOROTHIOIC ACID, O,O-DIMETHYL O-(2,4,5-TRICHLOROPHENYL) EST * ER	1 2
83-79-4	ROTENONE 1 BENZOPYRANO 3,4-B FURO 2,3-H 1 BENZOPYRAN-6(6AH)-ONE, 1,2,12 * 12A-TETRAHYDRO-B,9-DIMETHOXY-2-(1-METHYLETHENYL)-, 2R-(2.AL * PHA.,6A.ALPHA.,12A.ALPHA.) -	1 2
7440-17-7	RUBIDIUM	3
1310-82-3	RUBIDIUM HYDROXIDE RUBIDIUM HYDROXIDE (RB(OH))	3 15
81-07-2	SACCHARIN 1,2-BENZISOTHIAZOL-3(2H)-ONE, 1,1-DIOXIDE	5 8
94-59-7	SAFROLE 1,3-BENZODIOXOLE, 5-(2-PROPENYL)-	5 6 8
626-38-0	SEC-AMYL ACETATE ACETIC ACID, SEC-PENTYL ESTER	1 2
105-46-4	SEC-BUTYL ACETATE ACETIC ACID, 1-METHYLPROPYL ESTER	1 2
78-92-2	SEC-BUTYL ALCOHOL 2-BUTANOL	1 2
5953-49-1	SEC-HEXYL ACETATE 2-HEXANOL ACETATE	1 2
7783-08-6	SELENIC ACID	1 2 3
7782-49-2	SELENIUM	1 2
7783-79-1	SELENIUM HEXAFLUORIDE SELENIUM FLUORIDE (SEF6), (OC-6-11)-	1 2 3
12640-89-0	SELENIUM OXIDE	1 2 3
56093-45-9	SELENIUM SULFIDE	1 2 5 8
136-78-7	SESONE ETHANOL, 2-(2,4-DICHLOROPHENOXY)-, HYDROGEN SULFATE, SODIUM SALT	1 2
7631-86-9	SILICA, AMORPHOUS SILICA, FUMED	1 2
60676-86-0	SILICA, AMORPHOUS SILICA, FUSED	1 2
14464-46-1	SILICA, CRISTOBALITE SILICA, CRYSTALLINE-CRISTOBALITE	1 2 4 10
409-21-2	SILICA, GRAPHITE SILICON CARBIDE	1
12001-26-2	SILICA, MICA SILICATE, MICA	1 2
14808-60-7	SILICA, QUARTZ SILICA, CRYSTALLINE-QUARTZ	1 2
65997-15-1	SILICATE, PORTLAND CEMENT	1
NO CAS #	SILICATE, SOAPSTONE	1 2
15468-32-3	SILICA, TRIDYMIT SILICA, CRYSTALLINE-TRIDYMIT	1 2
1317-95-9	SILICA, TRIPOLI	1 2
39630-75-6	SILICOFLUORIC ACID SILANETRIOL, FLUORO-	1 2 3
10026-04-7	SILICON TETRACHLORIDE SILANE, TETRACHLORO-	3
7783-61-1	SILICON TETRAFLUORIDE SILANE, TETRAFLURO-	3
7803-62-5	SILICON TETRAHYDRIDE SILANE	2 3
7440-22-4	SILVER	1 2
7784-08-9	SILVER ARSENITE ARSENDUS ACID, TRISILVER(1+) SALT	1 3
506-64-9	SILVER CYANIDE SILVER CYANIDE (AG(CN))	3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
7761-88-8	SILVER NITRATE NITRIC ACID SILVER(1+) SALT	1 2 3
146-84-9	SILVER PICRATE PHENOL, 2,4,6-TRINITRO-, SILVER(1+) SALT	1 2 3
7440-23-5	SODIUM	3
1302-42-7	SODIUM ALUMINATE ALUMINATE (ALO21-), SODIUM	3
15096-52-3	SODIUM ALUMINUM FLUORIDE SODIUM FLUOALUMINATE	1 4
13770-96-2	SODIUM ALUMINUM HYDRIDE ALUMINATE(1-), TETRAHYDRO-, SODIUM, (T-4)-	2 3
11110-52-4	SODIUM AMALGAM MERCURY ALLOY, BASE, HG,NA	1 3
7782-92-5	SODIUM AMIDE SODIUM AMIDE (NA(NH2))	3
13718-26-8	SODIUM AMMONIUM VANADATE SODIUM VANADATE	3
127-85-5	SODIUM ARSANILATE ARSONIC ACID, (4-AMINOPHENYL)-, MONOSODIUM SALT	1 2 3
7631-89-2	SODIUM ARSENATE ARSENIC ACID (H3ASO4), SODIUM SALT	1 2 3 5 7 8
7784-46-5	SODIUM ARSENITE ARSENEOUS ACID, SODIUM SALT	1 2 3 5 7 8
26628-22-8	SODIUM AZIDE SODIUM AZIDE (NA(N3))	2 3 14
7681-38-1	SODIUM BISULFATE SULFURIC ACID, MONOSODIUM SALT	3
7631-90-5	SODIUM BISULFITE SULFUROUS ACID, MONOSODIUM SALT	2
7789-38-0	SODIUM BROMATE BROMIC ACID, SODIUM SALT	3
124-65-2	SODIUM CACODYLATE ARSINIC ACID, DIMETHYL-, SODIUM SALT	1 3
7775-09-9	SODIUM CHLORATE CHLORIC ACID, SODIUM SALT	1 3 14
7758-19-2	SODIUM CHLORITE CHLOROUS ACID, SODIUM SALT	3
3926-62-3	SODIUM CHLOROACETATE	3
	ACETIC ACID, CHLORO-, SODIUM SALT	
1307-82-0	SODIUM CHLOROPLATINATE PLATINATE(2-), HEXACHLORO-DISODIUM, TETRAHYDRATE	1 2
7775-11-3	SODIUM CHROMATE CHROMIUM SODIUM OXIDE	1 2 3 5 7 8
143-33-9	SODIUM CYANIDE SODIUM CYANIDE (NA(CN))	2 3 4 14
2893-78-9	SODIUM DICHLORO-ISOCYANATE S-TRIAZINE-2,4,6 (1H,3H,5H)-TRIONE, DICHLORO-, SODIUM SALT	3
7775-11-3	SODIUM DICHROMATE CHROMIC ACID, DISODIUM SALT	1 2 3 5 7 8
2312-76-7	SODIUM DINITRO-ORTHO-CRESOLATE O-CRESOL, 4,6-DINITRO-, SODIUM SALT	3
7775-14-6	SODIUM DITHIONITE DITHIONOUS ACID, DISODIUM SALT	3
25155-30-0	SODIUM DODECYLBENZENE SULFONATE BENZENESULFONIC ACID, DODECYL-, SODIUM SALT	3
7681-49-4	SODIUM FLUORIDE SODIUM FLUORIDE (NAF)	1 2 3
62-74-8	SODIUM FLUOROACETATE ACETIC ACID, FLUORO-, SODIUM SALT	1 2 3 14
16893-85-9	SODIUM FLUORSILICATE SILICATE(2-), HEXAFLUORO-, DISODIUM	1 2 3
7646-69-7	SODIUM HYDRIDE SODIUM HYDRIDE (NAH)	3

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
1333-83-1	SODIUM HYDROGEN FLUORIDE SODIUM FLUORIDE (NA(HF2))	1 2 3
7681-38-1	SODIUM HYDROGEN SULFATE SULFURIC ACID, MONOSODIUM SALT	3
16721-80-5	SODIUM HYDROSULFIDE SODIUM SULFIDE (NA(SH))	3
1310-73-2	SODIUM HYDROXIDE SODIUM HYDROXIDE (NA(OH))	1 2 3 4
7681-52-9	SODIUM HYPOCHLORITE HYPOCHLOROUS ACID, SODIUM SALT	3
7681-57-4	SODIUM METABISULFITE DISULFUROUS ACID, DISODIUM SALT	2
124-41-4	SODIUM METHYLATE METHANOL, SODIUM SALT	3
12401-86-4	SODIUM MONOXIDE SODIUM OXIDE (NAO)	3
7631-99-4	SODIUM NITRATE NITRIC ACID SODIUM SALT	3
131-52-2	SODIUM PENTACHLORO-PHENATE PHENOL, PENTACHLORO-, SODIUM SALT	3
4452-58-8	SODIUM PERCARBONATE CARBONOPEROXIC ACID, DISODIUM SALT	3
15630-89-4	SODIUM PERCARBONATE CARBONIC ACID DISODIUM SALT, COMPD. WITH HYDROGEN PEROXIDE (H2O2 *) (2:3)	3
3313-92-6	SODIUM PERCARBONATE PEROXYDICARBONIC ACID, DISODIUM SALT	3
7601-89-0	SODIUM PERCHLORATE PERCHLORIC ACID, SODIUM SALT	3
10101-50-5	SODIUM PERMANGANATE PERMANGANIC ACID (HMNO4), SODIUM SALT	3
1313-60-6	SODIUM PEROXIDE SODIUM PEROXIDE (NA2(O2))	3
28831-12-1	SODIUM PERSULFATE PEROXYMONOSULFURIC ACID, MONOSODIUM SALT	3
15593-29-0	SODIUM PERSULFATE PEROXYMONOSULFURIC ACID, DISODIUM SALT	3
7775-27-1	SODIUM PERSULFATE PEROXYDISULFURIC ACID ((HO)S(O)2 2O2), DISODIUM SALT	3
139-02-6	SODIUM PHENOLATE PHENOL, SODIUM SALT	3
7558-79-4	SODIUM PHOSPHATE, DIBASIC PHOSPHORIC ACID, DISODIUM SALT	3
7601-54-9	SODIUM PHOSPHATE, TRIBASIC PHOSPHORIC ACID, TRISODIUM SALT	3
12058-85-4	SODIUM PHOSPHIDE	3
13410-01-0	SODIUM SELENATE SELENIC ACID, DISODIUM SALT	1 2
10102-18-8	SODIUM SELENITE SELENIOS ACID, DISODIUM SALT	1 2 3
1313-82-2	SODIUM SULFIDE SODIUM SULFIDE (NA2S)	3
12034-12-7	SODIUM SUPEROXIDE SODIUM SUPEROXIDE (NA(O2))	3
8025-81-8	SPIRAMYCIN	12(A,G)
10026-06-9	STANNIC CHLORIDE, HYDRATED TIN(IV) CHLORIDE, PENTAHYDRATE(1:4:5)	1 2 3
12440-42-5	STANNIC PHOSPHIDE TIN PHOSPHIDE (SN3P4)	1 2 3
7772-99-8	STANNOUS CHLORIDE TIN CHLORIDE (SNCL2)	1 2 3
7783-47-3	STANNOUS FLUORIDE TIN FLUORIDE	1 2

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
440-17-5	STELAZINE 10H-PHENOTHIAZINE, 10-(3-(4-METHYL-1-PIPERAZINYL)PROPYL)-2-(TRIF * LUOROMETHYL)-, DIHYDROCHLORIDE	13(DD)
7803-52-3	STIBINE	1 2 3
8052-41-3	STODDARD SOLVENT	1 2
57-92-1	STREPTOMYCIN	13(Y,FF)
18883-66-4	STREPTOZOCIN D-GLUCOSE, 2-DEOXY-2- (METHYLNITROSDAMINO)CARBONYL AMINO -	5 8
7440-24-6	STRONTIUM	3
15195-06-9	STRONTIUM ARSENITE	1 2 3
7791-10-8	STRONTIUM CHLORATE CHLORIC ACID, STRONTIUM SALT	3
7789-06-2	STRONTIUM CHROMATE CHROMIC ACID (H2CR04), STRONTIUM SALT (1:1)	3 5 7 8
10042-76-9	STRONTIUM NITRATE NITRIC ACID, STRONTIUM SALT	3
13450-97-0	STRONTIUM PERCHLORATE PERCHLORIC ACID, STRONTIUM SALT	3
1314-18-7	STRONTIUM PEROXIDE STRONTIUM PEROXIDE (SR(O2))	3
12504-13-1	STRONTIUM PHOSPHIDE	3
57-24-9	STRYCHNINE STRYCHNIDIN-10-ONE	1 2 3 14
100-42-5	STYRENE MONOMER	1 2 3 6 15
96-09-3	STYRENE OXIDE OXIRANE, PHENYL-	6 15
1395-21-7	SUBTILISINS (PROTEOLYTIC ENZ AS 100% PURE CRYST ENZYME) BACILLUS SUBTILIS BPN	2
123-23-9	SUCCINIC ACID PEROXIDE BUTANOIC ACID, 4,4'-DIOXYBIS 4-OXO-	3
110-61-2	SUCCINONITRILE BUTANEDINITRILE	4 15
95-06-7	SUFALLATE CARBAMODITHIOIC ACID, DIETHYL-, 2-CHLORO-2-PROPENYL ESTER	5
723-46-6	SULFAMETHOXAZOLE BENZENESULFONAMIDE, 4-AMINO-N-(5-METHYL-3-(ISOXAZOLYL)-	13(Y,EE,FF)
72-14-0	SULFATHIAZOLE BENZENESULFONAMIDE, 4-AMINO-N-2-THIAZOLYL-	12(A,B)
3689-24-5	SULFOTEPP THIODIPHOSPHORIC ACID (MO)2 P(S)2 O TETRAETHYL ESTER	1 2 3 14
7704-34-9	SULFUR	3
12771-08-3	SULFUR CHLORIDE	3 15
7446-09-5	SULFUR DIOXIDE	1 2 3 4
2551-62-4	SULFUR HEXAFLUORIDE SULFUR FLUORIDE (SF6), (OC-6-11)-	1 2 3
7664-93-9	SULFURIC ACID	1 2 3 4
8014-95-7	SULFURIC ACID, FUMING SULFURIC ACID, MIXT. WITH SULFUR TRIOXIDE	3
10025-67-9	SULFUR MONOCHLORIDE SULFUR CHLORIDE (S2CL2)	1 2
7782-99-2	SULFUROUS ACID SOLUTION SULFUROUS ACID (H2S03)	3
10546-01-7	SULFUR PENTAFLUORIDE SULFUR FLUORIDE (SF5)	1 2
7783-60-0	SULFUR TETRAFLUORIDE SULFUR FLUORIDE (SF4), (T-4)-	2 3
7446-11-9	SULFUR TRIOXIDE	3
7791-25-5	SULFURYL CHLORIDE	3
2699-79-8	SULFURYL FLUORIDE	1 2 3 14

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
5329-14-6	SULPHAMIC ACID SULFAMIC ACID	3
35400-43-2	SULPROFOS PHOSPHORODITHIOIC ACID, O-ETHYL O- 4-(METHYLTHIO)PHENYL S-PROPYL * L ESTER	2
122-10-1	SHAT GLUTACONIC ACID, 3-HYDROXY-, DIMETHYL ESTER, DIMETHYL PHOSPHATE	14
14807-96-6	TALC TALC (MG3H2(SIO3)4)	1 2
42589-07-1	2, 4, 5-T AMINE PHENOL, 2, 4, 5-TRICHLORO-COMPOUND WITH AMINE(1:1)	1 3
7440-25-7	TANTALUM	1 2
50-31-7	2, 3, 6-TBA BENZOIC ACID, 2, 3, 6-TRICHLORO-	14
13494-80-9	TELLURIUM	1 2
7783-80-4	TELLURIUM HEXAFLUORIDE TELLURIUM FLUORIDE (TEF6), (OC-6-11)-	1 2 3
3383-96-8	TEMPHOS PHOSPHOROTHIOIC ACID, O,O'- (THIODI-4, 1-PHENYLENE) O,O', O', O'-TETRA * AMETHYL ESTER	2
107-49-3	TEPP DIPHOSPHORIC ACID, TETRAETHYL ESTER	1 2 3 14
92-06-8	TERPHENYLS M-TERPHENYL	1 2
84-15-1	TERPHENYLS O-TERPHENYL	1 2
92-94-4	TERPHENYLS P-TERPHENYL	1 2
586-62-9	TERPINOLENE CYCLOHEXENE, 1-METHYL-4-(1-METHYLETHYLIDENE)-	3
540-88-5	TERT-BUTYL ACETATE ACETIC ACID, 1,1-DIMETHYLETHYL ESTER	1 2
75-65-0	TERT-BUTYL ALCOHOL 2-PROPANOL, 2-METHYL-	1 2
1189-85-1	TERT BUTYL CHROMATE CHROMIC ACID, BIS(1, 1-DIMETHYLETHYL)- ESTER	1 2
70042-58-9	TERT-BUTYL CYCLOHEXYL CHLOROFORMATE CARBONCHLORIDIC ACID, (1, 1-DIMETHYLETHYL) CYCLOHEXYL ESTER	3
75-91-2	TERT-BUTYL HYDROPEROXIDE HYDROPEROXIDE, 1, 1-DIMETHYLETHYL	3
1609-86-5	TERT-BUTYL ISOCYANATE PROPANE, 2-ISOCYANATO-2-METHYL-	3
1931-62-0	TERT-BUTYL MONOPEROXYMALEATE 2-PROPENEPEROXYIC ACID, 3-CARBOXY-, 1-(1, 1-DIMETHYLETHYL) ESTER, * (Z)-	3
107-71-1	TERT-BUTYL PEROXYACETATE ETHANEPEROXYIC ACID, 1, 1-DIMETHYLETHYL ESTER	3
614-45-9	TERT-BUTYL PEROXYBENZOATE BENZENECARBOPEROXYIC ACID, 1, 1-DIMETHYLETHYL ESTER	3
23474-91-1	TERT-BUTYL PEROXYCROTONATE 2-BUTENEPEROXYIC ACID, 1, 1-DIMETHYLETHYL ESTER	3
3006-82-4	TERT-BUTYL PEROXY(2-ETHYL)-HEXANOATE HEXANEPEROXYIC ACID, 2-ETHYL-, 1, 1-DIMETHYLETHYL ESTER	3
2372-21-6	TERT-BUTYL PEROXYISOPROPYL CARBONATE CARBONOPEROXYIC ACID, OO-(1, 1-DIMETHYLETHYL) O-(1-METHYLETHYL) E * STER	3
109-13-7	TERT-BUTYL PEROXYISOBUTYRATE PROPANEPEROXYIC ACID, 2-METHYL-, 1, 1-DIMETHYLETHYL ESTER	3
26748-41-4	TERT-BUTYL PEROXYNEODECANOATE NEODECANEPEROXYIC ACID, 1, 1-DIMETHYLETHYL ESTER	3
927-07-1	TERT-BUTYL PEROXYPIVALATE PROPANEPEROXYIC ACID, 2, 2-DIMETHYL-, 1, 1-DIMETHYLETHYL ESTER	3
25168-15-4	2, 4, 5-T ESTER ACETIC ACID (2, 4, 5-TRICHLOROPHENOXY)-ISOOCTYL ESTER	3
93-79-8	2, 4, 5-T ESTER ACETIC ACID (2, 4, 5-TRICHLOROPHENOXY)-BUTYL ESTER	3

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CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
93-78-7	2,4,5-T ESTER ACETIC ACID (2,4,5-TRICHLOROPHENOXY)-ISOPROPYL ESTER	3
58-22-0	TESTOSTERONE ANDROST-4-EN-5-ONE, 17-HYDROXY-	13(BB,Y,FF)
25167-20-8	TETRABROMOETHANE ETHANE, TETRABROMO-	3
1746-01-6	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN DIBENZO B,E 1,4 DIOXIN, 2,3,7,8-TETRACHLORO-	5 7 8
76-11-9	1,1,1,2-TETRACHLORO-2,2-DIFLUOROETHANE ETHANE, 1,1,1,2-TETRACHLORO-2,2-DIFLUORO-	1 2
76-12-0	1,1,2,2-TETRACHLORO-1,2-DIFLUOROETHANE ETHANE, 1,1,2,2-TETRACHLORO-1,2-DIFLUORO-	1 2
79-34-5	1,1,2,2-TETRACHLOROETHANE ETHANE, 1,1,2,2-TETRACHLORO-	1 2 3 4 6 8
127-18-4	TETRACHLOROETHYLENE ETHENE, TETRACHLORO-	1 2 3 4 6 8 10
1335-88-2	TETRACHLORONAPHTHALENE NAPHTHALENE, TETRACHLORO-	1 2
117-08-8	TETRACHLOROPHTHALIC ANHYDRIDE 1,3-ISOBENZOFURANDIONE, 4,5,6,7-TETRACHLORO-	12(A)
961-11-5	TETRACHLOROVINPHOS PHOSPHORIC ACID, 2-CHLORO-1-(2,4,5-TRICHLOROPHENYL) VINYL DIMETH * METHYL ESTER	6
60-54-8	TETRACYCLINE 2-NAPHTHACENECARBOXAMIDE, 4-(DIMETHYLAMINO)-1,4,4A,5,5A,6,11,12A * -OCTAHYDRO-3,6,10,12,12A-PENTAHYDROXY-6-METHYL-1,11-DIOXO-, * 4S-(4.ALPHA.,4A.ALPHA.,5A.ALPHA.,6.BETA.,12A.ALPHA.) -	12(A,G)
15108-81-3	TETRAETHYL DITHIOPYRO-PHOSPHATE THIODIPHOSPHORIC ACID (HO)2 P(O)S P(S) (OH)2 ESTER	1 2 3
112-57-2	TETRAETHYLENEPENTAMINE 1,2-ETHANEDIAMINE, N-(2-AMINOETHYL)-N'- 2- (2-AMINOETHYL)AMINO E * THYL -	3 15
78-00-2	TETRAETHYL LEAD PLUMBANE, TETRAETHYL-	1 2 3 15
78-10-4	TETRAETHYL SILICATE SILICIC ACID (H4SiO4), TETRAETHYL ESTER	3
116-14-3	TETRAFLUOROETHYLENE ETHENE, TETRAFLURO-	3 15
10036-47-2	TETRAFLUOROHYDRAZINE NITROGEN FLUORIDE (N2F4)	1 2 3
75-73-0	TETRAFLUOROMETHANE METHANE, TETRAFLURO-	3
1321-16-0	TETRAHYDROBENZALDEHYDE CYCLOHEXENECARBOXALDEHYDE	3 15
109-99-9	TETRAHYDROFURAN FURAN, TETRAHYDRO-	1 2 3 15
4795-29-3	TETRAHYDROFURFURYLAMINE 2-FURANMETHANAMINE, TETRAHYDRO-	3
85-43-8	TETRAHYDROPHTHALIC ANHYDRIDE 1,3-ISOBENZOFURANDIONE, 3A,4,7,7A-TETRAHYDRO-	3
694-05-3	1,2,3,6-TETRAHYDROPYRIDINE PYRIDINE, 1,2,3,6-TETRAHYDRO-	3
110-01-0	TETRAHYDROTHIOPHENE THIOPHENE, TETRAHYDRO-	3
771-29-9	TETRALIN HYDROPEROXIDE HYDROPEROXIDE, 1,2,3,4-TETRAHYDRO-1-NAPHTHALENYL	3
75-59-2	TETRAMETHYL AMMONIUM HYDROXIDE METHANAMINIUM, N,N,N-TRIMETHYL-, HYDROXIDE	3
56142-29-1	1,1,3,3-TETRAMETHYL BUTYL HYDROPEROXIDE BENZENE, NITRO(TRIFLUOROMETHYL)-	3
75-74-1	TETRAMETHYL LEAD PLUMBANE, TETRAMETHYL-	1 2 15
51-80-9	TETRAMETHYLMETHYLENEDIAMINE METHANEDIAMINE, N,N,N',N'-TETRAMETHYL-	3
75-76-3	TETRAMETHYL SILANE SILANE, TETRAMETHYL-	3

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
3333-52-6	TETRAMETHYL SUCCINONITRILE BUTANEDINITRILE, TETRAMETHYL-	1 2 4
53014-37-2	TETRANITRO-ANILINE BENZENAMINE, TETRANITRO-	3
509-14-8	TETRANITROMETHANE METHANE, TETRANITRO-	1 2 3
7722-88-5	TETRASODIUM PYROPHOSPHATE DIPHOSPHORIC ACID, TETRASODIUM SALT	2
21732-17-2	TETRAZOL-1-ACETIC ACID 1H-TETRAZOLE-1-ACETIC ACID	3
479-45-8	TETRYL BENZENAMINE, N-METHYL-N,2,4,6-TETRANITRO-	1 2 3
7440-28-0	THALLIUM	1 2
16901-76-1	THALLIUM NITRATE NITRIC ACID, THALLIUM SALT	1 2 3
10031-59-1	THALLIUM SULFATE SULFURIC ACID, THALLIUM SALT	1 2 3
3268-49-3	4-THIAPENTANAL PROPANAL, 3-(METHYLTHIO)-	3
62-55-5	THIOACETAMIDE ETHANETHIOAMIDE	5 8
507-09-5	THIOACETIC ACID ETHANETHIOIC ACID	3
96-69-5	4, 4'-THIOBIS (6-TERT BUTYL-M-CRESOL) M-CRESOL, 4,4'-THIOBIS (6-TERT-BUTYL)-	2
139-65-1	4,4'-THIODIANILINE BENZENAMINE, 4,4'-THIOBIS-	6
68-11-1	THIOGLYCOLIC ACID ACETIC ACID, MERCAPTO-	2 3
79-42-5	THIOLACTIC ACID PROPANOIC ACID, 2-MERCAPTO-	3
7719-09-7	THIONYL CHLORIDE	3
110-02-1	THIOPHENE	3 15
463-71-8	THIOPHOSGENE CARBONOTHIOIC DICHLORIDE	3
62-56-6	THIOUREA	5 6 8
137-26-8	THIRAM	1 2 3
	THIOPEROXYDICARBONIC DIAMIDE ((H2N)C(S) 2S2), TETRAMETHYL-	
7440-29-1	THORIUM	3
1314-20-1	THORIUM DIOXIDE THORIUM OXIDE (THO2)	5
13823-29-5	THORIUM NITRATE NITRIC ACID, THORIUM(4+) SALT	3
7440-31-5	TIN	1 2
7646-78-8	TIN TETRACHLORIDE STANNANE, TETRACHLORO-	1 2 3
7440-32-6	TITANIUM	3
13463-67-7	TITANIUM DIOXIDE TITANIUM OXIDE (TiO2)	1 2
11140-68-4	TITANIUM HYDRIDE	3
13693-11-3	TITANIUM SULFATE SULFURIC ACID, TITANIUM(4+) SALT (2:1)	3
7550-45-0	TITANIUM TETRACHLORIDE TITANIUM CHLORIDE (TiCl4), (T-4)-	3
7705-07-9	TITANIUM TRICHLORIDE TITANIUM CHLORIDE (TiCl3)	3
108-88-3	TOLUENE BENZENE, METHYL-	1 2 3 4 6 15
30143-13-6	TOLUENEDIAMINE BENZENE, METHYL-, DIAMINO DERIV.	3

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
91-06-7	TOLUENE-2,6-DIISOCYANATE BENZENE, 1,3-DIISOCYANATO-2-METHYL-	6 15
584-84-9	TOLUENE-2,4-DIISOCYANATE BENZENE, 2,4-DIISOCYANATO-1-METHYL-	1 2 3 4 6(A,B,G) 12
25231-46-3	TOLUENE SULFONIC ACID BENZENESULFONIC ACID, METHYL-	3 15
8001-35-2	TOXAPHENE	1 2 3 5 6 8
9000-65-1	TRAGACANTH GUM GUM TRAGACANTH	12(A,B)
14567-73-8	TREMOLITE TREMOLITE (CA2MG5H2(SIO3)8)	1
299-75-2	TREOSULFAN 1,2,3,4-BUTANETETROL, 1,4-DIMETHANESULFONATE, S-(R*,R*) -	7
102-70-5	TRIALLYLAMINE 2-PROPEN-1-AMINE, N,N-DI-2-PROPENYL-	3
1693-71-6	TRIALLYL BORATE BORIC ACID (H3BO3), TRI-2-PROPENYL ESTER	3
1116-70-7	TRIBUTYL ALUMINUM ALUMINUM, TRIBUTYL-	2
102-82-9	TRIBUTYLAMINE 1-BUTANAMINE, N,N-DIBUTYL-	3 15
126-73-8	TRIBUTYL PHOSPHATE PHOSPHORIC ACID, TRIBUTYL ESTER	1 2 15
56-36-0	TRIBUTYL TIN ACETATE STANNANE, ACETOXYTRIBUTYL	1 2
52-68-6	TRICHLORFON PHOSPHONIC ACID, (2,2,2-TRICHLORO-1-HYDROXYETHYL)-, DIMETHYL EST * ER	3 6 14
76-03-9	TRICHLOROACETIC ACID ACETIC ACID, TRICHLORO-	2 3
76-02-8	TRICHLOROACETYL CHLORIDE ACETYL CHLORIDE, TRICHLORO-	3
87-61-6	1,2,3-TRICHLOROBENZENE BENZENE, 1,2,3-TRICHLORO-	3
12002-48-1	TRICHLOROBENZENE BENZENE, TRICHLORO-	3
120-82-1	1,2,4-TRICHLOROBENZENE BENZENE, 1,2,4-TRICHLORO-	2 3 6 15
51023-22-4	TRICHLOROBUTENE BUTENE, TRICHLORO-	3
79-00-5	1,1,2-TRICHLOROETHANE ETHANE, 1,1,2-TRICHLORO-	1 2 6 8
79-01-6	TRICHLOROETHYLENE ETHENE, TRICHLORO-	1 2 3 4 6 8 10 15
75-69-4	TRICHLOROFLUOROMETHANE METHANE, TRICHLOROFLUORO-	1 2
87-90-1	TRICHLOROISOCYANURIC ACID 1,3,5-TRIAZINE-2,4,6-(1H,3H,5H)-TRIONE, 1,3,5-TRICHLORO-	3
1321-65-9	TRICHLORONAPHTHALENE NAPHTHALENE, TRICHLORO-	1 2
88-06-2	2,4,6-TRICHLOROPHENOL PHENOL, 2,4,6-TRICHLORO-	5 7 8
73826-29-6	TRICHLOROPHENOXYPROPIONIC ACID ESTER PROPIONIC ACID, 2-(2,4,5) TRICHLORO-PHENOXY)-, P-CHLORO-PHENACYL * ESTER	3
93-72-1	TRICHLOROPHENOXYPROPIONIC ACID PROPIONIC ACID, 2-(2,4,5-TRICHLORO-PHENOXY)-	3
93-76-5	2,4,5-(TRICHLOROPHENOXY) ACETIC ACID ACETIC ACID, (2,4,5-TRICHLOROPHENOXY)-	1 2 3 14
6047-17-2	TRICHLOROPHENOXYPROPIONIC ACID ESTER PROPIONIC ACID, 3-(2,4,5) TRICHLORO-PHENOXY)-3-BUTOXY-PROPYL EST * ER	3
35915-18-5	TRICHLOROPHENOXYACETIC ACID ACETIC ACID, 2,4,5(OR 2,4,6)-TRICHLOROPHENOXY -	1 3
55720-99-5	TRICHLOROPHENYL ETHER BENZENE, 1,1'-OXYBIS-HEXACHLORO DERIVATIVE	1

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
96-18-4	1,2,3-TRICHLOROPROPANE PROPANE, 1,2,3-TRICHLORO-	1 2 15
10025-78-2	TRICHLOROSILANE SILANE, TRICHLORO-	3 15
76-13-1	1,1,2-TRICHLORO 1,2,2-TRIFLUOROETHANE ETHANE, 1,1,2-TRICHLORO-1,2,2-TRIFLUORO-	1 2
27323-41-7	TRIEHANDLAMINE, DODECYLBENZENESULFONATE ETHANOL, 2-2',2''-NITRILOTRIS-DODECYLBENZENESULFONATE (SALT)	3
97-93-8	TRIETHYLALUMINIUM ALUMINUM, TRIETHYL-	2 3 15
121-44-8	TRIETHYLAMINE ETHANAMINE, N,N-DIETHYL-	1 2 3 15
112-24-3	TRIETHYLENE TETRAMINE 1,2-ETHANEDIAMINE, N,N'-BIS(2-AMINOETHYL)-	3 15
122-52-1	TRIETHYL PHOSPHITE PHOSPHOROUS ACID, TRIETHYL ESTER	3
994-31-0	TRIETHYL TIN CHLORIDE STANNANE, CHLOROTRIETHYL	1 2
76-05-1	TRIFLUOROACETIC ACID ACETIC ACID, TRIFLUORO-	3
75-63-8	TRIFLUOROBROMOMETHANE METHANE, BROMOTRIFLUORO-	1 2 3
79-38-9	TRIFLUOROCHLOROETHYLENE ETHENE, CHLOROTRIFLUORO-	3 15
27987-06-0	TRIFLUOROETHANE ETHANE, TRIFLUORO-	3
75-46-7	TRIFLUOROMETHANE METHANE, TRIFLUORO-	3
98-16-8	3-TRIFLUOROMETHYL ANILINE BENZENAMINE, 3-(TRIFLUOROMETHYL)-	3
88-17-5	2-TRIFLUOROMETHYL ANILINE BENZENAMINE, 2-(TRIFLUOROMETHYL)-	3
1582-09-8	TRIFLURALIN BENZENAMINE, 2,6-DINITRO-N,N-DIPROPYL-4-(TRIFLUOROMETHYL)-	6
100-99-2	TRIIISOBUTYL ALUMINIUM ALUMINUM, TRIS(2-METHYLPROPYL)-	2 3 15
7756-94-7	TRIIISOBUTYLENE 1-PROPENE, 2-METHYL-, TRIMER	3
5419-55-6	TRIIISOPROPYL BORATE BORIC ACID (H3BO3), TRIS(1-METHYLETHYL) ESTER	3
552-30-7	TRIMELLITIC ANHYDRIDE 5-ISOBENZOFURAN CARBOXYLIC ACID, 1,3-DIHYDRO-1,3-DIOXO-	2 10
127-48-0	TRIMETHADIONE 2,4-OXAZOLIDINEDIONE, 3,5,5-TRIMETHYL-	13(Y,EE,FF)
738-70-5	TRIMETHOPRIM 2,4-PYRIMIDINEDIAMINE, 5-((3,4,5-TRIMETHOXY-PHENYL)METHYL)-	13(Y,EE,FF)
3282-30-2	TRIMETHYLACETYL CHLORIDE PROPANOYL CHLORIDE, 2,2-DIMETHYL-	3
75-24-1	TRIMETHYLALUMINIUM ALUMINUM, TRIMETHYL-	2 3
75-50-3	TRIMETHYLAMINE METHANAMINE, N,N-DIMETHYL-	2 3 15
108-67-8	1,3,5-TRIMETHYLBENZENE MESITYLENE	3 15
25551-13-7	TRIMETHYL BENZENE BENZENE, TRIMETHYL-	2
121-43-7	TRIMETHYLBORATE BORIC ACID (H3BO3), TRIMETHYL ESTER	3 15
75-77-4	TRIMETHYLCHLOROSILANE SILANE, CHLOROTRIMETHYL-	3 15
34216-34-7	TRIMETHYLCYCLOHEXYLAMINE CYCLOHEXYLAMINE, TRIMETHYL-	3
28679-16-5	TRIMETHYLHEXAMETHYLENEDI-ISOCYANATE HEXANE, 1,6-DIISOCYANATOTRIMETHYL-	3

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WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
25620-58-0	TRIMETHYLHEXAMETHYLENEDIAMINE 1,6-HEXANEDIAMINE, TRIMETHYL-	3
121-45-9	TRIMETHYL PHOSPHITE PHOSPHOROUS ACID, TRIMETHYL ESTER	2 3 15
26952-42-1	TRINITRO-ANILINE BENZENAMINE, TRINITRO-	3
606-35-9	TRINITROANISOLE BENZENE, 2-METHOXY-1,3,5-TRINITRO	3
99-35-4	TRINITROBENZENE BENZENE, 1,3,5-TRINITRO-	3
2508-19-2	TRINITROBENZENESULFONIC ACID BENZENESULFONIC ACID, 2,4,6-TRINITRO-	3
35860-50-5	TRINITROBENZOIC ACID BENZOIC ACID, TRINITRO-	3
28260-61-9	TRINITROCHLOROBENZENE BENZENE, CHLOROTRINITRO-	3
25322-14-9	TRINITROFLUORENONE 9H-FLUOREN-9-ONE, TRINITRO-	3
602-99-3	TRINITRO-M-CRESOL PHENOL, 3-METHYL-2,4,6-TRINITRO-	3
55810-17-8	TRINITRONAPHTHALENE NAPHTHALENE, TRINITRO	3
4732-14-3	TRINITROPHENETOLE BENZENE, 2-ETHOXY-1,3,5-TRINITRO-	3
88-89-1	2,4,6-TRINITROPHENOL PHENOL, 2,4,6-TRINITRO-	1 2 3
82-71-3	TRINITRORESORCINOL RESORCINOL, 2,4,6-TRINITRO	3
118-96-7	2,4,6-TRINITROTOLUENE BENZENE, 2-METHYL-1,3,5-TRINITRO-	1 2 3
78-30-8	TRIOORTHOCRESYL PHOSPHATE PHOSPHORIC ACID, TRI-O-TOLYL ESTER	1 2 3
603-34-9	TRIPHENYL AMINE BENZENAMINE, N,N-DIPHENYL-	2
115-86-6	TRIPHENYL PHOSPHATE PHOSPHORIC ACID, TRIPHENYL ESTER	1 2 15
639-58-7	TRIPHENYLTIN CHLORIDE STANNANE, CHLOROTRIPHENYL	1 2
76-87-9	TRIPHENYLTIN HYDROXIDE STANNANE, HYDROXYTRIPHENYL	1 2 14
102-67-0	TRIPROPYLALUMINUM ALUMINUM, TRIPROPYL-	2 3 15
102-69-2	TRIPROPYLAMINE 1-PROPANAMINE, N,N-DIPROPYL-	3 15
13987-01-4	TRIPROPYLENE 1-PROPENE, TRIMER	3 15
126-72-7	TRIS(2,3-DIBROMOPROPYL)PHOSPHATE 1-PROPANOL, 2,3-DIBROMO-, PHOSPHATE (3:1)	5 8
9002-07-7	TRYPSIN	12(A)
7440-33-7	TUNGSTEN	2 4
12070-12-1	TUNGSTEN CARBIDE	2 4 12(B)
7783-82-6	TUNGSTEN HEXAFLUORIDE TUNGSTEN FLUORIDE (WF6), (OC-6-11)-	2 3
9005-90-7	TURPENTINE	1 2 3 15
1120-21-4	UNDECANE	3 15
5332-52-5	1-UNDECANETHIOL	4
66-75-1	URACIL, 5-(BIS(2-CHLOROETHYL)AMINO)- 2,4(1H,3H)-PYRIMIDINEDIONE, 5-BIS(2-CHLOROETHYL)AMINO -	8
51-21-8	URACIL, 5-FLUORO- 2,4(1H,3H)-PYRIMIDINEDIONE, 5-FLUORO-	13(C,G,R)
56-04-2	URACIL, 6-METHYL-2-THIO- 4(1H)-PYRIMIDINONE, 2,3-DIHYDRO-6-METHYL-2-THIOXO-	8

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
51-52-5	URACIL, 6-PROPYL-2-THIO- 4(1H)-PYRIMIDINONE, 2,3-DIHYDRO-6-PROPYL-2-THIOXO-	7 8
7440-61-1	URANIUM	1 2
7783-81-5	URANIUM HEXAFLUORIDE URANIUM FLUORIDE	1 2
10026-10-5	URANIUM TETRACHLORIDE URANIUM (IV) CHLORIDE	1 2
10049-14-6	URANIUM TETRAFLUORIDE	1 2
10025-93-1	URANIUM TRICHLORIDE	1 2
1344-58-7	URANIUM TRIOXIDE	1 2
541-09-3	URANYL ACETATE URANIUM, BIS(ACETATO-O)DIOXO-	1 2 3
7791-26-6	URANYL CHLORIDE URANIUM (6+), DICHLORODIOXY	1 2
1344-57-6	URANYL DIOXIDE URANIUM DIOXIDE	1 2
10102-06-4	URANYL NITRATE URANIUM, BIS(NITRATO-O)DIOXO-	1 2 3
36478-76-9	URANYL NITRATE URANIUM, BIS(NITRATO-O,O')DIOXO-, (OC-6-11)-	1 3
13520-83-7	URANYL NITRATE HEXAHYDRATE URANIUM, BIS(NITRATO-O)DIOXO-, HEXAHYDRATE	1 2 3
19525-15-6	URANYL PEROXIDE URANIUM PEROXIDE	1 2
18433-48-2	URANYL PHOSPHATE	1 2
1314-64-3	URANYL SULFATE	1 2
17687-37-5	UREA NITRATE UREA, NITRATE	3
35220-04-3	UREA PEROXIDE METHANOL, DIAMINEHYDROPEROXY-	3
51-79-6	URETHANE CARBAMIC ACID, ETHYL ESTER	5 6 8
110-62-3	VALERALDEHYDE PENTANAL	2 3 15
109-52-4	VALERIC ACID PENTANOIC ACID	3 15
638-29-9	VALERYL CHLORIDE PENTANOYL CHLORIDE	3
7440-62-2	VANADIUM	4
11130-21-5	VANADIUM CARBIDE	4
7727-18-6	VANADIUM OXYTRICHLORIDE VANADIUM, TRICHLORO-OXO-	3
1314-62-1	VANADIUM PENTOXIDE VANADIUM OXIDE (V2O5)	1 2 3 4 12(B)
7632-51-1	VANADIUM TETRACHLORIDE VANADIUM CHLORIDE (VCL4), (T-4)-	3
7718-98-1	VANADIUM TRICHLORIDE VANADIUM CHLORIDE (VCL3)	3
1314-34-7	VANADIUM TRIOXIDE VANADIUM OXIDE (V2O3)	3
27774-13-6	VANADYL SULFATE VANADIUM, OXO SULFATO(2-)-O -	3
108-05-4	VINYL ACETATE ACETIC ACID ETHENYL ESTER	2 3 4 15
593-60-2	VINYL BROMIDE ETHENE, BROMO-	2 3 4
123-20-6	VINYL BUTYRATE BUTANOIC ACID, ETHENYL ESTER	3 15
75-01-4	VINYL CHLORIDE ETHENE, CHLORO-	1 2 3 4 5 6 7 8 15

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HEALTH

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
2549-51-1	VINYL CHLOROACETATE ACETIC ACID, CHLORO-, ETHENYL ESTER	3
106-87-6	VINYL CYCLOHEXENE DIOXIDE 7-OXABICYCLO 4.1.0 HEPTANE, 3-OXIRANYL-	2
109-92-2	VINYL ETHYL ETHER ETHENE, ETHOXY-	3 15
75-02-5	VINYL FLUORIDE ETHENE, FLUORO-	3 4 10 15
75-35-4	VINYLDENE CHLORIDE ETHENE, 1,1-DICHLORO-	2 3 4 8 15
75-38-7	VINYLDENE FLUORIDE ETHENE, 1,1-DIFLUORO-	3 4 15
109-53-5	VINYL ISOBUTYL ETHER PROPANE, 1-(ETHENYLOXY)-2-METHYL-	3 15
107-25-5	VINYL METHYL ETHER ETHENE, METHOXY-	3 15
25013-15-4	VINYL TOLUENE BENZENE, ETHENYLMETHYL-	1 2 3 15
75-94-5	VINYL TRICHLOROSILANE SILANE, TRICHLOROETHENYL-	3 15
81-81-2	WARFARIN 2H-1-BENZOPYRAN-2-ONE, 4-HYDROXY-3-(3-OXO-1-PHENYLBUTYL)-	1 2 14
7440-63-3	XENON	3
1330-20-7	XYLENES	1 2 3 4 6 15
1300-71-6	XYLENDI PHENOL, DIMETHYL-	3
87-62-7	2,6-XYLIDENE	6
1300-73-8	XYLIDINE BENZENAMINE, AR,AR-DIMETHYL-	1 2 3 15
35884-77-6	XYLYL BROMIDE BENZENE, BROMODIMETHYL-	3
7440-65-5	YTTRIUM	1 2
1318-02-1	ZEOLITE ZEOLITES	4
7440-66-6	ZINC	3
557-34-6	ZINC ACETATE ACETIC ACID, ZINC SALT	3
63885-01-8	ZINC AMMONIUM NITRITE	3
1303-39-5	ZINC ARSENATE	1 3
1332-07-6	ZINC BORATE BORIC ACID, ZINC SALT	3
7699-45-8	ZINC BROMIDE ZINC BROMIDE (ZNBR2)	3
3486-35-9	ZINC CARBONATE CARBONIC ACID, ZINC SALT (1:1)	3
10361-95-2	ZINC CHLORATE CHLORIC ACID, ZINC SALT	3
7646-85-7	ZINC CHLORIDE ZINC CHLORIDE (ZNCL2)	1 2 3
13530-65-9	ZINC CHROMATE CHROMIC ACID (H2CRO4), ZINC SALT (1:1)	1 2 5 7 8
557-21-1	ZINC CYANIDE ZINC CYANIDE (ZN(CN)2)	1 2 3
7779-86-4	ZINC DITHIONITE DITHIONOUS ACID, ZINC SALT (1:1)	3
7783-49-5	ZINC FLUORIDE ZINC FLUORIDE (ZNF2)	1 2 3
557-41-5	ZINC FORMATE FORMIC ACID, ZINC SALT	3
7779-88-6	ZINC NITRATE NITRIC ACID, ZINC SALT	3

WORKPLACE HAZARDOUS SUBSTANCE LIST

CAS #	COMMON NAME CHEMICAL NAME	SOURCE NUMBER(S)
1314-13-2	ZINC OXIDE ZINC OXIDE (ZNO)	1 2
23414-72-4	ZINC PERMANGANATE PERMANGANIC ACID (HMNO4), ZINC SALT	3
1314-22-3	ZINC PEROXIDE ZINC PEROXIDE (ZN(O2))	3
127-82-2	ZINC PHENOLSULFONATE BENZENESULFONIC ACID, 4-HYDROXY-, ZINC SALT (2:1)	3
51810-70-9	ZINC PHOSPHIDE	3 14
37224-57-0	ZINC POTASSIUM CHROMATE CHROMIUM POTASSIUM ZINC OXIDE	1
16871-71-9	ZINC SILICOFLUORIDE SILICATE(2-), HEXAFLURO-, ZINC (1:1)	1 2 3
7733-02-0	ZINC SULFATE SULFURIC ACID, ZINC SALT (1:1)	3
12122-67-7	ZINEB ZINC, (ETHYLENE BIS(DITHIOCARBAMATE))	6 8
7440-67-7	ZIRCONIUM	1 2 3
11105-16-1	ZIRCONIUM HYDRIDE	1 2 3
13746-89-9	ZIRCONIUM NITRATE NITRIC ACID, ZIRCONIUM(4+) SALT	1 2 3
63868-82-6	ZIRCONIUM PICRAMATE PICRAMIC ACID, ZIRCONIUM SALT	1 2 3
16923-95-8	ZIRCONIUM POTASSIUM FLUORIDE ZIRCONATE(2-), HEXAFLURO-, DIPOTASSIUM, (OC-6-11)-	1 2 3
14475-73-1	ZIRCONIUM SULFATE SULFURIC ACID, ZIRCONIUM SALT	1 2 3
10026-11-6	ZIRCONIUM TETRACHLORIDE ZIRCONIUM CHLORIDE (ZRCL4)	1 2 3

ADOPTIONS

HIGHER EDUCATION

(a)

DRUG UTILIZATION REVIEW COUNCIL

Interchangeable Drug Products

Adopted Amendment: N.J.A.C. 8:71

Proposed: February 6, 1984 at 16 N.J.R. 202(a).
Adopted: May 25, 1984 by the Drug Utilization Review Council, Leroy L. Schwartz, M.D., Chairman.
Filed: May 29, 1984 as R.1984 d.220, **with portions of the proposal not adopted and portions not adopted but still pending.**

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

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): April 2, 1989.

Summary of Public Comments and Agency Responses:

Regarding Vitamin B complex tablets (Berocca formula) by Par:

Roche Laboratories objected to the proposed addition to the generic formulary of Par's substitute for Berocca tablets, citing a need for data to prove the Par product "bioequivalent" to Berocca and presenting analysis of Par's product, which Roche claimed did not meet Roche's standards for disintegration. Further, Roche's chemical assays showed Par's product to be subpotent in some constituents.

Par provided a chemical analysis showing the proposed product meets their claimed content in all respects, even after three months from the date of manufacture.

The Council accepted Par's data, rejecting Roche's contentions about possible subpotency and the need for human data, vitamins not being of such a critical nature that human data is required.

Regarding Sulfamethoxazole/Trimethoprim Suspension (NPC):

NPC provided data showing that allowances for potency differences between NPC's product and Roche's made the actual difference between the two products less than 5%.

The Council agreed with NPC that such small differences would not be clinically meaningful.

The following products and their respective manufacturers were **adopted**:

Butalbital/Aspirin/Caffeine tabs	Boots Labs
Multiple Vitamins/Fluoride 0.5 mg chewable	Amide
Multiple Vitamins/Fluoride 1 mg chewable	Par
Triple Vitamins/Fluoride 1 mg chewable	Par
Multivitamin Forte (Vicon Forte formula) caps	Par
Vitamin B Complex tabs (Berocca formula)	Par
Sulfamethoxazole/Trimethoprim Susp. 40/5, 200/5	NPC

The following product and its manufacturer were **not adopted**:

Oxtriphylline tabs E.C. 100mg, 200 mg	Bolar
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The following products and their respective manufacturers remain **pending**:

Brompheniramine/Phenylephrine/Phenylpropanolamine E.R. tabs	Pioneer
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Butalbital/Aspirin/caffeine caps, tabs	Cord
Chlordiazepoxide/Clidinium Br. Caps	Par
Chlorpheniramine/Phenyltoloxamine/Phenylpropanolamine/Phenylephrine E.R. tabs	Par, Pioneer, Chelsea
Chlorzoxazone 250/Acetaminophen 300 tabs	Par, Pioneer, Duramed
Dexamethasone tabs 6 mg	Par
Dexchlorpheniramine Maleate E.R. tabs 4, 6 mg	Par
Dipyridamole tabs 25, 50, and 75 mg	Cord
Furosemide tabs 20, 40 mg	Roxane
Imipramine HCL tabs 10, 25, 50 mg	Par
Indomethacin caps 25, 50 mg	Zenith, Par
Nicotinyl alcohol tartrate tabs 150 mg	Par
Papaverine HCL 150 mg E.R. cap	Pioneer, Duramed
Prednisone tabs 5, 10, 20 mg	Duramed
Prenatal vitamins (Materna 1.60 Formula)	Amide
Spironolactone 25/Hydrochlorothiazide 25 tabs	Zenith
Spirolactone tabs 25 mg	Zenith
Theophylline (Anhydrous) 200 mg E.R. tabs	Cord
Theophylline/Ephedrine/Hydroxyzine tabs	Par
Thioridazine HCL tabs 10, 15, 25, 50 mg	Cord, Bolar, Danbury
Thioridazine HCL tabs 100 mg	Bolar, Mylan
Trichlormethiazide tabs 2, 4 mg	Par
Vitamin B complex/Folic Acid (Iberet Folic 500 Formula)	Par

HIGHER EDUCATION

(b)

BOARD OF HIGHER EDUCATION

**County Colleges
State Aid: Audits**

**Adopted Amendment: N.J.A.C. 9:4-3.10
through 3.16**

Proposed: April 2, 1984 at 16 N.J.R. 671(a).
Adopted: May 25, 1984 by Board of Higher Education, T. Edward Hollander, Chancellor and Secretary.
Filed: June 4, 1984 as R.1984 d.236 **with substantive changes**, not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:64A-7 and 18A:64A-22.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order 66(1978): November 2, 1986.

**Summary of Public Comments and Agency Responses:
No comments received.**

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

9:4-3.10 State support

(a) When direct costs of instruction for courses, credit or non-credit, are properly classified as current unrestricted expenditures as defined in College and University Business Administration (1982) and revisions thereof (see N.J.A.C. 9:4-3.1), these costs are considered to be directly incurred by the college and the related credit and equivalent credit hours are eligible to be counted in determining State support, except as restricted by other policies and regulations.

(b) Direct cost of instruction will be developed by course. The direct costs are:

1. Salaries and benefits of instructors and paraprofessionals paid for the teaching and grading of courses;
2. Educational supplies used directly by the teacher or the students of a course; and
3. Contract educational services which are employed for a specific course.

(c) When direct costs of instruction for courses, credit or non-credit, are properly classified, according to the guidelines referenced above, as expenditures of the current restricted fund (expenditures restricted to specific purposes by outside sources), the costs are not incurred directly by the college and the related credit-hour and equivalent credit-hour enrollments are not eligible to be counted in determining State support.

(d) Where the total direct costs of instruction of an otherwise non-fundable course exceed the amount of restricted funds available for the course, the excess cost is considered as expended from the current unrestricted fund and a percentage of the credit-hour enrollments generated by the course are fundable. This percentage is equal to the proportion of direct expenditures not covered by the grant or contract divided by the total direct costs of the course.

9:4-3.11 Calculation of full-time equivalent enrollments (FTEs)

(a) Annual full-time equivalent student enrollments (FTEs) for full-time, part-time and summer session students shall be calculated by dividing total annual credit-hour and equivalent credit-hour enrollments by 30.

(b) FTE enrollments from an academic term (for example, summer session) which is conducted over a fiscal year end, should be reported totally within the fiscal year in which the term is predominantly conducted.

9:4-3.12 Noncredit courses

(a) Noncredit courses, for purposes of State funding, means remedial, developmental, general education development and adult basic education courses.

(b) Remedial courses are courses in reading, writing, and mathematics skills designed to raise student competence in these skills to the college level.

(c) Developmental courses are courses designed to develop occupational skills geared toward securing initial employment or upgrading occupational skills. In planning for the offering of developmental courses, colleges must formally assess the needs of their service area and the offerings of other public institutions.

(d) General education development courses are courses designed to prepare students for New Jersey high school equivalency diplomas.

(e) Adult basic education courses are courses designed to teach reading, writing, and mathematics skills to adults whose inability to speak, read, or write the English language constitutes a substantial impairment to obtaining or retaining employment commensurate with their ability.

(f) Noncredit programs generally eligible for State funding as defined in this section and offered jointly with another educational agency (public or private) will not be eligible for funding unless control of the courses and programs shall be vested with the county college.

1. "Control" means ultimate responsibility for development and implementation of curriculum (for example, course objectives, outlines, strategies, and teaching methods); responsibility for hiring, firing, evaluating, and supervising the faculty; and responsibility of the faculty member to a supervisor employed by the college.

(g) To be eligible for State funding, noncredit courses as defined in this section shall be in compliance with the Board of Higher Education tuition ceiling currently in effect.

(h) For noncredit courses as defined in this section, instruction is to be given by a county college in an appropriate educational environment, students must be formally registered, attendance must be taken, degree credit may not be given upon completion, and the session or sessions to be funded must be entirely instructional in nature.

(i) The county college shall maintain permanent documentation for audit purposes including, but not limited to, student registration, student attendance, and course descriptions for noncredit courses eligible for state funding.

(j) Student registration records for noncredit courses eligible for State funding shall be by course and shall include, at a minimum, the student's name, address, and Social Security number.

(k) The equivalent credit-hour calculation for a noncredit course shall be based upon only those students who are formally registered and in attendance at the institutional session to be selected by the college for the equivalent credit-hour count.

(l) Course descriptions for noncredit courses eligible for State funding shall be made available to auditors who shall submit sample course descriptions to the Department of Higher Education with the year end audit.

1. The Department of Higher Education may review all the noncredit course descriptions on file at any college.

2. The county college shall have the burden of establishing that a noncredit course is a course eligible for State funding as defined in this section.

3. The decision to approve or reject a noncredit course as one which qualifies for State funding rests with the Department of Higher Education.

9:4-3.13 Residency

(a) County residents means students maintaining a permanent domicile in the county or counties sponsoring the college for a period of at least six months prior to registration as evidenced by a certificate of residence.

(b) Out-of-county residents means students maintaining a permanent domicile in the State of New Jersey for a period of six months or more, as evidenced by a certificate of residence, but in a county other than the county or counties sponsoring the college.

(c) Out-of-State residents means students maintaining a permanent domicile in a state other than New Jersey and students who have maintained a permanent domicile within the State of New Jersey for a period of less than six months.

9:4-3.14 Enrollment data

(a) Enrollment data shall be accumulated and maintained by each college in a format and according to such differential categories as promulgated by the Department of Higher Edu-

ADOPTIONS

cation. Tenth-day enrollments shall be used for calculating enrollments during the academic year and fifth-day enrollments during summer sessions.

(b) Equivalent credit hours for State fundable noncredit courses shall be calculated by dividing total contact hours by 15.

9:4-3.15 Audit rules

(a) In preparing the audited schedule of credit-hour enrollments and equivalent credit hours by differential category as required by this section, the audit firm must adhere to the following:

1. The auditor shall review the rules concerning enrollment data as found in this section and/or other referenced sections and in the audit instructions published by the Department of Higher Education.

2. The college shall maintain a clearly defined audit trail to enable the auditor to certify credit-hour and equivalent credit-hour counts by differential category reported by the college.

3. Student credit hours and equivalent credit hours shall be reconciled to tuition income, including cash received, accounts receivable, and waivers, exclusive of tuition income from non-credit, non-fundable enrollments.

4. The auditor shall send a confirmation letter to a statistically valid sample of students who are listed as having attended courses during the year under audit. The methodology and results of this sample shall be forwarded to the Department of Higher Education with the year end audit report.

5. The auditor shall follow the format for the audited enrollment schedule outlined in enrollment audit instructions provided by the Department of Higher Education.

i. If the auditor plans to deviate from any of the audit procedures, he or she shall obtain prior written approval from the Department of Higher Education.

ii. Such approval, if granted, shall be valid only for the audit in process.

6. Course outlines shall be made available to the auditors who shall submit sample course outlines along with the differential category classification assigned to these courses by the college.

i. The auditor shall certify that course outlines are on file for all of the college's State fundable course offerings and that these courses have been classified by differential category.

ii. The Department of Higher Education may review all course outlines on file at any college.

iii. The county college shall have the burden of establishing that a course has been properly classified.

iv. The decision to approve or reject a course's classification as proper rests with the Department of Higher Education.

7. The auditor shall examine the college's audit trail including the registration records, attendance records and course descriptions and certify that the audit trail is valid and adequate for certification of the schedule of credit-hour and equivalent credit-hour enrollments by differential category.

i. The auditor shall further certify the accuracy of the schedule of credit-hour and equivalent credit-hour enrollments by differential category submitted to the Department of Higher Education.

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8. The auditor shall certify that the review of the documentation underlying the calculation of credit hours and equivalent credit hours is valid and adequate for the certification of the credit-hour enrollment schedule.

i. The auditor shall forward to the Department of Higher Education the methodology and results of a statistically valid sampling of registration and student attendance records with the year end audit report.

9. The auditor shall certify that all noncredit courses submitted for State funding are in compliance with the Board of Higher Education tuition ceiling for noncredit courses.

10. The auditor shall ascertain that the college has on file at the college a course description for each noncredit course eligible for State funding and shall submit a statistically valid sample of these course descriptions with the year end audit report.

11. The auditor shall obtain from the college and submit with the year end audit report a certificate which states that in planning for the offering of developmental courses, the college has formally assessed the needs of its service area and the offerings of other public institutions.

12. The auditor shall additionally certify that he or she has reviewed N.J.A.C. 9:4-3.10-9:4-3.15 and has completed the enrollment audit in accordance with the rules and guidelines as outlined.

13. All certifications required shall be included in an opinion letter to the Department of Higher Education that shall accompany the schedule of credit-hour and equivalent credit-hour enrollments by differential category.

9:4-3.16 Educational and general expenditure base defined

(a) Educational and general expenditures are defined as all institutional current *[restricted]* ***unrestricted*** fund expenditures and mandatory transfers as are defined in College and University Business Administration (1982) and revisions thereof (see N.J.A.C. 9:4-3.1).

(b) Adjusted educational and general expenditures for the purposes of determining annual county college sector State funding requests shall be defined as total educational and general expenditures adjusted as outlined below:

1. Educational and general expenditures increased by such plant renewal and replacement expenditures that are funded from current unrestricted funds, and minor capital expenditures (see N.J.A.C. 9:4-1.5 (g)).

2. Educational and general expenditures decreased by the following:

i. Direct expenditures for non-fundable enrollments.

ii. Direct expenditures for Public Service activities as defined in College and University Business Administration (1982) and revisions thereof (see N.J.A.C. 9:4-3.1).

iii. Direct expenditures for activities that are provided exclusively for persons neither enrolled nor employed at the college and revenue-producing activities other than instruction for fundable enrollments.

iv. An amount equal to 10 percent of the total direct expenditures for non-fundable activities under 2i, ii, and iii above as non-fundable indirect expenditures.

(c) The accuracy of each college's calculation of adjusted educational and general expenditures shall be certified by its audit firm.

(a)

STUDENT ASSISTANCE BOARD

**Student Assistance Programs
Verification of Enrollment and Academic
Performance**

Adopted Amendment: N.J.A.C. 9:7-2.10

Proposed: April 2, 1984 at 16 N.J.R. 674(a).
 Adopted: June 4, 1984 by Student Assistance Board,
 Joseph Streit, Chairman.
 Filed: June 4, 1984 as R.1984 d.237, with **substantive
 changes** not requiring additional public notice and
 comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 18A:71-26.6, 18A:71-26.8,
 18A:71-47(a) and 18A:71-48.

Effective Date: June 18, 1984.
 Expiration Date pursuant to Executive Order 66(1978):
 April 13, 1988.

Summary of Public Comments and Agency Responses:

Eleven comments concerning the proposed amendment were received in response to the New Jersey Register publication and the dissemination of a distribution list. All but one of the comments received were from campus Educational Opportunity Fund (EOF) personnel who requested consideration for students receiving EOF funding. The remaining comment was regarding clarification of the evaluation period permitting students to improve their status by taking courses during the summer. The Board responded to these concerns by amending the regulations.

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

9:7-2.10 Verification of Enrollment and Academic Performance

(a) Before payment may be made to an eligible student, the institution shall have satisfactory evidence that the student in eligible for State grant and/or scholarship assistance, has registered as a full-time student for an academic term, and that the student is meeting minimum standards for academic performance and academic progress.

(b) Each institution shall provide copies of its minimum standards for academic performance and progress to the Department of Higher Education at the beginning of each academic year.

(c) The Student Assistance Board shall recognize minimum standards for academic performance and satisfactory academic progress that an institution adopts for determining State financial aid eligibility if these standards are the same as or stricter than the institution's standards for students not receiving State financial aid.

(d) Students receiving financial aid under the student aid programs administered by the Student Assistance Board shall remain in good academic standing as defined by the institution which they are attending.

(e) Students receiving State financial assistance under the student aid programs administered by the Student Assistance Board shall meet the following statewide minimum standards of academic progress:

1. After earning the first 12 college-level credits, all students receiving assistance shall earn either an additional 12 college-level credits during every semester in which they receive State financial assistance, or a minimum of 24 college-level credits during every academic year of payment.

2. The number of award payments students may receive in order to earn their first 12 college-level credits depends on their level of preparation for college work and the admission policy of their institution:

i. Students in the Educational Opportunity Fund (EOF) Program, at any institution, may receive up to 3 semesters of payments to earn the first 12 college*[-level]* credits or up to 4 payments to earn the first 24 credits. ***The definition of college credits is subject to the provisions of EOF Regulation N.J.A.C. 9:12-1.11.***

ii. Students attending open access county colleges and who are required to pursue a remedial/developmental or bilingual (ESL) curriculum of 12 or more credits may receive up to 3 semesters of payments to earn the first 12 college-level credits or up to 4 payments to earn the first 24 credits.

iii. All other students at 2-year and 4-year institutions must earn either 12 college-level credits after the first 2 award payments or 24 credits after the first 3 award payments.

3. The maximum number of semester award payments which students may receive are as follows:

	Enrollment Status	Maximum Semesters for Award Payments
COUNTY COLLEGES:	Regular 2-Year Program	5
	Remedial/Developmental or Bilingual (ESL) Curriculum	6
	EOF Program	6/8*
FOUR-YEAR COLLEGES:	Regular 4-Year Program	8
	5-Year Program	10
	EOF Program	10/12*

*With special EOF approval.

i. Students shall not receive more than 8 semesters of payment unless they are enrolled in a 5-year program or receiving assistance under the EOF Program.

ii. Students enrolled in an undergraduate program regularly requiring 5 academic years for completion shall be permitted a fifth year of payment eligibility.

iii. Students enrolled in the EOF Program may receive 2 additional payments based upon the special approval from the Executive Director of the EOF Program.

(f) Students who are unable to earn 12 credits in a semester may remain eligible if they have maintained an average academic progress of 12 credits or more per semester of award payments.

(g) The academic standing and progress of all students receiving assistance must be monitored by institutions at least once a year, ***[at the end of the spring semester]* *prior to the fall semester***.

(h) Students who fail to achieve the above minimum standards shall be ineligible to receive financial aid under the programs administered by the Student Assistance Board until

such time as the institution certifies that they are on good academic standing and are achieving satisfactory academic progress.

(i) Students and institutions shall have the right to appeal the denial of financial aid based upon these guidelines through the established appeal procedures.

(j) This regulation will become effective for record keeping and academic progress determination for the 1983-84 academic year, and effective for determination of grant eligibility for the 1984-85 academic year.

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(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Pharmacy Manual Claims Requiring Special Handling

Adopted Amendments: N.J.A.C. 10:51-2.6 and 5.25

Proposed: April 16, 1984 at 16 N.J.R. 808(b).
Adopted: May 31, 1984 by George J. Albanese, Commissioner, Department of Human Services.
Filed: May 31, 1984 as R.1984 d.225, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 30:4D-6b(6), 7 and 7b, 30:4D-24.
Effective Date: June 18, 1984.
Operative Date: July 1, 1984.
Expiration Date pursuant to Executive Order 66(1978):
Subchapter 2, Billing Procedures, expires July 10, 1986.
Subchapter 5, Pharmaceutical Assistance to the Aged and Disabled, expires April 26, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption appears below.

Note: The text appearing in boldface with asterisks ***thus*** was new material in the proposal and should have appeared in boldface in the proposal. There has been no change in that text between proposal and adoption.

- 10:51-2.6 Instructions for completion of Form MC-6
 - (a)-(d) (No change.)
 - (e) Mailing addresses for claims
 - 1. (No change.)
 - i. (No change.)

2. Claim Return Statement and claims requiring special handling.

- i. (No change.)
- ii. Claims for amounts billed which exceed **\$99.99** should be mailed to P.O. Box 549, Newark, New Jersey 07101, and envelopes should be marked "Attention: 100."
- iii. (No change.)
- 3. (No change.)

- 10:51-5.25 Instructions for completion of MC-6
 - (a)-(c) (No change.)
 - (d) Mailing address for claims are as follows:
 - 1.-2. (No change.)

***3. Claims requiring special handling and Claim Return Statements.**

i. Claims for amounts billed which exceed \$99.99 should be mailed to P.O. Box 549, Newark, New Jersey 07101, and envelopes should be marked "Attention: 100."*

***[ii.]* *(e)* (No change.)**

(b)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Other Agency Responsibilities

Readoption: N.J.A.C. 10:81-7 Adopted New Rule: N.J.A.C. 10:81-7.15 Adopted Amendments: N.J.A.C. 10:81-7.1, 7.4, 7.12, 7.20, 7.22, 7.32, 7.38, 7.39, 7.46 and 7.47

Proposed: April 16, 1984 at 16 N.J.R. 826(a).
Adopted: May 31, 1984 by George J. Albanese, Commissioner, Department of Human Services.
Filed: May 31, 1984 as R.1984 d.227, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date of Readoption: May 31, 1984.
Effective Date of Amendments: June 18, 1984.
Effective Date of New Rule: June 18, 1984.
Expiration Date pursuant to Executive Order No. 66(1978): May 31, 1989.

Summary of Public Comments and Agency Responses:

Comment was received from a county welfare agency (CWA) regarding the requirement that a photo identification (ID) card be accepted by recipients as a condition of eligibility. The CWA took exception to the requirement pointing out that a photo ID card is not an eligibility requirement in the Food Stamp Program (FSP) and the majority of program participants consent to have photographs placed on their ID cards.

In response, the Department observes that the rule is the result of State Law (P.L. 1983 c.85) mandating acceptance of a photo ID card as a condition of eligibility in the Aid to Families with Dependent Children (AFDC) program.

FSP regulations make a photograph on the ID card an option except in those areas designated by the United States Department of Agriculture as "impacted" due to the high level of food stamp households. Appropriate food stamp recipients in "impacted" areas are required to accept an ID card with a photograph.

The CWA also commented that if a photo ID card requirement is established, additional exclusions would be necessary. The CWA was concerned about clients who require home visits and the cost of securing and using portable photographic equipment.

Given the nature of the AFDC program which provides that there be an adult in the home not only capable of caring for children but also responsible for the fiscal management of the household, the Department believes that alteration of the regulation to add an exclusion for home-bound clients is not generally justified.

The low incidence of cases in which a single adult is home-bound and eligible for AFDC does not warrant the establishment of specific regulatory guidance, nor is it thus anticipated that purchase of portable equipment will be a factor subject to consideration.

Finally, the CWA took exception, on the basis of agency operating cost and time, to the establishment of a protective payee in situations where the payee refuses to be photographed or accept the ID card.

Since this rule makes acceptance of the photo ID card a condition of eligibility, penalties of ineligibility are necessary. The appointment of a protective payee is an alternate method of payment used in similar situations, e.g., failure to register for work. While imposition of the penalty renders the adult ineligible for assistance, the appointment of a protective payee serves as the customary payment mechanism to ensure that benefits are continued to otherwise needy children.

Summary of Changes Subsequent to Proposal:

Technical revisions were made. These revisions correct cross-references and update agency names and addresses. N.J.A.C. 10:81-7.39 has been deleted because it contains the text of Forms WD-1 and WD-1B which are found in the Appendix of Chapter 81 where they appropriately belong, and Form WD-1C is an obsolete form.

Full text of the readoption without changes can be found in the New Jersey Administrative Code at N.J.A.C. 10:81-7, as amended in the New Jersey Register.

Full text of the adopted new rule and the changes between proposal and adoption follows (additions to proposal indicated by boldface with asterisks ***thus***, deletions from proposal indicated in brackets with asterisks ***[thus]***).

10:81-7.1 Notice to client of county welfare agency decision
(a)-(j) (No change.)

(k) Notice of intention to reduce, suspend, or terminate amount of regular assistance payment or benefits prior to any change in payment procedure, reduction, suspension, or termination of any regular amount of assistance (including service, vendor payments or Medicaid entitlement), recipients of assistance are entitled to:

1.-5. (No change.)

6. Exception to timely notice: Timely notice may be dispensed with but adequate notice shall be sent not later than the date of action when:

i.-vii. (No change.)

viii. Assistance is reinstated in the corrected amount following suspension ***[(see N.J.A.C. 10:81-4.22(b))]***.

10:81-7.4 Continuation of assistance

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

(c) Any overpayment resulting from unreduced assistance pending a fair hearing shall be subject to recovery. In the event that agency action is sustained and a recipient has received an overpayment solely due to continued payments unreduced, recovery shall be affected in accordance with procedures in N.J.A.C. ***[10:82-2.19(a)2]* *10:82-2.19***.

(d) (No change.)

10:81-7.12 Transfer of case records

No case record or official part of such record shall be permanently removed from its designated filing cabinet unless and until it is transferred in its entirety to the custody of some other county welfare ***[board]* *agency*** or it comes under the provisions of ***[section 13 of this subchapter]* *N.J.A.C. 10:81-7.13***.

10:81-7.15 Issuance of photo identification cards

(a) The CWA shall issue a photo identification (ID) card (Form FSP-903), universal to both the AFDC and Food Stamp programs, to each assistance payee as a condition of eligibility. The photo ID card shall be used as proof of eligibility and to make check cashing possible.

(b) The CWA will establish a procedure for completion of the ID card that will ensure that the client need make only one visit to the agency for that purpose.

(c) Each photo ID card shall, at a minimum, include the name, case number, color photograph and signature of the recipient. The county seal or other type of logo produced via a validation plate shall overlap upon the ID card and the photo to preclude substitution of the photo.

(d) If the assistance payee in the eligible unit (EU) refuses to accept the ID card or refuses other than for reason of religious belief or disfigurement (see (d)3 and 4 below) to be photographed for the purpose of placing a photo on the ID card, the following shall apply:

1. If there is only one adult in the EU, that individual shall be considered ineligible for assistance and any benefits to which a child(ren) in the EU are entitled shall be issued in the form of protective payments (see N.J.A.C. 10:81-4.9). The ineligible adult may not be named as protective payee.

2. If there are two adults in the EU, the other adult shall be given the opportunity to become the payee, be photographed and accept the ID card. If the other adult also refuses to be photographed and/or accept the ID card:

i. In AFDC-C segment (incapacity) cases, either adult (at the EU's discretion) shall be rendered ineligible for assistance; or

ii. In AFDC-F segment cases, the adult who is not the principal earner shall be rendered ineligible for assistance; or

iii. In AFDC-N segment cases, either adult shall be rendered ineligible for assistance; and

iv. Any benefits to which the remaining members of the EU are entitled shall be issued in the form of protective payments.

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3. In instances where a recipient payee's religious beliefs do not allow the taking of his or her photograph, the payee may accept an ID card without a photograph.

4. In instances where a recipient payee does not wish to be photographed because of disfigurement, the payee may accept and ID card without a photograph.

5. Where a protective payee (see N.J.A.C. 10:81-4.10) has been appointed, such payee may elect to either accept or refuse an ID card, with or without a photograph. This equally applies to non-needy parent persons and SSI recipients.

6. The penalty of ineligibility imposed on an adult in conjunction with this policy shall continue until such time as a photo ID card is in fact issued to him or her or another appropriate member of the eligible unit.

10:81-7.20 Separation of income maintenance and social services

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

(c) The function of providing financial assistance through income maintenance is conducted separately from the function of providing or arranging for social services. The two must be coordinated so that the client's interests may be effectively served. The IM worker with whom the client is in contact must always be alert to possible need for a service referral. The units will share information adequately to fulfill these requirements*[:]* *.*

1. ***Interrelated activities:*** Interrelated activities which involve both income maintenance and services include but are not limited to:

i. (No change.)

ii. Emergency assistance payments (*[Assistance Standards Handbook, section 530]* ***N.J.A.C. 10:82-5.10***);

iii. Service payments (*[Assistance Standards Handbook, section 510]* ***N.J.A.C. 10:82-5.2***);

iv.-vi. (No change.)

2.-3. (No change.)

10:81-7.22 General principles for participation in burial and funeral expenses

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

(e) A claim filed with a county welfare *[board]* ***agency*** by a funeral director is not a demand for payment owing under a contract, but merely a request for allowance to be granted or denied consistent with these regulations, except where the welfare *[board]* ***agency*** has directly arranged and contracted for the funeral director's services under the circumstances authorized in N.J.A.C. *[10:81-1.23]* ***10:81-7.23***.

10:81-7.32 Release of information for purposes other than the administration of public assistance

(a) (No change.)

(b) In case of subpoenaed records:

1. Upon being called to testify or produce agency records concerning an AFDC-N recipient(s) before a judicial officer under whose authority the subpoena has been issued, the officer or employee of the county welfare agency personally or through counsel as provided, shall make a statement substantially as follows:

i. "Under the direction of the Commissioner of the Department of *[Institutions and Agencies]* ***Human Services*** as authorized by law, information concerning applicants and recipients of assistance must be restricted to purposes directly connected with the administration of assistance. The Commissioner has advised that this includes a requirement of

non-disclosure of such information in response to subpoena. If a disclosure is made of this information, either by personal testimony or by production of records, this is considered non-conformance with State requirements and may subject the county to loss of State financial participation in the assistance program."

2.-3.(No change.)

10:81-7.38 Procedures affecting county welfare agencies

(a) ***Notification to vendors:*** The CWA shall establish procedures to ensure that all vendors to whom payment is being made, other than medical services, will receive on an annual basis a copy of Form WD-1A, A Statement Concerning Obligations of Vendors *[see sample form in section 39 of this subchapter:]** *.*

i. (No change.)

(b) Rules concerning the assurance of compliance by vendors are:

1.-2. (No change.)

3. Any evidence of discrimination by the vendors described in *[paragraph 2 in this subsection]* *** (b)2 above*** which comes to the attention of the county welfare agency shall be reported immediately to the Director, Division of Public Welfare.

(c) ***Information to staff:*** The county welfare agency shall inform all staff members of their obligations in regard to Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This shall be accomplished by:

1. Furnishing each new employee a copy of Form WD-1B *[see sample form in section 39 of this subchapter]**;

2.-3. (No change.)

(d) ***Information to applicants:*** All persons seeking public assistance administered by the county welfare agency shall be informed of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This shall be accomplished by the county welfare agency by attaching to the appropriate application form a copy of Form PA-197, Your Rights and Responsibilities.

(e) Complaint procedure rules are:

1. All persons seeking or receiving public assistance shall be afforded an opportunity to file a complaint alleging discrimination on the ground of race, color, national origin, or handicap. Such complaints may be filed directly with the Regional Director, U.S. Department of Health *[, Education and Welfare]* ***and Human Services***, Federal Building, 26 Federal Plaza, New York, New York 10007, or with the Director, Division of Public Welfare, Department of Human Services, *[P.O. Box 1627]* ***CN 716***, Trenton, New Jersey 08625.

2. (No change.)

3. The county welfare agencies shall afford full cooperation in the investigation of complaints of discrimination as may be requested by the Federal Department of Health *[, Education and Welfare]* ***and Human Services***; the Director, State Division of Public Welfare; the Director State Division of Medical Assistance and Health Services; and the Division *[of]* ***on*** Civil Rights, New Jersey Department of Law and Public Safety.

4.-6. (No change.)

10:81-7.39 *[Forms]* *** (Reserved)***

*[(a) Form WD-1: A STATEMENT CONCERNING OBLIGATION OF VENDORS UNDER THE CIVIL RIGHTS ACT OF 1964

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For the purposes of this statement, the term "vendor" means an individual, agency, institution or organization in New Jersey participating in public welfare programs through contractual or other arrangements whereby care or services are provided to individuals for which payment is received directly from the public welfare agencies administering such programs. The public welfare programs concerned are those administered by or under the supervision of the Division of Public Welfare.

Under the provisions of the Civil Rights Act of 1964, no person seeking or receiving public assistance and welfare services shall be subjected to discrimination because of race, color or national origin. This protection against discrimination means that a vendor, as defined above, shall not on the ground of race, color or national origin:

1. Deny an individual seeking or receiving public assistance and welfare services any care or services normally provided by the vendor in the course of conducting his business or profession;

2. Provide such care or services to such individual in a different manner than they are normally provided to others;

3. Subject such individual to segregation or separate treatment in any matter related to his/her receipt of such care or services;

4. Restrict such individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving such care or services; or

5. Treat such individual differently from other in determining whether and to what extent he/she should receive such care and services.

If, after due inquiry and opportunity to be heard, the Director, Division of Public Welfare, determines that a vendor is practicing discrimination on the ground of race, color or national origin, the public welfare agencies will be directed to withhold further payments to such vendor until otherwise authorized.

Additionally, the State Department of Institutions and Agencies mandates that there will be no discrimination on the basis of sex, marital, parental or birth status.

(b) Form WD-1B: A STATEMENT CONCERNING OBLIGATIONS OF PERSONNEL OF PUBLIC WELFARE AGENCIES UNDER THE CIVIL RIGHTS ACT OF 1964

Under the provisions of Federal law (Civil Rights Act of 1964) no person seeking or receiving public assistance and welfare services shall be subjected to discrimination because of race, color or national origin. In New Jersey this law applies to any financial assistance and welfare service provided by or under the supervision of the Division of Public Welfare.

This protection against discrimination means that a staff member of the Division of Public Welfare or of any agency under its cognizance, as listed above, shall not on the ground of race, color or national origin take or participate in any action to:

1. Deny an individual any aid, care or services provided under the program;

2. Provide any aid, care or services to any individual which are different, or are provided in a different manner from that provided to others under the programs;

3. Subject an individual to segregation or separate treatment in any manner related to his receipt of any aid, care or services provided under the program;

4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving aid, care or service provided under the programs;

5. Treat an individual differently from others in determining whether he/she satisfies any eligibility or other requirement or condition which individuals must meet in order to receive any aid, care or services provided under the programs; or

6. Deny any individual an opportunity to participate in the programs through the provision of service or otherwise, or afford him/her an opportunity to do so which is different from that afforded others under the programs (including the opportunity to participate in the program as an employee where the primary objective of the Federal financial assistance to the program is to provide employment, including a program under which the employment is provided to reduce unemployment).

If, after due inquiry and opportunity to be heard, the employing agency, with the concurrence of the Director, Division of Public Welfare, determines that a staff member has practiced discrimination on the ground of race, color or national origin, such staff member shall be subject to disciplinary action.

Additionally, the State Department of Institutions Agencies mandates that there will be no discrimination on the basis of sex, marital, parental or birth status.

(c) Form WD-1C: A STATEMENT CONCERNING NONDISCRIMINATION IN PROGRAMS OF PUBLIC ASSISTANCE AND WELFARE SERVICES

Under the provisions of Federal law (Civil Rights Act of 1964) no person seeking or receiving public assistance and welfare services shall be subjected to discrimination because of race, color or national origin. In New Jersey this law applies to any financial assistance and welfare services provided by or under the supervision of the Division of Public Welfare.

This protection against discrimination means that these agencies, directly or through arrangements with other organizations participating in the programs, shall not on the ground of race, color or national origin:

1. Deny an individual any aid, care or services provided under the programs;

2. Provide any aid, care or services to an individual which are different, or are provided in a different manner, from that provided to others under the programs;

3. Subject an individual to segregation or separate treatment in any manner related to his/her receipt of any aid, care or services provided under the programs;

4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving aid, care or services provided under the programs;

5. Treat an individual differently from others in determining whether he/she satisfies any eligibility or other requirements or condition which individuals must meet in order to receive any aid, care or services provided under the programs; or

6. Deny an individual an opportunity to participate in the programs through the provision of services or otherwise, or afford him/her an opportunity to do so which is different from that afforded others under the programs (including the opportunity to participate in the program as an employee, where the primary objective of the Federal financial assistance

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to the program is to provide employment, including a program under which the employment is provided to reduce unemployment).

When any person seeking or receiving public assistance and welfare services believes he/she has been subjected to discrimination because of his/her race, color or national origin, he/she may file a complaint concerning this. The complaint should be in writing and describe the circumstances. It may be sent to the Director, Division of Public Welfare, P.O. Box 1627, Trenton, New Jersey; or to the Regional Commissioner, Federal Department of Health, Education and Welfare, 26 Federal Plaza, New York, New York 10007.

When a complaint is received an investigation will be made of the circumstances. If it is found that there was discrimination on the ground of race, color or national origin, proper action will be taken to correct the situation.

Additionally, the State Department of Institutions and Agencies mandates that there will be no discrimination on the basis of sex, marital, parental or birth status.]*

10:81-7.46 Reporting criminal offenses to law enforcement authorities

(a) (No change.)

(b) Nature of offenses which must be reposted are:

1. (No change.)

2. To Federal authorities: Knowledge of the actual commission of a Federal felony, unless disclosure of such information is prohibited by law *(see this subchapter)*. (Refer to legal counsel for identification of Federal felonies.)

(c) ***Procedures:** When the county welfare *[board]* ***agency*** becomes aware of facts that would indicate that one of the above mentioned crimes has been or may have been committed or receives a direct allegation in any form, written, verbal or anonymous, that such a crime has been committed, it shall proceed as follows:

1. (No change.)

2. If the director is satisfied that there is evidence to support an investigation as to whether a crime has been committed, he ***[/* *or*** she shall, after consultation with counsel, report the matter to the county prosecutor, or to a local police department or to the State Police if so directed by the office of the prosecutor. If such matter involves suspected child abuse or neglect, it shall also be reported to the social service unit which shall contact the Division of Youth and Family Services. (see N.J.A.C. 10:81-3.12 ***(e)***.)

3. When a decision has been made to report the alleged or suspected commission of the crime, such report shall be made in written form to the appropriate law enforcement agency. Where a direct allegation charging commission of a crime has been made by an identified person, such person shall be advised of his ***[/* *or*** her responsibility to report this information to the proper authorities. In these instances, the report of the county welfare ***[board]* *agency*** shall include a statement that the individual originally making the allegation had been informed of his ***[/* *or*** her responsibility to report this information to the appropriate law enforcement agency.

4. The county welfare ***[board]* *agency*** shall cooperate fully with any subsequent investigation initiated by the law enforcement agency, within the limits of the policy and regulations of the Division of Public Welfare. A county welfare ***[board]* *agency*** staff member may sign a written complaint only upon a written request from the law enforcement agency and provided his ***[/* *or*** her information of the facts to be stated in such complaint is based upon his ***[/* *or*** her own personal knowledge and belief.

10:81-7.47 Rights of individual under investigation

(a) The CWA shall insure that an individual under investigation shall have the following rights:

1. Right to confidentiality: The agency shall insure that information obtained from or concerning a person under investigation shall be restricted in accordance with ***[this subchapter]* *N.J.A.C. 10:81-7.31 through 35***. The agency shall take special precautions in obtaining information from a third party so that no accusations relevant to the alleged fraud are disclosed, including the reason for the investigation or the nature of the allegation, without the written consent of the individual under investigation.

2.-3. (No change.)

(a)

DIVISION OF PUBLIC WELFARE

Public Assistance Manual Other Governmental Programs

Readoption: N.J.A.C. 10:81-8

**Adopted Amendments: N.J.A.C. 10:81-8.2,
8.7, 8.9, 8.14, 8.15 and 8.16**

Proposed: April 2, 1984 at 16 N.J.R. 679(a).

Adopted: June 4, 1984 by George J. Albanese, Commissioner, Department of Human Services.

Filed: June 4, 1984 as R.1984 d.238, **with technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date of Readoption: June 4, 1984.

Effective Date of Amendments: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): June 4, 1989.

Summary of Public Comments and Agency Responses:
No comments received.

Summary of Changes Subsequent to Proposal:

N.J.A.C. 10:81-8.14 Obsolete language has been deleted for clarification and consistency.

N.J.A.C. 10:81-8.16(d) The street number of the Salem County Medicaid District Office has been corrected due to a publication error.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 10:81-8, as amended and supplemented by the New Jersey Register.

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

HUMAN SERVICES

ADOPTIONS

10:81-8.2 Procedures for filing claims and securing information

(a) The following procedures are to be observed by the county welfare agency in respect to clients if the information is not available from the BENDEX or other reliable sources.

(b) Form SSA-1610: Form SSA-1610, Social Security-public assistance agency information request and report, printed and distributed by the Social Security Administration, is available from the State division.

1. As a general rule, the Social Security Administration will not honor oral requests for information or other material. All requests must be made by using Form SSA-1610. Prepare the SSA-1610 only after all other sources of information have been explored and it has been determined that the required information is not available from any other source. Instructions for completion of Form SSA-1610 by welfare personnel are contained on the reverse of the second page of the snap-out form. They should be followed carefully.

2. (No change in text.)

3. Form SSA-1610 will be completed and the original mailed to the appropriate district office of the Social Security Administration, the copy being retained on file until the district office responds with the status report.

4. (No change in text.)

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

10:81-8.7 Unemployment insurance and temporary disability benefits

(a) (No change.)

(b) Eligibility for assistance in relation to benefits:

1. (No change.)

2. In determination of eligibility for assistance, or continued assistance, unemployment insurance and temporary disability benefits shall be considered as a resource.

(c) Verification of status of claim for unemployment insurance.

1.-2. (No change.)

3. When a client cannot provide the information and fails in his or her efforts to secure it himself or herself, or there is reason to believe that the client is furnishing inaccurate or incomplete information, the agency shall request the necessary data from the Division of Public Welfare, Integrity Control Section.

(d) Verification of status of claim for temporary disability benefits:

1.-2. (No change.)

3. If the client still has not received payment, or notice of ineligibility for benefits for a claim made under the private plan, a direct inquiry in writing shall be sent to the employer. If filed under the State plan, inquiry shall be made to the Division of Public Welfare, Integrity Control Section, through use of Form PA-24. In such instances assistance shall be continued until receipt of a reply, and further appropriate action taken when the reply is received.

10:81-8.9 Functions of Veterans Administration

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

(c) Information concerning eligibility for benefits and services:

1. (No change.)

2. The New Jersey Bureau of Veterans Services, Department of Human Services, maintains service offices to which persons seeking information or wishing to file for veterans benefits or services may be referred.

3. (No change.)

10:81-8.14 Responsibility of municipal welfare department receiving referral assistance

The municipal welfare department will complete *[the "tear sheet" portion of]* the PA-14 as appropriate to the situation and return it to the county welfare *[board]* *agency*.

10:81-8.15 Medical assistance (Medicaid)

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

(c) In addition to the services listed in (b) above and subject to the limitations imposed by Federal law, the medical assistance program may also include any other medical care and any other type of remedial care recognized under State law, specified by the Secretary of the Federal Department of Health and Human Services, and approved by the Commissioner of the Department of Human Services.

10:81-8.16 Administrative organization

(a) Department of Human Services: The Department of Human Services is the administrative unit of State government which has the responsibility for the medical assistance program and is designated under Federal law as the "single State agency".

(b) (No change.)

(c) Medicaid District Offices (MDO): The Division of Medical Assistance and Health Services has local medical offices throughout the State. The role of these offices is to provide liaison with providers of health services; provide information about Medicaid to recipients and members of the community; and provide information about Medicaid to, and cooperate with, appropriate agencies in order to ensure maximum utilization of the services available through the Medicaid program.

(d) Any questions with respect to the policy, regulations or procedures of the Medicaid program should be directed to the appropriate MDO as listed below:

Atlantic	1 S. New York Avenue Atlantic City (609) 441-3620
Bergen	50 Main Street, 1st Fl. Hackensack (201) 488-5667
Burlington	50 Rancocas Road Mt. Holly (609) 261-0488
Camden	Parkade Building, Room 207 519 Federal Street Camden (609) 757-2870
Cape May	501 Landis Avenue (basement) Vineland (609) 696-6560
Cumberland	501 Landis Avenue Vineland (609) 696-6560
Essex	155 Washington Street Newark (201) 648-2470
Gloucester	Woodbury Plaza 251 N. Delsea Drive Woodbury (609) 845-7185
Hudson	880 Bergen Avenue Jersey City (201) 792-6390
Hunterdon	84 Park Avenue Flemington (201) 782-1130
Mercer	28 West State Street Trenton (609) 292-7315

ADOPTIONS

HUMAN SERVICES

Middlesex	75 Paterson Street New Brunswick (201) 246-0653
Monmouth	1200 Memorial Drive Asbury Park (201) 775-5700
Morris	10 Park Place Morristown (201) 267-1700
Ocean	1861 Hooper Avenue Toms River (201) 255-6226
Passaic	100 Hamilton Plaza Paterson (201) 523-2800
Salem	Woodbury Plaza *[215]* *251* N. Delsea Drive Woodbury (609) 845-7185
Somerset	84 Park Avenue Flemington (201) 782-1130
Sussex	10 Park Place Morristown (201) 267-1700
Union	125 Broad Street Elizabeth (201) 648-4630
Warren	84 Park Avenue Flemington (201) 782-1130

(a)

DIVISION OF PUBLIC WELFARE

**Public Assistance Manual
Medicaid Special; Income Calculations**

Adopted Amendment: N.J.A.C. 10:81-8.24

Proposed: April 2, 1984 at 16 N.J.R. 682(a).
 Adopted: June 4, 1984 by George J. Albanese, Commissioner, Department of Human Services.
 Filed: June 4, 1984 as R.1984 d.239, **without change**.
 Authority: N.J.S.A. 44:7-6 and 44:10-3.
 Effective Date: June 18, 1984.
 Operative Date: July 1, 1984.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

- 10:81-8.24 Determination of eligibility; Medicaid Special
- (a) (No change.)
 - (b) Income calculations: Earned income shall be calculated in accordance with AFDC-C and -F procedures found in Chapter 82.
 - 1. General Assistance payments whether in the form of cash, check or assistance order or a combination of the above shall be countable as income for purposes of determining eligibility for Medicaid Special.
 - (c)-(e) (No change.)

(b)

DIVISION OF PUBLIC WELFARE

**Public Assistance Manual
Minimum Support Assessment
Recommendation**

Adopted New Rule: N.J.A.C. 10:81-11.18

Proposed: April 16, 1984 at 16 N.J.R. 828(a).
 Adopted: June 4, 1984 by George J. Albanese, Commissioner, Department of Human Services.
 Filed: June 4, 1984 as R.1984 d.243, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: June 18, 1984.
 Operative Date: July 1, 1984—contingent on enactment of this State's Appropriations Act for Fiscal Year 1985 authorizing the proposed increase in public allowance standards.

Summary of Public Comments and Agency Responses:

COMMENT: If an absent parent is making child support payments, he or she should not be further penalized because the dependent children are receiving public assistance.
RESPONSE: The rule is not intended to impose additional support requirements on individuals already making support payments under an order. Rather, it standardizes the minimum amount of support that the county agencies should seek against persons not already under order.

COMMENT: Use of the formula would increase the support liability of persons already under an order of support.
RESPONSE: Again, the rule is not applicable to persons under existing orders of support.

COMMENT: The language at N.J.A.C. 10:81-11.18(a)3 can be read to mean that an absent parent could be assessed twice for the same dependent children.
RESPONSE: The language has been revised to more implicitly state the intent. Deductions from the absent parent's income will be made for support being paid to other dependents under prior support orders.

COMMENT: The wording "extenuating circumstances" at N.J.A.C. 10:81-11.8(a)4 is confusing in the context of the rule.
RESPONSE: The Department concurs. It is intended that deduction be limited to medical and dental expenses and therefore the phrase "extenuating circumstances" has been deleted.

COMMENT: The Department is, in effect, requiring the absent parent to pay alimony which has not been court ordered.
RESPONSE: Amount derived by use of the formula are recommended amounts and are subject to judicial approval. Further, the Department is not stipulating any amount derived from the formula as alimony. Amounts recommended under these standards are based on the number of dependents for which the absent parent is legally responsible.

COMMENT: Two figures in the support assessment table were discrepant.

RESPONSE: A review of the table revealed one figure in error and a revision has been made.

COMMENT: No mention is made to obtaining medical support on behalf of the family receiving public assistance.

RESPONSE: The Department is developing separate rules for medical support in accord with Federal regulations and child support legislation expected to be enacted.

COMMENT: The rule did not specify how to derive support amounts for more than five dependents.

RESPONSE: The assessment table has been revised to respond to this observation.

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

10:81-11.18 Support assessment

(a) The CWA shall recommend a minimum amount of support for consideration in support proceedings in accordance with individual county procedures. The recommended minimum weekly support amount shall be determined in accordance with the following steps.

1. Determine the absent parent's gross weekly earned and unearned income.
2. If the absent parent is married and living with a second family, deduct the amount found in Table II for his spouse and other dependents. (The absent parent is not counted as a dependent.)
3. A deduction shall be made for the amount of additional court ordered support which is being paid by the absent parent ***under a prior order for other dependents***.
4. If the absent parent has ***[extenuating circumstances such as]*** medical and dental expenses, ***[and]*** ***the*** amount ***of such expenses*** may be deducted not to exceed 10 percent of his or her gross income.
5. The amount remaining is the absent parent's adjusted income. This amount is compared to Table I. The amount indicated for the number of persons for whom support is sought is the minimum recommended support amount.

TABLE I
SUPPORT ASSESSMENT

WEEKLY GROSS INCOME	NUMBER OF DEPENDENTS				
	1	2	3	4	5* + *
\$ 0-25	15	15	15	15	15
26-50	15	15	15	15	15
51-75	15	15	15	15	20
76-100	15	15	20	25	25
101-125	15	25	25	30	35
126-150	20	30	35	40	45
151-175	25	35	40	45	55
176-200	30	40	50	55	65
201-225	35	50	60	65	75
226-250	40	*[50]**60*	70	75	85
251-275	45	65	75	85	100
276-300	50	75	85	100	110
301-325	55	80	95	110	125
326-350	60	90	105	120	135
351-375	65	100	120	135	150
376-400	75	110	130	145	165
401-425	80	120	140	160	180
426-450	90	130	155	175	195
451-475	95	140	165	190	215
476-500	100	155	180	205	230
501-525	110	165	195	220	250
526-550	120	180	205	235	265
551-575	130	190	220	255	285
576-600	135	205	235	270	305
601-625	145	215	250	290	325
626-650	155	230	270	305	345
651-675	160	245	285	325	365
676-700	170	260	300	345	385
701 +	25 percent of gross income	38 percent of gross income	44 percent of gross income	50 percent of gross income	56 percent of gross income

TABLE II
WEEKLY SECOND FAMILY ADJUSTMENT

Number of Dependents (Excluding Absent Parent)	Adjustment Amount
1	\$34.00
2	67.00
3	89.00
4	102.00
5	116.00
6 +	add \$13.00 for each additional dependent

(a)

DIVISION OF PUBLIC WELFARE

**Assistance Standards Handbook
Increase in AFDC Allowance Standards;
Modification of Legally Responsible
Relative Schedules**

**Adopted Amendments: N.J.A.C. 10:82-1.2,
2.13, 3.9 and 3.11**

Proposed: April 16, 1984 at 16 N.J.R. 829(a).
Adopted: June 4, 1984 by George J. Albanese, Comis-
sioner, Department of Human Services.

Filed: June 4, 1984 as R.1984 d.242, **with technical and
substantive changes** not requiring further public no-
tice or comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: June 18, 1984.

Operative Date: July 1, 1984-contingent on enactment
of this State's Appropriations Act for Fiscal Year
1985 authorizing the proposed increase in public as-
sistance allowance standards.

**Summary of Public Comments and Agency Responses:
No comments received.**

Full text of the adopted amendments follows (additions to
the proposal indicated in boldface with asterisks ***thus***; dele-
tions to the proposal indicated in brackets with asterisks
[thus]).

10:82-1.2 Schedule of allowances

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

(c) Public Assistance Allowance Standards AFDC Pro-
gram.

Schedule I	Number in Eligible Unit	Schedule II AFDC-N
AFDC-C		
AFDC-F		
\$147	1	\$ 98
292	2	195
385	3	257
443	4	295
501	5	334
559	6	373
617	7	411
675	8	450
733	9	489
791	10	527
Add \$58 each person	more than 10	Add \$39 each person

(d) AFDC eligibility shall not exist for any month if the
total income of the eligible unit exceeds the amount indicated
in Schedule III for the appropriate eligible unit size and pro-
gram segment. For this purpose, total income shall include all

income of the eligible unit (without benefit of the disregards
in N.J.A.C. 10:82-4.4 or 4.5) including the income of steppar-
ents and alien sponsors determined available to the eligible
unit in the N.J.A.C. 10:82-2.9 and 3.13. Total income in-
cludes the earned income of the AFDC children. Child sup-
port payments, whether received directly by the household or
collected through the CSP process, shall be counted in the
determination of total income (see N.J.A.C. 10:82-2.13(f) for
companion cases).

1. (No change.)

2. Funds exempted under N.J.A.C. 10:82-1.7 and 3.2(b)6
through 10 and monies disregarded under N.J.A.C. 10:82-4.6
shall not be considered income for this purpose.

Schedule III
Maximum Income Levels

AFDC-C AFDC-F	Number in Eligible Unit	AFDC-N
\$ 221	1	\$147
438	2	293
578	3	386
665	4	443
752	5	501
839	6	560
926	7	617
1013	8	675
1100	9	*[735]* *734*
1187	10	791
Add \$87 each person	More than 10	Add \$58 each person

10:82-2.13 Companion cases

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

(e) When any member of the eligible unit has income,
earned or unearned, proceed as follows:

1.-2. (No change.)

3. Deduct the total income from the total allowance to
determine the adjusted allowance (and grant) for the eligible
unit.

Per Capita Table for Companion Cases

Total Eligible Unit	Number in -C or -F Segment								
	1	2	3	4	5	6	7	8	9
2	146								
3	128	257							
4	111	222	332						
5	100	200	301	401					
6	93	186	280	373	466				
7	88	176	264	353	441	529			
8	84	169	253	338	422	506	591		
9	81	163	244	326	407	489	570	652	
10	79	158	237	316	396	475	554	633	712
Total Eligible Unit	Number in -N segment								
	1	2	3	4	5	6	7	8	9
2	98								
3	86	171							
4	74	148	221						
5	67	134	200	267					
6	62	124	187	249	311				
7	59	117	176	235	294	352			
8	56	113	169	225	281	338	394		
9	54	109	163	217	272	326	380	435	
10	53	105	158	211	264	316	369	422	474

(f) The Maximum Income Level: Per Capita Tables below shall be used to determine AFDC income eligibility for companion cases of two to 10 members. For cases of more than 10 members the maximum income level shall be the per capita of the standard for the total eligible unit on Schedule III, N.J.A.C. 10:82-1.2, multiplied by the number of members in that segment.

Maximum Income Level - Per Capita Table

Total Eligible Unit	Number in -C or -F Segment								
	1	2	3	4	5	6	7	8	9
2	219								
3	193	385							
4	166	333	499						
5	150	301	451	602					
6	140	280	419	559	699				
7	132	265	397	529	661	794			
8	127	253	380	507	633	760	886		
9	122	244	367	489	611	733	856	978	
10	119	237	356	475	594	712	831	950	1078

Total Eligible Unit	Number in -N Segment								
	1	2	3	4	5	6	7	8	9
2	147								
3	129	257							
4	111	222	332						
5	100	200	301	401					
6	93	187	280	373	467				
7	88	176	264	353	441	529			
8	84	169	253	338	422	506	591		
9	82	163	245	326	408	489	571	652	
10	79	158	237	316	396	475	554	633	712

10:82-3.9 Available support

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

(f) To determine the capacity of an absent parent to support his or her dependent children, the procedures at N.J.A.C. 10:81-11.18 shall be followed.

10:82-3.11 Determining amount of support

(a) Monthly income standards: Two sets of standards provide the basis for evaluation of an LRR's capacity to contribute to the support of the eligible unit:

1.-2. (No change.)

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

(d) The method for determining capacity to support is:

1.-4. (No change.)

5. When the LRR's adjusted income exceeds the applicable standard, the amount derived from Schedule V shall be the evaluated contribution for support of the eligible unit.

6. (No change.)

Schedule IV - Monthly Income Standards

Part A Parents of AFDC children	Family size	Part B All other LRRs
\$375	1	\$1075
500	2	1500
625	3	1930
690	4	2360
755	5	2715
820	6	3005
885	7	3290
950	8	3575

plus \$65	Each Additional person	plus \$285
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Schedule V
Table

for establishing LRR's contribution for support

Determine the difference between the LRR's adjusted income and the applicable monthly income standard on schedule IV. In the table below find the amount of this difference. The corresponding amount appropriate for the number of persons in the eligible unit for whom the LRR is responsible is the contribution to be made by the LRR.

Delete entire table currently in the Code and replace with the following new table:

Persons for Whom LRR is Responsible

Excess Income	1	2	3	4	5 +
\$ 1-215	\$ 65	\$ 65	\$ 65	\$ 65	\$ 65
216-325	65	65	65	65	85
326-435	65	65	85	110	110
436-540	65	110	110	130	150
541-650	85	130	150	175	195
651-760	110	150	175	195	240
761-865	130	175	260	240	280
866-975	150	215	260	280	325
976-1085	175	*[215]* *260*	305	325	370
1086-1190	195	280	325	370	435
1191-1300	215	325	370	435	475
1301-1410	240	345	410	475	540
1411-1515	260	390	455	520	584
1516-1625	280	435	520	585	650
1626-1735	325	475	565	630	715
1736-1840	345	520	605	695	780
1841-1950	390	565	670	760	845
1951 +	20% of adjusted income	29% of adjusted income	34% of adjusted income	39% of adjusted income	43% of adjusted income

(a)

DIVISION OF PUBLIC WELFARE

**Assistance Standards Handbook
AFDC Supplemental Payments**

Adopted New Rule: N.J.A.C. 10:82-5.11

Proposed: April 16, 1984 at 16 N.J.R. 832(a).

Adopted: June 4, 1984, George J. Albanese, Commissioner, Department of Human Services.

Filed: June 4, 1984 as R.1984 d.240, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 44:7-6 and 44:10-3.

Effective Date: June 18, 1984.

Operative Date: July 1, 1984 — contingent on enactment of this State's Appropriations Act for Fiscal Year 1985 authorizing the proposed increase in public assistance allowance standards.

ADOPTIONS

Summary of Public Comments and Agency Responses:

COMMENT: Use of the term payment month is ambiguous within the context of the rule.

RESPONSE: Language has been added at N.J.A.C. 10:82-5.11(i) to clarify the terminology.

COMMENT: It should be specified how long the county agency has to process and issue AFDC supplemental payments.

RESPONSE: Time-frames required to process cases will vary from case to case because of verification requirements. However, the Department expects case processing to be expedited for AFDC supplemental payments. Language has been added at N.J.A.C. 10:82-5.11(j) to reflect this position.

COMMENT: Supplemental payments should be available for any substantial loss of income and not be limited to losses due to unanticipated circumstances as expressed in the proposal.

RESPONSE: While the Department recognizes that retrospective budgeting can create hardship for any income loss, it does not intend to provide supplemental aid when the income loss was the fault of the recipient or when the recipient could reasonably predict and plan for the income loss.

COMMENT: The recipient should not have to request supplemental aid.

RESPONSE: The processing of each case suffering an income loss to ascertain if eligibility for supplemental payments would, by nature of the volume, not be possible for the county agencies. Therefore, the Department is requiring the eligible unit to express a need for such aid which will initiate the eligibility determination process.

COMMENT: There is need for examples of "unanticipated circumstances" which would qualify a family for supplemental payments.

RESPONSE: Language has been added at N.J.A.C. 10:82-5.11(f) to clarify "unanticipated circumstances".

Summary of Changes Subsequent to Proposal:

10:82-5.11(a) and (i) Language has been added to clarify the term "payment month" within the context of the rule.

10:82-5.11(f) Language has been added to clarify "unanticipated circumstances".

10:82-5.11(j) Language has been added to reflect that case processing be expedited for AFDC supplemental payment.

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

10:82-5.11 AFDC supplemental payments

(a) AFDC supplemental payments shall be granted ***for any month*** when, in accordance with this section, an eligible unit has suffered a substantial loss of income due to unanticipated circumstances and its regular AFDC grant does not reflect that loss because of retrospective budgeting.

(b) A supplemental payment shall be issued for a payment month if all of the following conditions are met:

1. The eligible unit has filed a complete monthly status report (MSR) for the payment month and is otherwise eligible for AFDC;

2. The eligible unit notifies the CWA of the income loss in accordance with (d) below;

3. The income loss is established through verification;

4. It has been established that the loss of income was due to unanticipated circumstances (see (f) below); and

5. The eligible unit's remaining countable income (if any) plus the regular AFDC grant for the payment month is less than the appropriate standard in (h) below.

i. In circumstances in which the eligible unit's grant is subject to recovery, this determination shall be based on the AFDC grant that would be paid if it were not for the recovery.

(c) If the eligible unit is determined eligible for an AFDC supplemental payment, the amount of the supplemental payment shall be the difference between the applicable AFDC allowance (see N.J.A.C. 10:82-1.2) and the eligible unit's remaining countable income plus the regular AFDC grant (in grants subject to recovery, the grant that would be payable were it not for recovery).

(d) The eligible unit must notify the CWA of the income loss. Notification must be accomplished on the unit's MSR or, subsequent to submission of an MSR, by notifying the CWA by telephone, in writing, or in person. Further, the eligible unit must request ***[supplement]* *supplemental*** aid.

(e) The eligible unit is responsible for providing verification of the occurrence of and the amount of the income loss.

(f) Unanticipated circumstances are those over which the individual suffering the income loss had no control or opportunity to plan in advance ***and do include illness and layoff***. Unanticipated circumstances shall not include:

1. Loss of income which could reasonably be anticipated (for example, loss of seasonal employment);

2. Loss of income due to regular or periodic business closing;

3. Regular expiration of time-limited benefits such as unemployment benefits;

4. Voluntary termination or reduction of employment without good cause;

5. Termination with cause by the employer (dismissal resulting from some action or inaction of the employee);

6. Regular fluctuation of income due to the nature of the income source;

7. For income received less often than monthly, months in which the income is not received;

8. Loss of any benefits due to an individual's inaction or failure to comply with requirements for continued receipt;

9. Reduction of income caused by garnishment or recovery of previous overpayment; or

10. Loss of unreported income.

(g) No supplemental payment shall be granted for any month in which the income loss is not reported timely (see N.J.A.C. 10:90-2.3). There is no entitlement retroactively for any past months of income loss.

(h) AFDC supplement payment eligibility standards.

*** (i) If all criteria are met for each month, supplemental payments, up to three supplemental checks, may be issued for a single income loss. For instance, if the eligible unit's income loss occurs on January 15, retrospective budgeting will not fully reflect the loss until April. In this case three checks may be issued (for January, February, and March). If the income loss occurs on the last day of January, retrospective budgeting will fully reflect the loss in April. In this case, supplemental checks would be required for only February and March.**

(j) Payments for families eligible for AFDC supplemental payments shall be made promptly upon verification of eligibility criteria.*

AFDC-C AFDC-F	Number in Eligible Unit	AFDC-N
\$ 98	1	\$ 65
195	2	130
257	3	171
295	4	197
334	5	223
373	6	249
411	7	274
450	8	300
489	9	326
527	10	351
Add \$39 each person	more than 10	Add \$26 each person

(a)

DIVISION OF PUBLIC WELFARE

**General Assistance Manual
Increase in General Assistance Allowance
Standards: Modification of Legally
Responsible Relative Schedules**

**Adopted Amendments: N.J.A.C. 10:85-4.1
and 9.4**

Proposed: April 16, 1984 at 16 N.J.R. 833(a).
Adopted: June 4, 1984 by George J. Albanese, Commissioner, Department of Human Services.
Filed: June 4, 1984 as R.1984 d.241, with technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

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

Effective Date: June 18, 1984.
Operative Date: July 1, 1984—contingent on enactment of this State's Appropriations Act for Fiscal Year 1985 authorizing the proposed increase in public assistance allowance standards.

Summary of Public Comments and Agency Responses:

Comment was received from the New Jersey Department of the Public Advocate expressing no opposition to the seven percent increase in the monthly allowance standards and indicating "... that any increase in these monthly assistance levels is long overdue and strongly warranted . . .". However, two concerns were identified, that is, 1) the Department of Human Services (DHS) did not describe how the amount of the increase (seven percent) was derived and 2) the adequacy of a seven percent increase. With respect to the latter, a further comprehensive review, of current assistance levels in conjunction with the actual needs of General Assistance recipients was suggested.

In response, the Department observes that the seven percent increase in allowance levels is predicated on a legislative appropriation which could, at this time, be realistically anticipated for fiscal year 1985. Thus, the Department cannot unilaterally increase the public assistance standards without the necessary legislative fiscal support. The Department continues to stand ready however to consider comments on the necessity to increase such standards at any forum deemed appropriate.

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

10:85-4.1 State and local responsibilities

(a) In order to achieve equity among individuals and with other public assistance programs within the State, the Division of Public Welfare has been given responsibility for establishing, in accordance with State law and regulations, the conditions under which and procedures by which all payments of general assistance are to be made.

1. The standards set forth herein (Schedules I and II below) have been established by the DPW as the amounts to which eligible individuals are entitled, less countable income and other available resources.

(b) The municipal welfare director is responsible for determining the eligibility of persons applying for General Assistance and for providing assistance, based on the established standards, necessary to prevent needy persons from suffering from cold, hunger, lack of shelter or sickness. He or she has specific authority to issue payments to or on behalf of such persons and to expedite investigation of the circumstances of each case.

1. (No change.)

2. See N.J.A.C. 10:85-3.2(e) regarding verification of eligibility and sources of evidence.

(c) (No change.)

SCHEDULE I

Monthly Assistance Allowances
(Limited to persons determined unable to accept employment)

Number in Household	Eligible Unit
1	190
2	131
3	118
4	105
5	97
6	91
7	78
8	75
9	71
10	68
11	67
12	66
13	64
14	63
15	62

Delete the current Schedule II in the Code and replace with the following new schedule.

ADOPTIONS

HUMAN SERVICES

SCHEDULE II

Monthly Assistance Allowances

(For eligible units in which at least one person is employable)

Household	Number in	Number in Eligible Unit													
		1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	127														
2	87	174													
3	74	147	221												
4	64	127	191	254											
5	58	116	174	232	290										
6	55	109	164	218	273	327									
7	52	103	155	206	258	309	361								
8	50	99	149	198	248	297	347	396							
9	47	95	142	190	237	285	332	380	427						
10	46	91	137	182	227	273	319	364	410	455					
11	45	89	134	178	223	267	312	356	401	446	490				
12	44	88	131	175	219	263	306	350	394	438	481	525			
13	43	86	130	173	216	259	303	346	389	432	476	519	562		
14	42	85	127	169	211	254	296	338	381	423	465	507	550	592	
15	41	83	124	166	207	249	290	332	373	415	456	498	539	581	622

In eligible units of more than 15, *[and]* ***add*** \$29 for each additional member.

10:85-9.4 Determining amount of support

(a) Two sets of standards provide the basis for evaluation of an LRR's capacity to contribute to the support of the eligible unit:

1.-2. (No change.)

3. Capacity to contribute: The LRR's capacity to contribute is determined in accordance with Schedule V.

(b) Rules concerning the determination of LRR support are:

1.-2. (No change.)

3. Method for *[determining]* ***determining*** capacity:

i. The amount of the obligatory contribution is calculated as follows:

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

(5) When the LRR's adjusted income exceeds the applicable standard, the amount derived from Schedule V shall be the contribution for support of the eligible unit.

ii. Limitation of obligatory contributions:

(1) (No change.)

Schedule IV-Monthly Income Standards

Part A Spouse, or Parent of Child	Family Size	Part B	
		All L R	Other R ' s
Under Age 18			
\$375	1	\$1075	
500	2	1500	
625	3	1930	
690	4	2360	
755	5	2715	
820	6	3005	
885	7	3290	
950	8	3575	
+\$ 65	Each Additional Person	+\$ 285	

Schedule V

Table

for establishing LRR's contribution for support

Determine the difference between the LRR's adjusted income and the applicable monthly income standard on schedule IV. In the table below find the amount of this difference. The corresponding amount appropriate for the number of persons in the eligible unit for whom the LRR is responsible is the contribution to be made by the LRR.

Delete entire table currently in the Code and replace with the following new table.

Excess Income	Persons for whom LRR is responsible				
	1	2	3	4	5 +
\$ 1- 215	\$ 65	\$ 65	\$ 65	\$ 65	\$ 65
216- 325	65	65	65	65	85
326- 435	65	65	85	110	110
436- 540	65	110	110	130	150
541- 650	85	130	150	175	195
651- 760	110	150	175	195	240
761- 865	130	175	215	240	280
866- 975	150	215	260	280	325
976-1085	175	*[215]* *260*	305	325	370
1086-1190	195	280	325	370	435
1191-1300	215	325	370	435	475
1301-1410	240	345	410	475	540
1411-1515	260	390	455	520	584
1516-1625	280	435	520	585	650
1626-1735	325	475	565	630	715
1736-1840	345	520	605	695	780
1841-1950	390	565	670	760	845
1951 +	20% of adjusted income	29% of adjusted income	34% of adjusted income	39% of adjusted income	43% of adjusted income

(a)

DIVISION OF PUBLIC WELFARE

Medicaid Only Program

Medicaid "Cap" Income Eligibility Standard

Adopted Amendment: N.J.A.C. 10:94-5.6

Proposed: April 2, 1984 at 16 N.J.R. 684(a).

Adopted: June 4, 1984 by, George J. Albanese, Commissioner, Department of Human Services.

Filed: June 4, 1984 as R.1984 d.244, **without change.**

Authority: N.J.S.A. 44:7-87 and 42 CFR 435.1005.

Effective Date: June 18, 1984.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adopted amendment follows.

- 10:94-5.6 Income eligibility standards
 - (a)-(b) (No change.)
 - (c) (No change.)
 - 1.-4. (No change.)
 - 5. TABLE B

Variations in Living Arrangements	Medicaid Eligibility Income Standards	
	Individual	Couple
I. Residential Health Care Facility	\$461.97	\$907.28
II. Living Alone or with Others	343.17	495.28
III. Living Alone with Ineligible Spouse	495.28	
IV. Living in Household of Another	251.57	405.68
V. Title XIX Approved Facility— Includes persons in acute general hospitals, skilled nursing facilities, intermediate care facilities (level A, B, and ICFMR) and licensed special hospitals (Class A, B, C) and Title XIX psychiatric hospitals (for persons under age 21 and age 65 and over) or a combination of such facilities for a full calendar month.	882.00*	

*Gross income (that is, income prior to any income exclusions) is applied to this Medicaid "Cap".

LAW AND PUBLIC SAFETY

(a)

BOARD OF MEDICAL EXAMINERS

Limited Privileges and Conditions of Practice Permitted for a Graduate Nurse Midwife Pending Results of Certifying Examination and Licensure

Adopted New Rule: N.J.A.C. 13:35-2.14

Proposed: April 2, 1984 at 16 N.J.R. 685(a).
 Adopted: May 9, 1984 by Board of Medical Examiners, Frank J. Malta, M.D., Acting President.
 Filed: June 4, 1984 as R.1984 d.245, with substantive changes not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 45:9-2 and 45:10-1 et seq.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): August 1, 1988.

Summary of Public Comments and Agency Responses:

Comments were received from the Director of the Nurse Midwifery program of the U.M.D.N.J. School of Health

Related Professions, from the directors of four hospital midwifery programs, a certified nurse midwife, and from the New Jersey Chapter of the American College of Nurse Midwives. All seven writers were in favor of the proposal, approving the concept and pointing out that the rule would enhance recruitment of skilled personnel to the New Jersey area. One writer noted that the National A.C.N.M. does not at present issue approval of preceptor programs at individual hospitals, although it does endorse the concept and does approve specific midwifery training facilities. N.J.A.C. 13:35-2.14(c)1 was therefore amended to delete the requirement of A.C.N.M. preceptor program approval and to substitute the current underlying approval by A.C.N.M. of the institutional midwifery training program, on the assumption that the structure of a well-run undergraduate program is likely to be maintained in a postgraduate preceptor program.

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

13:35-2.14 Limited privileges and conditions of practice permitted for a graduate nurse midwife pending results of certifying examination and licensure

(a) A graduate of a program of nurse midwifery approved by the American College of Nurse Midwives and by the Board of Medical Examiners of this State, who is awaiting results of the A.C.N.M. certifying examination, and who demonstrates satisfaction of all requirements of N.J.A.C. 13:35-2.6 other than attainment of a passing grade on said examination, may enroll in a preceptorship program in certain New Jersey licensed health care facilities upon compliance with all provisions of this section.

(b) The graduate shall file a complete application for registration with the Board, including payment of the registration examination fee and a proposal of acceptance in a preceptorship program.

(c) The proposal shall include sufficient information to demonstrate to the satisfaction of the Board the following:

1. The preceptorship program is established in association with an ongoing nurse midwifery service in a licensed hospital or clinic, and is approved by the Board of Trustees responsible for the facility and ***the institutional midwifery training program is approved*** by the A.C.N.M.

2. The preceptorship is under the direct supervision of the nurse midwifery service director, who agrees to be responsible for selection of graduates and preceptors; development; implementation and evaluation of the program; and provision of preceptor's evaluation of the participants.

3. The program provides that the graduate shall work only under the direct personal on-site supervision of a duly registered C.N.M. or a duly licensed physician of this State.

4. The graduate shall wear a name tag identifying such person by name as a graduate nurse-midwife.

(d) The Board shall issue a certificate which shall state the limited nature of the authorization to practice. The certificate shall be surrendered on the date the graduate is accepted for registration as a C.N.M. in this State. The certificate shall expire automatically on the date the nurse-midwife is notified of failure on the examination taken, or after six months, following its date of issuance, whichever date is later. The certificate may be renewed for one additional six-month period, for good cause shown to the Board.

(e) A graduate requesting the extension of the certificate period due to failure of the A.C.N.M. certifying examination

shall submit for Board review and approval a recommendation from the facility director which includes a detailed program of increased supervision in the areas of the graduate's deficiency as demonstrated by the graduate's filed examination and clinical experience and proof that the graduate has registered to take a subsequent examination scheduled within the next six months.

(a)

**DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY**

**Internships; Externships; Approved Training
Pharmacy**

**Readoption with Amendments: N.J.A.C.
13:39-4**

Proposed: April 16, 1984, 16 N.J.R. 843(a).

Adopted: May 23, 1984 by New Jersey State Board of Pharmacy, Elaine N. Dunn, R. P., President.

Filed: June 1, 1984 as R.1984 d.228, **with technical and substantive changes** not requiring additional public notice and comment.

Authority: N.J.S.A. 45:14-7.

Effective Date: June 1, 1984 for readoption; June 18, 1984 for Amendments.

Expiration Date pursuant to Executive Order No. 66(1978): June 1, 1989.

Summary of Public Comments and Agency Responses:

The Board of Pharmacy afforded all interested persons the opportunity to express their views on the proposed amendments to N.J.A.C. 13:39-4. Notification of the opportunity to submit written comments to the Board was given in the New Jersey Register on April 16, 1984. An announcement was also forwarded for publication in various newspapers and trade journals.

Comments were received through two letters; one from the New Jersey Pharmaceutical Association submitted by its Executive Officer, Alvin N. Geser. The other letter was received by Donald J. Wernick. The Board considered both letters and made some non-substantive changes in the adopted rules as a result of suggestions contained therein. For example; both letters pointed out that N.J.A.C. 13:39-4.1 in its proposal form defines "Pharmacy extern" as "any person who has completed at least his fifth year . . ." when in fact "fifth" does not correlate to the second professional year. The correct reference is to the "fourth" year.

Mr. Wernick went on to point out more improvements of a technical nature regarding word usage. The Board regarded many of these suggestions as worthwhile and incorporated them into the adopted version.

The comments from the New Jersey Pharmaceutical Association (hereafter, NJPhA) included its desire for further clarification of the standards which the Board utilizes in deter-

mining the suitability of licensees to serve as preceptors. However, the Board feels this purpose is achieved by the recitation in N.J.A.C. 13:39-4.2 of the various functions which a certified preceptor is expected to perform.

NJPhA also expressed its disapproval with the proposed rule's deletion of an NJPhA representative as a slotted member of the committee on internship and externship per N.J.A.C. 13:39-4.6. However the Board was not persuaded that this was an appropriate change to delay its adoption of the rule.

The Board did accept NJPhA's suggestion to include the word physician in N.J.A.C. 13:39-4.7 where reference is made to consultations. This change conforms with the Board's original intent in proposing the regulation and the omission was inadvertent. In sum, the comments were considered carefully by the Board prior to re-adoption, and were found to be useful in arriving at the readopted version.

As has been previously mentioned, the rules were readopted as proposed with changes which do not violate N.J.A.C. 1:30-3.5. At most, the changes reflect an attempt on the part of the Board to correct some oversights which resulted in inaccurate descriptions in the initial proposal. For example; in N.J.A.C. 13:39-4.1 "fourth" should describe the year under "Pharmacy extern" instead of "fifth". In 13:39-4.2(a)2. "two" should be descriptive of the number of years instead of "three". The change which results in an added definition to N.J.A.C. 13:39-4.1, that is "certified preceptor", was due to the Board's perception that the intended term as used throughout the proposal was too cumbersome and awkward in its attempt to be descriptive. (The term used in the proposal was "pharmacy intern preceptor.") Consequently, the Board feels it has clarified its meaning in a more consistent and concise manner by instituting this term and definition.

It should be noted that the Board did use the term "certified preceptor" in its proposal of N.J.A.C. 13:39-4.4 (a)1, and (b), but had not applied it uniformly. Thus the change merely utilizes a term whose existence and intent was in the proposal and applies it consistently throughout the entire subchapter.

The addition of the word "extern" to the references to "pharmacy intern" throughout most of the subchapter was necessitated by the inadvertent omission of "extern" in the proposal. All the provisions, with the exception of N.J.A.C. 13:39-4.7, are equally applicable to externs. It was an inadvertent error to omit this term from the proposal. In those few instances where "extern" has not been added, it is not applicable.

The Board categorized as resulting from inadvertent mistakes, the changes which are contained in the following: N.J.A.C. 13:39-4.1 under "Pharmacy extern" ("fifth" changed to "fourth"); 13:39-4.2(a)2 ("three years" changed to "two years"); 13:39-4.4(c) ("second" changed to "third"); and, throughout 13:39-4.7 (deletion of the term "extern"). These references in the proposal were inaccurate, inappropriate, and inapplicable to the recited regulations.

There are two further changes which the Board made for the purpose of more accurately describing the proposed meaning. These are: (1) the addition of the phrase "including the composition and consultation with consumers" to N.J.A.C. 13:39-4.2(e)3iv; and (2) the term "use" instead of "sale" in N.J.A.C. 13:39-4.7(a)iii(3).

The changes reflected in the readoption of Subchapter 4 were not regarded by the Board as so substantive to require additional public notice and comment pursuant to N.J.A.C. 1:30-3.5.

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

SUBCHAPTER 4. INTERNSHIPS; EXTERNSHIPS; APPROVED TRAINING PHARMACY

13:39-4.1 Definitions

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

“Approved training pharmacy” means a pharmacy or pharmacy department approved by the Board to provide accredited practical experience to pharmacy interns or externs.

“Certified preceptor” means a pharmacist registered in this State who assumes the responsibility to supervise and tutor a pharmacy intern or extern as outlined in N.J.A.C. 13:39-4.2.*

“Pharmacy intern” means any person who has graduated from an accredited school or college of pharmacy approved by the Board, who is employed in an approved training pharmacy for the purpose of acquiring accredited practical experience and who has first registered for said purposes with the Board.

“Pharmacy extern” means any person who has completed at least his fifth year (or second professional year) at an accredited school or college of pharmacy approved by the Board, who is assigned to an approved training pharmacy for the purpose of acquiring accredited practical experience under the supervision of the school or college at which he is enrolled.

“Pharmacy internship or externship” means the program of acquiring practical experience by a pharmacy intern or extern respectively.

13:39-4.2 Preceptor certification; application; procedures; responsibilities

(a) A registered pharmacist desiring to be ***[certified as a pharmacy intern]*** ***a certified*** preceptor shall make application therefor to the Board upon such form as shall be prescribed and shall furnish evidence satisfactory to the Board that he:

1. Has been registered and employed as a pharmacist on a full-time basis for at least two years in the state in which he is to supervise an internship;
2. Has been engaged in the compounding and dispensing of pharmaceutical preparations and prescriptions and the supplying of drug products in a registered pharmacy for a period of at least ***[three]*** ***two*** years, one year of which must have been immediately prior to the beginning of any pharmacy internship he is to supervise;
3. Has had a record of law observance deemed satisfactory by the Board;
4. Has attended professional meetings or preceptor training conferences as may be designated by the Board of Pharmacy.

(b) The Board shall assign a ***[pharmacy intern]*** ***certified*** preceptor to each pharmacy intern ***/extern***. At no time may one ***[pharmacy intern]*** ***certified*** preceptor supervise the training of more than one pharmacy intern ***/extern***. The Board reserves the right to determine the suitability of pharmacists to serve as preceptors.

(c) The ***[pharmacy intern]*** ***certified*** preceptor in an approved training pharmacy must signify his willingness to

cooperate with the Board of Pharmacy in developing pharmacy intern ***/extern*** training and shall report to the Board from time to time as requested by the Board on the progress and aptitude of any pharmacy intern ***/extern*** under his supervision.

(d) The compounding and dispensing of all prescriptions and drugs by the pharmacy intern ***/extern*** must be under the direct supervision of a registered pharmacist.

(e) The ***[pharmacy intern]*** ***certified*** preceptor is charged with the responsibility of:

1. Supervising the activities of the pharmacy intern ***/extern*** and ensuring that the intern ***/extern*** will keep abreast of developments in pharmacy by reading current literature and journals, and by attending seminars and meetings of professional and scientific organizations;
2. Providing the pharmacy intern ***/extern*** with experiences that will make ***[him]*** ***that intern or extern*** proficient in the compounding and dispensing of pharmaceutical preparations in the dispensing of drug products, health aids and related items;
3. Providing the pharmacy intern ***/extern*** with instruction and guidance in:
 - i. Procedure for opening and closing pharmacy;
 - ii. General pharmacy operation;
 - iii. Ordering drugs and checking drug orders;
 - iv. OTC preparations; ***including the composition and consultation with consumers*;**
 - v. D.E.A. inventory and preparation of D.E.A. order;
 - vi. Sale of D.E.A. schedule V preparations and sale of poisons;
 - vii. Third-party prescription programs;
 - viii. Telephone procedure with physicians and patients;
 - ix. Assisting physicians and consulting patients;
 - x. Usage of reference books in pharmacy and reference material from other sources;
 - xi. Arranging for one interview with a physician for intern; ***/extern*;**
 - xii. Preparing intern ***/extern*** in any other area of pharmacy, important to good management and professional practice.

13:39-4.3 Training pharmacy approval.

(a) An approved training pharmacy must have a satisfactory record of observance of Federal, state and municipal laws and ordinances governing activity in which it is or has been engaged.

(b) The total number of prescriptions or medication orders filled annually, including renewals, in an approved training pharmacy must be at least 10,000 and there shall be no more than one pharmacy intern in training for each 10,000 prescriptions filled in the pharmacy.

(c) The approved training pharmacy shall as part of the services it renders, establish and maintain a medication record-keeping system for its patients approved by the Board.

(d) An adequate reference library shall be available for use by the pharmacy intern ***/extern***.

13:39-4.4 Practical experience

(a) The minimum accredited practical experience requirement shall be the equivalent of 1,000 hours as follows:

1. One thousand hours for completion of a structured internship conducted after graduation from an accredited college of pharmacy, and consisting of no less than 24 weeks supervised by a certified preceptor. Each week of practical

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experience shall consist of no less than 35 hours and no more than 45 hours of actual service per week.

2. In lieu of 1. above, an applicant may obtain up to 1000 hours by completion of a structured, controlled, college-credited externship and clinical pharmacy clerkship program of an accredited college of Pharmacy. Such programs must be approved by the Board.

3. In cases of a controlled, college-credited externship and clinical pharmacy clerkship program of an accredited college of pharmacy, where less than 1000 hours are accepted and approved by the Board, the balance of hours to make a total of 1000 must be gained through completion of a structured internship, conducted after graduation from an accredited college of Pharmacy, supervised by a certified preceptor with each week of practical experience consisting of no less than 35 and no more than 45 hours of actual service per week.

(b) A Board approved College of Pharmacy Externship Program shall provide that no less than 75 percent of the hours credited toward the practical experience requirement of the Board be gained in settings in which there is direct involvement with consumers or patients, registered pharmacists, and other licensed health care practitioners such as physicians, dentists and nurses. No less than 50 percent of the hours credited toward the practical experience requirement of the Board shall be acquired in an approved training pharmacy under the supervision of a certified preceptor. Not more than 40 hours of Board accredited practical experience shall be acquired per week.

(c) Credit for college externships or other experience programs shall not be allowed for experience gained prior to the fifth college year (or *[second]* *[third]* professional year) in the College of Pharmacy Program.

(d) It shall be the responsibility of both the preceptor and the pharmacy intern to keep accurate records of the time spent by the pharmacy intern for credit toward the requirements of N.J.A.C. 13:39-4.4(a)1. The Board shall provide appropriate forms to be submitted to the Board for approval of postgraduate practical experience.

(e) It shall be the responsibility of the pharmacy college to certify that the requirements of N.J.A.C. 13:39-4.4(a)2 have been met. The Board shall provide appropriate forms for such certification.

13:39-4.5 Change in status

(a) An applicant for registration as a pharmacist in the State of New Jersey shall notify the Board within five days of:

1. The beginning of a term of internship;
2. The termination of an internship;
3. Change in number of hours of employment;
4. Change in the scheduled hours of employment;
5. Change of preceptor;
6. Change in employing pharmacy.

(b) Each *[pharmacy intern]* *[certified]* preceptor must file reports quarterly or whenever requested by the Board of Pharmacy.

13:39-4.6 Committee on pharmacy internship and externship

A committee which shall consist of a member or members of the Board of Pharmacy, faculty and student representatives of the college or colleges of pharmacy located within the State of New Jersey, and a certified *[pharmacist]* preceptor, all of whom shall be approved by the Board of Pharmacy, is established to advise and assist the Board in all matters relating to the pharmacy internship */externship* program. All

TRANSPORTATION

meetings of this committee shall be held in a public place and shall be open to attendance by members of the public. The President of the Board shall designate the chairman of this committee who shall be a member of the Board.

13:39-4.7 Pharmacist intern *[or extern]* log

(a) Pharmacist interns *[or externs]* shall maintain a log for the internship *[or externship]* period.

1. The log shall consist of an 8 inches by 11 inches loose-leaf notebook.

2. The log shall be entered weekly and contain:

i. The total number of prescriptions filled in the pharmacy and the number filled by the intern *[or extern]*.

ii. A brief summary of all new prescription drug products (New generic entities only), such as physical-chemical characteristics, dosage, forms, usage;

iii. One example of the most noteworthy of each of the following professional responsibilities;

(1) Usage of profile record card requiring contact with patient, physician or hospital to resolve potential problems;

(2) Consulting with patient, *physician,* or nurse if in a hospital concerning method of taking or special instructions concerning use of prescription;

(3) Assistance to patient in area of OTC *[sales]* *use* (if applicable).

(b) The log shall be submitted to the Board of Pharmacy at the completion of the internship *[or externship]* period.

TRANSPORTATION

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route U.S. 202 in Borough of Morris Plains

Adopted Amendment: N.J.A.C. 16:28A-1.55

Proposed: March 19, 1984 at 16 N.J.R. 512(a).

Adopted: May 14, 1984 by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.

Filed: June 5, 1984 as R.1984 d.249, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:28A-1.55 Route U.S. 202

(a) The certain parts of State Highway Route U.S. 202 described in this section shall be designated and established as

“no parking” zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-9. (No change.)

(b) The certain parts of State Highway, Route U.S. 202 described in this section shall be designated and established as “no parking” zones for designated curb loading zones.

1. (No change.)

(c) The certain parts of State Highway Route U.S. 202 described in this section shall be designated and established as “no parking” zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

1.-2. (No change.)

3. Along the southbound (westerly) side in Morris Plains Borough, Morris County:

i.-ii. (No change.)

iii. From the southerly curb line of Franklin Place and extending to a point 105 feet southerly therefrom.

4. (No change.)

(a)

TRANSPORTATION OPERATIONS

**Speed Limits for State Highways
Route 179 in Hunterdon County**

Adopted Amendment: N.J.A.C. 16:28-1.158

Proposed: April 16, 1984 at 16 N.J.R. 852(a).

Adopted: May 21, 1984 by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.

Filed: June 5, 1984 as R.1984 d.240, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Effective Date: June 18, 1984.

Expiration Date Pursuant to Executive Order No.66(1978): November 7, 1988.

**Summary of Public Comments and Agency Responses:
No comments received.**

Full text of the adoption follows.

16:28-1.158 Route 179

(a) The rate of speed designated for the certain parts of State highway Route 179 described in this section shall be established and adopted as the maximum legal rate of speed thereat:

1. For both directions of traffic:

i. In the City of Lambertville, Hunterdon County:

(1) Zone one: 25 mph between the northerly end of the Delaware Bridge and Route 165 (milepost 0.05 to 0.39);

(2) Zone two: 40 mph between Route 165 and 475 feet north of Hancock Street (milepost 0.39 to 0.69);

(3) Zone three: 45 mph between 475 feet north of Hancock Street and the City of Lambertville - Township of West Amwell corporate line (milepost 0.69 to 0.90).

ii. In the Townships of West Amwell and East Amwell, Hunterdon County:

(1) Zone four: 50 mph between the West Amwell Township City of Lambertville corporate line and 375 feet north of Melbourn Lane (milepost 0.90 to 6.24);

(2) Zone five: 35 mph between 375 feet north of Melbourn Lane and 325 feet south of Larison Lane (milepost 6.24 to 6.77);

(3) Zone six: 45 mph between 325 feet south of Larison Lane and Route U.S. 202 and 31 (milepost 6.77 to 7.46).

(b)

TRANSPORTATION OPERATIONS

**Restricted Parking and Stopping
Routes US 1, US 206 and 159**

**Adopted Amendments: N.J.A.C.
16:28A-1.1, 1.57 and 1.84**

Proposed: April 16, 1984 at 16 N.J.R. 853(a).

Adopted: May 21, 1984, by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.

Filed: June 5, 1984 as R.1984 d.251, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-139.

Effective Date: June 18, 1984.

Expiration Date Pursuant to Executive Order No 66(1978): November 7, 1988.

**Summary of Public Comments and Agency Responses:
No comments received.**

Full text of the adoption follows.

16:28A-1.1 Route US 1

(a) The certain parts of State highway Route U.S. 1 described in this section shall be designated and established as “no parking” zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 3:4-139.

1.-3. (No change.)

4. No stopping or standing in the City of Trenton and Lawrence Township, Mercer County:

i. Along both sides:

(1) Beginning at a point of mile post 0.6 (Conovers Alley) City of Trenton and the southerly curb line of Quarkerbridge Road (mile post 8.1) Lawrence Township, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

(2) (Whitehead Road Extension)-Beginning at the southerly abutment of the bridge over the Delaware and Raritan Canal and the northwesterly abutment of the bridge over the Assumpink Creek.

16:28A-1.57 Route U.S. 206

(a) The certain parts of State highway Route U.S. 206 described in this section shall be designated and established as “no parking” zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

ADOPTIONS

TRANSPORTATION

1.-13. (No change.)

14. No stopping or standing in Princeton Borough, Mercer County:

i. Between the hours of 8:00 A.M. to 10:00 A.M. and 4:00 P.M. to 6:00 P.M. beginning at a point 260 feet west of Nassau Street to a point 500 feet westerly therefrom.

(b) (No change.)

16:28A-1.84 Route 159

(a) The certain parts of State highway Route 159 described in this section are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Montville Township, Morris County:

i. Along both sides:

(1) (No change.)

(2) Clinton Road-Oak Road for the entire length including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

2. No stopping or standing in Fairfield Township, Essex County:

i. Along both sides:

(1) Clinton Road-Oak Road for the entire length including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Route 4 in Hackensack

Adopted Amendments: N.J.A.C. 16:28A-1.4

Proposed: April 16, 1984 at 16 N.J.R. 854(a).

Adopted: May 21, 1984 by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.

Filed: June 5, 1984 as R.1984 d.252, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-199.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No.66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:28A-1.4 Route 4

(a) (No change.)

(b) The certain parts of State highway Route 4 described in this subsection shall be designated and established as no parking zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

1.-11. (No change.)

12. Along the eastbound side in the City of Hackensack, Bergen County:

i. On the southerly side at Hackensack Avenue.

(1) From the easterly curb line of the exit ramp east of Hackensack Avenue to a point 105 feet east thereof.

13. Along the westbound side in the City of Hackensack, Bergen County:

i. On the northerly side at Hackensack Avenue.

(1) From the westerly curb line of the exit ramp west of Hackensack Avenue to a point 105 feet west thereof.

(b)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes US 9 and I-280, Collector-Distributor Road

Adopted Amendments: N.J.A.C. 16:28A-1.7 and 1.89

Proposed: April 16, 1984 at 16 N.J.R. 855(a).

Adopted: May 21, 1984, by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.

Filed: June 5, 1984 as R.1984 d.253, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-139 and 39:4-199.

Effective Date: June 18, 1984.

Expiration Date Pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:28A-1.7 Route US 9

(a) (No change.)

(b) The certain parts of State highway Route US 9 described in this subsection shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

1.-2. (No change.)

3. Along the northbound (easterly) side in Freehold Township, Monmouth County at:

i. (No change.)

ii. Near side bus stop:

(1) Elton-Adelphia Road (Co. Rd. 524)-Beginning at the southerly curb line of Elton-Adelphia Road (Co. Rd. 524) and extending 120 feet southerly therefrom.

iii. Mid-block bus stop:

(1) South Street - Beginning at a point 2720 feet north of the northerly curb line of South Street and extending 135 feet northerly therefrom.

4.-14. (No change.)

16:28A-1.89 Route 280

(a) The certain parts of State highway Route 280 (Collector Distributor Road) described in this section are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in the City of Orange, Essex County:

- i. Along both sides westbound for the entire length.
- ii. Along the northerly side (eastbound) for the entire length.
- iii. Along the southerly side (westbound) from the easterly curb line of South Day Street to its easterly terminus.

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping

Routes 70, U.S. 1 Alternate, U.S. 22, 37, 56, 63 and 24

Adopted Amendments: N.J.A.C.

16:28A-1.37, 1.97, 1.13, 1.76, 1.67 and 1.16

Adopted New Rule: N.J.A.C. 16:28A-1.98

Proposed: April 16, 1984 at 16 N.J.R. 855(b).

Adopted: May 21, 1984 by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.

Filed: June 5, 1984 as R.1984 d.254, with technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 34:4-139 and 39:4-199.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:

No comments received.

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

16:28A-1.37 Route 70

(a) The certain parts of State highway Route 70 described in this section are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-6. (No change.)

7. No stopping or standing in Medford Township, Burlington County:

i. Along both sides:

(1) For the entire length within the corporate limits of Medford Township including all ramps and connections which are under the jurisdiction of the Commissioner of Transportation.

16:28A-1.97 Route US 1 Alternate

(a) (No change.)

(b) The certain parts of State highway Route US 1 Alternate described in this subsection are designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established bus stops:

1. Along the easterly (northbound) side in Lawrence Township, Mercer County:

i. Far side bus stops:

- (1) Pear Street;
- (2) Puritan Avenue;
- (3) Putnam Avenue;
- (4) Trumbull Avenue;
- (5) Cherry Tree Lane;
- (6) Whitehead Road;
- (7) Bunker Hill Avenue;
- (8) Lake Drive;
- (9) Colonial Drive;

(10) Between a point 200 feet north of the northerly abutment of the bridge crossing the Shabakunk Creek and 100 feet northerly thereof.

2. Along the westerly (southbound) side in Lawrence Township, Mercer County:

i. Far side bus stops:

- (1) President Avenue;
- (2) Mayflower Avenue;
- (3) Graf Avenue;
- (4) Slack Avenue;
- (5) Trumbull Avenue;
- (6) Maplewood Avenue;

(7) Between points 220 feet north of, and 75 feet north of the northerly curb line of Lake Drive.

ii. Near side bus stop:

- (1) Hope Street.

3. All far side bus stops shall be 105 feet in length, all near side bus stops shall be 120 feet in length and all mid-block bus stops shall be 130 feet in length, measured from the curb line of the intersecting street, or the prolongation of the curb line of the street which intersects, where the bus stops are established.

16:28A-1.13 Route US 22

(a) The certain parts of State highway Route US 22, described in this section shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-8. (No change.)

9. No stopping or standing in Greenwich Township, Warren County:

i. Westbound side:

(1) Beginning at a point 2080 feet from the westerly curb line of County Road 519 and extending 205 feet west thereof.

(b) The certain parts of State highway Route US 22 described in this section shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

1.-5. (No change.)

6. Along the westbound (northerly) side in Union Township, Union County:

i. Near side bus stop:

(1) Springfield Road-Beginning at the easterly curb line of Springfield Road and extending 150 feet easterly therefrom.

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7. Along the eastbound (southerly) side in Union Township, Union County:

i. Mid-block bus stop:

(1) Jefferson Avenue-Beginning at a point 800 feet west of the westerly curb line of Jefferson Avenue and extending 135 feet westerly therefrom.

16:28A-1.76 Route 37

(a) The certain parts of State highway Route 37 described in this section are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. (No change.)

2. No stopping or standing in Manchester Township, Ocean County:

i. Along both sides:

(1) For the entire length within the corporate limits of Manchester Township including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

16:28A-1.67 Route 63

(a) The certain parts of State highway Route 63 described in this subsection are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1.-3. (No change.)

(b) The certain parts of State highway Route 63 described in this subsection shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops.

1. Along Bergen Boulevard southbound on the westerly side in Palisades Park Borough, Bergen County:

i. Near side bus stop:

(1) Central Boulevard-Beginning at the northerly curb line of Central Boulevard and extending 115 feet northerly therefrom.

ii. Far side bus stop:

(1) 12th Street-Beginning at a point 178 feet from the southerly gore area of 12th Street and Route 63 to a point 135 feet southerly therefrom.

16:28A-1.98 Route 56

(a) The certain parts of State highway Route 56 described in this section shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Deerfield Township, Cumberland County:

i. Along the eastbound (southerly) side, between Willow Street and Pine Street, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

16:28A-1.16 Route 24

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

(d) *(c)* The certain parts of State highway Route 24 described in this subsection shall be designated and established as "no parking" zones where parking is prohibited at all times. In accordance with the provisions of N.J.S.A. 39:4-199 permission is granted to erect appropriate signs at the following established bus stops:

[1.] *4.* Along the south side (eastbound) of (Madison Avenue) in Morris Township, Morris County:

i. Far side bus stop:

(1) Pitney Place-Beginning at the easterly curb line of Pitney Place and extending 100 feet easterly therefrom.

ii. Near Side bus stop:

(1) Canfield Road-Beginning at the westerly curb line of Canfield Road and extending 100 feet westerly therefrom (mile post 45.7).

(2) Canfield Road-Beginning at the westerly curb line of Canfield road and extending 100 feet westerly therefrom (mile post 46.2).

[2.] *5.* Along the north side (westbound) (Madison Avenue) in Morris Township, Morris County:

i. Convent Road-Beginning at the westerly curb line of Convent Road and extending 105 feet easterly therefrom.

ii. For side bus stop:

(1) Punch Bowl Road-Beginning at the westerly curb line of Punch Bowl Road and extending 100 feet westerly therefrom.

(2) Madison Court-Beginning at the prolongation of the westerly curb line of Madison Court and extending 185 feet westerly therefrom.

(a)

TRANSPORTATION OPERATIONS

Restricted Parking and Stopping Routes U.S. 1 Alternate and 45

Adopted Amendment: N.J.A.C. 16:28A-1.31 Adopted New Rule: N.J.A.C. 16:28A-1.97

Proposed: April 16, 1984 at 16 N.J.R. 858(a).

Adopted: May 21, 1984 by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.

Filed: June 5, 1984 as R.1984 d.255, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1 and 39:4-139.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:28A-1.97 Route U.S. 1 Alternate

(a) The certain parts of State highway Route U.S. 1 Alternate described in this subsection shall be designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Lawrence Township, Mercer County:

i. Along both sides:

(1) Beginning at a point of mile post 0.0 at the northerly intersection of the Brunswick Circle to the northerly curblin of Carnegie Road (mile post 2.31) Lawrence Township, including all ramps and connections under the jurisdiction of the Commissioner of Transportation.

(b) (Proposed in this Register.)

16:28A-1.31 Route 45

(a) The certain parts of State highway Route 45 described in this section are designated and established as "no parking" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139.

1. No stopping or standing in Harrison Township, Gloucester County:

i. Along the northbound side:

(1) From the northerly curb line of East Church Street to the southerly curb line of Route US 322 (southerly extension).

ii. (No change).

iii. Along both sides:

(1) From the northerly intersection of Route US 322 to Colson Lane.

2.-4. (No change.)

(b) (No change.)

(a)

TRANSPORTATION OPERATIONS

Miscellaneous Traffic Rules

Mid-Block Crosswalk on Route US 206

Adopted New Rule: N.J.A.C. 16:30-10.2

Proposed: April 16, 1984 at 16 N.J.R. 859(a).

Adopted: May 21, 1984, by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.

Filed: June 5, 1984 as R.1984 d.256, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-34.

Effective Date: June 18, 1984.

Expiration Date Pursuant to Executive Order No. 66(1978): November 7, 1988.

Summary of Public Comments and Agency Responses: No comments received.

Full text of the adoption follows.

16:30-10.2 Route US 206

(a) Under the provisions of N.J.S.A. 39:4-34, the certain part of Route US 206 described in this section shall be designated as a Mid-Block Crosswalk.

1. Along Route US 206 in Chester Borough, Morris County:

i. From a point 390 feet south of the southerly curb line of Maple Avenue to a point 10 feet southerly therefrom, measured along the easterly curb line.

(b)

TRANSPORTATION OPERATIONS

Turns

Route US 206

Adopted Amendment: N.J.A.C. 16:31-1.1

Proposed: April 16, 1984 at 16 N.J.R. 860(a).

Adopted: May 21, 1984 by Jarrett R. Hunt, Assistant Chief Engineer, Traffic and Local Road Design.

Filed: June 5, 1984 as R.1984 d.257, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 39:4-183.6.

Effective Date: June 18, 1984.

Expiration Date Pursuant to Executive Order No. 66(1978); November 7, 1988.

Summary of Public Comments and Agency Responses: No comments received.

Full text of the adoption follows.

16:31-1.1 Route US 206

(a) Turning movements of traffic on certain parts of State highway Route US 206 described in this section are regulated as follows:

1.-2. (No change.)

3. No left turn north to west onto Valley Road, Hillsborough Township, Somerset County between the hours of 7:00 A.M. and 9:00 A.M. and 4:00 P.M. and 6:30 P.M.

(c)

THE COMMISSIONER

Designated Routes for Special Categories of Trucks

Adopted Amendment: N.J.A.C. 16:32

Proposed: October 3, 1983, at 15 N.J.R. 1644(a).

Adopted: April 2, 1984, by James A. Crawford, Assistant Commissioner for Transportation Services and Planning.

Filed: April 3, 1984 as R.1984 d.150, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.5).

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 39:3-84.

Effective Date: June 18, 1984.

Expiration Date pursuant to Executive Order 66(1978): April 6, 1988.

Summary of Public Comments and Agency Responses:

On April 6, 1983, the Commissioner of Transportation adopted emergency rules, N.J.A.C. 16:32, entitled "Designated Routes for Special Categories of Trucks." These rules were adopted on a permanent basis on June 7, 1983. This adoption was necessary to implement the provisions of P.L. 1983, c. 126 (amending N.J.S.A. 39:3-84) and the federal Surface Transportation Assistance Act of 1982 (P.L. 97-424) concerning the operation of special categories of trucks in New Jersey.

On October 3, 1983, the Department published proposed amendments to these regulations (15 N.J.R. 1644). In brief, the amendments (1) make certain additions to the system of designated routes for double-trailer truck combinations and trucks wider than 96 inches, (2) spell out in greater detail the criteria that will be used for evaluating applications for reasonable access permits and (3) establish an appeals procedure for applicants for reasonable access permits who are dissatisfied with the Department's initial decision.

A total of seven written comments were received in reply to this proposal. These are addressed in detail below.

On October 3, 1983, the Department also published a pre-proposal concerning the regulation of 102-inch-wide trucks (15 N.J.R. 1636). A number of comments addressed issues raised in the pre-proposal as well as in the proposed amendments. The Department expects to propose regulations based on the pre-proposal in the near future.

The comments reveal that some confusion exists over the distinction between the system of "designated" routes for double-trailer truck combinations and the "reasonable access" rules which allow these combinations to leave the "designated" system.

State law provides that "a combination of vehicles containing two drawn vehicles may only be operated on those routes and under those conditions as the Commissioner of Transportation may prescribe, which shall be consistent with any rules and regulations promulgated by the Secretary of Transportation of the United States of America." (N.J.S.A. 39:3-84, as amended by P.L. 1983, c. 126) Accordingly the Department's regulations have been drafted to fit the regulatory scheme established by the federal Surface Transportation Assistance Act of 1982 (STAA), P.L. 97-424.

The routes "designated" in N.J.A.C. 16:32-1.1 are intended to be consistent with the routes "designated" by the U.S. Secretary of Transportation under Section 411 of the STAA. At the present time, a disagreement exists between New Jersey and the Federal Highway Administration over whether or not certain routes should be included in the designated system. The routes designated in N.J.A.C. 16:32-1.1 have been selected to promote interstate movements and to conform with the highest possible design and safety standards.

Section 412 of the STAA requires states to allow "reasonable access" between the designated system and "terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers".

The Department's regulations (N.J.A.C. 16:32-1.3) provide for "reasonable access" in the following ways. First, trucks covered by the regulations are permitted free access to terminals and to facilities for food, fuel, repairs and rest within one roadway mile of the designated system. (N.J.A.C. 16:32-1.3(g)). No permit is required for this kind of access. The only restriction is that double-trailer truck combinations may only use facilities which provide adequate ingress and egress without the need for backing movements to or from public streets.

In addition, the Department reserves the right to prohibit the use of specified streets where specific problems arise. Second, the regulations provide for access to terminals by permit. The guidelines and procedures for issuance of permits are included in N.J.A.C. 16:32-1.3. Some minor changes have been made in these provisions to clarify the point that these guidelines are not absolute but are subject to evaluation on a case-by-case basis. It should be noted that the purpose of the permit system is to ensure that access to terminals is limited to appropriate routes. Accordingly, the permits may be reproduced photographically by the permittee to be carried in the cabs of all trucks covered by the permit. We believe that carrying a copy of the permit will avoid possible confusion and disputes and will protect the interests of the driver. A minor change has been made in this section to clarify the point that terminal operators may apply for and receive permits.

The points made above apply to double-trailer truck combinations. Further regulations concerning trucks wider than 96 inches will be proposed in the near future. The issues involved in regulating wider trucks were discussed in the Department's pre-proposal published in the New Jersey Register of October 3, 1983 at 15 N.J.R. 1636(b).

Finally, it should be noted that the Department's reasonable access provisions are consistent both with the STAA and with the rules proposed by the Federal Highway Administration (FHWA). In the proposed rulemaking published in the Federal Register of September 14, 1983, FHWA states: "It is our intent at this time to allow the States to establish individual reasonable access provisions."

Following are the specific comments as received by the Department and the Department's response.

COMMENT:

The New Jersey Motor Truck Association, Inc. (NJMTA), 160 Tices Lane, East Brunswick, New Jersey 08816, objected to the Department's designated route system and permit requirements, arguing that they: (1) Violate the Surface Transportation Assistance Act of 1982 (STAA) and policy statements of the Federal Highway Administration (FHWA), (2) ignore the intent of Congress in passing the STAA to provide for productivity improvements by highway transporters, (3) discriminate against specific classes of vehicles having similar dimensions and (4) place an intolerable restriction on interstate and intrastate commerce.

NJMTA argued that the STAA gave authority to the U.S. Secretary of Transportation to designate routes for these vehicles and that the New Jersey Department of Transportation (NJDOT) has not designated all the routes designated by the Secretary. They also contended that the NJDOT system is fragmentary and unconnected because of gaps in the State's Interstate highway system. The State system would therefore deny motor carriers the full benefit of productivity advantages authorized by the STAA.

NJMTA further argues that NJDOT's "reasonable access" permit requirements violate the STAA and do not adequately meet the driver's needs for rest, food, fuel, restroom needs and emergency repairs.

NJMTA comments concerning NJDOT's regulations for the operation of trucks wider than 96 inches that: (1) These regulations are contrary to P.L. 1983, c.126 (amending N.J.S.A. 39:3-84) which specifies that 102-inch-wide trucks may travel throughout the State except where the Commissioner of Transportation imposes a 96-inch limit for specific highways on grounds of safety, (2) the regulations are discriminatory and inconsistent because of the unrestricted travel permitted for 102-inch-wide buses, (3) the restrictions have no

basis in fact because 102-inch-wide trucks are demonstrably safe and (4) reasonable access permit requirements place an impossible burden on operators of 102-inch-wide trucks used in pick-up and delivery operations who may make 30 to 40 stops a day at various locations.

NJMTA concluded its comments with the following recommendations: (1) Adopt FHWA's May 12 designated route system for double-trailer truck combinations, (2) eliminate permit requirements for reasonable access to facilities for food, fuel, rest and repair, (3) eliminate the requirement that each truck carry a copy of the permit granting access to a terminal and (4) eliminate all route designation and reasonable access permit requirements with respect to trucks wider than 96 inches.

RESPONSE:

NJDOT does not agree that its regulations violate the STAA. It is true that a disagreement exists between NJDOT and FHWA concerning the propriety of certain route designations proposed by FHWA. However, we expect that disagreement to be resolved in the near future. We believe that the reasonable access provisions of our regulations are in full accord with the letter and spirit of the STAA and FHWA's proposed regulations.

NJMTA argues that NJDOT's designated system is fragmentary and incomplete. It is true that gaps in New Jersey's Interstate system pose a problem for through movements. However, the NJMTA comments fail to make note of the connectivity improvements made by the additions to the designated system made by the amendments proposed on October 3, 1983 and adopted here. NJDOT will continue to consider adjustments to the designated system consistent with our overriding concern for public safety.

NJMTA's comments also do not take note of the proposed (and now adopted) amendments to the reasonable access regulations. The new rule, which permits free access to facilities for food, fuel, repairs and rest within one mile of the designated system, should alleviate any potential hardship to drivers needing these facilities. Further, our initial experience with the permit system has not revealed any complaints or difficulties concerning the carrying of permit letters by drivers.

NJMTA raised a number of points concerning the treatment of trucks wider than 96 inches. NJDOT recognizes these problems and has presented options for future regulations in its pre-proposal published in the New Jersey Register of October 3, 1983 (15 N.J.R. 1636(b)). We hope to propose new regulations on this subject in the near future.

COMMENT:

Donald L. Hughes, State Chairman of the Public Affairs Council of the AAA Automobile Clubs of New Jersey, c/o William J. Kohm Associates, Inc., 496 Kinderkamack Road, Oradell, New Jersey 07649, opposed the operation of double-trailer truck combinations on any New Jersey road because of perceived safety hazards connected with these combinations. AAA supported NJDOT's efforts to limit the routes available for these combinations, given the fact that with enactment of the STAA an absolute ban could lead to a confrontation with the federal government.

AAA opposed the designated route additions made in the current amendments. They argued that although these routes may be designed to Interstate freeway standards, they carry heavy volumes of passenger cars and introduction of the larger trucks onto these routes will increase the amount of contact between the two types of vehicles.

AAA generally supported NJDOT's reasonable access regulations. However, they argued that these regulations should

include a specific procedure for notifying and consulting with the affected local governments prior to granting any reasonable access permits.

AAA also argued that 102-inch-wide trucks should be restricted to roadway with 12-foot travel lanes to avoid a serious potential safety hazard.

RESPONSE:

NJDOT appreciates AAA's understanding of the difficulty in balancing safety concerns with the requirements of the STAA. In the case of the designated route segments added by the current amendments, the Department believes that the high design standards of these facilities will protect public safety while inclusion of the segments improves system connectivity.

On the question of local involvement in reasonable access permit investigations, NJDOT is always willing to consider comments from local officials. However, the Department believes a formalized process would be unnecessarily burdensome. Moreover, NJDOT has a statutory responsibility to ensure that reasonable access is granted and cannot, therefore, allow local governments to have a veto over the granting of permits.

As mentioned in a previous response, issues involving trucks wider than 96 inches will be addressed in forthcoming proposed regulations.

COMMENT:

Herbert J. Hertzoff, general sales manager of Centre Services, Inc., 460 Route 440, Jersey City, New Jersey 07305, commented that double-trailer truck combinations and wide trucks have operated safely for many years in various locations. He cited experience in Canada, California and Europe and New Jersey's experience with 102-inch-wide buses. He also argued that NJDOT's regulations are in violation of the STAA and that the restrictiveness of these regulations will hamper the ability of the transport industry to modernize itself.

RESPONSE:

As noted in the response to NJMTA's comments, the Department does not believe that these regulations are in violation of the STAA.

It is true that double-trailer truck combinations and trucks wider than 96 inches have been in wide use in some locations. However, it should also be noted that studies concerning the safety record of double-trailer combinations in these places is inconclusive. Since these vehicles are new to New Jersey, the Department believes the operation of double-trailer combinations should be confined to those routes where such combinations can assuredly operate without compromising public safety.

Finally, we should point out that truck weight, length and width laws have been in a state of flux throughout the country since the enactment of the STAA in January 1983. Regardless of what happens in New Jersey, it will likely take at least several more months before the motor carrier industry will have the benefit of settled dimensional laws.

COMMENT:

Phillip L. Liedtka, Jr., of P. Liedtka Trucking, Inc., 110 Patterson Avenue, Trenton, New Jersey 08610, commented that NJDOT's reasonable access permit regulations constitute an unreasonable burden on the industry. He also asked for an expansion of the designated route system.

RESPONSE:

As noted in previous responses, the Department believes the current amendments to the regulations will remove a potential

ADOPTIONS

burden with respect to reasonable access to needed facilities. They also add important connective links to the designated system.

COMMENT:

Chester W. Ambler III, coordinator of the Atlantic City Urban Area Transportation Council, Room 630, 1125 Atlantic Avenue, Atlantic City, New Jersey 08401, supported the adoption of the designated system for double-trailer truck combinations in NJDOT's amended regulations and encouraged NJDOT to continue to press for the restrictions believed to be desirable.

The Council also recommended that 102-inch-wide trucks not be restricted to a designated system, based on the needs of commerce and the State's experience with 102-inch-wide buses.

RESPONSE:

The Department appreciates the Council's support for the current designated system. As mentioned in a previous response, issues involving trucks wider than 96 inches will be addressed in forthcoming proposed regulations.

COMMENT:

Lieutenant Commander R.E. Williams, supply officer, Naval Weapons Station Earle, Colts Neck, New Jersey 07722, requested that Route 34, between Route 18 and Interstate Route 195, be added to the designated system due to the volume of incoming and outgoing shipments.

RESPONSE:

The Department does not believe that this route should be added to the designated system. It should be noted that the designated system is primarily designed for interstate travel, while the reasonable access permit system is designed to provide connectivity with the designated system. Designation of routes only needed for access would lead to the use of numerous roads by large trucks for varied purposes contrary to the STAA of 1982. The permit system enables the Department to better regulate the use of secondary and nondesignated primary roads by tandem trucks and to restrict hours of use when deemed necessary. The Department has suggested to the commenter that he may wish to apply for a reasonable access permit for his facility.

COMMENT:

Lieutenant Colonel Anthony L. Esposito, Director of Industrial Operations, Headquarters, U.S. Army Training Center and Fort Dix, New Jersey 08640, requested that Route 206 from the New Jersey Turnpike to Route 68 and Route 68 from that point to Fort Dix be added to the designated system in order to accommodate the large support requirement for Fort Dix with improved cost effectiveness.

RESPONSE:

The Department does not believe that this route should be added to the designated system. It should be noted that the designated system is primarily designed for interstate travel, while the reasonable access permit system is designed to provide connectivity with the designated system. Designation of routes only needed for access would lead to the use of numerous roads by large trucks for varied purposes contrary to the STAA of 1982. The permit system enables the Department to better regulate the use of secondary and nondesignated primary roads by tandem trucks and to restrict hours of use when deemed necessary. The Department has suggested to the commenter that he may wish to apply for a reasonable access permit for his facility.

TRANSPORTATION

The Department after further review, adopts the regulations with substantive and technical changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-3.5.

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

CHAPTER 32 DESIGNATED ROUTES FOR SPECIAL CATEGORIES OF TRUCKS

SUBCHAPTER 1. GENERAL PROVISIONS

16:32-1.1 Double trailers

(a) Except as provided in N.J.A.C. 16:32-1.3, double-trailer truck combinations may be operated in New Jersey only on the following routes:

1. Interstate highways;
2. New Jersey Turnpike;
3. Atlantic City Expressway;
4. Route 42, from Interstate Route 295 to the Atlantic City Expressway;
5. Route 81;
6. Route 130, from Route 322 at Bridgeport to Interstate Route 295;
7. Route 322, from the Commodore Barry Bridge to Route 130;
8. Route 440, from the New Jersey Turnpike to Out-erbridge Crossing.

(b) Double-trailer truck combinations operating on the New Jersey Turnpike and the Atlantic City Expressway are subject to the regulations of the New Jersey Turnpike Authority and the New Jersey Expressway Authority, respectively.

16:32-1.2 Wide trucks

The maximum width of any truck combination operating on any highway in New Jersey is 96 inches, except that the maximum width permitted on the routes designated in N.J.A.C. 16:32-1.1 is 102 inches.

16:32-1.3 Reasonable access to terminals and other facilities

(a) Any person ***or terminal operator*** who wishes to gain access for ***[a]*** double-trailer truck combination***s*** or ***[a]*** truck***s*** wider than 96 inches but not more than 102 inches in width from the system designated in N.J.A.C. 16:32-1.1 to a terminal which is not located on that system must apply in writing for a letter of permission to the Chief, Bureau of Traffic Engineering, New Jersey Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625. The application should be specific as to the exact location of the terminal and the exact route or routes of access requested.

(b) The determination of reasonable access ***[andthe]*** ***and the*** issuance of a letter of permission for access to a terminal will be made based on an overall review of all of the criteria set forth below which are general guidelines only and are not necessarily of equal weight. Criteria number two, three and four, in the case of double-trailer truck combinations, and criteria number two, three, four and six, in the case of trucks wider than 96 inches, may be relaxed where the Department has made a determination, after a physical inspection of the requested route, that the surrounding circumstances would permit safe travel by these vehicles along the proposed (or alternate) course of travel.

1. A terminal is defined as a facility of which 80% of the building area is used for loading, unloading and the breaking down or storing of goods, which can be used in combination with manufacturing facilities on the same site, and shall consist of a minimum dock area to provide the capability of loading and off-loading five trailers simultaneously. For the purpose of this policy, a distribution center or a rail, waterborne, or air terminal shall be considered the same as a terminal.

2. The terminal **[must]** ***should*** be located within five road miles of an exit from a route designated in N.J.A.C. 16:32-1.1 ***except when the surrounding circumstances otherwise permit.***

3. The total travel distance on two-lane roadways from a designated route to the terminal should not exceed one road mile^[.] ***except when the surrounding circumstances otherwise permit.*** This ^[distance] ***restriction*** does not include travel on two-lane roadways which provide the only access to an area zoned industrial.

4. **[No]** **[a]** ***A**ccess from a designated route to a terminal **[will]** ***should not*** be **[permitted]** through an area considered residential as defined in Title 39 of the New Jersey Statutes (N.J.S.A. 39:1.1)^[.] ***except when the surrounding circumstances otherwise permit.***

5. Adequate off-roadway area must exist for the maneuvering of double-trailer truck combinations to provide adequate ingress and egress without backing onto or from a highway, street, road, public alley or other public thoroughfare.

6. Trucks wider than 96 inches will, wherever possible, be confined to roadways with 12-foot lanes.

7. Results of an on-site investigation, conducted by the Bureau of Traffic Engineering, of the routes which can be travelled so as to obtain access to a terminal facility for which a permit is sought. Such investigations will take into consideration items including, but not limited to:

- i. Sight distance at intersections;
- ii. Traffic volumes;
- iii. Roadway geometrics;
- iv. Roadside development or environment;
- v. Accident records;
- vi. The use of the route by other trucks to date;
- vii. Alternate routings.

(c) The Bureau will respond to requests for access within 60 days of receipt of same, unless extenuating circumstances necessitate additional time in which case the applicant will be provided notice thereof.

(d) If the Bureau determines that the requested access route or an alternate route is reasonable and prudent, it will issue a letter of permission, specifying the route of access and any other conditions of operation deemed appropriate. The letter of permission will constitute legal authority for use of the access route under the conditions specified therein and may be photographically or similarly reproduced by the applicant so that proof of permission can be kept in all vehicles utilizing the granted routes. Each permission letter will be given an identification number which will be kept on file in the Bureau of Traffic Engineering.

(e) The Department of Transportation retains the right to rescind permission for access should conditions change or should records indicate that the double-trailer truck combinations or trucks wider than 96 inches are causing specific traffic or safety problems.

(f) The Department reserves the right to restrict hours of ingress or egress to a terminal when either distance, roadway

configuration, traffic volumes or other factors preclude unrestricted access or to select an alternate route to the terminal facility for which access is requested.

(g) A double-trailer truck combination or truck wider than 96 inches is permitted access from the system designated in N.J.A.C. 16:32-1.1 to facilities providing food, fuel, repairs and rest, within one mile roadway distance from the designated system except upon those roads, highways, streets, public alleys or other public thoroughfares which cannot safely accommodate a double-trailer truck combination or a truck wider than 96 inches and are so designated by the Department.

1. Designation of those roads upon which travel is prohibited shall be governed by the criteria outlined in paragraph (b) of this section where applicable.

2. Double-trailer truck combinations may only utilize those facilities which provide adequate ingress and egress without the need of backing onto or from a highway, street, road, public alley or other public thoroughfare.

(h) A household goods carrier is deemed to have permission of access from the system designated in N.J.A.C. 16:32-1.1 to a point of loading or unloading. For the purposes of this provision, a "household goods carrier" is defined as a vehicle being used to transport household goods and effects to or from a private residence or to or from a place of storage.

16:32-1.4 Appeals process

(a) An applicant for an access permit under N.J.A.C. 16:32-1.3 whose request is denied in part or in whole may seek an informal review by serving a written request upon the Chief, Bureau of Traffic Engineering within 30 days of receipt of the Department of Transportation's initial determination. The request for review shall clearly state the reasons why the applicant contends the initial Bureau decision should be modified and the manner in which determination should be changed. Additional engineering data or other material relating to the safeness of the proposed route may be submitted at such time. The Bureau will respond to the request in writing within 60 days from receipt of the request and any supporting material submitted unless extenuating circumstances necessitate additional time, in which case the applicant shall be given notice of the need for the additional time.

(b) An applicant for an access permit may seek a formal hearing subsequent to exhaustion of the informal review process by providing the Commissioner of Transportation or designated official with a written appeal of the Bureau of Traffic Engineering's final determination. The appeal shall specify which determination of the Bureau of Traffic Engineering the applicant is appealing and a clear explanation of the nature of the relief sought and the reason or reasons why such relief ought to be granted. The appeal must be served upon the Commissioner or the designated official within 45 days from the date the Department of Transportation's response to the applicant's request for a review of its initial determination is received by the applicant. The Commissioner may within 45 days from receipt of the appeal schedule a date for a formal hearing if he decides to preside over the matter himself. Otherwise, the Commissioner may request that the matter be heard by the Office of Administrative Law.

(c) The procedural conduct of all such matters whether heard by the Department of Transportation or the Office of Administrative Law shall be governed by the Uniform Administrative Procedure Rules of Practice N.J.A.C. 1:1, where applicable.

TREASURY-GENERAL

(a)

OFFICE OF THE STATE TREASURER

Collection of Debts

Debts Owed to New Jersey Higher Education Assistance Authority by State Employees

Adopted New Rule: N.J.A.C. 17:25

Proposed: April 16, 1984 at 16 N.J.R. 868(a).
 Adopted: May 22, 1984 by State Treasurer, Michael M. Horn.
 Filed: May 22, 1984 as R.1984 d.219, **without change**.
 Authority: N.J.S.A. 18A:72-23, -24, -25 and 52:18A-30.

Effective Date: June 18, 1984.
 Expiration Date pursuant to Executive Order No. 66(1978): June 18, 1989.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adopted new rule follows.

CHAPTER 25 COLLECTION OF DEBTS

SUBCHAPTER 1. DEBTS OWED TO N.J.H.E.A.A. BY STATE EMPLOYEES

17:25-1.1 Purpose
 The purpose of this subchapter is to establish a policy and to provide a system whereby the New Jersey Higher Education Assistance Authority (N.J.H.E.A.A.) in conjunction with the Department of Treasury shall cooperate in identifying State of New Jersey employees who are delinquent in payments to the N.J.H.E.A.A. on any note held pursuant to N.J.S.A. 18A:72-16. It is also the intent of this subchapter to establish procedures for deducting from the wages of such State employees the sum of any such debt owed to the New Jersey Higher Education Assistance Authority. The procedures contained in this subchapter afford the State employee the opportunity to assert any legal rights he may have prior to the deduction from the wages.

17:25-1.2 Definitions
 The following words and terms, when used in this subchapter shall have the following meanings:
 "Authority" means the New Jersey Higher Education Assistance Authority created pursuant to N.J.S.A. 18A:72-1 et seq.
 "Administrative resolution" means resolving any contested debt due and owing the New Jersey Higher Education Assistance Authority by the administrators of the New Jersey Higher Education Assistance Authority.

"Debt" means any liquidated sum due and owing the Authority which has accrued through any note held by the Authority pursuant to N.J.S.A. 18A:72-16 which sums are more than 60 days overdue, regardless of whether there is an outstanding judgment for that sum.

"Debtor" means any New Jersey State employee or officer on the Centralized Regular Bi-weekly Payroll owing money to or having a note or obligation to the Authority in which payments are more than 60 days delinquent, which obligation has not been adjudicated satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Department" means the New Jersey Department of Treasury.

"Net proceeds collected" means gross proceeds collected through total deductions from a debtor's State payroll checks minus any collection fee charged by the Department to provide for any expenses of the collection effort.

"Payroll check" means the wages received by New Jersey State employees and officers paid by the Centralized Regular Bi-weekly Payroll in return for services provided to the employee's or officer's respective State agency, department, office or other entity using the State Centralized Payroll System by which the employee or officer is employed.

17:25-1.3 Procedure for deduction from wages
 The Authority shall notify the Department in writing and supply the Department with a list of persons currently in default on notes held by the Authority. The Department shall notify the Authority of those persons currently in default on notes held by the Authority who are currently receiving wages as New Jersey State employees or officers. Upon notification by the Department, and after the liquidated sum due is finally established by Authority records, the Authority shall forward a list to the Department as to those debtors for which the Authority requests deductions to be made.

17:25-1.4 Amount of deduction from wages
 (a) The amount deducted from any debtor's payroll check shall be the lesser of the following amounts in each pay period:
 1. The amount of money currently due and owing to the Authority; or
 2. Ten percent of the debtor's gross pay for the particular pay period from which the deduction is made; or
 3. Such other amount agreed to by the Authority and the employee or officer.

17:25-1.5 Notice to debtor
 Within 10 days after the notification to the Authority that the employee or officer is receiving wages from the State Payroll System, the Authority shall notify the alleged debtor by regular mail of the proposed deduction and inform the alleged debtor of the right to make a request to the Authority within 30 days after the date of notice, for a hearing on the alleged debt and the proposed deduction.

17:25-1.6 Authority proceedings
 No later than 45 days from the date of the Authority's notice to the alleged debtor of the proposed deduction, the Authority shall notify the Department to begin deductions for the repayment of the debt from the payroll check where the debtor has not responded to the notice provided pursuant to N.J.A.C. 17:25-1.5 within 30 days of the notice date.

17:25-1.7 Authority procedure; administrative resolution; hearing

(a) When an alleged debtor makes a timely request for a hearing, the Authority shall schedule an administrative resolution and meet with the debtor in an effort to agree upon the sum asserted as due and owing and any other relevant matters.

(b) Pending the administrative resolution or final determination of the validity of the debt asserted by the Authority, no action shall be taken in furtherance of collection of that alleged debt through the deduction procedure established by this subchapter.

17:25-1.8 Referral to the Office of Administrative Law; hearing

If administrative resolution efforts in a contested case are unsuccessful, the matter shall be filed forthwith with the clerk of the Office of Administrative Law pursuant to the requirements of the "Administrative Procedures Act" N.J.S.A. 52:14B-1 et seq. as amended and supplemented and the "New Jersey Uniform Administrative Procedures Rules" N.J.A.C. 1:1.

17:25-1.9 Finalization of deduction by Authority

(a) Upon either final agreement arrived at an administrative resolution or final determination of the debt due and owing the Authority or exhaustion of time in which an appeal may be filed, the Authority shall forthwith certify the finalized debt to the Department.

(b) Upon receipt by the Department of a certified finalized debt from the Authority, the Department shall make the deduction and transfer the net proceeds collected for payment to the Authority.

(c) At regular intervals the Authority shall notify the Department of any adjustments to be made in the amount of the finalized debt, due to accrued interest or payments received by the Authority outside of these procedures.

17:25-1.10 Notice to debtor of final deduction

Upon the final determination of the debt due and owing, the Authority shall notify the debtor in writing of the action taken along with its intent to begin deductions.

17:25-1.11 Disposition of proceeds collected; collection assistance fees

(a) Upon effecting deductions, the Department shall transfer to the Authority, the net proceeds collected on its behalf.

(b) From the gross proceeds collected by the Department through deductions, the Department shall retain one percent, which amount shall be charged to the Authority as a collection assistance fee.

17:25-1.12 Accounting to the Authority; credit to debtor's obligation

(a) Simultaneously with the transmittal of the net proceeds collected to the Authority, the Department shall provide the Authority with an accounting of the deductions finalized for which payment is being made.

(b) The accounting shall, whenever possible, include:

1. The full names of the debtors;
2. The gross proceeds collected per individual deductions;
3. The net proceeds collected per deduction; and
4. The collection assistance fee charged per deduction.

(c) Upon receipt by the Authority of the net proceeds collected on the Authority's behalf by the Department and an account of the proceeds as specified under this section, the Authority shall credit the debtor's obligation with the net proceeds collected.

(d) Under special circumstances and subject to the approval of the Director of the Division of Budget and Accounting, the Department may employ such alternative method of payment and billing as may be agreed upon with the Authority.

MISCELLANEOUS NOTICE

ENVIRONMENTAL PROTECTION

(a)

DIVISION OF WASTE MANAGEMENT

Solid Waste Disposal Exemption from Registration

Proposed Readoption: N.J.A.C. 7:26-1.7

Authority: N.J.S.A. 13:1B-3, 13:1E-4 and 13:1E-6

DEP Docket No. 027-84-04

Take notice that the public record will be reopened until July 2, 1984 for receipt of written data, views or arguments relevant to the Solid Waste Disposal Exemption from Registration rule, adopted and concurrently proposed on May 7, 1984 at 16 N.J.R. 1100(a). Submissions, and inquiries about submissions and responses should be addressed to:

Barbara M. Greer
Office of Regulatory Services
Department of Environmental Protection
CN 402
Trenton, N.J. 08625

The Department of Environmental Protection thereafter may readopt the proposal without further notice (see: N.J.A.C. 1:30-4.4(d)).

INDEX OF PROPOSED RULES

The *Index of Proposed Rules* contains rules which have been proposed in the New Jersey Register between June 6, 1983 and June 4, 1984, and which have not been adopted and filed by June 4, 1984. **The index does not contain rules proposed in this Register and listed in the Table of Rules in This Issue. These proposals will appear in the next Index of Proposed Rules.**

A proposed rule listed in this index may be adopted no later than one year from the date the proposal was originally published in the Register. Failure to timely adopt the proposed rule requires the proposing agency to re-submit 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 of the Office of Administrative Law (N.J.A.C. 1:30).

The *Index of Proposed Rules* appears in the second issue of each month, complementing the *Index of Adopted Rules* which appears in the first Register of each month. Together, these indices make available for a subscriber to the Code and Register all legally effective rules, and enable the subscriber to keep track of all State agency rulemaking activity from the initial proposal through final promulgation.

The proposed rules are listed below in order of their Code citation. Accompanying the Code citation for each proposal is a brief description of its contents, the date of its publication in the Register, and its Register citation.

The full text of the proposed rule will generally appear in the Register. If the full text of the proposed rule was not printed in the Register, it is available for a fee from:

Administrative Filings
CN 301
Trenton, New Jersey 08625

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1			
1:1-1.3	Reaching the merits	9-6-83	15 N.J.R. 1398(a)
1:1-3.7, 3.12, 3.13	Lay representation in contested Cases	3-19-84	16 N.J.R. 472(a)
1:1-17.1	Approving the settlement	9-6-83	15 N.J.R. 1401(a)
1:2-2.10	Lay representation in contested cases	3-19-84	16 N.J.R. 472(a)
1:2-3	Motor Vehicle cases: hearings on the papers	5-7-84	16 N.J.R. 942(a)
1:6A-3.1	Special education hearings: emergency relief applications	4-16-84	16 N.J.R. 780(a)
1:6A-4.2	Lay representation in contested cases	3-19-84	16 N.J.R. 472(a)
1:6A-5.3	Special education hearings: transfer of record	3-5-84	16 N.J.R. 408(a)
1:10-17.1	Division of Public Welfare cases	5-7-84	16 N.J.R. 945(a)
AGRICULTURE—TITLE 2			
2:5-4	Area quarantine for avian influenza (with Emergency Adoption)	12-19-83	15 N.J.R. 2176(a)
2:71-2.28, 2.31	Fruits and vegetables: fees for inspection and grading	5-7-84	16 N.J.R. 946(a)
2:76-1.2	Agricultural development areas	5-7-84	16 N.J.R. 947(a)
2:76-2.2	Agricultural management practices	5-7-84	16 N.J.R. 948(a)
BANKING—TITLE 3			
3:1-2.3, 2.4, 2.5, 2.14, 2.20	Savings and loan branch applications	5-7-84	16 N.J.R. 949(a)
3:19-2.1	Repeal maximum interest rate on home repair contracts	11-7-83	15 N.J.R. 1788(a)
3:22-1	Repeal maximum finance rate on insurance premiums	10-17-83	15 N.J.R. 1707(a)
3:24	Licensing of check cashing businesses	4-2-84	16 N.J.R. 586(b)
CIVIL SERVICE—TITLE 4			
4:1-1.1-1.10	Purpose and application of rules	5-21-84	16 N.J.R. 1132(a)
4:1-5.5	Awarding back pay	1-17-84	16 N.J.R. 97(a)
4:1-10.2, 13.9, 13.10	Working test period; seniority and promotions	6-4-84	16 N.J.R. 1296(a)
4:1-14.6	Interim appointments and return to permanent titles	5-21-84	16 N.J.R. 1134(a)
4:2-8.1	Seniority and promotions	6-4-84	16 N.J.R. 1296(a)
4:2-14.1	Interim appointments and return to permanent titles	5-21-84	16 N.J.R. 1134(a)
4:3-6.5	Repeal: Special police officer to police officer	5-21-84	16 N.J.R. 1136(a)
4:3-6.8	Repeal: Unclassified appointments by assignment judges	5-21-84	16 N.J.R. 1137(a)
4:3-8.3	Seniority and promotions	6-4-84	16 N.J.R. 1296(a)
4:3-14.2	Interim appointments and return to permanent titles	5-21-84	16 N.J.R. 1134(a)
COMMUNITY AFFAIRS—TITLE 5			
5:17	Readopt Retirement Community Full Disclosure Requirements	5-21-84	16 N.J.R. 1137(b)
5:23-3.14-3.17, 3.20	Uniform Construction Code: subcodes	5-21-84	16 N.J.R. 1139(a)
5:23-4.5	Fire protection subcode official and local fire service	5-7-84	16 N.J.R. 950(a)

N.J.A.C. CITATION		PROPOSAL DATE	PROPOSAL NOTICE (N.J.R. CITATION)
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5:27-5.3	Fire safety in rooming and boarding houses	2-21-84	16 N.J.R. 299(a)
5:30-10.1, 10.2	Local finance: municipal port authorities	8-15-83	15 N.J.R. 1304(a)
5:37-11.6	Local government deferred compensation programs: annual audit	4-16-84	16 N.J.R. 784(a)
5:80-5	Multi-family projects: transfer of ownership interests	5-7-84	16 N.J.R. 951(a)
5:80-6	Housing and Mortgage Finance Agency projects: Tenant Selection Standards	5-7-84	16 N.J.R. 954(a)
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6:3-1.10	Seniority determination	4-16-84	16 N.J.R. 785(a)
6:8	Readopt Thorough and Efficient System rules	4-2-84	16 N.J.R. 597(a)
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6:28	Special Education	4-2-84	16 N.J.R. 611(a)
6:29-4	Readopt School Health Services rules	2-21-84	16 N.J.R. 300(a)
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7:26-6.5	Interdistrict and intradistrict solid waste flow	5-21-84	16 N.J.R. 1149(a)
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8:33G-1	Computerized Tomography Services: readopt Certificate of Need rules	5-21-84	16 N.J.R. 1157(a)
8:33H-3.11	Long-term care beds for former psychiatric patients	4-16-84	16 N.J.R. 806(a)
8:35	Repeal (see 8:43B-8)	2-6-84	16 N.J.R. 188(a)
8:43-2	Sheltered care homes: readopt Building Requirements rules	2-21-84	16 N.J.R. 325(a)
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10:82-3.1-3.7	ASH: resource eligibility in AFDC	3-19-84	16 N.J.R. 486(a)
10:85-3.3	GAM: maternity home care	4-2-84	16 N.J.R. 683(a)
10:90-4.2	Monthly Reporting Policy Handbook: AFDC benefit computation	5-21-84	16 N.J.R. 1159(a)
10:90-4.8	AFDC: Recovery of overpayments and correction of underpayments	7-18-83	15 N.J.R. 1162(a)
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10:100-3.8	Special Payments Handbook: CWA notice of no financial interest in certain funds	5-7-84	16 N.J.R. 1013(a)
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13:29-1.7	Board of Accountancy: readopt conditional credit rule	5-7-84	16 N.J.R. 1025(a)
13:29-1.13	Board of Accountancy: readopt fee schedule	5-7-84	16 N.J.R. 1026(a)
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16:21A	Bridge Rehabilitation and Improvement Fund (with Emergency Adoption)	3-5-84	16 N.J.R. 437(a)
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16:28-1.22, 1.129	Speed rates on Route 109 (Cape May) and Route 12 (Hunterdon)	5-7-84	16 N.J.R. 1035(a)
16:28-1.33	Speed rate on Route 41, Cherry Hill	5-7-84	16 N.J.R. 1036(a)
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16:28A-1.24, 1.93	Parking on Route 34 (Old Bridge) and US 322 (Atlantic County)	5-7-84	16 N.J.R. 1036(b)
16:28A-1.42	Parking on Route 79, Marlboro Twp	5-7-84	16 N.J.R. 1037(a)
16:28A-1.98	Route 56	4-16-84	16 N.J.R. 858(b)
16:28A-1.99	Parking on Interstate and Defense system	6-4-84	16 N.J.R. 1323(b)
16:29-1.10	No passing zones: Route 49, Salem County	5-7-84	16 N.J.R. 1038(a)
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16:49	Transportation of hazardous materials	3-19-84	16 N.J.R. 513(a)
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17:16-31	Readopt Cash Management Fund rules	5-7-84	16 N.J.R. 1041(a)
17:16-37	Readopt Repurchase Agreement rules	5-7-84	16 N.J.R. 1042(a)
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18:7-4.1, 5.2, 8.16, 16.1-16.5	Corporation business tax and international banking facilities	6-4-84	16 N.J.R. 1327(a)
18:12-7.12	Homestead Rebate: filing extension for claims (with Emergency Adoption)	2-6-84	16 N.J.R. 252(b)
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18:24-30	Sales tax exemption: prescription and over-the-counter drugs	6-6-83	15 N.J.R. 885(b)
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19:30-3	Readopt rules on Payment of Prevailing Wages in Authority Projects	6-4-84	16 N.J.R. 1334(a)
19:30-4	Readopt Targeting of Authority Assistance	5-7-84	16 N.J.R. 1064(a)
19:30-6	Affirmative action in construction projects	4-2-84	16 N.J.R. 704(a)
19:61-5.5	State government positions with casino responsibility	3-19-84	16 N.J.R. 517(a)
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19:54-2	Investment obligations and investment alternative tax	11-21-83	15 N.J.R. 1931(a)

The following rules were proposed in the New Jersey Register, but have not been timely adopted and therefore have expired pursuant to N.J.A.C. 1:30-4.2(c).

13:46-5.1	Boxer licensure and medical examinations	5-16-83	15 N.J.R. 786(a)
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