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MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: OCTOBER 18, 1993
See the Register Index for Subsequent Rulemaking Activity.

NEXT UPDATE: SUPPLEMENT NOVEMBER 15, 1993

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Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until **February 2, 1994.** Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

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

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

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RULE PROPOSALS

ADMINISTRATIVE LAW

(a)

OFFICE OF ADMINISTRATIVE LAW

Board of Regulatory Commissioners Special Hearing Rule; Discovery Proposed New Rule: N.J.A.C. 1:14-10

Authorized By: Jaynee LaVecchia, Director, Office of Administrative Law.
Authority: N.J.S.A. 52:14F-5(e), (f) and (g).
Proposal Number: PRN 1994-37.

Submit comments by February 2, 1994 to:
Jeff S. Masin, Deputy Director
Office of Administrative Law
Quakerbridge Plaza, Bldg. 9, CN 049
Quakerbridge Road
Trenton, New Jersey 08625

The agency proposal follows:

Summary

This proposed new rule, N.J.A.C. 1:14-10.1, is the result of discussions among representatives of the Office of Administrative Law, the Board of Regulatory Commissioners (BRC), the Department of the Public Advocate, Division of Rate Counsel, and the utility companies concerning the reform of the ratemaking hearing process.

The Uniform Administrative Procedure Rules concerning discovery, N.J.A.C. 1:1-10, which apply to Board of Regulatory Commissioner hearings, N.J.A.C. 1:14-1.1, provide depositions only upon motion for good cause shown. N.J.A.C. 1:1-10.2(c). Depositions as a discovery mechanism are restricted generally in OAL matters because they tend to be time consuming and increase the costs of the hearing to the parties, and therefore are inappropriate for many OAL proceedings.

However, permitting depositions in Board of Regulatory Commissioners' cases only upon good cause shown may serve to lengthen the discovery process. In BRC ratemaking cases, the parties are represented by attorneys, the amounts of money at issue are significant, and the widespread use of prefiled testimony and expert witnesses makes depositions appropriate in most cases. Thus, requiring the parties to file motions each time depositions are sought serves to delay the process.

The proposed new rule permits depositions on notice by a party. It eliminates the need to file a motion and establish good cause each time depositions are sought. This will permit the parties to engage in this portion of the discovery process more quickly and so ultimately should shorten the amount of time required for discovery.

The proposed new rule impacts only upon the deposition process in ratemaking cases. In all other respects, the discovery process in BRC cases continues to follow the Uniform Administrative Procedure Rules.

Social Impact

The proposed new rule, by eliminating the need to routinely make motions for depositions in BRC ratemaking cases, should permit the discovery process to progress more rapidly. Therefore, it should accommodate the efforts of all parties involved to more rapidly reach a resolution of these matters.

Economic Impact

The proposed new rule eliminates the need for motions and responses to motions in every instance where depositions are sought. The new rule should therefore result in some cost savings to the parties to ratemaking proceedings, and reduced costs to the OAL for judge's time in deciding these motions.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposal amendment does not impose reporting, recordkeeping or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed rule is in fact lifting a compliance requirement from both those utilities considered large businesses (most of the public utilities) and, in the case of a few small water companies, those considered small businesses and those involved in ratemaking cases such as the Public Advocate.

Full text of the proposed new rule follows:

SUBCHAPTER 10. DISCOVERY

1:14-10.1 Depositions

In addition to the discovery methods specified in N.J.A.C. 1:1-10.2(a), depositions upon oral examination or written questions shall be available upon notice by a party in a ratemaking hearing.

BANKING

(b)

DIVISION OF REGULATORY AFFAIRS

Bank Service Corporations Proposed New Rule: N.J.A.C. 3:14

Authorized By: Jeff Connor, Commissioner, Department of Banking.
Authority: N.J.S.A. 17:9A-24.4.
Proposal Number: PRN 1994-28.

Submit comments by February 2, 1994 to:
Rule Comments
Attn: Stephen J. Szabatin, Deputy Commissioner
Department of Banking, CN-040
20 W. State Street
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed new rules would give State chartered banks and savings banks parity with Federally-chartered banks regarding investments in service corporations. This is consistent with State statutory guidelines directing that the rules promulgated by the Commissioner on this subject "maintain to the extent feasible a substantial parity between banks and savings banks on the one hand and national banks on the other hand ... and ... create and maintain a similar parity between bank service corporations as defined in (the Banking Act of 1948) and as defined in Federal law." N.J.S.A. 17:9A-24.4. The statute also defines the scope of the Commissioner's regulatory authority.

Consistent with these Legislative directives, the proposed rules would expand the bank services which a bank service corporation may provide to include: 1. any service, other than deposit taking, that the Board of Governors of the Federal Reserve System determines by regulation to be permissible for a bank holding company pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C.A. §1843(c)(8)); 2. any service, other than deposit taking, approved by the Board of Governors of the Federal Reserve System or a local Federal Reserve Bank; 3. any service, other than deposit taking, which a bank holding company could provide to its affiliates pursuant to 12 C.F.R. §225.21(a)(1), §225.22(a)(1) or §225.22(a)(2); and 4. any service, other than deposit taking, authorized by the Commissioner. (Note: Under the statute, bank service corporations can currently provide clerical, bookkeeping, accounting, statistical, and related services.)

The proposed new rules would allow bank service corporations to provide bank services to banking institutions, affiliates of banking institutions, holding companies, affiliates of holding companies, or any other person, subject to specified limitations. Currently, bank service corporations may offer bank services only to banking institutions. If a bank service corporation intends to provide a bank service to a non-affiliate, it must apply to, or provide notice to, the Commissioner, who has the authority to disapprove the activity. Standards for disapproving proposed bank services are set forth in the proposed rules.

The proposed new rules would require that banks and savings banks invest only in those bank service corporations which have agreed in writing to submit to periodic examination and to regulation by the Department.

Finally, the proposed new rules would prohibit a bank service corporation from discriminating in providing bank services to nonstockholding banking institutions, except that a bank service corporation may charge nonstockholding banking institutions a price reflecting capital and a reasonable return thereon, and may refuse to provide bank services if the services are available elsewhere.

Social Impact

The proposed rules would give State-chartered banks and savings banks more flexibility in investing in bank service corporations and would increase the activities that bank service corporations may engage in. They should thereby make banks and savings banks more efficient and profitable. To the extent that this strengthens these financial institutions and their affiliates, the rules will have beneficial social results.

Economic Impact

The proposed new rules would give State-chartered institutions parity with Federally-chartered institutions regarding the activities which they can conduct through bank service corporations. As a result, the rules will help maintain the competitive equality of the State banking system with the Federal banking system. The rules will also allow State-chartered institutions to operate more efficiently, thereby benefiting their safety and soundness.

Regulatory Flexibility Analysis

Many of the banks, savings banks, and bank service corporations which are affected by these rules are small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed rules would impose no recordkeeping requirements and no requirements for periodic reporting.

Bank service corporations are required to submit notices or applications prior to providing bank services in certain instances. Applications require descriptions of the services to be provided, the type of customer to whom the service is to be provided, the type of business in which the recipient is involved, and other relevant information. The Department may require such information to be submitted in connection with notices.

The Department regards the submission of information in connection with applications and notices to be a minimal burden. Clearly, the economic benefits to institutions, large and small, which the rules should produce (that is, greater flexibility in organizational structure and expanding the offerings of bank services) far outweigh the burden of providing notices or applications to the Commissioner. Moreover, having this information is essential to the making of an informed decision regarding the provision of the services, and to effective oversight by the Department. For these reasons, no differing standard based on business size is made.

The limitations on investments in N.J.A.C. 3:14-1.2 mirror the limitations in statute and are not newly imposed with this rule. The additional provision in that section which prohibits banks and savings banks from investing in service corporations unless that service corporation has submitted to the jurisdiction of the Deparment is deemed to be essential to proper oversight. Therefore, no differing standard based on business size is made.

Full text of the proposed new rules follows:

CHAPTER 14
BANK SERVICE CORPORATIONS

SUBCHAPTER 1. BANK SERVICE CORPORATIONS

3:14-1.1 Definitions

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

"Affiliate" means an entity related by common control or substantial ownership to a bank holding company, a banking subsidiary of a bank holding company, a bank, a savings bank, a bank service corporation of a bank holding company, bank, or savings bank, or any other non-banking subsidiary of a bank holding company, bank or savings bank.

"Appropriate Federal banking agency" means the Board of Governors of the Federal Reserve System, the local Federal Reserve Bank having jurisdiction, the Federal Deposit Insurance Corporation, or the Office of the Comptroller of the Currency.

"Bank" shall have the meaning of that term in N.J.S.A. 17:9A-1(1).

"Bank services" means:

1. Services such as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions;

2. Any service, other than deposit taking, that the Board of Governors of the Federal Reserve System determines by regulation to be permissible for a bank holding company pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C.A. §1843(c)(8)), performed at any geographical location, subject to applicable Federal or state branching laws regulating the geographic location of banks to the extent that those laws are applicable to any activity authorized by this paragraph 2;

3. Any service, other than deposit taking, approved for such bank service corporation, or for bank service corporations in general, by the Board of Governors of the Federal Reserve System, or by the appropriate local Federal Reserve Bank;

4. Any service, other than deposit taking, which a bank holding company is authorized to provide to its affiliates pursuant to 12 C.F.R. §225.21(a)(1), §225.22(a)(1), or §225.22(a)(2), provided however that services constituting permitted bank services under this paragraph 4 and which would not constitute permitted bank services under paragraphs 1, 2, or 3 above are provided only to an affiliate of the bank service corporation; and

5. Any service, other than deposit taking, not described in paragraphs 1, 2, 3 or 4 above, and which has been fully described in an application to the Commissioner, which application the Commissioner has approved, or the period during which the Commissioner could disapprove the application as set forth in N.J.A.C. 3:14-1.3(a) has expired.

"Bank service corporation" means a corporation which is organized under Title 14 or Title 14A of the statutes of this State, or which is organized under a general incorporation statute of another state of the United States and which has a Certificate of Authority from the New Jersey Secretary of State to transact business in this State, to perform bank services, and all of whose capital stock is owned by one or more banking institutions.

"Banking institution" means a bank organized under the laws of this State or the laws of another state of the United States, a savings bank organized under the laws of this State or under the laws of another state of the United States, and a national bank organized under the laws of the United States.

"Holding company" means a bank holding company, a savings bank holding company, or a mutual savings bank holding company under the supervision of the Department.

"Invest" means an advance of funds to a bank service corporation, whether by the subscription to or purchase of stock, the making of a loan, or otherwise, except a payment for rent earned, goods sold and delivered, or services rendered prior to the making of such payment.

"Person" means individuals, partnerships, corporations, and all other business entities, no matter how designated.

"Savings bank" shall have the meaning of that term in N.J.S.A. 17:9A-1(13).

3:14-1.2 Permissible activities

(a) Subject to N.J.A.C. 3:14-1.3, a banking institution may engage in the following activities:

1. Contracting with a bank service corporation for the provision of bank services;

2. Investing in a bank service corporation, except that:

i. No bank shall invest in any one bank service corporation if the total of all the bank's investments in that bank service corporation exceeds, or if the making of such an investment would cause such total to exceed, 10 percent of the bank's unimpaired capital stock and surplus;

ii. No bank shall invest in a bank service corporation if the total of all the bank's investments in bank service corporations exceeds, or if the making of such an investment would cause such total to

exceed, 15 percent of the bank's unimpaired capital stock and surplus;

iii. No savings bank shall invest in any one bank service corporation if the total of all the savings bank's investments in that bank service corporation exceeds, or if the making of such an investment would cause such total to exceed, five percent of the surplus of the savings bank;

iv. No savings bank shall invest in a bank service corporation if the total of all the savings bank's investments in bank service corporations exceeds, or if the making of such an investment would cause such total to exceed, 7.5 percent of the surplus of the savings bank; and

v. No bank or savings bank shall invest in a bank service corporation unless that bank service corporation has agreed in writing to submit to periodic examinations and to regulation by the Department.

3:14-1.3 Authority to engage in bank services

(a) A bank service corporation may provide a bank service to a banking institution, an affiliate of a banking institution, or other person, or to combinations or multiples of the above, subject to the limitations set forth in this section.

1. A bank service which is described in paragraphs 1, 2, or 4 of the definition of "bank service," and which will be provided only to an affiliate, may be provided without application or notice to the Commissioner.

2. A bank service which is described in paragraphs 1 or 2 of the definition of "bank service," and which will be provided to a non-affiliate, may be provided if:

i. Written application has been received by the Commissioner which fully describes the bank service to be provided, the type of customer to whom the bank service is to be provided, the type of business in which the non-affiliate engages, and any information which supports the conclusion that the provision of the bank service is in the financial interest of the bank service corporation or affiliates of the bank service corporation; and either

(1) The bank service corporation has received approval in writing from the Commissioner; or

(2) At least 60 calendar days have passed since the receipt of the written application by the Commissioner, during which time the bank service corporation did not receive written notification by the Commissioner that the provision of the bank service to the non-affiliate is disapproved; and

ii. The Commissioner, at his or her discretion, has required and has received any additional information which might be relevant to a decision of whether to approve the application, which may include, but shall not be limited to, the names of the non-affiliates to whom the bank service is to be provided.

3. A bank service which is described in paragraph 3 of the definition of "bank service" may be provided to an affiliate or a non-affiliate if:

i. Written notice has been received by the Commissioner that the service has been approved for such bank service corporation, or for bank service corporations in general, by the Board of Governors of the Federal Reserve System, or by the appropriate local Federal Reserve Bank; and either

(1) The bank service corporation has received approval in writing from the Commissioner; or

(2) At least 60 calendar days have passed since the written notice required to be submitted by (a)3i above has been received by the Commissioner, and during which time the bank service corporation did not receive written notification by the Commissioner that the provision of the bank service is disapproved; and

ii. The Commissioner, at his or her discretion, has required and has received any additional information which might be relevant to a decision to disapprove the bank service, which may include, but shall not be limited to, a description of the bank service to be provided, the names of the non-affiliates to whom the bank service is to be provided, the type of business in which the non-affiliate engages, and any materials which support the conclusion that the provision of the bank service is in the financial interest of the bank service corporation or affiliates of the bank service corporation.

4. A bank service which is described in paragraph 5 of the definition of "bank service", may be provided to an affiliate or non-affiliate if:

i. Written application has been received by the Commissioner which fully describes the bank service to be provided, the types of customers to whom the bank service is to be provided, the type of business in which the non-affiliate engages, and any information which supports the conclusion that the provision of the bank service is in the financial interest of the bank service corporation or affiliates of the bank service corporation; and either

(1) The bank service corporation has received approval in writing from the Commissioner; or

(2) At least 90 calendar days have passed since the Commissioner's receipt of the application, during which time the bank service corporation has not received written notification by the Commissioner that the provision of the bank service is disapproved, provided, however, that the Commissioner may make reasonable extensions of the period during which it may consider the application; and

ii. The Commissioner, at his or her discretion, has required and has received any additional materials which might be relevant to a decision of whether to approve the application, which may include, but shall not be limited to, the names of the non-affiliates to whom the bank service is to be provided.

(b) A bank service corporation may engage in a bank service described in paragraphs 2, 3, or 4 of the definition of "bank service", only upon the same terms and subject to the same conditions as are set forth in Federal law.

(c) Nothing in this chapter shall be construed to authorize a bank service corporation to engage in any activity which is reserved to banking institutions or qualified banks pursuant to N.J.S.A. 17:9A-213.

3:14-1.4 Standards for approving or disapproving applications

(a) In evaluating an application or notice under N.J.A.C. 3:14-1.3, the Commissioner may disapprove the application or bank service if, in his or her judgment:

1. The activity is inappropriate for the bank service corporation or for any affiliate;

2. The activity is unduly risky to the safety and soundness of the bank service corporation or for any affiliate; or

3. The bank service corporation or any affiliate has a substantial problem in any of the following areas:

i. Financial history and condition;

ii. Managerial resources;

iii. Funding and liquidity;

iv. Interest-rate exposure;

v. Concentration of assets; or

vi. Volume of assets classified as substandard, doubtful or loss, or subject to special mention.

3:14-1.5 Services to noninvestors

(a) A bank service corporation shall not discriminate unreasonably in the provision of any bank services, authorized under N.J.S.A. 17:9A-24.1 et seq. or this chapter, to any banking institution that does not own stock in the bank service corporation on the ground that the nonstockholding banking institution is in competition with a banking institution that owns stock in the bank service corporation, except that:

1. It shall not be considered unreasonable discrimination for a bank service corporation to charge a nonstockholding banking institution a price for providing bank services that reflects the full cost of offering those services, including the cost of capital and a reasonable return thereon; and

2. It shall not be considered unreasonable discrimination for a bank service corporation to refuse to provide bank services to a nonstockholding banking institution if comparable bank services are available to the nonstockholding institution from another person at a comparable cost, or if the providing of bank services to the nonstockholding institution would be beyond the reasonable capacity of the bank service corporation.

(a)

DIVISION OF REGULATORY AFFAIRS

Mortgage Bankers and Mortgage Brokers Registration of Solicitors

Proposed Amendment: N.J.A.C. 3:38-5.3

Authorized By: Jeff Connor, Commissioner, Department of Banking.

Authority: N.J.S.A. 17:1-8 and 8.1; N.J.S.A. 11B-5 and 13; and 12 U.S.C. 2601 et seq. (Regulation X).

Proposal Number: PRN 1994-4.

Submit comments by February 2, 1994 to:
Stephen J. Szabatin, Deputy Commissioner
Department of Banking
CN 040
Trenton, N.J. 08625

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 3:38-5.3 seeks to clarify activities of real estate brokers and real estate salespersons related to the provision of mortgage referral business. In the past, real estate brokers and salespersons routinely assisted prospective purchasers of residential property in obtaining mortgage financing. No fees were charged for these services. State law and the Real Estate Settlement Procedures Act (R.E.S.P.A.) regulations, 24 CFR 3500, prohibit the payment of kickbacks or fees for mortgage referral business from real estate agents. State and Federal law also prohibit steering and lock-out arrangements. The amendment to N.J.A.C. 3:38-5.3 is intended to clarify the Department's intent to prohibit realtors from being registered as solicitors and from charging or collecting fees merely for referral of mortgage financing. The Department seeks comment as to whether a distinction should be made between serving as a solicitor for a mortgage banker and serving as a solicitor for a mortgage broker.

Social Impact

The proposed amendment will encourage compliance with Federal and State laws which prohibit kickback fees and lock-out or steering arrangements, and may result in savings for consumers. It may also assist real estate salespersons to avoid possible conflict of interest which may arise when the salesperson accepts a commission from a seller for sale of a home and receives a fee from the buyer in a loan transaction.

Economic Impact

It is not presently known the extent to which realtors are collecting referral fees for assisting home buyers in obtaining mortgages. However, it is anticipated that the proposed amendment will result in savings for some homebuyers, and it will limit their costs in those cases where realtors perform compensable services. Since realtors will no longer be registered as solicitors with the Department, the Department will not receive the $25.00 registration fee which is payable every two years.

Regulatory Flexibility Analysis

The proposed amendment will affect real estate brokers and real estate salespersons who may be employed by both large and small businesses as the terms are defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The amendment would prohibit the individual brokers and real estate salespersons from being registered as or serving as solicitors. It is expected that the proposed amendment will not have a significant effect on the conduct of these individuals' business in that referral of mortgage financing is not the principal business of realtors. The rule, to be effective, obviously must apply to all those engaged in like activities and therefore no difference based on business size is appropriate.

Full text of the proposal follows (addition indicated in boldface **thus**):

3:38-5.3 Registration of solicitors

(a)-(f) (No change)

(g) No person employed as a real estate broker or real estate salesperson will be permitted to be registered with the Department of Banking as a solicitor.

(b)

NEW JERSEY CEMETERY BOARD

Service Contractors and Service Contracts

Proposed New Rules: N.J.A.C. 3:41-12

Authorized By: New Jersey Cemetery Board, William B. Waits, Executive Director.

Authority: N.J.S.A. 8A:2-2.

Proposal Number: PRN 1994-9.

Submit comments by February 2, 1994 to:
Rule Comments
William B. Waits, Executive Director
New Jersey Cemetery Board
Department of Banking, CN-040
20 W. State Street
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed new rules would regulate the contractual relationships between cemetery companies and service contractors. The rules authorize cemetery companies to enter into service contracts for "services" (a defined term including management services and sales services). The rules specify that all such contracts shall (1) set forth the name and address of the cemetery company and the service contractor; (2) describe the services to be performed; (3) set forth the date of execution of the agreement, and the effective date of the agreement; (4) set forth the fees, charges, or other compensation to be paid the service contractor; (5) require the cemetery company to file with the New Jersey Cemetery Board (Board) a copy of the executed service contract; (6) require the cemetery company to file with the Board a written representation indicating all those holding a substantial interest in the service contractor; (7) provide that the cemetery company shall, at the time of renewal, file a revised representation listing those having a substantial interest in the service contractor if previously submitted information has changed; (8) provide that the cemetery company shall have the right and responsibility to review and approve all plans, policies and services of the service contractor; (9) provide that the service contractor shall not use the name of the cemetery or cemetery company in any advertisement for the sale of goods or services which the cemetery is prohibited from selling itself; (10) provide that the service contractor shall not on the premises of the cemetery, engage in the sale of funeral merchandise, funeral services, monuments, or vaults, or in any other activity which may not be conducted by the cemetery itself; (11) provide that neither the service contractor, the cemetery company, nor any affiliate of either, shall engage in "tie-in" arrangements; (12) provide that the service contractor agrees to be subject to the jurisdiction of the Board and New Jersey courts; (13) provide that, for purposes of violations of the New Jersey Cemetery Act, all acts of the service contractor shall be deemed to be the acts of the cemetery company for which both shall be presumed, subject to rebuttal, to be jointly and severally responsible; (14) provide for a term in excess of three years, but may provide for renewals of three year terms; and (15) provide that, upon request, the cemetery company or service contractor shall submit to the Board any other information which the Board determines is relevant to the relationship between the cemetery company and the service contractor.

Fees paid to service contractors shall be reasonable.

An affiliate of a service contractor may engage in this State in activities prohibited for cemetery companies by N.J.S.A. 8A:5-3, but may not do so on the premises of a cemetery.

The rules become operative July 1, 1994 and apply to all contracts entered into, or renewed, on or after that date.

Social Impact

The proposed new rules would regulate the contracts through which cemeteries secure management services and sales services. They specify certain provisions which must appear in all contracts. The effect will be to provide cemetery companies guidelines in entering into these contracts. Clearly, many cemetery companies in this State will benefit by entering into service contracts; for example, small cemeteries whose trustees lack the inclination and/or the expertise to manage the cemetery, and large cemeteries who find it more economical to contract out some of their managerial or sales tasks. Thus, the rules will provide flexibility to cemetery companies in ordering their affairs. This improved efficiency

in operations should improve their financial well-being and result in better provision of services to the public.

Economic Impact

The economic impact of the proposed rules is addressed above in the Social Impact statement.

Regulatory Flexibility Analysis

Virtually all cemeteries and many service contractors are small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules would impose no recordkeeping requirements on cemeteries or on service contractors.

The only reporting requirements are that (1) the cemetery company shall file a copy of each service contract (or renewal extending the term of such contract) with the Cemetery Board after it is signed, and (2) the cemetery company shall file a representation listing any party which has at least a 20 percent interest in the service contractor. The Cemetery Board regards this burden, which is necessary for its oversight of these contracts, as being minimal. Therefore, no differing standards for small businesses is provided.

The proposed new rule would require that various provisions be placed in service contracts. The Board regards the drafting and incorporation of each of these provisions as being necessary to achieve the purposes of the proposed new rule, therefore no differing standard is made for small businesses. While cemetery companies may employ the services of an attorney to draft such language, there is no requirement that they do so.

The proposed new rules would obligate cemetery companies to review, approve, and monitor the plans and policies of the service contractor. This is, in the opinion of the Board, good business practice and helps insure the compliance of the service contractor with the proposed new rule. Therefore, no differing standard for small businesses is provided.

The proposed new rules would prohibit a service contractor from engaging in activities on cemetery premises which the cemetery is prohibited from engaging in itself. This restriction is consistent with the existing prohibition in N.J.S.A. 8A:5-3, and is therefore not established by these rules.

The proposed new rules would prohibit tie-in arrangements between the cemetery and the service contractor or its affiliates. This reiterates basic principles of anti-trust law and is not new with these rules.

The proposed new rules would require service contractors to submit to the jurisdiction of the Board. They also would require that all acts of the service contractor would be presumed to be the acts of the cemetery, subject to rebuttal. These provisions are deemed to be vital to the enforcement of the rules, so no differing requirements are made for small businesses.

The proposed new rules would limit the term of contracts to three years, subject to renewal or extension. The purpose of this is to prohibit extremely long contracts which would tend to defeat the oversight purposes of the rules. Renewal or extension agreements are simple documents to draft, therefore requiring them to be produced every three years does not represent a substantial burden. Therefore, no differing requirements are made for small businesses.

Full text of the proposed new rules follows:

SUBCHAPTER 12. SERVICE CONTRACTORS AND SERVICE CONTRACTS

3:41-12.1 Definitions

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

"Act" means the New Jersey Cemetery Act, N.J.S.A. 8A:1-1 et seq.

"Board" means the New Jersey Cemetery Board.

"Cemetery company" means any person, firm, corporation, trustee, partnership, association or municipality, now or hereafter, owning, operating, controlling or managing a cemetery, or a mausoleum, columbarium, or crematorium or holding lands for burial grounds or interment purposes in this State, provided that the words "cemetery company" shall not include a service contractor, and shall not include any religious corporation incorporated pursuant to Title 16 of the Revised Statutes, or any special act of the Legislature or religious society, wherein any cemetery owned, operated or controlled by such a religious corporation or religious society burials are restricted to members of that particular religious faith and the families of such members.

"Service" means the formulation and/or implementation of a sales program which may include, but shall not be limited to, the formulation of a sales program; analysis and planning of interment space inventory; advertising and promotion services; sales personnel hiring and training; sales personnel supervision; provision of sales personnel; monitoring of sales program; and other activities related to the promotion of sales as may be determined by the service contractors and the cemetery company.

Service also means management related services, which may include, but shall not be limited to, personnel hiring and training; clerical and bookkeeping services; customer relations; consultation and assistance with reference to acquisition of insurance and benefit plans; cemetery planning; consultation, evaluation, and assistance with reference to the purchase of equipment, supplies and services required by the cemetery company; credit, collection and account servicing and/or monitoring; and financial management.

Service shall not mean the retention, hiring, or employment of licensed professionals, such as attorneys, accountants, engineers, or architects.

"Service contract" means a written agreement between a cemetery company and a service contractor wherein the service contractor agrees to provide some or all services to the cemetery company in return for a reasonable fee.

"Service contractor" means any person, other than an employee of the cemetery company acting in his or her capacity as an employee, who has a service contract with a cemetery company.

3:41-12.2 Authority to enter into service contracts; required provisions of service contracts

(a) A cemetery company may enter into a service contract with a service contractor. All such contracts shall be expressly subject to, and shall conform to, this subchapter.

(b) A service contract shall:

1. Set forth the name and address of the cemetery company and the service contractor;

2. Describe or indicate the services to be performed;

3. Set forth the date of execution of the agreement, and the effective date of the agreement;

4. Set forth the fees, charges, or other compensation to be paid the service contractor;

5. Provide that, within 10 days of execution or no later than 10 days prior to the effective date of the service contract, whichever is later, the cemetery company shall file a copy of the executed service contract with the Board, except that if the service contract is renewed pursuant to (b)14 below, the cemetery company may file a copy of the renewal agreement effecting such renewal in lieu of filing a copy of the service contract;

6. Provide that the cemetery company shall file with the Board at the same time that it files the copy of the executed service contract pursuant to (b)5 above, a written representation, in the case of a corporate contractor, the name and address of each stockholder holding 20 percent or more of the outstanding voting stock of such corporation or in the case of a non-corporate service contractor, the name and address of each partner or owner of the service contractor having an interest of 20 percent or more in the profits and losses of the service contractor;

7. Provide that the cemetery company shall file an amended representation required by (b)6 above at the time of renewal or extension if a change has been made in the information last reported;

8. Provide that the cemetery company shall have the right and responsibility to review, approve and monitor all plans and policies for the provision of services by the service contractor, and to review, approve and monitor all services actually provided on an ongoing basis;

9. Provide that the service contractor shall not use the name of the cemetery or cemetery company in any advertisement, announcement, statement, assertion or representation for the sale of goods or services, or both, which the cemetery is prohibited from selling itself;

10. Provide that the service contractor shall not on the premises of the cemetery, engage in the sale of funeral merchandise, funeral services, monuments, or vaults, or in any other activity which may

not be conducted by the cemetery itself. This prohibition shall apply to the service contractor, whether organized for profit or not for profit;

11. Provide that neither the service contractor, nor any entity affiliated in ownership with the service contractor, shall require a person to purchase a product or service of the service contractor, or of an affiliated entity, as a condition of purchasing a product or service of the cemetery; nor shall it require a person to purchase a product or service of the cemetery as a condition of purchasing a product or service of the service contractor, or of an affiliated entity;

12. Provide that the service contractor agrees to be subject to the jurisdiction of the Board and the courts of this State for any violation of the Act or other law of this State which occurs in connection with providing a service to a cemetery company pursuant to a service contract;

13. Provide that in the event of a violation of the Act or rules, all acts of the service contractor pertaining to management or servicing of the cemetery shall be deemed to be the acts of the cemetery company for which both shall be presumed, subject to rebuttal, to be jointly and severally responsible;

14. Provide for a term not to exceed three years, and may provide for renewal from time to time, under the same contractual terms, for additional periods of not more than three years each pursuant to a renewal agreement, extension agreement, or a contractual provision stating that the contract will automatically renew provided that neither party gives prior notice that the contract will not be renewed; and

15. Provide that, upon request, the cemetery company or service contractor shall submit to the Board any other information which the Board determines is relevant to the relationship between the cemetery company and the service contractor.

3:41-12.3 Compensation of service contractors

A cemetery company may only enter into a service contract which requires it to pay a fee or other consideration of a reasonable amount. The service contract may provide for the payment of the fee in any reasonable form, including, but not limited to, cash and certificates of indebtedness.

3:41-12.4 Activities of affiliates of service contractors

(a) A corporation which is not a service contractor but is affiliated in ownership with a service contractor may, in this State, engage in the sale of funeral merchandise, funeral services, monuments, or vaults, or in other activities which may not be conducted by the cemetery pursuant to N.J.S.A. 8A:5-3, provided that it does not do so on cemetery premises. For the purposes of this section, such affiliated corporation shall not be deemed to be doing business on cemetery premises:

1. By virtue of selling funeral merchandise off premises which is used in connection with an interment in the cemetery;

2. By providing a funeral service, which funeral directors usually or customarily provide on cemetery premises, in connection with an interment in the cemetery;

3. By manufacturing or selling a memorial off premises which is installed in the cemetery;

4. By manufacturing or selling a vault off premises which is installed in the cemetery; or

5. By manufacturing or selling a private mausoleum or sarcophagus off premises which is installed in the cemetery.

3:41-12.5 Operative date

This subchapter shall become operative on July 1, 1994 and shall apply to all service contracts entered into, or renewed, on or after that date.

COMMUNITY AFFAIRS

(a)

NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

Occupancy Requirements Regarding Income
Proposed Amendments: N.J.A.C. 5:80-8

Authorized By: New Jersey Housing and Mortgage Finance Agency, Christiana Foglio, Executive Director.
Authority: N.J.S.A. 55:14K-5g and 8a.
Proposal Number: PRN 1994-6.

Submit comments by February 2, 1994 to:
Anthony W. Tozzi
New Jersey Housing and Mortgage Finance Agency
3625 Quakerbridge Road
CN 18550
Trenton, NJ 08650-2085

The agency proposal follows:

Summary

The New Jersey Housing and Mortgage Finance Agency (the "Agency"), pursuant to its statutory authority, serves as an advocate for increasing the supply of adequate, safe and affordable housing in the State. To fulfill its statutory objectives, the Agency acts as a mortgage lender by providing financing for the construction or rehabilitation of housing projects which will be occupied in whole or in part, by persons of low and/or moderate income.

The rules at N.J.A.C. 5:80-8 were originally adopted in order to ensure that the low and/or moderate income units within such housing projects would be occupied by persons/families that qualify as a low/moderate income household. The rules set forth maximum income limits for admission to Agency financed projects.

The current rules impose a $45,000 maximum income limit for projects financed prior to January 17, 1984. For projects financed after January 17, 1984, the maximum income limit is based on a formula of six times the annual rent (for a family size of one or two) and seven times the annual rent (for a family size of three or more). The proposed amendments at N.J.A.C. 5:80-8.2 eliminate the $45,000 limit for pre-January 17, 1984 projects. All projects would be subject to the current formula for post January 17, 1984 projects.

Additional amendments are being proposed at N.J.A.C. 5:80-8.1(b) to the applicability section in order to clarify which rules are applicable when a project receives Federal subsidies and is thereby subject to Federal regulations.

Finally, amendments are being proposed to the recertification section at N.J.A.C. 5:80-8.5. The current rules indicate that the Agency will adopt rules governing the certification of income procedure. The Agency has since adopted those rules at N.J.A.C. 5:80-20. The amendments include the appropriate reference to those rules.

Social Impact

Rents at Agency projects vary widely depending on the date of initial financing and the location of the project. In areas where rents are higher, family income tends to be correspondingly higher. It becomes increasingly difficult to impose a flat income limitation for all projects regardless of when financed or where it is located. In addition, as rent rates have risen, family income has also increased. This has made the existing income limitation too low for some projects.

The six or seven times the rent formula is a self-adjusting approach to establishing income limits. Each project will have its own income limitation which is based on that project's rent. As such, the income limitation will be set at a level which is consistent with the location of the project and the date on which the project was financed. Additionally, as rent levels and family incomes rise, the income limitation will be correspondingly adjusted upward.

Economic Inpact

The elimination of the $45,000 cap will, for most projects, increase the maximum income limit for these projects. This will increase the amount of persons/families that will now be income eligible for such projects. In addition, as persons/families with incomes over $45,000 are now eligible this should have a positive economic impact on the projects. This is due to the fact that persons/families of higher income are usually

better able to pay the rent which thereby increases the financial viability of the project.

Regulatory Flexibility Analysis

The proposed amendments will impact upon tenants residing or applying for admission to housing projects financed by the Agency. They will also apply to the owners of the projects, some of which are small businesses as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules do not impose any new reporting or recordkeeping requirements. The Agency foresees no increase in capital costs or the need for professional services in meeting the amended rules. The amendments adjust the maximum income limits for admission to Agency financed projects. The requirements for determining that the income limits are met remain the same. Because the rules do not impose any new reporting or recordkeeping requirements and will not require any increased costs or need for professional services, no differentiation in the compliance requirements, based upon business size, is proposed.

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

5:80-8.1 General applicability

(a) [Regulations] **The rules** within this subchapter shall apply to all Agency financed housing projects **except as provided in (b) below**. [In the event the housing project is assisted, directly or indirectly, by subsidies provided by the Department of Housing and Urban Development (HUD), any appropriate HUD regulations shall also apply. In the event there are any inconsistencies between the regulations in this subchapter and applicable HUD regulations, HUD regulations shall prevail.]

(b) Four housing projects assisted by subsidies from the United States Department of Housing and Urban Development, or financed with the proceeds of tax exempt bonds pursuant to Section 103(b)4 of the Internal Revenue Code or financed by a loan which is insured or guaranteed by the United States or any agency thereof or financed or assisted, in whole or in part under any program of the United States (collectively "Federal Programs"), the rules, regulations and/or requirements under the Federal Programs for occupancy requirements regarding income shall be used in addition to or in place of, as appropriate, the rules within this subchapter. Reference to any statutes, State or Federal, shall include any amendments which have been or may be made to such statutes.

[(b)](c) For purposes of this subchapter, "Family" shall be defined as follows:

1. For projects receiving subsidies under Section 236 or Section 8 Programs, [two or more persons who live or expect to live together as a single household in the same dwelling unit and are related by blood, marriage or operation of law, or who demonstrate a stable relationship which has existed over a period of time.] **family shall be as defined under the applicable Section 236 or Section 8 rules, regulations or requirements.**

2. (No change.)

5:80-8.2 Maximum gross aggregate family income

[(a) Pursuant to N.J.S.A. 55:14K-8(a), the maximum gross aggregate family income for eligibility for admission to any housing project financed by the New Jersey Housing and Mortgage Finance Agency shall be $45,000 provided that projects having units with income limits in excess of $36,000 will be required to give preference to qualified applicant families with incomes below $36,000.]

[(b)](a) [Notwithstanding (a) above, for Housing Projects which receive a loan from the Agency on or after January 17, 1984, admission] **Admission** to Housing Projects shall be limited to families whose gross aggregate family income at the time of admission does not exceed six times the annual rental or carrying charges approved by the Agency except for families with three or more dependents whose incomes may be up to seven times the annual rental or carrying charges. Annual rental or carrying charges shall include the value or cost of heat, light, water, sewerage, parking facilities and cooking fuel which are provided to or incurred by the family in connection with its occupancy of a dwelling. In addition, carrying charges include rent normally associated with rental projects as well as other costs associated with cooperative apartments. There may also be included an amount equal to six percent of the original cash investment of the family in a mutual or cooperative housing project and the value or cost of repainting and replacing any fixtures or appliances.

[(c) Notwithstanding (a), and (b) above, when a Housing Project has received a loan from the Agency, on or after January 17, 1984, that is insured or guaranteed by the United States of America or any agency or instrumentality thereof, the Agency may adopt the admission standards for such Project the currently prescribed, utilized or required by the guarantor or insurer.]

[(d)](b) Notwithstanding (a)[, (b) and (c)] above, the Agency, in conjunction with any financing, [on or after January 17, 1984,] may impose income limits at levels lower than those set forth above.

5:80-8.4 Special Multiple Family Unit within Housing Projects located in municipalities affected by casino gaming

(a) (No change.)

(b) A Special Multiple Family Unit is a dwelling unit specifically designed to accommodate two or more families as defined in N.J.A.C. 5:80-8.1[(b)](c), and which has been so certified by the Agency after adequately meeting the following minimum criteria:

(1)-(3) (No change.)

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

5:80-8.5 Recertification of income

[The Agency will adopt reasonable procedures regarding the certification or recertification of income which may include but is not necessarily limited to requiring tenants to provide copies of Federal income tax returns and other documents. If the tenant fails to provide information required by the Agency or otherwise fails to comply with procedures established by the Agency to determine income eligibility, the tenant may be subject to eviction or the imposition of surcharges in the same manner and rate as those imposed on tenants with excess income pursuant to N.J.S.A. 55:14K-8(b).] **The procedure for calculation and certification of gross aggregate family income in determining a family's eligibility for admission to a housing project as required under this subchapter shall be conducted as set forth in N.J.A.C. 5:80-20.**

(a)

NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

Housing Incentive Note Purchase Program Fees; Subordinate Financing

Reproposed Amendment: N.J.A.C. 5:80-23.9
Proposed Amendment: N.J.A.C. 5:80-23.7

Authorized By: New Jersey Housing and Mortgage Finance Agency, Christiana Foglio, Executive Director.

Authority: N.J.S.A. 55:14K-5s and 12a.

Proposal Number: PRN 1994-7.

Submit comments by February 2, 1994 to:

Anthony V. Tozzi
New Jersey Housing and Mortgage Finance Agency
3625 Quakerbridge Road
CN 18550
Trenton, New Jersey 08650-2085

The agency proposal follows:

Summary

The New Jersey Housing and Mortgage Finance Agency (the "Agency"), pursuant to its statutory authority, serves as an advocate for increasing the supply of adequate, safe and affordable housing in the State. To fulfill its statutory objective, the Agency acts as a mortgage lender by providing financing for the construction, rehabilitation or improvement of housing.

The Housing Incentive Note Purchase Program is designed to enable the Agency to participate with banks and other lending institutions in the financing of residential housing for owner occupancy. The Agency will enter into an Agreement with a lending institution to purchase a portion of the total construction loan (up to 30 percent). The Agency's obligation to purchase will be triggered upon a default on the loan by

the developer/builder. Upon a default, the Agency will purchase up to 30 percent of the loan amount and thereby assume 30 percent of the risk of financing.

New rules governing the Housing Incentive Note Purchase Program were adopted by the Agency at N.J.A.C. 5:80-23 and became effective on July 19, 1993 (see 25 N.J.R. 3148(a)). The adopted rules contain provisions regarding fees at N.J.A.C. 5:80-23.9. Amendments to the fee section were proposed on July 19, 1993 at 25 N.J.R. 3053(a). The amendments specified the exact amount of the fees to be charged to participants in the program. The comment period for the proposed amendments has expired. While no comments were received, the Agency is initiating proposed revisions to the fee structure for republication and comment. The reproposed amendment, which supersedes that published in July, 1993, lowers the commitment fee for smaller projects and caps the purchase fee.

In addition to the amendments concerning fees, a proposed amendment to N.J.A.C. 5:80-23.7 is being made to permit subordinate financing. Under the current rules, the qualified lenders financing is the only financing permitted. This proposal would permit subordinated financing provided that the subordinated financing, collectively with the first lien financing provided by qualified lenders, does not exceed underwriting standards used in the lending industry. Underwriting standards in the lending community are known by qualified lenders and builder/developers. The Agency will use such standards (which include loan to value ratios, property appraisals, project location).

Social Impact

The Housing Incentive Note Purchase Program is designed to encourage banks (and other lending institutions) to make construction financing available to builders/developers wishing to complete the construction of owner-occupied residential housing developments that are in the hands of regulators and lenders, or for those developer-owned, partially-constructed developments for which construction financing is no longer available. This will be done through the provision of a Note Purchase Fund. The purpose of this program is to promote the completion of stalled projects, generate new residential housing production and provide employment opportunities in the construction sector. The proposed amendments are designed to attract builder/developers of smaller projects by reducing the fees for such projects. The subordinate financing amendment should not have any social impact as the housing and employment opportunities will be unaffected whether or not subordinate financing is utilized.

Economic Impact

The Housing Incentive Note Purchase Program will aid in the stimulation of the housing construction industry. The Agency has committed $10 million to initiate the program. As the Agency will cover up to 30 percent of the construction loan amount, the program should result in $100 million of construction financing from participating lending institutions. Applicants and participants in the program will pay the prescribed fees needed to defray the Agency's costs in administering the program. The proposed amendments will lower development costs for builder/developers as the amendments reduce Agency fees for participants in the program. The subordinate financing amendment will provide builders/developers with more options in structuring the financing of the project.

Regulatory Flexibility Analysis

The proposed amendments will impact upon developers/builders, some of which are small businesses as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. None of the proposed amendments contain reporting or recordkeeping requirements. As to compliance requirements, the subordinate financing amendment will provide more flexibility and financing options for participants. The fee proposal requires applicant to pay prescribed fees needed to defray the Agency's costs in administering the program. The amendments, however, reduce the commitment fee for smaller projects and caps the purchase fee. The Agency foresees no increase in capital costs or the need for professional services in meeting the requirements of the proposed amendments. Because the program is strictly voluntary, and due to the beneficial aspects of the compliance requirement (that is, lower fees and more flexibility by permitting subordinate financing), no differentiation in the compliance requirements based upon business size is proposed.

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

5:80-23.7 Housing incentive note purchase commitment and requirements

(a) (No change.)

(b) Each commitment to issue a housing incentive note purchase agreement shall require that:

1.-3. (No change.)

4. The mortgage in favor of the qualified lender financing the eligible project be the only **first lien** encumbrance on the eligible project securing indebtedness for borrowed money. **Subordinated financing may be permitted with the approval of the Agency provided the subordinated financing, collectively with the first lien financing provided by qualified lenders, meet standard underwriting criteria used in the lending industry**; and

5. (No change.)

5:80-23.9 Fees

(a) No application for a housing incentive note purchase agreement shall be accepted unless it is accompanied by a nonrefundable application fee [in an amount to be established from time to time by the Agency] **of $3,500.**

(b) No commitment to enter into a housing incentive note purchase agreement shall be issued by the Agency pursuant to N.J.A.C. 5:80-23.5 unless on or before the date of issuance of such commitment there has been paid to the Agency a nonrefundable commitment fee as follows:

1. No commitment fee shall be due for projects of 12 units or less;

2. $300.00 for every unit over 12 for projects of 13 to 41 units.

3. $9,000 for projects of 42 units or more.

[(b)](c) No housing incentive note purchase agreement shall be entered into by the Agency unless on or before the date of entering into such agreement, there has been paid to the Agency a nonrefundable purchase fee **(the "HINPA Fee")** in an amount [to be established from time to time by the Agency] **equal to one percent of the principal amount of the respective loan in which an undivided interest is being purchased, but not to exceed $67,000.**

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

HEALTH

(a)

HOSPITAL FINANCING

Hospital Reporting of Uniform Bill-Patient Summaries (Inpatient)

Proposed Amendments: N.J.A.C. 8:31B-2.1, 2.3, 2.4 and 2.5

Authorized By: Bruce Siegel, M.D., M.P.H., Commissioner, Department of Health (with approval of the Health Care Administration Board).

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

Proposal Number: PRN 1994-22.

Submit written comments by February 2, 1994 to:

Anne F. Weiss, Director
Health Care Financing
New Jersey Department of Health
Room 601, CN 360
Trenton, New Jersey 08625-0360

The agency proposal follows:

Summary

The Department recognizes the need to maintain stability in New Jersey's system for collecting and processing hospital billing data, and to insure a high level of accuracy while preserving physician and patient confidentiality.

A set of approved procedures is being proposed to be implemented when a hospital designates an additional organization, known as a "data reporter," to assist in the verification of the accuracy and reliability of the data submitted. A signed agreement between the hospital, data intermediary, and data reporter must be in effect and updated annually

and must include procedures to be followed for subsequent re-release of the data by the data reporter. A maximum amount per discharge that a hospital may pay a data intermediary, with a portion designated for the data reporter, has also been established by these amendments.

References in the text to the Uniform Bill-82 (UB-82) have been changed to reflect the updated UB-92 as the official billing document. This new form has been approved by the National Uniform Bill Committee for use for all Federal patients, and will be the basis for patient-level data reported to the Department.

Social Impact

The proposed amendments establish procedures which assure that confidential data is protected and that all interested public and private parties have access to patient billing data collected by force of regulation, under the same terms and conditions.

The conforming changes of updating the Uniform Bill-82 (UB-82) to UB-92, as set by the National Uniform Bill Committee, allows for the maintenance of a standardized system for patient billing.

Economic Impact

The proposed amendments establish in regulation the previously informal arrangement under which the data intermediary and data reporter functions are conducted through the hospital, in accordance with N.J.A.C. 8:31B-2. No perceivable economic impact is anticipated, since the paperwork required is already being done to comply with N.J.A.C. 8:31B-2.5(f)3.

The Uniform Bill-82 (UB-82) has been utilized for almost 10 years as a patient billing system and updating the form to the UB-92 will have no economic impact on provider, payer, or consumer.

Regulatory Flexibility Statement

The proposed amendments apply to all acute care general hospitals in New Jersey. Each of these hospitals employs more than 100 full-time employees and therefore does not fall into the category of small business as defined in N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act; thus, a regulatory flexibility analysis is not required.

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

8:31B-2.1 Purpose

(a) The purpose of this subchapter is to provide the basis for a single patient data reporting system to satisfy the health planning requirements of the Health Care Reform Act of 1992 (P.L.1992, c.160). The subchapter incorporates **herein by reference** the National Uniform Bill [(UB-82 HCFA-1450)] **(UB-92 HCFA-1450)** as the common hospital billing format for all payers. The data elements and design of the form have been determined by the National Uniform Billing Committee (NUBC). The NUBC includes representatives of the Federal Government, major payers and hospital associations.

(b) (No change.)

8:31B-2.3 Billing form

(a) The [UB-82] **UB-92** is a multi-part form set printed in [green] **red** ink. [Form sets will be composed of three payer copies and one or more hospital copies. If more than three payers are involved, a second bill will be required.] Detailed specifications are included with the [UB-82] **UB-92** completion guidelines.

(b) (No change.)

8:31B-2.4 Guidelines for completion of the patient billing and abstract form

(a) Procedural guidelines for completing the patient billing and abstract form follow:

1. Guidelines for completing the billing form, [UB-82 HCFA-1450] **UB-92 HCFA-1450**, have been developed by the NUBC for Medicare, Civilian Health and Medical Program of the [Uniform] **Uniformed** Services (CHAMPUS), and Commercial Insurers.

2.-3. (No change.)

(b) Billing timelines requirements are as follows:

1. A [UB-82] **UB-92** must be completed, finalized and submitted to the Data Intermediary for each patient within 30 days of discharge of the patient.

2. Where claims administration and cash flow considerations would dictate a more current billing than the 30 day requirement, a preliminary version of the [UB-82] **UB-92** containing only those items required for the particular payer need be utilized at the time of billing. In interim billing cases, it is required that the [completed] **full** patient billing and abstract information be **completed and** submitted to the appropriate Data Intermediary in compliance with the Data Intermediary time limits and [the Department of Health Data Requirements (see] **these rules, specifically** N.J.A.C. 8:31B-2.5(g)[)]. Data items reported to the data intermediary for transmission to the Department of Health, shall not differ from data upon which payment was based.

8:31B-2.5 Health data submissions to the Department of Health

(a) A data intermediary shall be selected as follows:

1. A data intermediary is [an approved] **the** data processor **approved by the Department of Health** responsible for collecting, editing generating selected reports and submitting the [UB-82] **UB-92** data to the Department of Health.

2. (No change.)

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

(f) Reports shall be produced as follows:

1.-2. (No change.)

[3. A single intermediary may be selected from among the approved intermediaries to produce these reports. In such a case, all other intermediaries will transmit the data for their hospitals to the appropriate intermediary in a timely manner.]

3. In addition, hospitals may designate an additional organization, known as a data reporter, to assist in the verification of the accuracy and reliability of the data submitted to the intermediary. The Department of Health shall direct the data intermediary, selected under (a) above, to release a hospital's data to the reporter only upon receipt, from the data intermediary, of a current signed agreement between the hospital, the data intermediary and the data reporter. This agreement shall be updated annually, beginning March 31, 1994, and shall:

i. Indicate the hospital's designation of a data reporter;

ii. Provide for the protection of confidential data consistent with Department of Health procedures; and

iii. Allow for subsequent re-release of the data by the reporter only when the procedures, set by the Department of Health, have been followed.

4. (No change.)

5. The ultimate responsibility for the completeness and accuracy of the [UB-82] **UB-92** data submitted to the Department of Health rests with the hospital.

6. Upon request of a payer, the final [UB-82] **UB-92** information shall be provided to the payer, for its own cases, by the [UB-82] **UB-92** Intermediary(ies).

(g) Data shall be submitted to the Department of Health as follows:

1. Those data elements required to be submitted to the Department of Health by each hospital through their data intermediary are described in detail in the addendum to the [UB-82] **UB-92** guidelines.

i.-ii. (No change.)

2. Records not received by the Department of Health (including corrections of fatal errors), within the time frames specified, shall be subject to a penalty of $10.00 per record. For purposes of calculating the penalty, the total [UB-82] **UB-92** records submitted will be compared to the total admissions and/or discharges reported on the Medicare cost report and/or Hospital Cost Forms submitted to the New Jersey Department of Health. A five percent variance will be allowed. The Department shall provide 30 days notice of its intent to close the data base, and no additional cases shall be added after that time.

3. (No change.)

(h) (No change.)

(i) The intermediary(ies) shall charge the hospitals a maximum amount of $1.45 per discharge to process hospital UB-92 data.

(a)

HEALTH CARE FINANCING

Financial Monitoring and Reporting Regulations Uniform Reporting: Current Costs and Other Financial Data; Revenue Cap

Proposed Amendment: N.J.A.C. 8:31B-3.3
Proposed Repeal: N.J.A.C. 8:31B-3.70

Authorized By: Bruce Siegel, M.D., M.P.H., Commissioner, Department of Health (with approval of the Health Care Administration Board).

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

Proposal Number: PRN 1994-23.

Submit written comments by February 2, 1994 to:

Anne F. Weiss, Director
Health Care Financing
Department of Health
Room 601, CN 360
Trenton, New Jersey 08625-0360

The agency proposal follows:

Summary

This proposal revises existing reporting requirements currently established under N.J.A.C. 8:31B-3.70, which implemented provisions of P.L. 1992, c.160, known as the Health Care Reform Act of 1992 (HCRA) or Chapter 160. The HCRA creates a one year transition period for the purpose of establishing a limit on the revenue collected by acute care hospitals in 1993 and provides for a penalty for hospitals exceeding this cap. The current financial reporting requirements under N.J.A.C. 8:31B-3.70 allow the Department to monitor collected revenue for purposes of compliance with the cap. While there is no limit on revenue collected for 1994, the Department proposes continuation of financial reporting requirements in support of its statutory and regulatory functions for health planning, licensing and the provision of consumer information. Under this proposal, N.J.A.C. 8:31B-3.3, which currently requires hospitals to submit annual cost information, would be expanded to include the requirement for quarterly reporting of key financial data. This interim quarterly data is needed and will be useful because final annual financial information is not available until five months after the close of the calendar year.

Social Impact

Continued collection of timely financial and cost data is critical to most of the Department's activities with regard to public health activities, including planning, licensing and consumer information. Also, HCRA established a New Jersey Essential Health Services Commission, which has many responsibilities to review and evaluate data. This provision will assist the new Commission through its use of accurate and complete data sources. Finally, hospitals and payers will continue to have access to this data to help them function in a newly deregulated hospital market.

This financial information will assist the Department, hospitals, consumers, employers, health insurance companies and other interested parties in the timely monitoring and review of hospital costs and revenues.

Economic Impact

This should have no economic impact on any hospital. Hospitals routinely prepare quarterly financial reports as part of their internal management information systems and have already been submitting yearly financial reports to the Department. They have been routinely submitting similar information in support of the revenue cap monitoring process under N.J.A.C. 8:31B-3.70.

Regulatory Flexibility Statement

Each of these hospitals employs more than 100 full-time employees and therefore does not fall into the category of small business as defined in N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. Therefore, a regulatory flexibility analysis is not required.

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

8:31B-3.3 Uniform Reporting: Current [Costs] **costs and other financial data**

(a) The Commissioner shall collect and review the actual costs for the institutions as reported in accordance with the Financial Elements and Reporting **rules** (N.J.A.C. 8:31B-4). Costs so reported shall be subject to revision due to subsequent audits in accordance with N.J.A.C. 8:31B-3.17.

(b) In addition to (a) above, hospitals shall submit unaudited financial data quarterly to the Department within 45 days from the end of each of the first three quarters and audited financial data by May 31 for the year end (December 31) fourth quarter. This data shall consist of:

1. Cumulative (year-to-date) revenue monitoring data in the following format:

Gross revenue	_____
Less excluded revenue	_____
Less prior year allowances	_____
Less current year allowances	_____
Less prompt payment discount	_____
Less personnel health allowances	_____
Less courtesy and administrative allowances	_____
Less medical denials	_____
Less nursing home placement	_____
Less uncompensated care	_____
Net patient service revenue	_____

i. Gross patient service revenues should include charges for all patients receiving routine ancillary and ambulatory services including those receiving charity care.

ii. Excluded services as defined in N.J.A.C. 8:31B-4.61-4.67 should not be included in collected revenue. Separate detail will be provided on the following services: skilled nursing facility, mobile intensive care unit, outpatient dialysis, excluded ambulatory services.

iii. Current year payer allowances reflecting the difference between charges and paid amounts will be displayed separately for each payer comprising more than five percent of gross revenue.

iv. Uncompensated care is defined in N.J.A.C. 8:31B-4.38, and shall be reported with an offset for all subsidy payments. Bad debt shall be reported net of recoveries from bad debt and SOIL.

v. Allowances for personnel health, medical denials and nursing home placement shall be calculated consistent with N.J.A.C. 8:31B-4.15.

vi. Allowances include prior year over and undercollections. All third party retroactive payments or settlements should also be included.

vii. Funds related to the charity care, other uncompensated care, hospital relief fund and mental health subsidies should be included in these amounts.

viii. Net patient service revenue should agree with the hospital's internally generated unaudited quarterly data and audited year end financial statement data net of bad debt.

ix. The year end information shall be accompanied by an auditor's agreed upon procedures report. The auditor's report shall comment on the classification of allowances and revenues based on the definitions in (a)1i through vii above. The auditor shall trace and agree amounts to the general ledger; and

2. Cumulative (year-to-date) income statements and balance sheets in a format to be supplied by the Department.

[(b)](c) Late submission of current cost **and financial** data, as defined in **(b) above and** N.J.A.C. 8:31B-4.6(c), including Audited Financial Statements, will result in a penalty of $200.00 per working day past the appropriate submission date.

8:31B-3.70 [Revenue Cap] **(Reserved)**

[(a) The Hospital Rate Setting Commission will establish the maximum amount a hospital may collect in revenues in 1993 from all payers.

(b) Collected revenue will be calculated as follows:

Gross Patient Service Revenues	_____
Less Excluded Services	_____
Less Current Year Payer Allowances	_____
Less Medicare Allowances	_____

Less Uncompensated Care _____
Less Personnel Health Allowance _____
Less Medical Denials Allowances _____
Less Nursing Home Placement Allowances _____
Less Courtesy Adjustments _____
Collected Revenue _____

(c) For the purposes of (b) above:

1. Gross patient service revenues shall include charges for all patients receiving routine ancillary and ambulatory services during 1993, including those receiving charity care.

2. Excluded services as defined in N.J.A.C. 8:31B-4.61 to 4.67 were not included in the 1993 revenue cap and shall not be included in collected revenue. Separate detail shall be provided on the following services: skilled nursing facility, mobile intensive care unit, outpatient dialysis, excluded ambulatory services.

3. Current year payer allowances reflecting the difference between charges and paid amounts shall be displayed separately for each payer comprising more than five percent of gross revenue.

4. Uncompensated care is defined in N.J.A.C. 8:31B-4.38, and shall be reported without an offset for Medicaid disproportionate share payments. Bad debt shall be reported net of recoveries from bad debt and SOIL (Setoff of individual liability, pursuant to N.J.A.C. 8:31B-4.40 and N.J.A.C. 18:35-2).

5. Allowances for personal health, medical denials and nursing home placement shall be calculated consistent with N.J.A.C. 8:31B-4.15.

6. Allowances exclude prior year over and undercollections. All third party retroactive payments or settlements shall also be excluded.

7. Funds related to the charity care, other uncompensated care, hospital relief fund and mental health subsidies shall not be included in these amounts. Subsidy funds shall not be reflected in the cap amounts.

(d) Hospitals shall submit the information for the year ended December 31, 1993 outlined in (b) above by May 31, 1994, in a format to be supplied by the Department, accompanied by an auditor's agreed upon procedures report. The auditor's report shall comment on classification of allowances and revenues based on the above definitions. The auditor shall trace and agree amounts to the general ledger. Hospitals shall also submit the information outlined in (b) above, in a format to be supplied by the Department, 60 days after the end of each of the first three quarters during 1993, for the purposes of monitoring. For the purposes of calculating compliance with the revenue cap, the Department will calculate a reasonable estimate of amounts needed to complete the calculation under (b) above if the required data are not submitted by this date or if data is submitted in other than the required format.

(e) The Department will conduct an audit of the items specified in subsection (b) for reasonableness, taken into account the hospital's experience in earlier years, billing information and other applicable data.

(f) If a hospital's collected revenue, as defined in (b) above, exceeds the 1993 revenue cap as approved by the Hospital Rate Setting Commission by more than one percent, the Department will calculate a penalty equal to the total excess. The percentage for each hospital is calculated by dividing the excess by the cap.]

(a)

HOSPITAL FINANCING
Charity Care Audit Functions
Proposed Repeal: N.J.A.C. 8:31B-4.37

Authorized By: Bruce Siegel, M.D., M.P.H., Commissioner, Department of Health (with approval of the Health Care Administration Board).
Authority: P.L.1992, c.160 and N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5b and 25:2H-18(d).
Proposal Number: PRN 1994-24.

Submit comments by February 2, 1994 to:
Rita Romeu, Manager
Health Care for the Uninsured Program
New Jersey Department of Health, Room 403
CN 360
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Health Care Reform Act of 1992, P.L.1992, c.160, eliminated the State's system of setting reimbursement rates for acute care hospitals, which guaranteed that hospitals would be fully reimbursed through the Uncompensated Care Trust Fund for uncompensated care, defined as the provision for bad debt and charity care. Chapter 160 did require that the Department of Health audit 1993 hospital charity care. In response, new rules governing charity care audit (N.J.A.C. 8:31B-4.41 through 4.41N) were proposed by this agency on August 16, 1993 and adopted by the Commissioner, with the approval of the Health Care Administration Board on October 19, 1993, effective November 15, 1993 (see 25 N.J.R. 3707(a) and 5154(a)).

The Department now proposes the repeal of N.J.A.C. 8:31B-4.37, which governed charity care audit under the Uncompensated Care Trust Fund. The repeal of these rules does not affect the recently adopted N.J.A.C. 8:31B-4.41 through 4.41N, Charity care audit functions.

Social Impact

There is no social impact from the repeal of N.J.A.C. 8:31B-4.37, which is repealed to comform to P.L.1992, c.160. N.J.A.C. 8:31B-4.41 through 4.41N will continue to govern the audit of 1993 charity care, which provides information on the current delivery of charity care by New Jersey acute care hospitals.

Economic Impact

The repeal of these rules will require no new action on the part of the hospitals regarding screening and verification, and will require no new expense to hospitals. The eligibility criteria for both income and assets in these rules have been replaced by expanded eligibility criteria under Chapter 160 and liberalized documentation requirements in the recently adopted rules N.J.A.C. 8:31B-4.41 through 4.41N. This will result in increased levels of charity care for New Jersey residents becoming eligible for charity care assistance, as well as reducing New Jersey hospitals' bad debt.

Regulatory Flexibility Statement

The repeal of N.J.A.C. 8:31B-4.37 would not affect small businesses, as the term is defined in the Regulatory Flexibility Act, 52:14B-16 et seq. The hospitals in New Jersey all employ more than 100 people. Businesses other than hospitals would not be affected. Therefore, a regulatory flexibility analysis is not required.

Full text of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 8:31B-4.37.

(b)

DRUG UTILIZATION REVIEW COUNCIL
List of Interchangeable Drug Products
Proposed Amendments: N.J.A.C. 8:71

Authorized By: Drug Utilization Review Council, Robert Kowalski, Chairman.
Authority: N.J.S.A. 24:6E-6(b).
Proposal Number: PRN 1994-21.

A **public hearing** concerning these proposed amendments will be held on Monday, January 24, 1994, at 2:00 P.M. at the following address:
Room 804, Eighth Floor
Department of Health
Health-Agriculture Bldg.
Trenton, New Jersey 08625-0360

Submit written comments by February 2, 1994 to:
Mark A. Strollo, R.Ph., M.S.
Drug Utilization Review Council
New Jersey Department of Health
Room 501, CN 360
Trenton, N.J. 08625-0360
(609) 292-4029

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 desoximetasone 0.05% cream could be used as a less expensive substitute for Topicort, a branded prescription medicine. Similarly, the proposed cimetidine 200mg, 300mg, 400mg and 800mg tablets, could be substituted for the more costly branded product, Tagamet.

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 negative comments from 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 their branded counterparts.

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

Social Impact

The social impact of the proposed amendments would primarily affect pharmacists, who would need to either place in stock, or be prepared to order, those products ultimately found acceptable.

Many of the proposed items are simply additional manufacturers for products already listed in the List of Interchangeable Drug Products. These proposed additions would expand the pharmacist's supply options.

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

Economic Impact

The proposed amendments 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 saving to consumers cannot be estimated because pharmacies vary in their prices for both brands and generics.

Some of the economies occasioned by these amendments accrue to the State through the Medicaid, Pharmaceutical Assistance to the Aged and Disabled Program, and prescription plan for employees. A 1988 estimate of average savings per substituted Medicaid prescription was $7.31. However, the number of prescriptions that will be newly substituted due to these proposed amendments cannot be accurately assessed in order to arrive at a total savings.

Regulatory Flexibility Analysis

The proposed amendments impact many small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.; specifically, over 1500 pharmacies and several small generic drug manufacturers which employ fewer than 100 employees.

However, there are no reporting or record keeping requirements for pharmacies, and small generic drug manufacturers have minimal initial reports, and no additional ongoing reporting or record keeping requirements. Further, these minimal requirements are offset by the increased economic benefits accruing to these same small generic businesses due to these proposed amendments.

Full text of the proposed amendments follows:

Acebutol HCl caps 200mg, 400mg	Mylan
Amiloride/HCTZ 5/50 tablets	TEVA
Atenolol/chlorthalidone tablets 100/25, 50/25	Mylan
Cimetidine tablets 200mg, 300mg, 400mg, 800mg	Geneva
Clemastine fumarate syrup 0.5mg/5ml	Barre-National
Clomipramine caps 25mg, 50mg, 75mg	Geneva
Clotrimazole cream 1%	Warrick
Desoximetasone cream 0.05%	Taro
Desoximetasone cream 0.25%	Taro
Diltiazem HCl SR caps 60mg, 90mg, 120mg	Prographarm
Diltiazem tabs 30mg, 60mg, 90mg, 120mg	Zenith
Ergotamine tartrate/caffeine tabs 1/100	Geneva
Estropipate tabs 0.75mg, 1.5mg, 3mg, 6mg	Watson
Flurbiprofen tabs 50mg, 100mg	Mylan
Gemfibrozil tabs 600mg	TEVA
Glyburide tabs 1.25mg, 2.5mg, 5mg	Greenstone
Glyburide tabs 1.25mg, 2.5mg, 5mg	Hoecht-Roussel
Histussin HC syrup substitute	DSC Labs
Metoprolol tartrate tabs 50mg, 100mg	Zenith
Morphine Sulfate SR tabs 30, 60, 100mg	Roxane
Nadolol tabs 20mg, 40mg, 80mg	Mylan
Naproxen sodium tabs 275mg, 550mg	Zenith
Naproxen tabs 250mg, 375mg, 500mg	Zenith
Neomycin/dexamethasone ophth soln	Pharmafair
Nitrofurantoin caps 25mg, 50mg, 100mg	Geneva
Norethindrone acetate 5mg	ESI/Ayerst
Piroxicam caps 10mg, 20mg	Purepac
Poly-Histine-D elixir substitute	DSC Labs
Polyhistine DM syrup substitute	DSC Labs
Polyhistine DM syrup substitute	KV Pharm
Prenate 90 tabs substitute	KV Pharm
Propoxyphene napsylate/APAP 100/650	Lemmon
Pseudophedrine/guaifenesin 120/600 tablets	Duramed
Sulfamethoxazole/trimethoprim suspension	TEVA
Tolmetin sodium tablets 600mg	Geneva
Triamterene/HCTZ 37.5/25 tablets	Watson
Verapamil HCl tablets 40mg	Watson
Yohimbine tablets 5.4mg	Norton

(a)

DRUG UTILIZATION REVIEW COUNCIL
List of Interchangeable Drug Products
Proposed Repeal and New Rules: N.J.A.C. 8:71

Authorized By: Drug Utilization Review Council,
Robert Kowalski, Chairman.
Authority: N.J.S.A. 24:6E-1(a).
Proposal Number: PRN 1994-19.

A **public hearing** concerning these proposed repeal and new rules will be held on Monday, January 24, 1994, at 2:00 P.M. at the following address:

Room 804, Eighth Floor
Department of Health
Health-Agriculture Bldg.
Trenton, New Jersey 08625-0360

Submit written comments by February 2, 1994 to:
Mark A. Strollo, R.Ph., M.S.
Drug Utilization Review Council
New Jersey Department of Health
Room 501, CN 360
Trenton, N.J. 08625-0360
609-292-4029

AGENCY NOTE: See related proposal, deleting from the formulary drugs which are no longer produced, elsewhere in this issue of the New Jersey Register.

The Agency proposal follows:

Summary

In 1977, N.J.S.A. 24:6E-6 et seq. directed the establishment of the Drug Utilization Review Council (Council), whose duty it was to prepare a list of generic drug products which could be safely substituted for brand name prescription products, thus saving money for consumers.

N.J.S.A. 24:6E-1(a) authorized the Council to prepare a list of interchangeable drug products. The list was to contain the names of drug manufacturers whose products were judged by the Council to be therapeutically equivalent to brand name prescription drugs.

The intent of the legislation was to dictate circumstances under which one of the therapeutically equivalent generic products would be substituted for the brand name drug which a prescriber had ordered, thus saving money for the consumers. N.J.A.C. 8:71 lists all of the chemical components of branded medications which are substituted for, under specified conditions, and also lists all of the acceptable generic manufacturers. Without the list, implementation of N.J.S.A. 24:6E-1 et seq. would be impossible.

The List of Interchangeable Drug Products has been effective in saving money for consumers as outlined under the Economic Impact Statement, below.

The Drug Utilization Review Council (the Council), in the Department of Health, proposes to amend N.J.A.C. 8:71 to include the brand name of the drug product for which there are acceptable substitutes. The intention of this amendment is to facilitate the identification of a less expensive generic drug substitute by the general public. This amendment also would reorganize N.J.A.C. 8:71 to prevent confusion of similar generic drug products with the same chemical components, standardize names and abbreviations, correct typographical errors, misspellings, duplications and include items that were previously adopted but not included on the list due to clerical error. In addition, the restructured list contains a number of drug products whereby the manufacturer has changed its name, for example, all of the Cord products are listed with Geneva as the manufacturer, as well as, the Vitarine products are listed with Eon as the manufacturer. These are the same products and manufacturers but with new business names.

The proposed restructured List of Interchangeable Drug Products follows a standardized format for each drug product listed:

The name of the substituted brand name drug:
The generic name of the drug product:
The strength of the drug product:
The dosage delivery system of the drug product (e.g., cream, capsule, tablet):
The name of the generic drug's manufacturer:

An asterisk (*) before the substituted brand name of a drug would indicate that the generic version of this drug product was properly proposed and adopted by the Drug Utilization Review Council, and is still valid, but was omitted from N.J.A.C. 8:71 through technical error.

The Council has reviewed these rules and has determined that they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Public comment is invited so that the Council can make a fully informed decision as to whether these rules should be restructured in the new format.

Social Impact

The Council believes that this amendment will continue the positive social impact that these rules have had in the past; the elderly, those persons with limited incomes, and any interested citizen will continue to be assured of reasonably priced generic substitutes for brand name drugs. In addition, the Council intends that the reorganization and amendments of this listing will increase the awareness of interested citizens of what prescription medications can be substituted with a less expensive generic product that has been reviewed by this Council.

Health Department studies have shown that, although over 40 percent of prescribers disallow generic substitution, fewer than five percent of consumers disallow such substitution, thus demonstrating consumer acceptance.

An increased impact of generic substitution is expected in the future based on three factors: an increased number of elderly, who use a disproportionate number of medicines, in the population; more brand name drugs coming out from under patent protection; and an increased emphasis on reducing the cost of health care without affecting quality.

In the last five years, generic substitution has increased, from approximately five million New Jersey prescriptions substituted in 1984, to an estimated 10 million in 1992.

Economic Impact

The Council believes that amendment of the List of Interchangeable Drug Products will serve to continue to exert a positive economic impact, not only on these groups mentioned under the Social Impact Statement above, but on several State programs that pay for medications, such as the PAAD Program, the Medicaid Program, and the prescription insurance program available to State employees.

A 1992 Drug Utilization Review Council survey of 10,000 prescriptions from 100 randomly-selected pharmacies has estimated that the Statewide total of all savings due to the use of generic substitutes approximates at least $100 million annually, based on a savings averaging $10.00 each for an estimated ten million substituted prescriptions.

Regulatory Flexibility Statement

A Regulatory Flexibility Analysis is not required, since the proposed repeal and new rule does not add or remove any requirements on the regulated public, but reformats the List of Interchangeable Drug Products, which will continue to impact several dozen generic drug manufacturers which employ fewer than 100 employees.

Full text of the repeal can be found in the New Jersey Administrative Code at N.J.A.C. 8:71.

Full text of the proposed new rule is as follows:

CHAPTER 71
INTERCHANGEABLE DRUG PRODUCTS

The following drugs are listed alphabetically, in a format which represents the name of the substituted brand, the name of the generic drug, the strength of the drug, the type of drug, and the name of the manufacturer of the generic drug, as in the following example:

SUBSTITUTED BRAND ..... A/T/S
GENERIC ..... Erythromycin
STRENGTH 2%
TYPE ..... Solution
GENERIC MANUFACTURER ..... Naska/Barre-Nat

A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	500 mg
Solution	Capsule
Naska/Barre-Nat	Danbury
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	500 mg
Solution	Capsule
Paddock	Purepac
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	250 mg
Solution	Capsule
Syosset	Squibb
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	250 mg
Solution	Capsule
Pennex	Purepac
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	500 mg
Solution	Capsule
Barre-National	Squibb
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	125 mg/5 ml
Solution	Suspension
Bausch & Lomb	Squibb
A/T/S	ACHROMYCIN V
Erythromycin	Tetracycline HCl
2%	250 mg
Solution	Capsule
Clay Park	Steri-Med
ACHROMYCIN V	ACHROMYCIN V
Tetracycline HCl	Tetracycline HCl
250 mg	125 mg/5 ml
Capsule	Suspension
Danbury	MK

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
MK

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
P-D

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Mylan

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
P-D

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Mylan

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Upjohn

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Zenith

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Zenith

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Wyeth

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Atral

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Wyeth

*ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Atral

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Barr

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Barr

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Bristol-Myers

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
ICN

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Halsey

ACHROMYCIN V
Tetracycline HCl
500 mg
Capsule
Lederle

ACHROMYCIN V
Tetracycline HCl
250 mg
Capsule
Lederle

*ACTIFED WITH CODEINE
Tripolidine HCl 1.25 mg/
Codeine Phosphate 10 mg/
Pseudoephedrine
HCl 30 mg
Per 5 ml
Syrup
Pennex

*ACTIFED WITH CODEINE
Tripolidine HCl 1.25 mg/
Codeine Phosphate 10 mg/
Pseudoephedrine
HCl 30 mg
Per 5 ml
Syrup
Barre-National

*ACTIFED WITH CODEINE
Tripolidine HCl 1.25 mg/
Codeine Phosphate 10 mg/
Pseudoephedrine
HCl 30 mg
Per 5 ml
Syrup
Cenci

ALDACTAZIDE
Spironolactone/
Hydrochlorothiazide
25 mg/25 mg
Tablet
Barr

ALDACTAZIDE
Spironolactone/
Hydrochlorothiazide
25 mg/25 mg
Tablet
Danbury

*ALDACTAZIDE
Spironolactone/
Hydrochlorothiazide
25 mg/25 mg
Tablet
Mylan

*ALDACTAZIDE
Spironolactone/
Hydrochlorothiazide
25 mg/25 mg
Tablet
Mutual

ALDACTONE
Spironolactone
25 mg
Tablet
Mylan

ALDACTONE
Spironolactone
25 mg
Tablet
Mutual

ALDACTONE
Spironolactone
25 mg
Tablet
Chelsea

ALDACTONE
Spironolactone
25 mg
Tablet
Purepac

ALDOMET
Methyldopa
500 mg
Tablet
Purepac

ALDOMET
Methyldopa
250 mg
Tablet
Purepac

ALDOMET
Methyldopa
125 mg
Tablet
Sidmak

ALDOMET
Methyldopa
500 mg
Tablet
Sidmak

ALDOMET
Methyldopa
250 mg
Tablet
Sidmak

ALDOMET
Methyldopa
125 mg
Tablet
Par

*ALDOMET
Methyldopa
500 mg
Tablet
Mylan

ALDOMET
Methyldopa
250 mg
Tablet
Par

ALDOMET
Methyldopa
500 mg
Tablet
Par

ALDOMET
Methyldopa
250 mg
Tablet
Novopharm

ALDOMET
Methyldopa
500 mg
Tablet
Novopharm

ALDOMET
Methyldopa
250 mg
Tablet
Mylan

*ALDOMET
Methyldopa
125 mg
Tablet
Novopharm

ALDOMET
Methyldopa
500 mg
Tablet
Lederle

ALDOMET
Methyldopa
500 mg
Tablet
Halsey

ALDOMET
Methyldopa
250 mg
Tablet
Lederle

ALDOMET
Methyldopa
250 mg
Tablet
Halsey

ALDOMET
Methyldopa
125 mg
Tablet
Halsey

*ALDOMET
Methyldopa
500 mg
Tablet
Geneva

*ALDOMET
Methyldopa
250 mg
Tablet
Geneva

ALDOMET
Methyldopa
500 mg
Tablet
Danbury

*ALDOMET
Methyldopa
125 mg
Tablet
Danbury

ALDOMET
Methyldopa
250 mg
Tablet
Danbury

ALDOMET
Methyldopa
250 mg
Tablet
Zenith

ALDOMET
Methyldopa
500 mg
Tablet
Zenith

ALDOMET
Methyldopa
500 mg
Tablet
West Point

ALDOMET
Methyldopa
250 mg
Tablet
West Point

ALDOMET
Methyldopa
125 mg
Tablet
West Point

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-50
Tablet
Watson

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-50
Tablet
Watson

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
W-C

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
Watson

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Watson

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Watson

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Purepac

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Purepac

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Novopharm

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 50 mg
D-50
Tablet
Par

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Mylan

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 50 mg
D-50
Tablet
Novopharm

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Par

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Novopharm

ALDORIL
Methyldopa with
Hydrochlorothiazide 30 mg
D-30
Tablet
Par

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
Novopharm

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Novopharm

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Mylan

*ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Geneva

*ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
Geneva

ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Danbury

ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-50
Tablet
Danbury

*ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
Danbury

*ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-50
Tablet
Geneva

*ALDORIL
Methyldopa 500 mg with
Hydrochlorothiazide 30 mg
D-30
Tablet
Danbury

*ALDORIL
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Geneva

ALDORIL-15
Methyldopa with
Hydrochlorothiazide
250 mg/15 mg
Tablet
West Point

ALDORIL-25
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
Par

ALDORIL-25
Methyldopa with
Hydrochlorothiazide
250 mg/25 mg
Tablet
West Point

ALUPENT
Metaproterenol
0.4%
Inhalation Soln
Dey

ALUPENT
Metaproterenol
20 mg
Tablet
Danbury

ALUPENT
Metaproterenol
10 mg
Tablet
Danbury

ALUPENT
Metaproterenol
0.6%
Inhalation Soln
Dey

*ALUPENT
Metaproterenol
10 mg/5 ml
Syrup
Copley

*ALUPENT
Metaproterenol
10 mg/5 ml
Syrup
Silarx

ALUPENT
Metaproterenol
10 mg/5 ml
Syrup
Pennex

ALUPENT
Metaproterenol
10 mg
Tablet
Par

*ALUPENT
Metaproterenol
0.4%
Inhalation Soln
Paco

*ALUPENT
Metaproterenol
0.6%
Inhalation Soln
Paco

ALUPENT
Metaproterenol
20 mg
Tablet
Par

ALUPENT
Metaproterenol
20 mg
Tablet
Biocraft

*ALUPENT
Metaproterenol
10 mg/5 ml
Syrup
Biocraft

ALUPENT
Metaproterenol
10 mg
Tablet
Biocraft

*AMBENYL
Bromodiphenhydramine HCl
12.5 mg with
Codeine Phosphate 10 mg
Per 5 ml
Syrup
Barre-National

*AMBENYL
Bromodiphenhydramine HCl
12.5 mg with
Codeine Phosphate 10 mg
Per 5 ml
Syrup
Pennex

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Squibb

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
TEVA

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Squibb

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
TEVA

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Squibb

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Squibb

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Clonmel

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Copanos

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Clonmel

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Copanos

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Copanos

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Copanos

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Clonmel

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Clonmel

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Wyeth

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Wyeth

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Wyeth

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Wyeth

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Biocraft

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Beecham

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Beechem

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Beecham

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Biocraft

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Biocraft

AMOXIL
Amoxicillin as the trihydrate
250 mg
Tablet, chewable
Biocraft

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Bristol-Myers

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Bristol-Myers

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Bristol-Myers

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Biocraft

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Beecham

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Bristol-Myers

*AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Novopharm

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
P-D

AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
P-D

AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
P-D

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Mylan

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
P-D

*AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Novopharm

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Mylan

*AMOXIL
Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Mylan

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Novopharm

AMOXIL
Amoxicillin as the trihydrate
250 mg
Capsule
Novopharm

*AMOXIL
Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Mylan

AMOXIL
Amoxicillin as the trihydrate
500 mg
Capsule
Mylan

ANAPROX
Naproxen sodium
275 mg
Tablet
Hamilton

ANAPROX
Naproxen sodium
275 mg
Tablet
TEVA

ANAPROX
Naproxen sodium
275 mg
Tablet
Geneva

ANAPROX
Naproxen sodium
275 mg
Tablet
Danbury

ANAPROX DS
Naproxen sodium
550 mg
Tablet
Geneva

ANAPROX DS
Naproxen sodium
550 mg
Tablet
Danbury

ANAPROX DS
Naproxen sodium
550 mg
Tablet
TEVA

ANAPROX DS
Naproxen sodium
550 mg
Tablet
Hamilton

ANCEF
Cefazolin
250 mg
Injection
TEVA

ANCEF
Cefazolin
5 g
Injection
TEVA

ANCEF
Cefazolin
1 g
Injection
TEVA

ANCEF
Cefazolin
500 mg
Injection
TEVA

ANCEF
Cefazolin
10 g
Injection
TEVA

ANTIVERT
Meclizine HCl
12.5 mg
Tablet
Sidmark

*ANTIVERT
Meclizine HCl
12.5 mg
Tablet
Geneva

ANTIVERT
Meclizine HCl
12.5 mg
Tablet
Par

ANTIVERT
Meclizine HCl
12.5 mg
Tablet
Chelsea

ANTIVERT
Meclizine HCl
12.5 mg
Tablet
Camall

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Camall

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Chelsea

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Sidmak

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Sidmak

ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Par

*ANTIVERT/25
Meclizine HCl
25 mg
Tablet
Geneva

ANTIVERT/50
Meclizine HCl
50 mg
Tablet
Par

ANTURANE
Sulfinpyrazone
200 mg
Tablet
Barr

ANTURANE
Sulfinpyrazone
100 mg
Tablet
Barr

*ANTURANE
Sulfinpyrazone
100 mg
Tablet
Danbury

ANTURANE
Sulfinpyrazone
200 mg
Tablet
Zenith

ANUSOL HC
Hydrocortisone acetate
25 mg
Suppository
Upsher-Smith

*ANUSOL HC
Hydrocortisone acetate
25 mg
Suppository
G&W

ANUSOL HC
Hydrocortisone acetate
25 mg
Suppository
Able

ANUSOL HC
Hydrocortisone acetate
25 mg
Suppository
Paddock

APRESAZIDE
Hydralazine with
hydrochlorothiazide
25 mg/25 mg
Capsule
Par

APRESAZIDE
Hydralazine with
hydrochlorothiazide
50 mg/50 mg
Capsule
Par

APRESAZIDE
Hydralazine with
hydrochlorothiazide
100 mg/50 mg
Capsule
Par

APRESOLINE
Hydralazine HCl
100 mg
Tablet
Par

APRESOLINE
Hydralazine HCl
50 mg
Tablet
Mutual

APRESOLINE
Hydralazine HCl
25 mg
Tablet
Par

APRESOLINE
Hydralazine HCl
50 mg
Tablet
Par

*APRESOLINE
Hydralazine HCl
10 mg
Tablet
Mutual

APRESOLINE
Hydralazine HCl
25 mg
Tablet
Mutual

*APRESOLINE
Hydralazine HCl
10 mg
Tablet
Par

APRESOLINE
Hydralazine HCl
50 mg
Tablet
Lederle

APRESOLINE
Hydralazine HCl
25 mg
Tablet
Lederle

APRESOLINE
Hydralazine HCl
25 mg
Tablet
Sidmak

APRESOLINE
Hydralazine HCl
10 mg
Tablet
Richlyn

APRESOLINE
Hydralazine HCl
100 mg
Tablet
Sidmak

APRESOLINE
Hydralazine HCl
50 mg
Tablet
Sidmak

APRESOLINE
Hydralazine HCl
10 mg
Tablet
Sidmak

APRESOLINE
Hydralazine HCl
25 mg
Tablet
Danbury

APRESOLINE
Hydralazine HCl
50 mg
Tablet
Danbury

ARTANE
Trihexyphenidyl HCl
2 mg
Tablet
Danbury

ARTANE
Trihexyphenidyl HCl
5 mg
Tablet
Danbury

ARTANE
Trihexyphenidyl HCl
5 mg
Tablet
Lederle

ARTANE
Trihexyphenidyl HCl
2 mg
Tablet
Lederle

ASCENDIN
Amoxapine
25 mg
Tablet
Danbury

ASCENDIN
Amoxapine
50 mg
Tablet
Geneva

ASCENDIN
Amoxapine
25 mg
Tablet
Geneva

ASCENDIN
Amoxapine
150 mg
Tablet
Geneva

ASCENDIN
Amoxapine
100 mg
Tablet
Geneva

ASCENDIN
Amoxapine
100 mg
Tablet
Danbury

ASCENDIN
Amoxapine
150 mg
Tablet
Danbury

ASCENDIN
Amoxapine
50 mg
Tablet
Geneva

ASCENDIN
Amoxapine
50 mg
Tablet
Danbury

ASCENDIN
Amoxapine
100 mg
Tablet
Watson

ASCENDIN
Amoxapine
25 mg
Tablet
Watson

ASCENDIN
Amoxapine
150 mg
Tablet
Watson

ASCENDIN
Amoxapine
50 mg
Tablet
Watson

ATARAX
Hydroxyzine HCl
25 mg
Tablet
KV

ATARAX
Hydroxyzine HCl
10 mg
Tablet
KV

ATARAX
Hydroxyzine HCl
10 mg
Tablet
Chelsea

ATARAX
Hydroxyzine HCl
25 mg
Tablet
Chelsea

*ATARAX
Hydroxyzine HCl
10 mg/5 ml
Syrup
Barre-National

ATARAX
Hydroxyzine HCl
50 mg
Tablet
Chelsea

ATARAX
Hydroxyzine HCl
10 mg
Tablet
Mutual

ATARAX
Hydroxyzine HCl
10 mg/5 ml
Syrup
Naska/Barre-Nat

ATARAX
Hydroxyzine HCl
25 mg
Tablet
Mutual

ATARAX
Hydroxyzine HCl
50 mg
Tablet
Danbury

ATARAX
Hydroxyzine HCl
25 mg
Tablet
Geneva

ATARAX
Hydroxyzine HCl
50 mg
Tablet
Geneva

ATARAX
Hydroxyzine HCl
10 mg
Tablet
Danbury

ATARAX
Hydroxyzine HCl
25 mg
Tablet
Danbury

ATARAX
Hydroxyzine HCl
10 mg
Tablet
Geneva

ATARAX
Hydroxyzine HCl
10 mg
Tablet
Sidmak

*ATARAX
Hydroxyzine HCl
50 mg
Tablet
Sidmak

ATARAX
Hydroxyzine HCl
25 mg
Tablet
Sidmak

*ATARAX
Hydroxyzine HCl
10 mg/5 ml
Syrup
Pennex

*ATIVAN
Lorazepam
0.5 mg
Tablet
Purepac

ATIVAN
Lorazepam
1.0 mg
Tablet
Royce

ATIVAN
Lorazepam
2.0 mg
Tablet
Royce

ATIVAN
Lorazepam
0.5 mg
Tablet
Royce

ATIVAN
Lorazepam
2.0 mg
Tablet
Purepac

ATIVAN
Lorazepam
1.0 mg
Tablet
Purepac

ATIVAN
Lorazepam
0.5 mg
Tablet
W-C

ATIVAN
Lorazepam
1.0 mg
Tablet
Watson

ATIVAN
Lorazepam
1.0 mg
Tablet
W-C

ATIVAN
Lorazepam
2.0 mg
Tablet
W-C

ATIVAN
Lorazepam
0.5 mg
Tablet
Watson

ATIVAN
Lorazepam
2.0 mg
Tablet
Watson

ATIVAN
Lorazepam
0.5 mg
Tablet
Halsey

ATIVAN
Lorazepam
2.0 mg
Tablet
Halsey

ATIVAN
Lorazepam
1.0 mg
Tablet
Halsey

ATIVAN
Lorazepam
1.0 mg
Tablet
Danbury

*ATIVAN
Lorazepam
1.0 mg
Tablet
Geneva

ATIVAN
Lorazepam
2.0 mg
Tablet
Danbury

*ATIVAN
Lorazepam
2.0 mg
Tablet
Geneva

*ATIVAN
Lorazepam
0.5 mg
Tablet
Geneva

ATIVAN
Lorazepam
0.5 mg
Tablet
Danbury

ATIVAN
Lorazepam
1.0 mg
Tablet
Mylan

ATIVAN
Lorazepam
1.0 mg
Tablet
Mutual

ATIVAN
Lorazepam
2.0 mg
Tablet
Mylan

ATIVAN
Lorazepam
2.0 mg
Tablet
Mutual

ATIVAN
Lorazepam
0.5 mg
Tablet
Mylan

ATIVAN
Lorazepam
0.5 mg
Tablet
Mutual

ATROMID-S
Clofibrate
500 mg
Capsule
Novopharm

ATROMID-S
Clofibrate
500 mg
Capsule
Chase

ATROMID-S
Clofibrate
500 mg
Capsule
Pharmacaps

AURALGAN
Antipyrine 54 mg with
benzocaine 14 mg
Per ml
Solution, otic
Ambix

AURALGAN
Antipyrine 54 mg with
benzocaine 14 mg
Per ml
Solution
Bausch & Lomb

AURALGAN
Antipyrine 54 mg with
benzocaine 14 mg
Per ml
Solution
Barre-National

AURALGAN
Antipyrine 54 mg with
benzocaine 14 mg
Per ml
Solution
Thames

AURALGAN
Antipyrine 54 mg with
benzocaine 14 mg
Per ml
Solution
Clay-Park

AVC
Sulfanilamide
15%
Cream
Clay-Park

AVC
Sulfanilamide
15%
Cream
Lemmon

AZO GANTRISIN
Sulfisoxazole and
phenazopyridine HCl
500 mg/50 mg
Tablet
Trinity

AZULFIDINE
Sulfasalazine
500 mg
Tablet
Danbury

AZULFIDINE
Sulfasalazine
0.5 g
Tablet
Chelsea

AZULFIDINE
Sulfasalazine
0.5 g
Tablet
Pharmacia

AZULFIDINE
Sulfasalazine
0.5 g
Tablet
Mutual

AZULFIDINE
Sulfasalazine
0.5 g
Tablet
Lederle

*BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Interpharm

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Lemmon

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Lemmon

*BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Interpharm

*BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Roche

*BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Roche

*BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
Roche

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Sidmak

*BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
TEVA

*BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
TEVA

*BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
TEVA

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Sidmak

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Roxane

*BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
Barre-National

*BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Chelsea

*BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
B-W

*BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Biocraft

*BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Chelsea

*BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Biocraft

*BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
Biocraft

*BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Mutual

*BACTRIM
Sulfamethoxazole/trimethoprim
200 mg/40 mg per 5 ml
Suspension
Naska/Barre-Nat

*BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Mutual

*BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Eon

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Danbury

*BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Danbury

*BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Eon

BACTRIM
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Geneva

BACTRIM
Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Geneva

BACTRIM DS
Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Roxane

*BELLERGAL-S
Belladonna alkaloids/
ergotamine
tartrate/phenobarbital
0.2/0.6/40 mg
Tablet
Ferndale

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Geneva

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Geneva

*BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Eon

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Danbury

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Danbury

*BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Eon

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Geneva

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Purepac

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Steri-Med

*BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Roxane

*BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
ELizir
Pennex

*BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Roxane

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Purepac

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Purepac

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Steri-Med

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
West-Ward

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
LNK

*BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Halsey

*BENADRYL
Diphenhydramine HCl
50 mg
Capsule
LNK

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Halsey

*BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Mutual

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
P-D

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Naska/Barre-Nat

BENADRYL
Diphenhydramine HCl
25 mg
Capsule
MK

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
P-D

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
MK

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
P-D

BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
MK

*BENADRYL
Diphenhydramine HCl
25 mg
Capsule
Mutual

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Chelsea

*BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Cenci

*BENADRYL
Diphenhydramine HCl
12.5 mg/5 ml
Elixir
Barre-National

BENADRYL
Diphenhydramine HCl
50 mg
Capsule
Barr

*BENEMID
Probenecid
500 mg
Tablet
Chelsea

BENEMID
Probenecid
500 mg
Tablet
Zenith

BENEMID
Probenecid
500 mg
Tablet
Danbury

BENEMID
Probenecid
500 mg
Tablet
Mylan

BENTYL
Dicyclomine
10 mg
Capsule
Chelsea

BENTYL
Dicyclomine
20 mg
Tablet
Chelsea

*BEROCCA
Berocca substitute
Per tablet
Tablet
Amide

BEROCCA
Berocca substitute
Per tablet
Tablet
Copley

BEROCCA PLUS
Berocca plus substitute
Per tablet
Tablet
Copley

BEROCCA PLUS
Berocca substitute
Per tablet
Tablet
West-Ward

BEROCCA PLUS
Generic substitute
Per tablet
Tablet
Lini

*BEROCCA PLUS
Berocca substitue
Per tablet
Tablet
Amide

BLOCADREN
Timolol maleate
5 mg
Tablet
Geneva

BLOCADREN
Timolol maleate
20 mg
Tablet
Danbury

BLOCADREN
Timolol maleate
10 mg
Tablet
Geneva

BLOCADREN
Timolol maleate
10 mg
Tablet
Danbury

BLOCADREN
Timolol maleate
20 mg
Tablet
Geneva

BLOCADREN
Timolol maleate
5 mg
Tablet
Danbury

BLOCADREN
Timolol maleate
20 mg
Tablet
Mylan

BLOCADREN
Timolol maleate
5 mg
Tablet
Mylan

BLOCADREN
Timolol maleate
10 mg
Tablet
Mylan

BLOCADREN
Timolol maleate
10 mg
Tablet
West Point

*BLOCADREN
Timolol maleate
5 mg
Tablet
Novopharm

BLOCADREN
Timolol maleate
5 mg
Tablet
West Point

*BLOCADREN
Timolol maleate
20 mg
Tablet
Novopharm

*BLOCADREN
Timolol maleate
10 mg
Tablet
Novopharm

*BRONKOSOL
Isoetharine HCl
0.25%
Solution
Dey

BUTAZOLIDIN
Phenylbutazone
100 mg
Tablet
Chelsea

BUTAZOLIDIN
Phenylbutazone
100 mg
Capsule
Chelsea

*BUTISOL
Butabarbital sodium
30 mg/5 ml
Elixir
Barre-National

BUTISOL
Butabarbital sodium
30 mg
Tablet
Geneva

BUTISOL
Butabarbital sodium
15 mg
Tablet
Geneva

BUTISOL
Butabarbital sodium
15 mg
Tablet
Halsey

BUTISOL
Butabarbital sodium
30 mg
Tablet
Halsey

CALAN
Verapamil HCl
120 mg
Tablet
Geneva

CALAN
Verapamil HCl
80 mg
Tablet
Geneva

CALAN
Verapamil HCl
120 mg
Tablet
Watson

CALAN
Verapamil HCl
80 mg
Tablet
Watson

*CALAN
Verapamil HCl
120 mg
Tablet
W-C

*CALAN
Verapamil HCl
80 mg
Tablet
W-C

CALAN
Verapamil HCl
80 mg
Tablet
Sidmak

CALAN
Verapamil HCl
120 mg
Tablet
Purepac

CALAN
Verapamil HCl
80 mg
Tablet
Purepac

CALAN
Verapamil HCl
120 mg
Tablet
Sidmak

CALAN
Verapamil HCl
80 mg
Tablet
Danbury

CALAN
Verapamil HCl
120 mg
Tablet
Danbury

CALAN
Verapamil HCl
40 mg
Tablet
Geneva

*CALAN SR
Verapamil HCl
240 mg
Tablet
Baker

CAPATRES
Clonidine HCl
0.3 mg
Tablet
Danbury

*CAPATRES
Clonidine HCl
0.1 mg
Tablet
Geneva

*CAPATRES
Clonidine HCl
0.3 mg
Tablet
Geneva

*CAPATRES
Clonidine HCl
0.2 mg
Tablet
Geneva

CAPATRES
Clonidine HCl
0.2 mg
Tablet
Danbury

CAPATRES
Clonidine HCl
0.1 mg
Tablet
Danbury

*CAPATRES
Clonidine HCl
0.3 mg
Tablet
W-C

*CAPATRES
Clonidine HCl
0.1 mg
Tablet
W-C

*CAPATRES
Clonidine HCl
0.2 mg
Tablet
W-C

*CAPATRES
Clonidine HCl
0.3 mg
Tablet
Lederle

*CAPATRES
Clonidine HCl
0.2 mg
Tablet
Lederle

*CAPATRES
Clonidine HCl
0.1 mg
Tablet
Lederle

CAPATRES
Clonidine HCl
0.3 mg
Tablet
Purepac

CAPATRES
Clonidine HCl
0.2 mg
Tablet
Purepac

CAPATRES
Clonidine HCl
0.1 mg
Tablet
Purepac

CAPATRES
Clonidine HCl
0.2 mg
Tablet
Mylan

CAPATRES
Clonidine HCl
0.3 mg
Tablet
Mylan

CAPATRES
Clonidine HCl
0.2 mg
Tablet
Par

CAPATRES
Clonidine HCl
0.1 mg
Tablet
Mylan

CAPATRES
Clonidine HCl
0.3 mg
Tablet
Par

CAPATRES
Clonidine HCl
0.1 mg
Tablet
Par

CARDIZEM
Diltiazem
60 mg
Tablet
Mylan

CARDIZEM
Diltiazem
90 mg
Tablet
Mylan

CARDIZEM
Diltiazem
30 mg
Tablet
Mylan

CARDIZEM
Diltiazem
120 mg
Tablet
Mylan

CARDIZEM
Diltiazem
30 mg
Tablet
Blue Ridge

CARDIZEM
Diltiazem
120 mg
Tablet
Blue Ridge

CARDIZEM
Diltiazem
60 mg
Tablet
Blue Ridge

CARDIZEM
Diltiazem
90 mg
Tablet
Blue Ridge

CARDIZEM
Diltiazem
120 mg
Tablet
Copley

CARDIZEM
Diltiazem
90 mg
Tablet
Copley

CARDIZEM
Diltiazem
60 mg
Tablet
Copley

CARDIZEM
Diltiazem
30 mg
Tablet
Copley

CARDIZEM
Diltiazem
60 mg
Tablet
Lederle

CARDIZEM
Diltiazem
90 mg
Tablet
Lederle

CARDIZEM
Diltiazem
120 mg
Tablet
Lederle

CARDIZEM
Diltiazem
30 mg
Tablet
Lederle

CEPHULAC
Lactulose
10 g/15 ml
Syrup
Inalco

CEPHULAC
Lactulose
10 g/15 ml
Syrup
Alra

CEPHULAC
Lactulose
10 g/15 ml
Syrup
UDL Labs

CEPHULAC
Lactulose
10 g/15 ml
Solution
Technilab

CEPHULAC
Lactulose
10 g/15 ml
Solution
Copley

CEPHULAC
Lactulose
10 g/15 ml
Syrup
DuPhar

CEPHULAC
Lactulose
10 g/15 ml
Syrup
Roxane

CHLOROMYCETIN
Chloramphenicol
1%
Ophth ointment
Bausch & Lomb

CHLOROPTIC
Chloramphenicol
0.5%
Ophth soln
Bausch & Lomb

CHLOROPTIC
Chloramphenicol
0.5%
Ophth soln
Akorn

*CHLOROPTIC
Chloramphenicol
0.5%
Ophth soln
Steris

CIBALITH-S
Lithium citrate
8 mEq/5 ml
Syrup
Pennex

CINOBAC
Cinoxacin
500 mg
Capsule
Biocraft

CINOBAC
Cinoxacin
250 mg
Capsule
Biocraft

CLEOCIN
Clindamycin phosphate
1%
Solution
Paddock

*CLEOCIN T
Clindamycin phosphate
1%
Solution
Copley

CLEOCIN T
Clindamycin
1%
Solution, topcal
Lemmon

CLEOCIN T
Clindamycin
1%
Solution, topcal
Greenstone

CLINORIL
Sulindac
150 mg
Tablet
Lederle

CLINORIL
Sulindac
200 mg
Tablet
Lederle

CLINORIL
Sulindac
200 mg
Tablet
Lemmon

CLINORIL
Sulindac
150 mg
Tablet
Lemmon

*CLINORIL
Sulindac
150 mg
Tablet
Mylan

*CLINORIL
Sulindac
150 mg
Tablet
West Point

*CLINORIL
Sulindac
200 mg
Tablet
Mylan

CLINORIL
Sulindac
150 mg
Tablet
W-C

CLINORIL
Sulindac
200 mg
Tablet
W-C

*CLINORIL
Sulindac
200 mg
Tablet
West Point

CLINORIL
Sulindac
150 mg
Tablet
Mutual

CLINORIL
Sulindac
150 mg
Tablet
Mutual

CLINORIL
Sulindac
200 mg
Tablet
Danbury

CLINORIL
Sulindac
150 mg
Tablet
Geneva

CLINORIL
Sulindac
150 mg
Tablet
Danbury

CLINORIL
Sulindac
200 mg
Tablet
Geneva

*CLOMID
Clomiphene citrate
50 mg
Tablet
TEVA

COGENTIN
Benztropine mesylate
2 mg
Tablet
Sidmak

COGENTIN
Benztropine mesylate
1 mg
Tablet
Sidmak

COGENTIN
Benztropine mesylate
0.5 mg
Tablet
Sidmak

COGENTIN
Benztropine mesylate
1 mg
Tablet
Invamed

COGENTIN
Benztropine mesylate
2 mg
Tablet
Invamed

COGENTIN
Benztropine mesylate
0.5 mg
Tablet
Invamed

COGENTIN
Benztropine mesylate
1 mg
Tablet
Mutual

*COGENTIN
Benztropine mesylate
1 mg
Tablet
Par

*COGENTIN
Benztropine mesylate
2 mg
Tablet
Par

*COGENTIN
Benztropine mesylate
0.5 mg
Tablet
Par

COGENTIN
Benztropine mesylate
2 mg
Tablet
Mutual

COMBIPRES 0.1
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Mylan

COMBIPRES 0.1
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Par

COMBIPRES 0.2
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Mylan

COMBIPRES 0.2
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Par

COMBIPRES 0.3
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Par

COMBIPRES 0.3
Clonidine with chlorthalidone
0.1/15 mg.
Tablet
Mylan

CORGARD
Nadolol
120 mg
Tablet
Bristol-Myers

CORGARD
Nadolol
40 mg
Tablet
Bristol-Myers

CORGARD
Nadolol
80 mg
Tablet
Bristol-Myers

CORGARD
Nadolol
20 mg
Tablet
Bristol-Myers

*CORTISPORIN OPHTHALMIC
Polymyxin B sulfate 10,000U with hydrocortisone 1%, neomycin sulfate
0.5%
Per ml
Ophth Susp
Bausch & Lomb

*CORTISPORIN OPHTHALMIC
Bacitracin zinc 400U & Polymyxin B sulfate 10,000U with hydrocortisone 1%, neomycin sulfate
0.5%
Per g
Ophth ointment
Bausch & Lomb

CYCLOSPASMOL
Cyclandelate
400 mg
Capsule
Amide

CYCLOSPASMOL
Cyclandelate
200 mg
Capsule
Amide

CYCLOSPASMOL
Cyclandelate
200 mg
Capsule
MD

*DALMANE
Flurazepam
30 mg
Capsule
Mylan

DALMANE
Flurazepam
15 mg
Capsule
Par

DALMANE
Flurazepam
30 mg
Capsule
Par

*DALMANE
Flurazepam
15 mg
Capsule
Mylan

DALMANE
Flurazepam
30 mg
Capsule
Purepac

*DALMANE
Flurazepam
15 mg
Capsule
Purepac

DALMANE
Flurazepam
30 mg
Capsule
Danbury

DALMANE
Flurazepam
15 mg
Capsule
Geneva

DALMANE
Flurazepam
15 mg
Capsule
Danbury

DALMANE
Flurazepam
30 mg
Capsule
Geneva

DALMANE
Flurazepam
30 mg
Capsule
Chelsea

DALMANE
Flurazepam
15 mg
Capsule
Chelsea

DALMANE
Flurazepam
15 mg
Capsule
W-C

DALMANE
Flurazepam
30 mg
Capsule
W-C

*DALMANE
Flurazepam
15 mg
Capsule
West-Ward

*DALMANE
Flurazepam
30 mg
Capsule
West-Ward

DARVOCET N
Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Zenith

DARVOCET N
Propoxyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Purepac

DARVOCET N
Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Lemmon

DARVOCET N
Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Mylan

*DARVOCET N
Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Geneva

DARVON
Propoxyphene HCl
65 mg
Capsule
Geneva

DARVON
Propoxyphene HCl
65 mg
Capsule
Lemmon

DARVON
Propoxyphene HCl
65 mg
Capsule
ICN

DARVON
Propoxyphene HCl
65 mg
Capsule
Zenith

DARVON
Propoxyphene HCl
65 mg
Capsule
West-Ward

*DARVON
Propoxyphene HCl
65 mg
Capsule
Roxane

DARVON
Propoxyphene HCl
65 mg
Capsule
Purepac

DARVON
Propoxyphene HCl
65 mg
Capsule
P-D

DARVON
Propoxyphene HCl
65 mg
Capsule
Alra

DARVON COMPUOND-65
Propoxyphene HCl/Aspirin/ Caffeine
65/389/32.4 mg
Capsule
Alra

DARVON COMPUOND-65
Propoxyphene HCl/Aspirin/ Caffeine
65/389/32.4 mg
Capsule
Geneva

DARVON COMPUOND-65
Propoxyphene HCl/Aspirin/ Caffeine
65/389/32.4 mg
Capsule
Lemmon

DECADRON
Dexamethasone
0.5 mg
Tablet
Roxane

DECADRON
Dexamethasone
1.5 mg
Tablet
Roxane

DECADRON
Dexamethasone
0.75 mg
Tablet
Roxane

DECADRON
Dexamethasone
4 mg
Tablet
Roxane

*DECADRON
Dexamethasone
0.5 mg/5 ml
Elixir
Barre-National

DECADRON
Dexamethasone
0.5 mg/5 ml
Elixir
MSD

DECADRON
Dexamethasone
0.5 mg/5 ml
Elixir
Naska/Barre-Nat

*DECADRON
Dexamethasone
0.5 mg/5 ml
Elixir
Pennex

*DECADRON
Dexamethasone
0.5 mg/5 ml
Elixir
Roxane

DECADRON OPHTHALMIC
Dexamethasone sodium phosphate
0.1%
Ophth solution
Steris

*DECADRON OPHTHALMIC
Dexamethasone sodium phosphate
0.05%
Ophth ointment
Bausch & Lomb

*DECADRON OPHTHALMIC
Dexamethasone sodium phosphate
0.1%
Ophth solution
Bausch & Lomb

DECADRON OPHTHALMIC
Dexamethasone sodium phosphate
0.1%
Ophth solution
Akorn

DEMEROL
Meperidine
50 mg
Tablet
Halsey

DEMEROL
Meperidine
100 mg
Tablet
Halsey

*DEPAKENE
Valproic acid
250 mg
Capsule
Chase

DEPAKENE
as Sod. valproate
250 mg/5 ml
Syrup
Copley

*DEPAKENE
as Sod. valproate
250 mg/5 ml
Syrup
Pennex

DEPAKENE
Valproic acid
250 mg
Capsule
Pharmacaps

DESQUAM-X
Benzyl Peroxide
5%
Gel
Syosset

DESQUAM-X
Benzyl Peroxide
10%
Gel
Syosset

DESQUAM-X
Benzyl Peroxide
5%
Gel
Glades

DESQUAM-X
Benzyl Peroxide
10%
Wash
Glades

DESQUAM-X
Benzyl Peroxide
5%
Wash
Glades

DESQUAM-X
Benzyl Peroxide
10%
Gel
Glades

DESQUAM-X
Benzyl Peroxide
5%
Gel
Thames

DESQUAM-X
Benzyl Peroxide
10%
Gel
Thames

DESQUAM-X
Benzyl Peroxide
5%
Gel
Derm Prod/Owen

DESQUAM-X
Benzyl Peroxide
10%
Gel
Derm Prod/Owen

DESYREL
Trazodone HCl
50 mg
Tablet
Geneva

DESYREL
Trazadone HCl
100 mg
Tablet
Danbury

DESYREL
Trazodone HCl
100 mg
Tablet
Geneva

DESYREL
Trazadone HCl
50 mg
Tablet
Danbury

DESYREL
Trazodone HCl
100 mg
Tablet
Barr

DESYREL
Trazodone HCl
50 mg
Tablet
Barr

DESYREL
Trazodone HCl
50 mg
Tablet
TEVA

DESYREL
Trazadone HCl
150 mg
Tablet
Sidmak

DESYREL
Trazodone HCl
100 mg
Tablet
Purepac

DESYREL
Trazodone HCl
50 mg
Tablet
Sidmak

DESYREL
Trazodone HCl
100 mg
Tablet
TEVA

DESYREL
Trazodone HCl
100 mg
Tablet
Sidmak

DESYREL
Trazodone HCl
50 mg
Tablet
Purepac

DESYREL
Trazodone HCl
100 mg
Tablet
Mutual

DESYREL
Trazodone HCl
50 mg
Tablet
Mutual

DESYREL
Trazadone HCl
50 mg
Tablet
Mylan

DESYREL
Trazadone HCl
100 mg
Tablet
Mylan

DIABINESE
Chlorpropamide
250 mg
Tablet
Mylan

DIABINESE
Chlorpropamide
100 mg
Tablet
Mylan

DIABINESE
Chlorpropamide
100 mg
Tablet
Par

DIABINESE
Chlorpropamide
250 mg
Tablet
Par

DIABINESE
Chlorpropamide
100 mg
Tablet
Chelsea

DIABINESE
Chlorpropamide
250 mg
Tablet
Halsey

DIABINESE
Chlorpropamide
100 mg
Tablet
Halsey

DIABINESE
Chlorpropamide
250 mg
Tablet
Geneva

DIABINESE
Chlorpropamide
250 mg
Tablet
Danbury

DIABINESE
Chlorpropamide
100 mg
Tablet
Danbury

DIABINESE
Chlorpropamide
100 mg
Tablet
Geneva

DIABINESE
Chlorpropamide
250 mg
Tablet
Sidmak

DIABINESE
Chlorpropamide
100 mg
Tablet
Sidmak

DIAMOX
Acetazolamide
125 mg
Tablet
Mutual

DIAMOX
Acetazolamide
250 mg
Tablet
Mutual

DIAMOX
Acetazolamide
250 mg
Tablet
Danbury

DILAUDID
Hydromorphone HCl
4 mg
Tablet
Roxane

DILAUDID
Hydromorphone HCl
2 mg
Tablet
Roxane

DILAUDID
Hydromorphone HCl
4 mg
Tablet
Halsey

DILAUDID
Hydromorphone HCl
2 mg
Tablet
Halsey

DILAUDID
Hydromorphone HCl
3 mg
Tablet
Halsey

DILAUDID
Hydromorphone HCl
1 mg
Tablet
Halsey

*DIMETANE DC
Brompheniramine maleate 2 mg,
phenylpropanolamine HCl 12.5 mg,
codeinephosphate 10 mg
Per 5 ml
Syrup
Pennex

*DIMETANE DC
Brompheniramine maleate 2 mg,
phenylpropanolamine HCl 12.5 mg,
codeinephosphate 10 mg
Per 5 ml
Syrup
Barre-National

*DIMETANE DX
Brompheniramine maleate 2 mg,
pseudoephedrine HCl 30 mg,
dextromethorphan HBr 10 mg
Per 5 ml
Syrup
Pennex

*DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
Savage/Altana

DIPROSONE
Betamethasone diproprionate
0.05%
Ointment
Savage/Altana

DIPROSONE
Betamethasone diproprionate
0.05%
Cream
Savage/Altana

*DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
Barre-National

*DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
Fougera/Altana

*DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
Clay-Park

DIPROSONE
Betamethasone diproprionate
0.05%
Ointment
Clay-Park

DIPROSONE
Betamethasone diproprionate
0.05%
Ointment
Fougera/Altana

*DIPROSONE
Betamethasone diproprionate
0.05%
Cream
Clay-Park

DIPROSONE
Betamethasone diproprionate
0.05%
Cream
Fougera/Altana

DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
Copley

*DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
Lemmon

DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
NMC

DIPROSONE
Betamethasone diproprionate
0.05%
Ointment
NMC

DIPROSONE
Betamethasone diproprionate
0.05%
Cream
NMC

DIPROSONE
Betamethasone diproprionate
0.05%
Cream
Thames

*DIPROSONE
Betamethasone diproprionate
0.05%
Lotion
Thames

DIPROSONE
Betamethasone diproprionate
0.05%
Cream
Taro

DISALCID
Salsalate
500 mg
Tablet
Upsher-Smith

DISALCID
Salsalate
500 mg
Tablet
Trinity

DISALCID
Salsalate
750 mg
Tablet
Upsher-Smith

DISALCID
Salsalate
750 mg
Tablet
Trinity

DISALCID
Salsalate
500 mg
Tablet
Geneva

DISALCID
Salsalate
750 mg
Tablet
Eon

DISALCID
Salsalate
750 mg
Tablet
Geneva

DISALCID
Salsalate
500 mg
Tablet
Eon

DISALCID
Salsalate
500 mg
Tablet
Sidmak

DISALCID
Salsalate
750 mg
Tablet
Sidmak

DISALCID
Salsalate
500 mg
Tablet
Sidmak

DISALCID
Salsalate
750 mg
Tablet
PBI

DISALCID
Salsalate
750 mg
Tablet
PBI

DISALCID
Salsalate
750 mg
Tablet
Able

DISALCID
Salsalate
500 mg
Tablet
Able

DISALCID
Salsalate
500 mg
Tablet
Mutual

DISALCID
Salsalate
750 mg
Tablet
Mutual

DISALCID
Salsalate
750 mg
Tablet
Invamed

DISALCID
Salsalate
500 mg
Tablet
Invamed

DITROPAN
Oxybutynin Cl
5 mg
Tablet
Sidmak

DIURIL
Chlorothiazide
500 mg
Tablet
West Point

DIURIL
Chlorothiazide
500 mg
Tablet
West-Ward

DIURIL
Chlorothiazide
250 mg
Tablet
West Point

DIURIL
Chlorothiazide
250 mg
Tablet
Danbury

DIURIL
Chlorothiazide
250 mg
Tablet
MSD

DIURIL
Chlorothiazide
250 mg
Tablet
Mylan

DIURIL
Chlorothiazide
250 mg
Tablet
Chelsea

DOLOBID
Difunisal
250 mg
Tablet
West Point

DOLOBID
Difunisal
500 mg
Tablet
West Point

DOLOBID
Diflunisal
250 mg
Tablet
Roxane

DOLOBID
Difunisal
500 mg
Tablet
TEVA

DOLOBID
Difunisal
250 mg
Tablet
TEVA

DOLOBID
Diflunisal
500 mg
Tablet
Roxane

DOLOPHINE
Methadone HCl
10 mg
Tablet
Roxane

DOLOPHINE
Methadone HCl
5 mg
Tablet
Roxane

DOMEBORO
Acetic acid 2% in aluminum acetate
Otic solution
Bausch & Lomb

DONNATAL
Belladonna alkaloids with phenobarbital
Elixir
Cenci

DONNATAL
Belladonna alkaloids with phenobarbital
Tablet
Rexar

*DONNATAL
Belladonna alkaloids with phenobarbital
Elixir
Pennex

DONNATAL
Belladonna alkaloids with phenobarbital
Tablet
Halsey

DONNATAL
Belladonna alkaloids with phenobarbital
Elixir
Halsey

DONNATAL
Belladonna alkaloids with phenobarbital
Tablet
West-Ward

DONNATAL
Belladonna alkaloids with phenobarbital
Elixir
Naska/Barre-Nat

DONNATAL
Belladonna alkaloids with phenobarbital
Tablet
Geneva

DONNATAL
Belladonna alkaloids with phenobarbital
Tablet
Danbury

DORYX
Doxycycline hyclate
100 mg
Capsule
Sidmak

DORYX
Doxycycline hyclate
100 mg
Capsule
W-C

DYAZIDE
Triamterene/ hydrochlorothiazide
50 mg/25 mg
Capsule
Geneva

DYAZIDE
Triamterene/ hydrochlorothiazide
50 mg/25 mg
Capsule
Penn Labs

DYMELOR
Acetohexamide
500 mg
Tablet
Danbury

DYMELOR
Acetohexamide
250 mg
Tablet
Danbury

DYNAPEN
Dicloxacillin sodium monohydrate
250 mg
Capsule
Wyeth

DYNAPEN
Dicloxacillin sodium monohydrate
500 mg
Capsule
Biocraft

DYNAPEN
Dicloxacillin sodium monohydrate
250 mg
Capsule
Beecham

DYNAPEN
Dicloxacillin sodium monohydrate
250 mg
Capsule
Biocraft

DYNAPEN
Dicloxacillin sodium monohydrate
250 mg
Capsule
Bristol-Myers

E-MYCIN 250
Erythromycin base
250 mg
Tablet
Abbott

*E-MYCIN 333
Erythromycin base
333 mg
Tablet
Abbott

*E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
Abbott

*E.E.S.
Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Barre-National

*E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
Barre-National

E.E.S.
Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Bausch & Lomb

E.E.S.
Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Abbott

E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
For Suspension
Barr

*E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
Bausch & Lomb

E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
For Suspension
Abbott

E.E.S.
Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Wyeth

*E.E.S.
Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
Wyeth

*E.E.S.
Erythromycin ethylsuccinate
400 mg
Tablet
Mylan

E.E.S.
Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Naska/Barre-Nat

ELAVIL
Amitriptyline
75 mg
Tablet
MSD

ELAVIL
Amitriptyline
50 mg
Tablet
MSD

ELAVIL
Amitriptyline
75 mg
Tablet
Mylan

ELAVIL
Amitriptyline
25 mg
Tablet
Mylan

ELAVIL
Amitriptyline
10 mg
Tablet
Mutual

ELAVIL
Amitriptyline
10 mg
Tablet
MSD

ELAVIL
Amitriptyline
25 mg
Tablet
Mutual

ELAVIL
Amitriptyline
150 mg
Tablet
MSD

ELAVIL
Amitriptyline
50 mg
Tablet
Mutual

ELAVIL
Amitriptyline
100 mg
Tablet
Mutual

ELAVIL
Amitriptyline
25 mg
Tablet
MSD

ELAVIL
Amitriptyline
75 mg
Tablet
Mutual

ELAVIL
Amitriptyline
100 mg
Tablet
MSD

ELAVIL
Amitriptyline
150 mg
Tablet
Mutual

ELAVIL
Amitriptyline
100 mg
Tablet
Mylan

ELAVIL
Amitriptyline
50 mg
Tablet
Mylan

ELAVIL
Amitriptyline
10 mg
Tablet
Mylan

ELAVIL
Amitriptyline
150 mg
Tablet
Mylan

ELAVIL
Amitriptyline
50 mg
Tablet
Biocraft

ELAVIL
Amitriptyline
25 mg
Tablet
Biocraft

ELAVIL
Amitriptyline
10 mg
Tablet
Chelsea

ELAVIL
Amitriptyline
10 mg
Tablet
Biocraft

ELAVIL
Amitriptyline
75 mg
Tablet
Biocraft

ELAVIL
Amitriptyline
25 mg
Tablet
Chelsea

ELAVIL
Amitriptyline
100 mg
Tablet
Chelsea

ELAVIL
Amitriptyline
75 mg
Tablet
Chelsea

ELAVIL
Amitriptyline
50 mg
Tablet
Chelsea

ELAVIL
Amitriptyline
100 mg
Tablet
Biocraft

ELAVIL
Amitriptyline
150 mg
Tablet
Geneva

ELAVIL
Amitriptyline
50 mg
Tablet
Geneva

ELAVIL
Amitriptyline
10 mg
Tablet
Geneva

ELAVIL
Amitriptyline
75 mg
Tablet
Geneva

ELAVIL
Amitriptyline
25 mg
Tablet
Geneva

ELAVIL
Amitriptyline
100 mg
Tablet
Geneva

ELAVIL
Amitriptyline
100 mg
Tablet
MD

ELAVIL
Amitriptyline
150 mg
Tablet
MD

ELAVIL
Amitriptyline
10 mg
Tablet
MD

ELAVIL
Amitriptyline
25 mg
Tablet
MD

ELAVIL
Amitriptyline
50 mg
Tablet
MD

ELAVIL
Amitriptyline
75 mg
Tablet
MD

ELAVIL
Amitriptyline
25 mg
Tablet
Purepac

ELAVIL
Amitriptyline
75 mg
Tablet
Purepac

ELAVIL
Amitriptyline
75 mg
Tablet
Sidmak

ELAVIL
Amitriptyline
100 mg
Tablet
Sidmak

ELAVIL
Amitriptyline
50 mg
Tablet
Purepac

*ELAVIL
Amitriptyline
75 mg
Tablet
TEVA

ELAVIL
Amitriptyline
25 mg
Tablet
Sidmak

ELAVIL
Amitriptyline
50 mg
Tablet
Sidmak

ELAVIL
Amitriptyline
10 mg
Tablet
Sidmak

*ELAVIL
Amitriptyline
100 mg
Tablet
TEVA

ELAVIL
Amitriptyline
150 mg
Tablet
Sidmak

*ELAVIL
Amitriptyline
150 mg
Tablet
TEVA

*ELAVIL
Amitriptyline
25 mg
Tablet
TEVA

*ELAVIL
Amitriptyline
50 mg
Tablet
TEVA

ELAVIL
Amitriptyline
10 mg
Tablet
Purepac

*ELAVIL
Amitriptyline
10 mg
Tablet
TEVA

ELAVIL
Amitriptyline
100 mg
Tablet
Purepac

*ELAVIL
Amitriptyline
50 mg
Tablet
Roxane

*ELAVIL
Amitriptyline
25 mg
Tablet
Roxane

ELAVIL
Amitriptyline
50 mg
Tablet
Roche

ELAVIL
Amitriptyline
150 mg
Tablet
Roche

ELAVIL
Amitriptyline
25 mg
Tablet
Roche

*ELAVIL
Amitriptyline
150 mg
Tablet
Roxane

*ELAVIL
Amitriptyline
100 mg
Tablet
Roxane

*ELAVIL
Amitriptyline
10 mg
Tablet
Roxane

ELAVIL
Amitriptyline
10 mg
Tablet
Roche

ELAVIL
Amitriptyline
75 mg
Tablet
Roxane

ELAVIL
Amitriptyline
100 mg
Tablet
Roche

ELAVIL
Amitriptyline
75 mg
Tablet
Roche

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Steri-Med

*ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Pennex

*ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Pharm. Assocs.

*ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Roxane

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Forest

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Panray

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Naska/Barre-Nat

*ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Barre-National

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Cenci

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Life

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Halsey

ELIXOPHYLLIN
Theophylline
80 mg/15 ml
Elixir
Thames

ELIXOPHYLLIN KI
Theophylline 80 mg/15 ml with potassium
iodide 130 mg/15 ml
Elixir
Naska/Barre-Nat

*ELIXOPHYLLIN KI
Theophylline 80 mg/15 ml with potassium
iodide 130 mg/15 ml
Elixir
Forest

*EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
Geneva

*EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
Geneva

EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
P-D

EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
P-D

EMPIRIN WITH CODEINE
Aspirin with codeine
(#2) 15 mg
Tablet
P-D

EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
Zenith

EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
Zenith

EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
Halsey

EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
Halsey

EMPIRIN WITH CODEINE
Aspirin with codeine
(#2) 15 mg
Tablet
Halsey

EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
B-W

EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
B-W

*EMPIRIN WITH CODEINE
Aspirin with codeine
(#4) 60 mg
Tablet
Barr

*EMPIRIN WITH CODEINE
Aspirin with codeine
(#2) 15 mg
Tablet
Barr

*EMPIRIN WITH CODEINE
Aspirin with codeine
(#3) 30 mg
Tablet
Barr

ENDURON
Methyclothiazide
5 mg
Tablet
Chelsea

*ENDURON
Methyclothiazide
5 mg
Tablet
Mylan

ENDURON
Methyclothiazide
2.5 mg
Tablet
Geneva

ENDURON
Methyclothiazide
5 mg
Tablet
Geneva

ENDURON
Methyclothiazide
2.5 mg
Tablet
Zenith

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Silarx

ENTEX
Phenylpropanolamine HCl 45 mg, phenylephrine HCl 5 mg, guaifenesin 200 mg
Per capsule
Capsule
Trinity

ENTEX
Phenylpropanolamine HCl 45 mg, phenylephrine HCl 5 mg, guaifenesin 200 mg
Per capsule
Capsule
H.N. Norton

*ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Tri-Med

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Pegasus

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Barre-National

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Halsey

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
LuChem/H.N. Norton

ENTEX
Phenylpropanolamine HCl 20 mg, phenylephrine HCl 5 mg, guaifenesin 100 mg
Per 5 ml
Liquid
Hi-Tech

*EQUAGESIC
Aspirin with meprobamate
325 mg/200 mg
Tablet
Par

EQUANIL
Meprobamate
400 mg
Tablet
P-D

EQUANIL
Meprobamate
400 mg
Tablet
MK

EQUANIL
Meprobamate
200 mg
Tablet
P-D

EQUANIL
Meprobamate
200 mg
Tablet
MK

EQUANIL
Meprobamate
400 mg
Tablet
Halsey

EQUANIL
Meprobamate
200 mg
Tablet
Richlyn

EQUANIL
Meprobamate
400 mg
Tablet
Richlyn

EQUANIL
Meprobamate
200 mg
Tablet
Steri-Med

EQUANIL
Meprobamate
400 mg
Tablet
Steri-Med

*EQUANIL
Meprobamate
200 mg
Tablet
Eon

EQUANIL
Meprobamate
200 mg
Tablet
Chelsea

EQUANIL
Meprobamate
400 mg
Tablet
Alra

EQUANIL
Meprobamate
200 mg
Tablet
Alra

*EQUANIL
Meprobamate
400 mg
Tablet
Eon

EQUANIL
Meprobamate
400 mg
Tablet
Geneva

EQUANIL
Meprobamate
400 mg
Tablet
Danbury

EQUANIL
Meprobamate
200 mg
Tablet
Danbury

EQUANIL
Meprobamate
400 mg
Tablet
Chelsea

*ERYC
Erythromycin base enteric coated pellets
250 mg
Capsule
Faulding

ERYC
Erythromycin base enteric coated pellets
250 mg
Capsule
Abbott

ERYGEL
Erythromycin
2%
Gel
Blades

ERYTHROCIN
Erythromycin stearate
250 mg
Tablet
Abbott

ERYTHROCIN
Erythromycin stearate
250 mg
Tablet
Barr

ERYTHROCIN
Erythromycin stearate
500 mg
Tablet
Barr

ERYTHROCIN
Erythromycin stearate
500 mg
Tablet
Abbott

ERYTHROCIN
Erythromycin stearate
250 mg
Tablet
Mylan

ERYTHROCIN
Erythromycin stearate
500 mg
Tablet
Mylan

*ERYTHROCIN
Erythromycin stearate
500 mg
Tablet
Zenith

ERYTHROCIN
Erythromycin stearate
250 mg
Tablet
Zenith

FELDENE
Piroxicam
10 mg
Capsule
Roxane

FELDENE
Piroxicam
20 mg
Capsule
Roxane

FELDENE
Piroxicam
20 mg
Capsule
TEVA

FELDENE
Piroxicam
10 mg
Capsule
TEVA

FELDENE
Piroxicam
20 mg
Capsule
Genpharm

FELDENE
Piroxicam
10 mg
Capsule
Genpharm

FELDENE
Piroxicam
10 mg
Capsule
Searle

FELDENE
Piroxicam
20 mg
Capsule
Searle

FELDENE
Piroxicam
10 mg
Capsule
Mylan

FELDENE
Piroxicam
10 mg
Capsule
Mutual

FELDENE
Piroxicam
20 mg
Capsule
Mylan

FELDENE
Piroxicam
20 mg
Capsule
Mutual

FELDENE
Piroxicam
20 mg
Capsule
Copley

FELDENE
Piroxicam
10 mg
Capsule
Copley

FIORCET
Acetaminophen, butalbital and caffeine
325/50/40 mg
Tablet
Halsey

*FIORCET
Acetaminophen, butalbital and caffeine
325/50/40 mg
Tablet
Mikart

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Geneva

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Capsule
Geneva

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Chelsea

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
West-Ward

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Capsule
Lannett

FIORINAL
Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Purepac

FLAGYL
Metronidazole
250 mg
Tablet
Sidmak

FLAGYL
Metronidazole
500 mg
Tablet
Sidmak

FLAGYL
Metronidazole
500 mg
Tablet
Ortho

FLAGYL
Metronidazole
250 mg
Tablet
Mutual

FLAGYL
Metronidazole
250 mg
Tablet
Ortho

FLAGYL
Metronidazole
500 mg
Tablet
Mutual

FLAGYL
Metronidazole
250 mg
Tablet
Danbury

*FLAGYL
Metronidazole
500 mg
Tablet
Eon

FLAGYL
Metronidazole
500 mg
Tablet
Danbury

FLAGYL
Metronidazole
500 mg
Tablet
Geneva

FLAGYL
Metronidazole
250 mg
Tablet
Geneva

*FLAGYL
Metronidazole
250 mg
Tablet
Eon

FLAGYL
Metronidazole
250 mg
Tablet
Lemmon

FLAGYL
Metronidazole
500 mg
Tablet
Lemmon

FLAGYL
Metronidazole
500 mg
Tablet
Zenith

FLAGYL
Metronidazole
250 mg
Tablet
Zenith

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
Watson

*FLEXERIL
Cyclobenzaprine
10 mg
Tablet
West Point

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
Mylan

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
Invamed

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
Geneva

FLEXERIL
Cyclobenzaprine
10 mg
Tablet
Danbury

FML
Fluorometholone
0.1%
Ophth susp
Iolab

FULVICIN P/G
Griseofulvin ultramicrosize
165 mg
Tablet
Sidmak

FULVICIN P/G
Griseofulvin ultramicrosize
330 mg
Tablet
Sidmak

GANTANOL
Sulfamethoxazole
0.5 g
Tablet
Roche

GANTRISIN
Sulfisoxazole
500 mg
Tablet
Roche

GANTRISIN
Sulfisoxazole
500 mg
Tablet
Alra

GANTRISIN
Sulfisoxazole
500 mg
Tablet
Zenith

GANTRISIN
Sulfisoxazole
500 mg
Tablet
Geneva

GANTRISIN
Sulfisoxazole
500 mg
Tablet
MK

GARAMYCIN
Gentamicin
0.1%
Ointment
NMC

GARAMYCIN
Gentamicin
0.1%
Cream
NMC

*GARAMYCIN
Gentamicin
3 mg/ml
Ophth solution
Allergan

*GARAMYCIN
Gentamicin
0.1%
Cream
Altana/Pharmadr

GARAMYCIN
Gentamicin
0.1%
Ointment
Altana/Pharmadr

GARAMYCIN
Gentamicin
3 mg/ml
Ophth solution
Bausch & Lomb

*GARAMYCIN
Gentamicin
0.1%
Cream
Altana/Fougera

GARAMYCIN
Gentamicin
0.1%
Ointment
Altana/Fougera

GARAMYCIN
Gentamicin
3 mg/ml
Ophth solution
Iolab

*GARAMYCIN
Gentamicin
3 mg/ml
Ophth solution
Steris

GARAMYCIN
Gentamicin
0.1%
Ointment
Clay-Park

GARAMYCIN
Gentamicin
0.1%
Cream
Clay-Park

GARAMYCIN
Gentamicin
0.1%
Cream
Thames

GARAMYCIN
Gentamicin
0.1%
Ointment
Thames

GOLYTELY
PEG 3350 236 g, sodium so4 22.74 g, sodium bicarbonate 6.74 g, sodium Cl 5.86 g, pot Cl 2.97 g
In 4000 ml
Electro gavage
Copley

GOLYTELY
PEG 3350 236 g, sodium so4 22.74 g, sodium bicarbonate 6.74 g, sodium Cl 5.86 g, pot Cl 2.97 g
In 4000 ml
Electro gavage
Reed-Carnrick

GRANULEX
0.1 mg trypsin, 72.5 mg balsam Peru and 650 mg castor oil
Per 0.82 ml
Spray
PEL

GRANULEX
0.1 mg trypsin, 72.5 mg balsam Peru and 650 mg castor oil
Per 0.82 ml
Spray
ARI

GRANULEX
0.1 mg trypsin, 72.5 mg balsam Peru and 650 mg castor oil
Per 0.82 ml
Spray
Copley

*HALCION
Triazolam
0.25 mg
Tablet
Greenstone

*HALCION
Triazolam
0.125 mg
Tablet
Greenstone

HALDOL
Haloperidol
0.5 mg
Tablet
Par

HALDOL
Haloperidol
10 mg
Tablet
Par

HALDOL
Haloperidol
5 mg
Tablet
Mylan

*HALDOL
Haloperidol
0.5 mg
Tablet
Mylan

HALDOL
Haloperidol
1 mg
Tablet
Par

HALDOL
Haloperidol
2 mg
Tablet
Par

HALDOL
Haloperidol
1 mg
Tablet
Mylan

HALDOL
Haloperidol
2 mg
Tablet
Mylan

HALDOL
Haloperidol
5 mg
Tablet
Par

*HALDOL
Haloperidol
2 mg/ml
Solution
Lemmon

*HALDOL
Haloperidol
5 mg
Tablet
Geneva

*HALDOL
Haloperidol
0.5 mg
Tablet
Geneva

*HALDOL
Haloperidol
10 mg
Tablet
Geneva

*HALDOL
Haloperidol
1 mg
Tablet
Geneva

*HALDOL
Haloperidol
5 mg
Tablet
Purepac

HALDOL
Haloperidol
0.5 mg
Tablet
Purepac

*HALDOL
Haloperidol
5 mg
Tablet
Roxane

*HALDOL
Haloperidol
0.5 mg
Tablet
Roxane

HALDOL
Haloperidol
10 mg
Tablet
Roxane

HALDOL
Haloperidol
2 mg
Tablet
Purepac

HALDOL
Haloperidol
20 mg
Tablet
Purepac

HALDOL
Haloperidol
20 mg
Tablet
Roxane

*HALDOL
Haloperidol
1 mg
Tablet
Roxane

*HALDOL
Haloperidol
2 mg
Tablet
Roxane

HALDOL
Haloperidol
1 mg
Tablet
Purepac

HALDOL
Haloperidol
10 mg
Tablet
Purepac

HALDOL
Haloperidol
2 mg/ml
Solution
Roxane

HALDOL
Haloperidol
2 mg/ml
Solution
Searle

HALDOL
Haloperidol
0.5 mg
Tablet
Danbury

*HALDOL
Haloperidol
10 mg
Tablet
Danbury

HALDOL
Haloperidol
2 mg/ml
Solution
Copley

*HALDOL
Haloperidol
5 mg
Tablet
Danbury

*HALDOL
Haloperidol
2 mg
Tablet
Geneva

*HALDOL
Haloperidol
20 mg
Tablet
Danbury

*HALDOL
Haloperidol
2 mg
Tablet
Danbury

*HALDOL
Haloperidol
20 mg
Tablet
Geneva

HALDOL
Haloperidol
1 mg
Tablet
Danbury

HALDOL
Haloperidol
2 mg/ml
Solution
Barre-National

*HYCODAN
Homatropine MBr 1.5 mg with hydrocodone bitartrate 5 mg
Per 5 ml
Syrup
Barre-National

HYCODAN
Homatropine MBr 1.5 mg with hydrocodone bitartrate 5 mg
Per 5 ml
Syrup
Halsey

HYCODAN
Homatropine MBr 1.5 mg with hydrocodone bitartrate 5 mg
Per tablet
Tablet
Daniels

*HYCODAN
Homatropine MBr 1.5 mg with hydrocodone bitartrate 5 mg
Per 5 ml
Syrup
Pennex

*HYCOMINE
Hydrocodone bitartrate 5 mg with phenylpropanolamine HCl 25 mg
Per 5 ml
Syrup
Barre-National

HYCOMINE
Hydrocodone bitartrate 5 mg with phenylpropanolamine HCl 25 mg
Per 5 ml
Syrup
Halsey

HYCOMINE PEDIATRIC
Hydrocodone bitartrate 2.5 mg with phenylpropanolamine HCl 12.5 mg
Per 5 ml
Syrup
Halsey

*HYCOMINE PEDIATRIC
Hydrocodone bitartrate 2.5 mg with phenylpropanolamine HCl 12.5 mg
Per 5 ml
Syrup
Barre-National

HYCOTUSS
Hydrocodone bitartrate 5 mg, guaifenesin 100 mg
Per 5 ml
Syrup
Barre-National

*HYDERGINE
Ergoloid mesylates
1.0 mg
Tablet, subling
Sandoz

*HYDERGINE
Ergoloid mesylates
1.0 mg
Tablet, subling
Zenith

HYDERGINE
Ergoloid mesylates
1 mg
Tablet, oral
Mutual

HYDERGINE
Ergoloid mesylates
1.0 mg
Tablet, subling
Chelsea

HYDERGINE
Ergoloid mesylates
0.5 mg
Tablet, subling
Danbury

HYDERGINE
Ergoloid mesylates
1 mg
Tablet, oral
Danbury

HYDERGINE
Ergoloid mesylates
0.5 mg
Tablet, subling
Chelsea

HYDERGINE
Ergoloid mesylates
1.0 mg
Tablet, subling
Danbury

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Danbury

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Geneva

*HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Eon

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Zenith

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
West-Ward

HYDRODIURIL
Hydrochlorothiazide
100 mg
Tablet
Zenith

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Zenith

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
West Point

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
West Point

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
West-Ward

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Abbott

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Camall

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Abbott

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Camall

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Purepac

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Purepac

HYDRODIURIL
Hydrochlorothiazide
100 mg
Tablet
Richlyn

*HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Roxane

*HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Roxane

HYDRODIURIL
Hydrochlorothiazide
100 mg
Tablet
MSD

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
MSD

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
MSD

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Halsey

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Halsey

HYDRODIURIL
Hydrochlorothiazide
50 mg
Tablet
Lederle

*HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Lederle

HYDRODIURIL
Hydrochlorothiazide
25 mg
Tablet
Geneva

*HYGROTON
Chlorthalidone
50 mg
Tablet
Danbury

*HYGROTON
Chlorthalidone
25 mg
Tablet
Danbury

*HYGROTON
Chlorthalidone
50 mg
Tablet
Chelsea

*HYGROTON
Chlorthalidone
25 mg
Tablet
Chelsea

*HYGROTON
Chlorthalidone
25 mg
Tablet
Mylan

HYGROTON
Chlorthalidone
50 mg
Tablet
Mutual

HYGROTON
Chlorthalidone
25 mg
Tablet
P-D

HYGROTON
Chlorthalidone
50 mg
Tablet
P-D

HYGROTON
Chlorthalidone
25 mg
Tablet
Mutual

*HYGROTON
Chlorthalidone
50 mg
Tablet
Mylan

HYTONE
Hydrocortisone
1%
Cream
Naska/Barre-Nat

HYTONE
Hydrocortisone
2.5%
Cream
Naska/Barre-Nat

HYTONE
Hydrocortisone
1%
Cream
NMC

*HYTONE
Hydrocortisone
2.5%
Cream
NMC

HYTONE
Hydrocortisone
1%
Lotion
Naska/Barre-Nat

*HYTONE
Hydrocortisone
1%
Ointment
NMC

HYTONE
Hydrocortisone
1%
Ointment
Naska/Barre-Nat

HYTONE
Hydrocortisone
1%
Lotion
Glades

HYTONE
Hydrocortisone
2.5%
Lotion
Glades

*HYTONE
Hydrocortisone
1%
Cream
Lemmon

HYTONE
Hydrocortisone
2.5%
Cream
C&M

*HYTONE
Hydrocortisone
1%
Cream
Altana

*HYTONE
Hydrocortisone
1%
Ointment
Altana

HYTONE
Hydrocortisone
1%
Cream
C&M

HYTONE
Hydrocortisone
1%
Cream
Biocraft

*HYTONE
Hydrocortisone
1%
Ointment
Ambix

HYTONE
Hydrocortisone
1%
Cream
Ambix

HYTONE
Hydrocortisone
1%
Cream
Bausch & Lomb

HYTONE
Hydrocortisone
1%
Ointment
C&M

HYTONE
Hydrocortisone
2.5%
Cream
Ambix

HYTONE
Hydrocortisone
1%
Lotion
Thames

HYTONE
Hydrocortisone
1%
Ointment
Thames

HYTONE
Hydrocortisone
2.5%
Cream
Thames

HYTONE
Hydrocortisone
1%
Cream
Thames

*HYTONE
Hydrocortisone
1%
Ointment
Clay-Park

HYTONE
Hydrocortisone
2.5%
Cream
Clay-Park

*HYTONE Hydrocortisone 1% Ointment Dermik	*ILOSONE Erythromycin estolate 125 mg/5 ml Suspension Barre-National	INDERAL Propranolol HCl 20 mg Tablet Geneva	INDERAL Propranolol HCl 60 mg Tablet P-D
HYTONE Hydrocortisone 2.5% Cream Dermik	*ILOSONE Erythromycin estolate 250 mg/5 ml Suspension Barre-National	*INDERAL Propranolol HCl 80 mg Tablet Geneva	INDERAL Propranolol HCl 80 mg Tablet P-D
*HYTONE Hydrocortisone 2.5% Ointment Clay-Park	ILOSONE Erythromycin estolate 250 mg Capsule Barr	INDERAL Propranolol HCl 10 mg Tablet Interpharm	INDERAL Propranolol HCl 20 mg Tablet P-D
HYTONE Hydrocortisone 1% Cream Dermik	IMODIUM Loperamide HCl 2 mg Capsule Roxane	INDERAL Propranolol HCl 20 mg Tablet Interpharm	INDERAL Propranolol HCl 10 mg Tablet P-D
HYTONE Hydrocortisone 1% Cream Derm Prod/Owen	IMODIUM Loperamide HCl 2 mg Capsule Novopharm	INDERAL Propranolol HCl 60 mg Tablet Geneva	INDERAL Propranolol HCl 80 mg Tablet Mylan
*HYTONE Hydrocortisone 1% Lotion Clay-Park	IMODIUM Loperamide HCl 2 mg Capsule Mylan	INDERAL Propranolol HCl 40 mg Tablet Geneva	INDERAL Propranolol HCl 20 mg Tablet Purepac
HYTONE Hydrocortisone 1% Cream Clay-Park	IMODIUM Loperamide HCl 2 mg Capsule Geneva	INDERAL Propranolol HCl 80 mg Tablet Interpharm	INDERAL Propranolol HCl 60 mg Tablet Roxane
HYTONE Hydrocortisone 2.5% Cream Fougera/Altana	IMODIUM Loperamide HCl 2 mg Capsule Lemmon	INDERAL Propranolol HCl 40 mg Tablet Interpharm	INDERAL Propranolol HCl 40 mg Tablet Purepac
*HYTONE Hydrocortisone 1% Lotion Solvay	INDERAL Propranolol HCl 60 mg Tablet Lederle	INDERAL Propranolol HCl 90 mg Tablet Par	INDERAL Propranolol HCl 40 mg Tablet Roxane
HYTONE Hydrocortisone 1% Cream Syosset	INDERAL Propranolol HCl 40 mg Tablet Lederle	INDERAL Propranolol HCl 40 mg Tablet Mylan	INDERAL Propranolol HCl 10 mg Tablet Purepac
*HYTONE Hydrocortisone 1% Cream Solvay	INDERAL Propranolol HCl 20 mg Tablet Lederle	INDERAL Propranolol HCl 40 mg Tablet P-D	INDERAL Propranolol HCl 60 mg Tablet Purepac
IBERET FOLIC 500 Iberet Folic 500 substitute Per tablet Tablet Amide	INDERAL Propranolol HCl 80 mg Tablet Lederle	INDERAL Propranolol HCl 20 mg Tablet Mylan	INDERAL Propranolol HCl 20 mg Tablet Roxane
*IBERET FOLIC 500 Iberet Folic 500 substitute Per tablet Tablet Copley	INDERAL Propranolol HCl 10 mg Tablet Lederle	INDERAL Propranolol HCl 10 mg Tablet Mylan	INDERAL Propranolol HCl 80 mg Tablet Purepac

INDERAL
Propranolol HCl
80 mg
Tablet
Roxane

INDERAL
Propranolol HCl
10 mg
Tablet
Roxane

INDERAL
Propranolol HCl
80 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
20 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
40 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
10 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
90 mg
Tablet
Sidmak

*INDERAL
Propranolol HCl
60 mg
Tablet
Sidmak

INDERAL
Propranolol HCl
40 mg
Tablet
Danbury

INDERAL
Propranolol HCl
10 mg
Tablet
Geneva

INDERAL
Propranolol HCl
20 mg
Tablet
Danbury

INDERAL
Propranolol HCl
10 mg
Tablet
Danbury

INDERAL
Propranolol HCl
80 mg
Tablet
Watson

INDERAL
Propranolol HCl
90 mg
Tablet
Watson

INDERAL
Propranolol HCl
40 mg
Tablet
Watson

INDERAL
Propranolol HCl
60 mg
Tablet
Watson

INDERAL
Propranolol HCl
20 mg
Tablet
Watson

INDERAL
Propranolol HCl
10 mg
Tablet
Watson

INDERAL
Propranolol HCl
10 mg
Tablet
W-C

INDERAL
Propranolol HCl
60 mg
Tablet
W-C

INDERAL
Propranolol HCl
80 mg
Tablet
W-C

INDERAL
Propranolol HCl
40 mg
Tablet
W-C

INDERAL
Propranolol HCl
20 mg
Tablet
W-C

INDERAL LA
Propranolol HCl
80 mg
Capsule, ER
Inwood

INDERAL LA
Propranolol HCl
120 mg
Capsule, ER
Inwood

INDERAL LA
Propranolol HCl
160 mg
Capsule, ER
Inwood

INDERAL LA
Propranolol HCl
60 mg
Capsule, ER
Inwood

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
W-C

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
W-C

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Barr

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Barr

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Mylan

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Mylan

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Chelsea

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Chelsea

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Danbury

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Danbury

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Sidmak

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Sidmak

INDERIDE
Propranolol HCl with
hydrochlorothiazide
80/25 mg
Tablet
Purepac

INDERIDE
Propranolol HCl with
hydrochlorothiazide
40/25 mg
Tablet
Purepac

INDOCIN
Indomethacin
50 mg
Capsule
Sidmak

INDOCIN
Indomethacin
25 mg
Capsule
Sidmak

INDOCIN
Indomethacin
25 mg
Capsule
Barr

INDOCIN
Indomethacin
50 mg
Capsule
Barr

INDOCIN
Indomethacin
25 mg
Capsule
Lederle

INDOCIN
Indomethacin
50 mg
Capsule
Lederle

INDOCIN
Indomethacin
50 mg
Capsule
Halsey

INDOCIN
Indomethacin
25 mg
Capsule
Halsey

INDOCIN
Indomethacin
50 mg
Capsule
Geneva

INDOCIN
Indomethacin
25 mg
Capsule
Geneva

INDOCIN
Indomethacin
25 mg
Capsule
Zenith

*INDOCIN
Indomethacin
25 mg
Capsule
West Point

*INDOCIN
Indomethacin
50 mg
Capsule
West Point

*INDOCIN
Indomethacin
50 mg
Suppository
G&W

INDOCIN
Indomethacin
25 mg
Capsule
W-C

INDOCIN
Indomethacin
25 mg
Capsule
Watson

INDOCIN
Indomethacin
50 mg
Capsule
Watson

INDOCIN
Indomethacin
50 mg
Capsule
Zenith

INDOCIN
Indomethacin
50 mg
Capsule
W-C

INDOCIN
Indomethacin
25 mg
Capsule
Chelsea

INDOCIN
Indomethacin
50 mg
Capsule
Chelsea

INDOCIN
Indomethacin
25 mg
Capsule
Novopharm

INDOCIN
Indomethacin
50 mg
Capsule
Mylan

INDOCIN
Indomethacin
25 mg
Capsule
Mylan

INDOCIN
Indomethacin
50 mg
Capsule
Mutual

INDOCIN
Indomethacin
50 mg
Capsule
Novopharm

INDOCIN
Indomethacin
25 mg
Capsule
Mutual

INDOCIN SR
Indomethacin
75 mg
Capsule
Inwood

*INDOCIN SR
Indomethacin
75 mg
Capsule
West Point

INFLAMASE FORTE
Prednisolone sodium phosphate
1%
Ophth solution
Steris

INFLAMASE FORTE
Prednisolone sodium phosphate
1%
Ophth solution
Bausch & Lomb

INFLAMASE FORTE
Prednisolone sodium phosphate
1%
Ophth solution
Akorn

INFLAMASE MILD
Prednisolone sodium phosphate
0.125%
Ophth solution
Akorn

INFLAMASE MILD
Prednisolone sodium phosphate
0.125%
Ophth solution
Steris

*ISOPTO-ATROPINE
Atropine sulfate
1%
Ophth solution
Steris

*ISOPTO-ATROPINE
Atropine sulfate
1%
Ophth solution
Adv. Remedies

ISOPTO-ATROPINE
Atropine sulfate
1%
Ophth solution
Bausch & Lomb

ISOPTO-ATROPINE
Atropine sulfate
1%
Ophth solution
Akorn

ISOPTO-ATROPINE
Atropine sulfate
1%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
3%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Ocumed

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Ocumed

ISOPTO-CARPINE
Pilocarpine HCl
0.5%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
6%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Optopics

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Ocumed

ISOPTO-CARPINE
Pilocarpine HCl
6%
Ophth solution
Ocumed

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
6%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Akorn

ISOPTO-CARPINE
Pilocarpine HCl
3%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Akorn

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Adv. Remedies

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Adv. Remedies

ISOPTO-CARPINE
Pilocarpine HCl
0.5%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Akorn

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Adv. Remedies

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Bausch & Lomb

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Steris

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Steris

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Steris

ISOPTO-CARPINE
Pilocarpine HCl
6%
Ophth solution
Iolab

ISOPTO-CARPINE
Pilocarpine HCl
1%
Ophth solution
Iolab

ISOPTO-CARPINE
Pilocarpine HCl
4%
Ophth solution
Iolab

ISOPTO-CARPINE
Pilocarpine HCl
3%
Ophth solution
Iolab

ISOPTO-CARPINE
Pilocarpine HCl
0.5%
Ophth solution
Iolab

ISOPTO-CARPINE
Pilocarpine HCl
2%
Ophth solution
Iolab

ISORDIL
Isosorbide dinitrate
2.5 mg
Tablet, subling
Geneva

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, oral
Geneva

*ISORDIL
Isosorbide dinitrate
20 mg
Tablet, oral
Geneva

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, subling
Geneva

ISORDIL
Isosorbide dinitrate
10 mg
Tablet, oral
Geneva

ISORDIL
Isosorbide dinitrate
20 mg
Tablet, oral
Par

*ISORDIL
Isosorbide dinitrate
5 mg
Tablet, oral
Par

*ISORDIL
Isosorbide dinitrate
10 mg
Tablet, oral
Par

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, oral
West-Ward

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, subling
West-Ward

ISORDIL
Isosorbide dinitrate
20 mg
Tablet, oral
West-Ward

ISORDIL
Isosorbide dinitrate
2.5 mg
Tablet, subling
West-Ward

ISORDIL
Isosorbide dinitrate
10 mg
Tablet, oral
West-Ward

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, oral
Danbury

ISORDIL
Isosorbide dinitrate
10 mg
Tablet, oral
Danbury

ISORDIL
Isosorbide dinitrate
5 mg
Tablet, subling
Danbury

ISORDIL
Isosorbide dinitrate
2.5 mg
Tablet, subling
Danbury

K-LOR
Potassium chloride
15 mEq
Powder
Alra

*K-LYTE
Potassium bicarbonate
2.5 g (25 mEq K+)
Tablet, efferves
Alra

*K-LYTE
Potassium bicarbonate
2.5 g (25 mEq K+)
Tablet, efferves
CFH

*K-LYTE
Potassium bicarbonate
2.5 g (25 mEq K+)
Tablet, efferves
Copley

*K-LYTE
Potassium bicarbonate
2.5 g (25 mEq K+)
Tablet, efferves
Nomax

K-LYTE
Potassium bicarbonate
2.5 g (25 mEq K+)
Tablet, efferves
Tower

K-LYTE CL
Potassium chloride, potassium bicarbonate and l-lysine monodydrochloride
25 mEq/packet
Powder
Upsher-Smith

K-LYTE CL
Potassium chloride, potassium bicarbonate and l-lysine monodydrochloride
25 mEq/packet
Tablet, efferves
Copley

*KAON
Potassium gluconate
10% (20 mEq/15 ml)
Elixir
Barre-National

KAON
Potassium gluconate
10% (20 mEq/15 ml)
Elixir
Cenci

*KAON
Potassium gluconate
10% (20 mEq/15 ml)
Elixir
LuChem/H.N. Norton

KAON
Potassium gluconate
10% (20 mEq/15 ml)
Elixir
Naska/Barre-Nat

KAON
Potassium gluconate
10% (20 mEq/15 ml)
Elixir
Steri-Med

*KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Roxane

*KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Roxane

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Purepac

*KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Pennex

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Purepac

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Steri-Med

*KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Pennex

*KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Pharm. Assocs.

*KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Pharm. Assocs.

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Steri-Med

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Alra

*KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Barre-National

*KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Barre-National

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Cenci

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Abbott

*KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Cenci

*KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Upsher-Smith

*KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
USA American

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Tower

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Forest

*KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Forest

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Forest

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Copley

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Panray

*KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Naska/Barre-Nat

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Naska/Barre-Nat

*KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
LuChem/H.N. Norton

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
LuChem/H.N. Norton

KAY-CIEL
Potassium chloride
20% (40 mEq/15 ml)
Liquid
Gentek

KAY-CIEL
Potassium chloride
20 mEq/packet
Powder
Lemmon

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Gentek

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Halsey

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Halsey

KAY-CIEL
Potassium chloride
10% (20 mEq/15 ml)
Liquid
Geneva

KEFLET
Cephalexin
500 mg
Tablet
Biocraft

KEFLET
Cephalexin
250 mg
Tablet
Biocraft

*KEFLET
Cephalexin
500 mg
Tablet
Barr

*KEFLET
Cephalexin
250 mg
Tablet
Barr

KEFLEX
Cephalexin
250 mg/5 ml
Suspension
Biocraft

KEFLEX
Cephalexin
250 mg
Capsule
Barr

KEFLEX
Cephalexin
250 mg/5 ml
Suspension
Barr

KEFLEX
Cephalexin
500 mg
Capsule
Bristol-Myers

KEFLEX
Cephalexin
250 mg
Capsule
Bristol-Myers

KEFLEX
Cephalexin
125 mg/5 ml
Suspension
Barr

KEFLEX
Cephalexin
500 mg
Capsule
Atral

KEFLEX
Cephalexin
250 mg
Capsule
Atral

KEFLEX
Cephalexin
250 mg
Capsule
Biocraft

KEFLEX
Cephalexin
500 mg
Capsule
Barr

KEFLEX
Cephalexin
500 mg
Capsule
Biocraft

KEFLEX
Cephalexin
125 mg/5 ml
Suspension
Biocraft

*KEFLEX
Cephalexin
250 mg
Capsule
IBSA

*KEFLEX
Cephalexin
500 mg
Capsule
IBSA

KEFLEX
Cephalexin
250 mg
Capsule
M-J

KEFLEX
Cephalexin
500 mg
Capsule
M-J

KEFLEX
Cephalexin
250 mg
Capsule
J. Stevens

*KEFLEX
Cephalexin
125 mg/5 ml
Suspension
TEVA

KEFLEX
Cephalexin
250 mg
Capsule
TEVA

KEFLEX
Cephalexin
250 mg/5 ml
Suspension
TEVA

KEFLEX
Cephalexin
500 mg
Capsule
TEVA

KEFLEX
Cephalexin
500 mg
Capsule
J. Stevens

KEFLEX
Cephalexin
250 mg/5 ml
Suspension
Squibb

KEFLEX
Cephalexin
500 mg
Capsule
Squibb

KEFLEX
Cephalexin
250 mg
Capsule
Squibb

KEFLEX
Cephalexin
500 mg
Capsule
Zenith

KEFLEX
Cephalexin
250 mg
Capsule
Zenith

KEFLEX
Cephalexin
250 mg
Capsule
Yoshitomi

KEFLEX
Cephalexin
500 mg
Capsule
Yoshitomi

KEFLEX
Cephalexin
125 mg/5 ml
Suspension
Novopharm

KEFLEX
Cephalexin
250 mg/5 ml
Suspension
Novopharm

KEFLEX
Cephalexin
250 mg
Capsule
Novopharm

KEFLEX
Cephalexin
500 mg
Capsule
Novopharm

KENALOG
Triamcinolone acetonide
0.025%
Cream
NMC

KENALOG
Triamcinolone acetonide
0.1%
Cream
NMC

*KENALOG
Triamcinolone acetonide
0.5%
Ointment
Naska/Barre-Nat

KENALOG
Triamcinolone acetonide
0.1%
Ointment
NMC

KENALOG
Triamcinolone acetonide
0.025%
Ointment
Squibb

KENALOG
Triamcinolone acetonide
0.025%
Cream
Squibb

KENALOG
Triamcinolone acetonide
0.5%
Cream
Squibb

KENALOG
Triamcinolone acetonide
0.025%
Cream
Syosset

KENALOG
Triamcinolone acetonide
0.1%
Ointment
Syosset

KENALOG
Triamcinolone acetonide
0.1%
Ointment
Squibb

KENALOG
Triamcinolone acetonide
0.025%
Ointment
Syosset

KENALOG
Triamcinolone acetonide
0.5%
Ointment
Squibb

KENALOG
Triamcinolone acetonide
0.1%
Cream
Squibb

KENALOG
Triamcinolone acetonide
0.1%
Cream
Syosset

KENALOG
Triamcinolone acetonide
0.5%
Cream
Syosset

*KENALOG
Triamcinolone acetonide
0.025%
Cream
Altana

*KENALOG
Triamcinolone acetonide
0.1%
Cream
Altana

*KENALOG
Triamcinolone acetonide
0.025%
Cream
Altana

*KENALOG
Triamcinolone acetonide
0.5%
Cream
Altana

*KENALOG
Triamcinolone acetonide
0.1%
Ointment
Altana

*KENALOG
Triamcinolone acetonide
0.025%
Ointment
Altana

*KENALOG
Triamcinolone acetonide
0.1%
Cream
Lemmon

*KENALOG
Triamcinolone acetonide
0.025%
Cream
Lemmon

*KENALOG
Triamcinolone acetonide
0.5%
Cream
Lemmon

KENALOG
Triamcinolone acetonide
0.1%
Lotion
Thames

KENALOG
Triamcinolone acetonide
0.1%
Cream
Thames

KENALOG
Triamcinolone acetonide
0.1%
Cream
Thames

KENALOG
Triamcinolone acetonide
0.025%
Cream
Thames

KENALOG
Triamcinolone acetonide
0.5%
Ointment
Clay-Park

KENALOG
Triamcinolone acetonide
0.1%
Cream
Clay-Park

KENALOG
Triamcinolone acetonide
0.025%
Cream
Clay-Park

KENALOG
Triamcinolone acetonide
0.1%
Ointment
Clay-Park

KENALOG
Triamcinolone acetonide
0.5%
Cream
Clay-Park

KENALOG
Triamcinolone acetonide
0.025%
Ointment
Clay-Park

*KENALOG IN ORABASE
Triamcinolone acetonide
0.1%
Dental paste
Thames

*KENALOG IN ORABASE
Triamcinolone acetonide
0.1%
Dental paste
Taro

*KWELL
Lindane
1%
Shampoo
Barre-National

*KWELL
Lindane
1%
Lotion
Barre-National

*KWELL
Lindane
1%
Shampoo
Pennex

*KWELL
Lindane
1%
Lotion
Pennex

LANOXIN
Digoxin
0.05 mg/ml
Elixir, pediatric
Roxane

LANOXIN
Digoxin
0.25 mg
Tablet
Halsey

LANOXIN
Digoxin
0.125 mg
Tablet
Halsey

LASIX
Furosemide
80 mg
Tablet
Geneva

LASIX
Furosemide
20 mg
Tablet
Geneva

LASIX
Furosemide
40 mg
Tablet
Geneva

LASIX
Furosemide
20 mg
Tablet
Lederle

LASIX
Furosemide
80 mg
Tablet
Lederle

LASIX
Furosemide
40 mg
Tablet
Lederle

LASIX
Furosemide
80 mg
Tablet
Mylan

LASIX
Furosemide
20 mg
Tablet
Mylan

LASIX
Furosemide
40 mg
Tablet
Mylan

LASIX
Furosemide
80 mg
Tablet
Watson

LASIX
Furosemide
40 mg
Tablet
Zenith

LASIX
Furosemide
20 mg
Tablet
Zenith

LASIX
Furosemide
40 mg
Tablet
Watson

LASIX
Furosemide
20 mg
Tablet
Watson

LASIX
Furosemide
20 mg
Tablet
Roxane

LASIX
Furosemide
40 mg
Tablet
Roxane

LASIX
Furosemide
10 mg/ml
Solution
Roxane

LASIX
Furosemide
80 mg
Tablet
Danbury

LASIX
Furosemide
20 mg
Tablet
Danbury

LASIX
Furosemide
40 mg
Tablet
Danbury

LEVSIN
L-hyoscyamine sulfate
0.125 mg/5 ml
Elixir
Hi-Tech

LEVSIN
L-hyoscyamine sulfate
0.125 mg
Tablet
Trinity

LEVSIN
L-hyoscyamine sulfate
0.125 mg
Tablet
Pegasus

LEVSIN
L-hyoscyamine sulfate
0.125 mg
Tablet
Ferndale

LEVSIN
L-hyoscyamine sulfate
0.125 mg/ml
Solution
Pegasus

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
Chelsea

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
Chelsea

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Chelsea

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Barr

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
Barr

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
Barr

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
P-D

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
P-D

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
P-D

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
MK

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
MK

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
MK

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
Geneva

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Geneva

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Halsey

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
Geneva

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
Halsey

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
Halsey

*LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
PBI

*LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
PBI

*LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Richlyn

LIBRIUM
Chlordiazepoxide HCl
10 mg
Capsule
Roche

*LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
PBI

LIBRIUM
Chlordiazepoxide HCl
5 mg
Capsule
Roche

LIBRIUM
Chlordiazepoxide HCl
25 mg
Capsule
Roche

*LIDEX
Fluocinonide
0.05%
Solution
Barre-National

LIDEX
Fluocinonide
0.05%
Cream
Hamilton

LIDEX
Fluocinonide
0.05%
Cream
Thames

*LIDEX
Fluocinonide
0.05%
Cream
Taro

LIDEX
Fluocinonide
0.05%
Solution
Thames

LIDEX
Fluocinonide
0.05%
Ointment
Hamilton

LIDEX
Fluocinonide
0.05%
Emollient
Hamilton

LIDEX
Fluocinonide
0.05%
Solution
Copley

LIDEX
Fluocinonide
0.05%
Solution
Hamilton

LIDEX
Fluocinonide
0.05%
Cream
Clay-Park

LIDEX
Fluocinonide
0.05%
Solution
Copley

LIDEX
Fluocinonide
0.05%
Gel
Lemmon

LIDEX
Fluocinonide
0.05%
Cream
Lemmon

LIDEX
Fluocinonide
0.05%
Ointment
Lemmon

LIDEX
Fluocinonide
0.05%
Solution
Lemmon

LIDEX
Fluocinonide
0.05%
Cream
NMC

LIMBITROL
Chlordiazepoxide with
amitriptyline
5/12.5 mg
Tablet
Mylan

*LIMBITROL
Chlordiazepoxide with
amitriptyline
5/12.5 mg
Tablet
Danbury

*LIMBITROL DS
Chlordiazepoxide with
amitriptyline
10/25 mg
Tablet
Danbury

LIMBITROL DS
Chlordiazepoxide with
amitriptyline
10/25 mg
Tablet
Mylan

*LIORESAL
Baclofen
10 mg
Tablet
Zenith

LIORESAL
Baclofen
20 mg
Tablet
Zenith

LIORESAL
Baclofen
20 mg
Tablet
Biocraft

LIORESAL
Baclofen
10 mg
Tablet
Biocraft

LIORESAL
Baclofen
10 mg
Tablet
Danbury

LIORESAL
Baclofen
20 mg
Tablet
Danbury

LOMOTIL
Diphenoxylate HCl with
atropine sulfate
2.5/0.025 mg
Tablet
Roxane

LOMOTIL
Diphenoxylate HCl 2.5 mg with
atropine sulfate
0.025 mg
Per 5 ml
Liquid
Roxane

LOMOTIL
Diphenoxylate HCl with
atropine sulfate
2.5/0.025 mg
Tablet
P-D

LOMOTIL
Diphenoxylate HCl with
atropine sulfate
2.5/0.025 mg
Tablet
Mylan

LOMOTIL
Diphenoxylate HCl 2.5 mg with
atropine sulfate
0.025 mg
Per 5 ml
Liquid
Mallinckrodt

LOMOTIL
Diphenoxylate HCl with
atropine sulfate
2.5/0.025 mg
Tablet
Halsey

LOMOTIL
Diphenoxylate HCl with
atropine sulfate
2.5/0.025 mg
Tablet
Geneva

LOMOTIL
Diphenoxylate HCl with
atropine sulfate
2.5/0.025 mg
Tablet
MD

LONITEN
Minoxidil
10 mg
Tablet
Danbury

*LONITEN
Minoxidil
2.5 mg
Tablet
Danbury

LONITEN
Minoxidil
10 mg
Tablet
Par

LONITEN
Minoxidil
2.5 mg
Tablet
Par

LOPID
Gemfibrozil
600 mg
Tablet
Lederle

LOPID
Gemfibrozil
600 mg
Tablet
W-C

LOPRESSOR
Metoprolol tartrate
100 mg
Tablet
Danbury

LOPRESSOR
Hydrocodone bitartrate with
acetaminophen
2.5/500 mg
Tablet
Watson

LOPRESSOR
Metoprolol tartrate
50 mg
Tablet
Danbury

LORTAB 7.5/500
Hydrocodone bitartrate with
acetaminophen
7.5/500 mg
Tablet
Watson

LOXITANE
Loxapine as the succinate
5 mg
Capsule
Watson

LOXITANE
Loxapine as the succinate
10 mg
Capsule
Watson

LOXITANE
Loxapine as the succinate
50 mg
Capsule
Watson

LOXITANE
Loxapine as the succinate
25 mg
Capsule
Watson

*LOZOL
Indapamide
2.5 mg
Tablet
Arcola

LUDIOMIL
Maprotiline HCl
75 mg
Tablet
Watson

LUDIOMIL
Maprotiline HCl
25 mg
Tablet
Watson

LUDIOMIL
Maprotiline HCl
50 mg
Tablet
Watson

*LUDIOMIL
Maprotiline HCl
50 mg
Tablet
Mylan

*LUDIOMIL
Maprotiline HCl
25 mg
Tablet
Mylan

*LUDIOMIL
Maprotiline HCl
75 mg
Tablet
Mylan

LURIDE
Sodium fluoride
2.2 mg (1 mg F)
Tablet, chewable
Trinity

LURIDE
Sodium fluoride
0.275 mg (0.125 mg F)/drop
Per drop
Drops
Tri-Med

LURIDE
Sodium fluoride
0.275 mg (0.125 mg F)/drop
Per drop
Drops
Hi-Tech

LURIDE
Sodium fluoride (1 mg F)
2.2 mg
Tablet
Copley

LURIDE
Sodium fluoride (0.5 mg F)
1.1 mg
Tablet
Copley

LURIDE
Sodium fluoride
0.275 mg (0.125 mg F)/drop
Per drop
Drops
Copley

MACRODANTIN
Nitrofurantoin macrocrystals
25 mg
Capsule
Danbury

MACRODANTIN
Nitrofurantoin macrocrystals
100 mg
Capsule
Danbury

MACRODANTIN
Nitrofurantoin macrocrystals
50 mg
Capsule
Danbury

MACRODANTIN
Nitrofurantoin macrocrystals
50 mg
Capsule
Zenith

MACRODANTIN
Nitrofurantoin macrocrystals
100 mg
Capsule
Zenith

*MARAX DF
Ephedrine sulfate 6.25 mg, hydroxyzine
HCl 2.5 mg theophylline 32.5 mg
Per 5 ml
Liquid
Naska/Barre-Nat

MARAX DF
Ephedrine sulfate 6.25 mg, hydroxyzine
HCl 2.5 mg theophylline 32.5 mg
Per 5 ml
Liquid
Halsey

*MARAX DF
Ephedrine sulfate 6.25 mg, hydroxyzine
HCl 2.5 mg theophylline 32.5 mg
Per 5 ml
Liquid
Barre-National

*MAXIDEX
Dexamethasone
0.1%
Ophthalmic
Steris

*MAXITROL
Dexamethasone 0.1%, neomycin sulfate 0.5%, polymyxin B sulfate 10,000 U
Per ml
Suspension
Steris

MAXITROL
Dexamethasone 0.1%, neomycin sulfate 0.5%, polymyxin B sulfate 10,000 U
Per g
Ointment
Bausch & Lomb

*MAXITROL
Dexamethasone 0.1%, neomycin sulfate 0.5%, polymyxin B sulfate 10,000 U
Per ml
Suspension
Bausch & Lomb

*MAXITROL
Dexamethasone 0.1%, neomycin sulfate 0.5%, polymyxin B sulfate 10,000 U
Per ml
Suspension
Iolab

MAXZIDE
Triamterene/ hydrochlorothiazide
75/50 mg
Tablet
Geneva

MAXZIDE
Triamterene/ hydrochlorothiazide
75/50 mg
Tablet
Danbury

MAXZIDE
Triamterene/ hydrochlorothiazide
75/50 mg
Tablet
Watson

MAXZIDE
Triamterene/ hydrochlorothiazide
75/50 mg
Tablet
Barr

MAXZIDE-25 MG
Triamterene/ hydrochlorothiazide
37.5/25 mg
Capsule
Geneva

MECLOMEN
Meclofenamate sodium
50 mg
Capsule
Geneva

MECLOMEN
Meclofenamate sodium
100 mg
Capsule
Geneva

MECLOMEN
Meclofenamate sodium
100 mg
Capsule
Danbury

MECLOMEN
Meclofenamate sodium
50 mg
Capsule
Danbury

MECLOMEN
Meclofenamate sodium
50 mg
Capsule
Mylan

MECLOMEN
Meclofenamate sodium
100 mg
Capsule
Mylan

MEDROL
Methylprednisolone
4 mg
Tablet
Chelsea

MEDROL
Methylprednisolone
4 mg
Tablet
Duramed

MEGACE
Megestrol acetate
40 mg
Tablet
Par

MEGACE
Megestrol acetate
20 mg
Tablet
Par

MELLARIL
Thioridazine HCl
25 mg
Tablet
Mylan

MELLARIL
Thioridazine HCl
10 mg
Tablet
Mylan

MELLARIL
Thioridazine HCl
100 mg
Tablet
Mylan

MELLARIL
Thioridazine HCl
50 mg
Tablet
Mylan

MELLARIL
Thioridazine HCl
100 mg
Tablet
Mutual

MELLARIL
Thioridazine HCl
50 mg
Tablet
Mutual

MELLARIL
Thioridazine HCl
10 mg
Tablet
Mutual

MELLARIL
Thioridazine HCl
25 mg
Tablet
Mutual

MELLARIL
Thioridazine HCl
50 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
30 mg/ml
Concentrate
Geneva

MELLARIL
Thioridazine HCl
100 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
15 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
10 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
200 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
150 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
25 mg
Tablet
Geneva

MELLARIL
Thioridazine HCl
30 mg/ml
Concentrate
Roxane

MELLARIL
Thioridazine HCl
100 mg/ml
Concentrate
Roxane

*MELLARIL
Thioridazine HCl
100 mg/ml
Concentrate
Barre-National

MELLARIL
Thioridazine HCl
50 mg
Tablet
Chelsea

MELLARIL
Thioridazine HCl
100 mg
Tablet
Chelsea

MELLARIL
Thioridazine HCl
10 mg
Tablet
Chelsea

MELLARIL
Thioridazine HCl
150 mg
Tablet
Danbury

*MELLARIL
Thioridazine HCl
30 mg/ml
Concentrate
Copley

MELLARIL
Thioridazine HCl
25 mg
Tablet
Chelsea

MELLARIL
Thioridazine HCl
200 mg
Tablet
Danbury

MELLARIL
Thioridazine HCl
100 mg
Tablet
Danbury

METHOTREXATE
Methotrexate
2.5 mg
Tablet
Mylan

METHOTREXATE
Methotrexate
2.5 mg
Tablet
Barr

MICRO-K 10 EXTENCAPS
Potassium chloride
10 mEq (750 mg)
Capsule, ER
KV

MIDRIN
Acetaminophen,
dichloralphenazone, isometh
eptene mucate
325/100/65 mg
Capsule
Interpharm

*MIDRIN
Acetaminophen,
dichloralphenazone, isometh
eptene mucate
325/100/65 mg
Capsule
J. Stevens

MIDRIN
Acetaminophen,
dichloralphenazone, isometh
eptene mucate
325/100/65 mg
Capsule
Amide

*MIDRIN
Acetaminophen,
dichloralphenazone, isometh
eptene mucate
325/100/65 mg
Capsule
Ferndale

MIDRIN
Acetaminophen,
dichloralphenazone, isometh
eptene mucate
325/100/65 mg
Capsule
Duramed

MIDRIN
Acetaminophen,
dichloralphenazone, isometh
eptene mucate
325/100/65 mg
Capsule
Nutripharm

MINIPRESS
Prazosin
5 mg
Capsule
Mylan

MINIPRESS
Prazosin
1 mg
Capsule
Mylan

MINIPRESS
Prazosin
2 mg
Capsule
Mylan

MINIPRESS
Prazosin
5 mg
Capsule
Purepac

MINIPRESS
Prazosin
1 mg
Capsule
Purepac

MINIPRESS
Prazosin
2 mg
Capsule
Purepac

MINIPRESS
Prazosin
5 mg
Capsule
Lederle

MINIPRESS
Prazosin
2 mg
Capsule
Geneva

MINIPRESS
Prazosin
2 mg
Capsule
Lederle

MINIPRESS
Prazosin
1 mg
Capsule
Geneva

MINIPRESS
Prazosin
1 mg
Capsule
Lederle

MINIPRESS
Prazosin
5 mg
Capsule
Geneva

MINIPRESS
Prazosin
1 mg
Capsule
Danbury

MINIPRESS
Prazosin
2 mg
Capsule
Danbury

MINIPRESS
Prazosin
5 mg
Capsule
Danbury

MINIPRESS
Prazosin
1 mg
Capsule
Zenith

MINIPRESS
Prazosin
2 mg
Capsule
Zenith

MINIPRESS
Prazosin
5 mg
Capsule
Zenith

MINOCIN (pellet & powder filled)
Minocycline HCl
100 mg
Capsule
W-C

MINOCIN (pellet & powder filled)
Minocycline HCl
50 mg
Capsule
W-C

MINOCIN (pellet & powder filled)
Minocycline HCl
100 mg
Capsule
Biocraft

MINOCIN (pellet & powder filled)
Minocycline HCl
50 mg
Capsule
Biocraft

MINOCIN (pellet & powder filled)
Minocycline HCl
50 mg
Capsule
Danbury

MINOCIN (pellet & powder filled)
Minocycline HCl
100 mg
Capsule
Danbury

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5/50 mg
Tablet
West Point

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Royce

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Mylan

*MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Par

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Biocraft

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Barr

MODURETIC 5-50
Amiloride HCl with hydrochlorothiazide
5 mg with 50 mg
Tablet
Geneva

MOTRIN
Ibuprofen
800 mg
Tablet
Geneva

MOTRIN
Ibuprofen
400 mg
Tablet
Geneva

MOTRIN
Ibuprofen
800 mg
Tablet
Interpharm

MOTRIN
Ibuprofen
600 mg
Tablet
Geneva

MOTRIN
Ibuprofen
600 mg
Tablet
Interpharm

MOTRIN
Ibuprofen
400 mg
Tablet
Interpharm

MOTRIN
Ibuprofen
800 mg
Tablet
LuChem/H.N. Norton

MOTRIN
Ibuprofen
600 mg
Tablet
LuChem/H.N. Norton

MOTRIN
Ibuprofen
400 mg
Tablet
LuChem/H.N. Norton

*MOTRIN
Ibuprofen
600 mg
Tablet
Sidmak

MOTRIN
Ibuprofen
600 mg
Tablet
TEVA

MOTRIN
Ibuprofen
800 mg
Tablet
TEVA

MOTRIN
Ibuprofen
400 mg
Tablet
TEVA

*MOTRIN
Ibuprofen
800 mg
Tablet
Sidmak

*MOTRIN
Ibuprofen
400 mg
Tablet
Sidmak

MOTRIN
Ibuprofen
800 mg
Tablet
Par

*MOTRIN
Ibuprofen
800 mg
Tablet
Danbury

MOTRIN
Ibuprofen
800 mg
Tablet
Upjohn

MOTRIN
Ibuprofen
600 mg
Tablet
Upjohn

MOTRIN
Ibuprofen
400 mg
Tablet
Upjohn

*MOTRIN
Ibuprofen
600 mg
Tablet
Alra

*MOTRIN
Ibuprofen
400 mg
Tablet
Alra

MOTRIN
Ibuprofen
400 mg
Tablet
Boots Labs

MOTRIN
Ibuprofen
800 mg
Tablet
Boots Labs

MOTRIN
Ibuprofen
600 mg
Tablet
Boots Labs

*MOTRIN
Ibuprofen
800 mg
Tablet
Alra

MOTRIN
Ibuprofen
800 mg
Tablet
Mylan

MOTRIN
Ibuprofen
400 mg
Tablet
Par

MOTRIN
Ibuprofen
800 mg
Tablet
Mutual

MOTRIN
Ibuprofen
600 mg
Tablet
Mylan

MOTRIN
Ibuprofen
400 mg
Tablet
Mutual

MOTRIN
Ibuprofen
600 mg
Tablet
Par

MOTRIN
Ibuprofen
400 mg
Tablet
Ohm

MOTRIN
Ibuprofen
300 mg
Tablet
Mutual

MOTRIN
Ibuprofen
600 mg
Tablet
Mutual

MYCITRACIN
Bacitracin 500 U, neomycin 3.5 mg, polymyxin B 5M U
Per g
Ophth ointment
Bausch & Lomb

MYCOLOG-II
Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Cream
Clay-Park

MYCOLOG-II
Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Ointment
Fougera/Altana

MYCOLOG-II
Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Cream
Fougera/Altana

MYCOLOG-II
Nystatin 100,000 U,
triamcinolone acetonide 0.1%
Per g
Ointment
Clay-Park

*MYCOLOG-II
Nystatin 100,000 U,
triamcinolone acetonide 0.1%
Per g
Cream
Lemmon

*MYCOLOG-II
Nystatin 100,000 U,
triamcinolone acetonide 0.1%
Per g
Ointment
Lemmon

MYCOLOG-II
Nystatin 100,000 U,
triamcinolone acetonide 0.1%
Per g
Cream
Savage/Altana

MYCOLOG-II
Nystatin 100,000
U,triamcinolone
acetonide 0.1%
Per g
Ointment
Savage/Altana

MYCOLOG-II
Nystatin 100,000
U,triamcinolone
acetonide 0.1%
Per g
Cream
NMC

MYCOLOG-II
Nystatin 100,000
U,triamcinolone
acetonide 0.1%
Per g
Ointment
NMC

*MYCOLOG-II
Nystatin 100,000
U,triamcinolone
acetonide 0.1%
Per g
Cream
Naska/Barre-Nat

MYCOLOG-II
Nystatin 100,000
U,triamcinolone
acetonide 0.1%
Per g
Cream
Thames

MYCOLOG-II
Nystatin 100,000
U,triamcinolone
acetonide 0.1%
Per g
Ointment
Taro

MYCOLOG-II
Nystatin 100,000
U,triamcinolone
acetonide 0.1%
Per g
Cream
Taro

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Thames

*MYCOSTATIN
Nystatin
100,000 U/g
Cream
Taro

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Thames

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Lederle

*MYCOSTATIN
Nystatin
100,000 U/g
Cream
Lemmon

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Lemmon

MYCOSTATIN
Nystatin
500,000 U
Tablet
Lemmon

MYCOSTATIN
Nystatin
100,000 U
Tablet, vaginal
Holland-Rantos

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Bausch & Lomb

*MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Barre-National

*MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Biocraft

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Altana

*MYCOSTATIN
Nystatin
100,000 U/g
Cream
Altana

*MYCOSTATIN
Nystatin
100,000 U/g
Ointment
Altana

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Clay-Park

MYCOSTATIN
Nystatin
100,000 U/g
Ointment
Clay-Park

*MYCOSTATIN
Nystatin
500,000 U
Tablet
Eon

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Clay-Park

MYCOSTATIN
Nystatin
100,000 U/g
Cream
NMC

MYCOSTATIN
Nystatin
100,000 U/g
Ointment
Naska/Barre-Nat

MYCOSTATIN
Nystatin
100,000 U/g
Ointment
NMC

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Naska/Barre-Nat

MYCOSTATIN
Nystatin
500,000 U
Tablet
Mutual

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Naska/Barre-Nat

MYCOSTATIN
Nystatin
500,000 U
Tablet
PBI

MYCOSTATIN
Nystatin
500,000 U
Tablet
Par

*MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Pennex

MYCOSTATIN
Nystatin
100,000 U
Tablet, vaginal
Sidmak

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Squibb

MYCOSTATIN
Nystatin
500,000 U
Tablet
Squibb

MYCOSTATIN
Nystatin
100,000 U/ml
Suspension
Roxane

MYCOSTATIN
Nystatin
100,000 U/g
Ointment
Squibb

MYCOSTATIN
Nystatin
100,000 U/g
Cream
Squibb

MYCOSTATIN
Nystatin
100,000 U
Tablet, vaginal
Squibb

*MYSOLINE
Primidone
250 mg
Tablet
Ayerst

MYSOLINE
Primidone
250 mg
Tablet
Danbury

NALDECON
Naldecon substitute
Per 5 ml
Syrup
Hi-Tech

*NALDECON
Naldecon substitute
Per 5 ml
Syrup
LuChem/H.N. Norton

*NALDECON Naldecon substitute Per 5 ml Syrup Barre-National	*NALFON Fenoprofen calcium 600 mg Tablet Lederle	NALFON Fenoprofen calcium 600 mg Tablet Mylan	NAPROSYN Naproxen 500 mg Tablet Copley
NALDECON Naldecon substitute Per 5 ml Syrup Naska/Barre-Nat	NALFON Fenoprofen calcium 600 mg Tablet Chelsea	NALFON Fenoprofen calcium 600 mg Tablet Mutual	NAPROSYN Naproxen 375 mg Tablet Lederle
NALDECON PEDIATRIC Naldecon substitute Per 5 ml Syrup Naska/Barre-Nat	*NALFON Fenoprofen calcium 600 mg Tablet Danbury	NAPROSYN Naproxen 500 mg Tablet Geneva	NAPROSYN Naproxen 250 mg Tablet Hamilton
*NALDECON PEDIATRIC Naldecon substitute Per ml Drops Barre-National	NALFON Fenoprofen calcium 600 mg Tablet Watson	NAPROSYN Naproxen 375 mg Tablet Purepac	NAPROSYN Naproxen 500 mg Tablet Lederle
NALDECON PEDIATRIC Naldecon substitute Per 5 ml Syrup Barre-National	NALFON Fenoprofen calcium 600 mg Tablet Zenith	NAPROSYN Naproxen 250 mg Tablet TEVA	NAPROSYN Naproxen 500 mg Tablet Mylan
NALDECON PEDIATRIC Naldecon substitute Per ml Drops Liquipharm	NALFON Fenoprofen calcium 300 mg Capsule Watson	NAPROSYN Naproxen 250 mg Tablet Mylan	NAPROSYN Naproxen 500 mg Tablet Hamilton
NALDECON PEDIATRIC Naldecon substitute Per 5 ml Syrup LuChem/H.N. Norton	NALFON Fenoprofen calcium 300 mg Capsule W-C	NAPROSYN Naproxen 375 mg Tablet TEVA	NAPROSYN Naproxen 375 mg Tablet Copley
NALDECON PEDIATRIC Naldecon substitute Per ml Drops Hi-Tech	NALFON Fenoprofen calcium 200 mg Capsule W-C	NAPROSYN Naproxen 500 mg Tablet TEVA	NAPROSYN Naproxen 250 mg Tablet Copley
NALDECON PEDIATRIC Naldecon substitute Per 5 ml Syrup Hi-Tech	NALFON Fenoprofen calcium 200 mg Capsule Watson	NAPROSYN Naproxen 375 mg Tablet Hamilton	NAPROSYN Naproxen 375 mg Tablet Geneva
NALDECON PEDIATRIC Naldecon substitute Per ml Drops LuChem/H.N. Norton	NALFON Fenoprofen calcium 600 mg Tablet Purepac	NAPROSYN Naproxen 250 mg Tablet Geneva	NAPROSYN Naproxen 250 mg Tablet Lederle
NALFON Fenoprofen calcium 300 mg Capsule Geneva	NALFON Fenoprofen calcium 200 mg Capsule Par	NAPROSYN Naproxen 500 mg Tablet Purepac	NATALINS RX Prenatal vitamins Per tablet Tablet Copley
NALFON Fenoprofen calcium 600 mg Tablet Geneva	NALFON Fenoprofen calcium 600 mg Tablet Par	NAPROSYN Naproxen 250 mg Tablet Purepac	NAVANE Thiothixene 10 mg Capsule Danbury
NALFON Fenoprofen calcium 200 mg Capsule Geneva	NALFON Fenoprofen calcium 300 mg Capsule Par	NAPROSYN Naproxen 375 mg Tablet Mylan	NAVANE Thiothixene 2 mg Capsule Danbury

NAVANE
Thiothixene
1 mg
Capsule
Danbury

NAVANE
Thiothixene
5 mg
Capsule
Danbury

NAVANE
Thiothixene
5 mg
Capsule
Geneva

NAVANE
Thiothixene
10 mg
Capsule
Geneva

NAVANE
Thiothixene
2 mg
Capsule
Geneva

NAVANE
Thiothixene
1 mg
Capsule
Geneva

*NAVANE
Thiothixene
5 mg
Capsule
Mylan

*NAVANE
Thiothixene
2 mg
Capsule
Mylan

*NAVANE
Thiothixene
1 mg
Capsule
Mylan

*NAVANE
Thiothixene
10 mg
Capsule
Mylan

*NAVANE CONCENTRATE
Thiothixene HCl
5 mg/ml
Concentrate
Copley

NAVANE CONCENTRATE
Thiothixene HCl
5 mg/5 ml
Liquid
Roxane

NAVANE CONCENTRATE
Thiothixene HCl
5 mg/ml
Concentrate
Barre-National

NEGGRAM
Nalidixic acid
1 gm
Tablet
Danbury

NEGGRAM
Nalidixic acid
500 mg
Tablet
Danbury

NEODECADRON
Neomycin (as sulfate) 3.5 mg, dexamethasone sodium phosphate 1 mg
Per ml
Solution
Steris

NEOSPORIN OPHTHALMIC
Gramicidin 0.025 mg, neomycin as sulfate 1.75 mg, polymyxin B sulfate 10,000 U
Per ml
Solution
Steris

NEOSPORIN OPHTHALMIC
Gramicidin 0.025 mg, neomycin as sulfate 1.75 mg, polymyxin B sulfate 10,000 U
Per ml
Solution
Bausch & Lomb

NEOSPORIN OPHTHALMIC
Neomycin 3.5 mg, polymyxin B sulfate
10,000 U with bacitracin zinc 400 U
Per g
Ointment
B-W

*NEOSPORIN OPHTHALMIC
Neomycin 3.5 mg, polymyxin B sulfate
10,000 U with bacitracin zinc 400 U
Per g
Ointment
Altana

NEOSPORIN OPHTHALMIC
Neomycin 3.5 mg, polymyxin B sulfate
10,000 U with bacitracin zinc 400 U
Per g
Ointment
Allergan

*NEPTAZANE
Methazolamide
25 mg
Tablet
Geneva

NITRO-BID
Nitroglycerin
20 mg/g
Ointment
P-D

*NITRO-BID
Nitroglycerin
20 mg/g
Ointment
Altana

NOCTEC
Chloral hydrate
250 mg
Capsule
Pharmacaps

*NOCTEC
Chloral hydrate
500 mg/5 ml
Syrup
Pennex

NOCTEC
Chloral hydrate
500 mg/5 ml
Syrup
Squibb

NOCTEC
Chloral hydrate
500 mg
Capsule
Squibb

*NOCTEC
Chloral hydrate
500 mg/5 ml
Syrup
Roxane

NOCTEC
Chloral hydrate
500 mg
Capsule
Pharmacaps

NOCTEC
Chloral hydrate
500 mg/5 ml
Syrup
Liquipharm

NOCTEC
Chloral hydrate
500 mg
Capsule
P-D

NOCTEC
Chloral hydrate
500 mg/5 ml
Syrup
MK

NOCTEC
Chloral hydrate
500 mg
Capsule
Encapsulations

NOLVADEX
Tamoxifen citrate
10 mg
Tablet
Zeneca

NORPACE
Disopyramide phosphate
150 mg
Capsule
Danbury

NORPACE
Disopyramide phosphate
100 mg
Capsule
Danbury

NORPACE
Disopyramide phosphate
150 mg
Capsule
Biocraft

NORPACE
Disopyramide phosphate
100 mg
Capsule
Biocraft

NORPACE
Disopyramide phosphate
100 mg
Capsule
Geneva

NORPACE
Disopyramide phosphate
150 mg
Capsule
Geneva

NORPRAMIN
Desipramine HCl
50 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
100 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
75 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
10 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
25 mg
Tablet
Geneva

NORPRAMIN
Desipramine HCl
75 mg
Tablet
Sidmak

NORPRAMIN
Desipramine HCl
50 mg
Tablet
Sidmak

NORPRAMIN
Desipramine HCl
25 mg
Tablet
Sidmak

*NORPRAMIN
Desipramine HCl
50 mg
Tablet
Eon

*NORPRAMIN
Desipramine HCl
75 mg
Tablet
Eon

*NORPRAMIN
Desipramine HCl
100 mg
Tablet
Eon

*NORPRAMIN
Desipramine HCl
25 mg
Tablet
Eon

NOVAFED A
Pseudoephedrine HCl with chlorpheniramine maleate
120/8 mg
Capsule
Ferndale

*NOVAHISTINE DH
Pseudophedrine HCl, chlorpheniramine maleate, and codeine phosphate
30/2/10 mg
Elixir
Barre-National

NOVAHISTINE DH
Pseudophedrine HCl 30 mg, codeine phosphate 10 mg, chlorpheniramine maleate 2 mg
Per 5 ml
Liquids
Halsey

NUCOFED EXPECTORANT
Pseudophedrine HCl 60 mg, codeine phosphate 20 mg, guaifenesin 200 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

NUCOFED EXPECTORANT
Pseudophedrine HCl 60 mg, codeine phosphate 20 mg, guaifenesin 200 mg
Per 5 ml
Syrup
Barre-National

NUCOFED PEDIATRIC EXPECTORANT
Pseudophedrine HCl 30 mg, codeine phosphate 10 mg, guaifenesin 100 mg
Per 5 ml
Syrup
Barre-National

NUCOFED PEDIATRIC EXPECTORANT
Pseudophedrine HCl 30 mg, codeine phosphate 10 mg, guaifenesin 100 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

ORINASE
Tolbutamide
0.5 g
Tablet
Zenith

ORINASE
Tolbutamide
0.5 g
Tablet
Chelsea

ORINASE
Tolbutamide
0.5 g
Tablet
Danbury

*ORINASE
Tolbutamide
0.5 g
Tablet
Eon

ORINASE
Tolbutamide
0.5 g
Tablet
Mylan

ORNADE
Chlorpheniramine maleate, phenylpropanolamine
12/75 mg
Capsule, ER
Geneva

ORTHO-NOVUM 1/35
Norethindrone with ethinyl estradiol
1 mg/35 mcg
Tablet, 21s
Syntex*

ORTHO-NOVUM 1/35
Norethindrone with ethinyl estradiol
1 mg/35 mcg
Tablet, 21s
Gedeon-Richter

ORTHO-NOVUM 1/50
Norethindrone with mestranol
1 mg/50 mcg
Tablet, 28s
Watson

ORTHO-NOVUM 1/50
Norethindrone with mestranol
1 mg/50 mcg
Tablet, 28s
Syntex*

*ORUDIS
Ketoprofen
25 mg
Capsule
Lederle

*ORUDIS
Ketoprofen
50 mg
Capsule
Lederle

*ORUDIS
Ketoprofen
75 mg
Capsule
Lederle

ORUDIS
Ketoprofen
25 mg
Capsule
Biocraft

ORUDIS
Ketoprofen
75 mg
Capsule
Biocraft

ORUDIS
Ketoprofen
50 mg
Capsule
Biocraft

PAMELOR
Nortriptyline HCl
50 mg
Capsule
Danbury

PAMELOR
Nortriptyline HCl
25 mg
Capsule
Danbury

PAMELOR
Nortriptyline HCl
75 mg
Capsule
Danbury

PAMELOR
Nortriptyline HCl
10 mg
Capsule
Danbury

*PAMELOR
Nortriptyline HCl
25 mg
Capsule
Geneva

*PAMELOR
Nortriptyline HCl
10 mg
Capsule
Geneva

*PAMELOR
Nortriptyline HCl
50 mg
Capsule
Geneva

*PAMELOR
Nortriptyline HCl
75 mg
Capsule
Geneva

PAMELOR
Nortriptyline HCl
10 mg
Capsule
Creighton

PAMELOR
Nortriptyline HCl
25 mg
Capsule
Creighton

PAMELOR
Nortriptyline HCl
25 mg
Capsule
Mylan

PAMELOR
Nortriptyline HCl
50 mg
Capsule
Creighton

PAMELOR
Nortriptyline HCl
10 mg
Capsule
Mylan

PAMELOR
Nortriptyline HCl
75 mg
Capsule
Creighton

PAMELOR
Nortriptyline HCl
50 mg
Capsule
Mylan

PAMELOR
Nortriptyline HCl
75 mg
Capsule
Mylan

PANOXYL AQ 2 1/2
Benzoyl peroxide
2.5%
Gel
Syosset

PANOXYL AQ 2 1/2
Benzoyl peroxide
2.5%
Gel
Glades

PANOXYL AQ 2 1/2
Benzoyl peroxide
2.5%
Gel
Derm Prod/Owen

PARAFLEX
Chlorzoxazone
250 mg
Tablet
Amide

PARAFLEX
Chlorzoxazone
250 mg
Tablet
Geneva

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Lemmon

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Geneva

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Ferndale

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Danbury

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Mutual

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Barr

PARAFON FORTE DSC
Chlorzoxazone
500 mg
Tablet
Royce

PEDIAZOLE
Generic substitute
Per 5 ml
For suspension
Barr

PEDIAZOLE
Pediazole substitute
Per 5 ml
For suspension
Alra

*PEDIOTIC
Hydrocortisone 1%, neomycin sulfate 3.5 mg-base-/ml, polymyxin B sulfate 10,000 U/ml
Otic suspension
Bausch & Lomb*

PENTIDS
Penicillin G potassium
200,000 U
Tablet
Biocraft

PENTIDS
Penicillin G potassium
400,000 U
Tablet
Biocraft

PENTIDS
Penicillin G potassium
200,000 U/5 ml
For solution
Squibb

PENTIDS
Penicillin G potassium
400,000 U/5 ml
For solution
Squibb

PENTIDS
Penicillin G potassium
400,000 U
Tablet
Squibb

PENTIDS
Penicillin G potassium
200,000 U
Tablet
Squibb

PENTIDS
Penicillin G potassium
800,000 U
Tablet
Squibb

PENTIDS
Penicillin G potassium
200,000 U
Tablet
Copanos

PENTIDS
Penicillin G potassium
400,000 U
Tablet
Copanos

PENTIDS
Penicillin G potassium
400,000 U
Tablet
Wyeth

PENTIDS
Penicillin G potassium
200,000 U
Tablet
Wyeth

PENTIDS
Penicillin G potassium
200,000 U/5 ml
For solution
Mylan

PENTIDS
Penicillin G potassium
400,000 U/5 ml
For solution
Mylan

PENTIDS
Penicillin G potassium
400,000 U
Tablet
Mylan

PENTIDS
Penicillin G potassium
800,000 U
Tablet
Mylan

PENTIDS
Penicillin G potassium
200,000 U
Tablet
Mylan

PERCOCET
Oxycodone HCl with acetaminophen
5/325 mg
Tablet
Roxane

PERCOCET
Oxycodone HCl with acetaminophen
5/325 mg
Tablet
Halsey

PERCODAN
Oxycodone HCl, oxycodone terephthalate, aspirin
4.5/0.38/325 mg
Tablet
Roxane

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Sidmak

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Par

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Geneva

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Halsey

PERIACTIN
Cyproheptadine HCl
2 mg/5 ml
Syrup
Halsey

*PERIACTIN
Cyproheptadine HCl
2 mg/5 ml
Syrup
Naska/Barre-Nat

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Mylan

PERIACTIN
Cyproheptadine HCl
4 mg
Syrup
Camall

*PERIACTIN
Cyproheptadine HCl
2 mg/5 ml
Syrup
Barre-National

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Zenith

PERIACTIN
Cyproheptadine HCl
4 mg
Tablet
Chelsea

PERSANTINE
Dipyridamole
75 mg
Tablet
Chelsea

PERSANTINE
Dipyridamole
50 mg
Tablet
Chelsea

PERSANTINE
Dipyridamole
25 mg
Tablet
Mutual

PERSANTINE
Dipyridamole
50 mg
Tablet
Mutual

PERSANTINE
Dipyridamole
75 mg
Tablet
Mutual

PERSANTINE
Dipyridamole
75 mg
Tablet
Sidmak

PERSANTINE
Dipyridamole
75 mg
Tablet
Purepac

PERSANTINE
Dipyridamole
25 mg
Tablet
Purepac

PERSANTINE
Dipyridamole
25 mg
Tablet
Sidmak

PERSANTINE
Dipyridamole
50 mg
Tablet
Purepac

PERSANTINE
Dipyridamole
50 mg
Tablet
Sidmak

PERSANTINE
Dipyridamole
50 mg
Tablet
Lederle

PERSANTINE
Dipyridamole
25 mg
Tablet
Geneva

PERSANTINE
Dipyridamole
25 mg
Tablet
Lederle

PERSANTINE
Dipyridamole
75 mg
Tablet
Geneva

PERSANTINE
Dipyridamole
50 mg
Tablet
Geneva

PERSANTINE
Dipyridamole
75 mg
Tablet
Lederle

PERSANTINE
Dipyridamole
50 mg
Tablet
Barr

PERSANTINE
Dipyridamole
25 mg
Tablet
Barra

PERSANTINE
Dipyridamole
75 mg
Tablet
Barr

PHENAPHEN WITH CODEINE
Acetaminophen with codeine
60 mg codeine
Tablet, #4
Lemmon

PHENAPHEN WITH CODEINE
Acetaminophen with codeine
30 mg codeine
Tablet, #3
Lemmon

*PHENERGAN
Promethazine HCl
6.25 mg/5 ml
Syrup
Halsey

*PHENERGAN
Promethazine HCl
6.25 mg/5 ml
Syrup
Cenci

*PHENERGAN
Promethazine HCl
6.25 mg/5 ml
Syrup
Barre-National

*PHENERGAN DM
Promethazine HCl 6.25 mg, dextromethorphan HBr 15 mg
Per 5 ml
Syrup
Barre-National

PHENERGAN DM
Promethazine HCl 6.25 mg, dextromethorphan HBr 15 mg
Per 5 ml
Syrup
Halsey

PHENERGAN VC
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg
Per 5 ml
Syrup
Halsey

*PHENERGAN VC
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg
Per 5 ml
Syrup
Barre-National

*PHENERGAN VC
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg
Per 5 ml
Syrup
Cenci

*PHENERGAN VC/CODEINE
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Cenci

*PHENERGAN VC/CODEINE
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Barre-National

PHENERGAN VC/CODEINE
Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Halsey

PHENERGAN/CODEINE
Promethazine HCl 6.25 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Halsey

*PHENERGAN/CODEINE
Promethazine HCl 6.25 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Barre-National

PHENERGAN/CODEINE
Promethazine HCl 6.25 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Cenci

PHOS-FLUR
Fluorine 0.2 mg from 0.44 mg sodium fluoride
Per ml
Rinse/Supplement
Copley

PHOS-FLUR
Fluorine 0.2 mg from 0.44 mg sodium fluoride
Per ml
Rinse/Supplement
Liquipharm

*POLY-VI-FLOR
Multiple vitamins with fluoride
0.5 mg F/ml
Drops
Hi-Tech

*POLY-VI-FLOR
Multiple vitamins with fluoride
0.25 mg F/ml
Drops
Hi-Tech

*POLY-VI-FLOR
Multiple vitamins with fluoride
0.25 mg F/ml
Drops
Cenci

POLY-VI-FLOR
POLY-VI-FLOR Substitute
1.0 mg F
Tablet, chewable
Amide

*POLY-VI-FLOR
Multiple vitamins with fluoride
0.5 mg F/ml
Drops
Barre-National

POLY-VI-FLOR
Multiple vitamins with fluoride
0.25 mg F/ml
Drops
Barre-National

*POLY-VI-FLOR
POLY-VI-FLOR Substitute
0.5 mg F
Tablet, chewable
Amide

POLY-VI-FLOR
POLY-VI-FLOR Substitute
1.0 mg F
Tablet, chewable
Copley

POLY-VI-FLOR
POLY-VI-FLOR Substitute
0.5 mg F
Tablet, chewable
Copley

*POLY-VI-FLOR
Multiple vitamins with fluoride
0.25 mg F/ml
Drops
Tri-Med

*POLY-VI-FLOR
Multiple vitamins with fluoride
0.5 mg F/ml
Drops
Tri-Med

*POLY-VI-FLOR WITH IRON
POLY-VI-FLOR WITH IRON Substitute
0.25 mg F/ml
Liquid drops
Hi-Tech

POLY-VI-FLOR WITH IRON
POLY-VI-FLOR WITH IRON Substitute
0.5 mg
Tablet, chewable
Copley

POLY-VI-FLOR WITH IRON
POLY-VI-FLOR WITH IRON Substitute
1 mg
Tablet, chewable
Copley

*POLY-VI-FLOR WITH IRON
POLY-VI-FLOR WITH IRON Substitute
1 mg
Tablet, chewable
Amide

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Beecham

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Beecham

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Bristol-Myers

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Biocraft

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Bristol-Myers

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Biocraft

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Biocraft

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Bristol-Myers

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Beecham

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Beecham

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Biocraft

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Bristol-Myers

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Wyeth

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Wyeth

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Wyeth

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Wyeth

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Squibb

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Squibb

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Squibb

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Squibb

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Mylan

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Mylan

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Mylan

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Mylan

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
P-D

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
P-D

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
P-D

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
P-D

*POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Clonmel

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Copanos

*POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Clonmel

*POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Clonmel

POLYCILLIN
Ampicillin/ampicillin trihydrate
500 mg
Capsule
Copanos

POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg
Capsule
Copanos

POLYCILLIN
Ampicillin/ampicillin trihydrate
125 mg/5 ml
For suspension
Copanos

*POLYCILLIN
Ampicillin/ampicillin trihydrate
250 mg/5 ml
For suspension
Clonmel

POLYSPORIN
Bacitracin zinc 500 U,
polymyxin B
sulfate 10,000 U
Per g
Ointment
Bausch & Lomb

PRAMET FA
PRAMET FA Substitute
Per tablet
Tablet
Copley

PROBANTHINE
Propantheline bromide
15 mg
Tablet
Danbury

*PROBANTHINE
Propantheline bromide
15 mg
Tablet
Roxane

PROBANTHINE
Propantheline bromide
15 mg
Tablet
Par

PROCAN SR
Procainamide modified release
500 mg
Tablet
Sidmak

PROCAN SR
Procainamide modified release
250 mg
Tablet
Sidmak

PROCAN SR
Procainamide modified release
500 mg
Tablet
Danbury

PROCAN SR
Procainamide modified release
750 mg
Tablet
Danbury

*PROCAN SR
Procainamide modified release
250 mg
Tablet
Danbury

*PROCAN SR
Procainamide modified release
500 mg
Tablet
Copley

PROCARDIA
Nifedipine
10 mg
Capsule
Purepac

PROCARDIA
Nifedipine
20 mg
Capsule
Purepac

PROCARDIA
Nifedipine
10 mg
Capsule
Chase

PROCARDIA
Nifedipine
20 mg
Capsule
Chase

PROCARDIA
Nifedipine
10 mg
Capsule
Novopharm

PROCARDIA
Nifedipine
10 mg
Capsule
Miles

PROCARDIA
Nifedipine
20 mg
Capsule
Miles

PROCTOFOAM HC
Hydrocortisone acetate with
pramoxine HCl
1/1%
Topical aerosol
Copley

PROLIXIN
Fluphenazine HCl
5 mg/ml
Concentrate
Copley

*PROLIXIN
Fluphenazine HCl
5 mg
Tablet
Mylan

*PROLIXIN
Fluphenazine HCl
2.5 mg
Tablet
Mylan

PROLIXIN
Fluphenazine HCl
1 mg
Tablet
Mylan

PROLIXIN
Fluphenazine HCl
2.5 mg
Tablet
Par

PROLIXIN
Fluphenazine HCl
5 mg
Tablet
Par

PROLIXIN
Fluphenazine HCl
1 mg
Tablet
Par

*PROLIXIN
Fluphenazine HCl elixir
0.5 mg/ml
Elixir
Coley

*PROLIXIN
Fluphenazine HCl injection
2.5 mg/ml
Liquid
Lyphomed

PROLIXIN
Fluphenazine HCl
10 mg
Tablet
Par

*PROLIXIN
Fluphenazine decanoate injection
25 mg/ml
Liquid
Lyphomed

*PROLIXIN
Fluphenazine HCl
2.5 mg
Tablet
Geneva

*PROLIXIN
Fluphenazine HCl
5 mg
Tablet
Geneva

*PROLIXIN
Fluphenazine HCl
1 mg
Tablet
Geneva

PROLOPRIM
Trimethoprim
100 mg
Tablet
Danbury

*PROLOPRIM
Trimethoprim
200 mg
Tablet
Biocraft

PROLOPRIM
Trimethoprim
100 mg
Tablet
Biocraft

*PRONESTYL
Procainamide HCl
500 mg
Capsule
Geneva

*PRONESTYL
Procainamide HCl
250 mg
Capsule
Geneva

PRONESTYL
Procainamide HCl
500 mg
Capsule
Squibb

PRONESTYL
Procainamide HCl
375 mg
Capsule
Squibb

PRONESTYL
Procainamide HCl
250 mg
Capsule
Squibb

PRONESTYL
Procainamide HCl
500 mg
Capsule
Chelsea

PRONESTYL
Procainamide HCl
375 mg
Capsule
Chelsea

PRONESTYL
Procainamide HCl
250 mg
Capsule
Chelsea

PRONESTYL
Procainamide HCl
375 mg
Capsule
Danbury

PRONESTYL
Procainamide HCl
500 mg
Capsule
Danbury

PRONESTYL
Procainamide HCl
250 mg
Capsule
Danbury

PRONESTYL
Procainamide HCl
500 mg
Capsule
Zenith

PRONESTYL
Procainamide HCl
250 mg
Capsule
Zenith

PRONESTYL
Procainamide HCl
375 mg
Capsule
Zenith

PROSTAPHLIN
Oxacillin sodium
250 mg
Capsule
Beecham

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Biocraft

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Biocraft

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Watson

*PROVENTIL
Albuterol sulfate
2 mg/5 ml
Syrup
Watson

*PROVENTIL
Albuterol sulfate
4 mg
Tablet
W-C

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Watson

*PROVENTIL
Albuterol sulfate
2 mg
Tablet
W-C

PROVENTIL
Albuterol sulfate
0.083%
Solution
Copley

PROVENTIL
Albuterol sulfate
2 mg/5 ml
Syrup
Lemmon

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Lemmon

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Geneva

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Geneva

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Lemmon

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Lederle

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Lederle

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Mylan

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Mutual

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Mutual

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Mylan

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Danbury

PROVENTIL
Albuterol sulfate
0.083%
Inhalation soln
Copley

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Copley

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Danbury

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Copley

PROVENTIL
Albuterol sulfate
0.5%
Inhalation soln
Copley

PROVENTIL
Albuterol sulfate
4 mg
Tablet
Sidmak

PROVENTIL
Albuterol sulfate
2 mg
Tablet
Sidmak

*PROVERA
Medroxyprogesterone acetate
2.5 mg
Tablet
Greenstone

*PROVERA
Medroxyprogesterone acetate
5 mg
Tablet
ESI

*PROVERA
Medroxyprogesterone acetate
2.5 mg
Tablet
ESI

*PROVERA
Medroxyprogesterone acetate
5 mg
Tablet
Greenstone

*PROVERA
Medroxyprogesterone acetate
10 mg
Tablet
Greenstone

PROVERA
Medroxyprogesterone acetate
10 mg
Tablet
ESI

PYRIDIUM
Phenazopyridine HCl
200 mg
Tablet
Trinity

PYRIDIUM
Phenazopyridine HCl
100 mg
Tablet
Manuf. Chemists

PYRIDIUM
Phenazopyridine HCl
200 mg
Tablet
Manuf. Chemists

PYRIDIUM
Phenazopyridine HCl
100 mg
Tablet
Trinity

PYRIDIUM
Phenazopyridine HCl
200 mg
Tablet
Amide

PYRIDIUM
Phenazopyridine HCl
100 mg
Tablet
Amide

PYRIDIUM
Phenazopyridine HCl
100 mg
Tablet
Able

PYRIDIUM
Phenazopyridine HCl
200 mg
Tablet
Able

PYRIDIUM
Phenazopyridine HCl
200 mg
Tablet
P-D

QUIBRON
Theophylline 150 mg,
guaifenesin 90 mg
Per 15 ml
Liquid
Naska/Barre-Nat

QUIBRON
Theophylline 150 mg,
guaifenesin 90 mg
Per 15 ml
Liquid
Halsey

*QUIBRON
Theophylline 150 mg,
guaifenesin 90 mg
Per 15 ml
Liquid
Barre-National

QUINAGLUTE DURATABS
Quinidine gluconate
324 mg
Tablet, ER
Mutual

QUINAGLUTE DURATABS
Quinidine gluconate
324 mg
Tablet, ER
Geneva

QUINAGLUTE DURATABS
Quinidine gluconate
324 mg
Tablet, ER
Chelsea

QUINAGLUTE DURATABS
Quinidine gluconate
324 mg
Tablet, ER
Danbury

QUINAMM
Quinine sulfate
260 mg
Tablet
Danbury

QUINAMM
Quinine sulfate
260 mg
Tablet
Chelsea

QUINAMM
Quinine sulfate
260 mg
Tablet
Eon

QUINAMM
Quinine sulfate
260 mg
Tablet
Zenith

QUINAMM
Quinine sulfate
260 mg
Tablet
LuChem/H.N. Norton

QUINAMM
Quinine sulfate
260 mg
Tablet
Interpharm

QUINAMM
Quinine sulfate
260 mg
Tablet
Mutual

*REGLAN
Metoclopramide
10 mg
Tablet
Mutual

REGLAN
Metoclopramide
10 mg
Tablet
Danbury

*REGLAN
Metoclopramide
5 mg/5ml
Syrup
Pennex

REGLAN
Metoclopramide
10 mg
Tablet
Purepac

*REGLAN
Metoclopramide
5 mg/5 ml
Syrup
Silarx

REGLAN
Metoclopramide
5 mg/5 ml
Syrup
Roxane

REGLAN
Metoclopramide
10 mg
Tablet
Biocraft

*REGLAN
Metoclopramide
5 mg/5 ml
Syrup
Biocraft

REGLAN
Metoclopramide
5 mg/5 ml
Syrup
Barre-National

REGLAN
Metoclopramide
10 mg
Tablet
Beecham

*REGLAN
Metoclopramide
5 mg/5 ml
Syrup
Lemmon

REGLAN
Metoclopramide
10 mg
Tablet
Invamed

REGLAN
Metoclopramide
10 mg
Tablet
Geneva

REGLAN
Metoclopramide
10 mg
Tablet
Halsey

REGLAN
Metoclopramide
5 mg
Tablet
Invamed

REGLAN
Metoclopramide
10 mg
Tablet
Watson

REGLAN
Metoclopramide
5 mg/5 ml
Solution
Silarx

RESTORIL
Temazepam
30 mg
Capsule
Par

RESTORIL
Temazepam
15 mg
Capsule
Purepac

RESTORIL
Temazepam
15 mg
Capsule
Par

RESTORIL
Temazepam
15 mg
Capsule
Mylan

*RESTORIL
Temazepam
30 mg
Capsule
Danbury

*RESTORIL
Temazepam
15 mg
Capsule
Danbury

*RESTORIL
Temazepam
15 mg
Capsule
Geneva

*RITALIN
Methylphenidate
10 mg
Tablet
MD

*RITALIN
Methylphenidate
20 mg
Tablet
MD

*RITALIN
Methylphenidate
5 mg
Tablet
MD

*RMS
Morphine sulfate
5 mg
Suppository
Paddock

*RMS
Morphine sulfate
30 mg
Suppository
Paddock

*RMS
Morphine sulfate
20 mg
Suppository
Paddock

*RMS
Morphine sulfate
10 mg
Suppository
Paddock

RMS
Morphine sulfate
5 mg
Suppositories
G&W

RMS
Morphine sulfate
30 mg
Suppositories
G&W

RMS
Morphine sulfate
10 mg
Suppositories
G&W

RMS
Morphine sulfate
20 mg
Suppositories
G&W

ROBAXIN
Methocarbamol
500 mg
Tablet
Chelsea

ROBAXIN
Methocarbamol
750 mg
Tablet
Chelsea

ROBAXIN
Methocarbamol
500 mg
Tablet
Danbury

ROBAXIN
Methocarbamol
750 mg
Tablet
Danbury

ROBAXIN
Methocarbamol
750 mg
Tablet
Lederle

ROBAXIN
Methocarbamol
500 mg
Tablet
Lederle

ROBAXIN
Methocarbamol
500 mg
Tablet
Geneva

ROBAXIN
Methocarbamol
750 mg
Tablet
Geneva

ROBAXIN
Methocarbamol
500 mg
Tablet
West-Ward

ROBAXIN
Methocarbamol
750 mg
Tablet
West-Ward

ROBAXIN
Methocarbamol
750 mg
Tablet
Richlyn

ROBAXIN
Methocarbamol
500 mg
Tablet
Richlyn

*ROBAXISAL
Aspirin, methocarbamol
325/400 mg
Tablet
Par

ROBAXISAL
Aspirin, methocarbamol
325/400 mg
Tablet
Zenith

*ROBITUSSIN A-C
Codeine phosphate 10 mg, guaifenesin
100 mg
Per 5 ml
Syrup
Barre-National

ROBITUSSIN A-C
Codeine phosphate, guaifenesin
10/100 mg
Liquid
Bio-Pharm

ROBITUSSIN A-C
Codeine phosphate, guaifenesin
10/100 mg
Liquid
Halsey

ROBITUSSIN DAC
Guaifenesin, codeine phosphate, pseudoephedrine HCl
100/10/30 mg
Liquid
Halsey

ROBITUSSIN DAC
Guaifenesin, codeine phosphate, pseudoephedrine HCl
100/10/30 mg
Liquid
Bio-Pharm

RONDEC
Carbinoxamine maleate 4 mg with
pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Hi-Tech

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Tablet
Nutripharm

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Cenci

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Barre-National

RONDEC
Carbinoxamine maleate 4 mg with pseudoephedrine HCl 60 mg
Per tablet
Tablet
Anabolic

*RONDEC DM DROPS
Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine CHl 25 mg
Per ml
Oral drops
Barre-National

RONDEC DM DROPS
Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine CHl 25 mg
Per ml
Oral drops
Tri-Med

RONDEC DM DROPS
Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine CHl 25 mg
Per ml
Liquid
Silarx

RONDEC DM DROPS
Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine CHl 25 mg
Per ml
Liquid
Bio-Pharm

*RONDEC DM DROPS
Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine CHl 25 mg
Per ml
Oral drops
Pennex

RONDEC DM DROPS
Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine CHl 25 mg
Per ml
Oral drops
LuChem/H.N. Norton

*RONDEC DM DROPS
Carbinoxamine maleate 2 mg,
dextromethorphan HBr 4 mg,
pseudoephedrine CHl 25 mg
Per ml
Oral drops
Hi-Tech

*RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Hi-Tech

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Hi-Tech

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Tri-Med

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Liquid
Bio-Pharm

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Liquid
Silarx

RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Cenci

*RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Barre-National

*RONDEC DM SYRUP
Carbinoxamine maleate 4 mg,
dextromethorphan HBr 15 mg,
pseudoephedrine CHl 60 mg
Per 5 ml
Syrup
Pennex

ROXANOL
Morphine sulfate
20 mg/ml
Oral solution
Roxane

ROXANOL
Morphone sulfate
20 mg/ml
Oral solution
Upsher-Smith

*RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
Ferndale

*RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
Eon

*RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
Copley

*RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
Invamed

RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
LuChem/H.N. Norton

*RYNATAN
Chlorpheniramine 8 mg,
phenylephrine 25 mg,
pyrilamine 25 mg (each as the
tannate)
Per tablet
Tablet
Mikart

*RYNATAN PEDIATRIC
SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Mikart

RYNATAN PEDIATRIC
SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Duramed

*RYNATAN PEDIATRIC
SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Ferndale

*RYNATAN PEDIATRIC
SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Copley

RYNATAN PEDIATRIC
SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Liquipharm

RYNATAN PEDIATRIC
SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Hi-Tech

*RYNATAN PEDIATRIC
SUSPENSION
Chlorpheniramine 2 mg,
phenylephrine 5 mg,
pyrilamine 12.5 mg (each as the
tannate)
Per 5 ml
Suspension
Barre-National

*RYNATUSS PEDIATRIC
SUSPENSION
Chlorpheneramine 4 mg,
phenylephrine 5 mg,
ephedrine 5 mg,
carbetapentane 30 mg
(each as the tannate)
Per 5 ml
Suspension
Barre-National

RYNATUSS PEDIATRIC
SUSPENSION
Chlorpheniramine 4 mg,
phenylephrine 5 mg,
ephedrine 5 mg,
carbetapentane 30 mg
(each as the tannate)
Per 5 ml
Suspension
Hi-Tech

SELSUN
Selenium sulfide
2.5%
Lotion
Syosset

SELSUN
Selenium sulfide
2.5%
Lotion
Thames

SELSUN
Selenium sulfide
2.5%
Lotion
Allergan

*SELSUN
Selenium sulfide
2.5%
Lotion
Barre-National

SELSUN
Selenium sulfide
2.5%
Lotion
Abbott

SELSUN
Selenium sulfide
2.5%
Lotion
Clay-Park

SERAX
Oxazepam
10 mg
Capsule
Danbury

SERAX
Oxazepam
30 mg
Capsule
Danbury

SERAX
Oxazepam
15 mg
Capsule
Danbury

SERAX
Oxazepam
30 mg
Capsule
Purepac

SERAX
Oxazepam
10 mg
Capsule
Purepac

SERAX
Oxazepam
15 mg
Capsule
Purepac

SERAX
Oxazepam
10 mg
Capsule
Zenith

SERAX
Oxazepam
15 mg
Capsule
Zenith

SERAX
Oxazepam
30 mg
Capsule
Zenith

SILVADENE
Silver sulfadiazine
30 mg
Cream
Sherwood

*SILVADENE
Silver sulfadiazine
30 mg
Cream
Boots Labs

SINEMET
Carbidopa with levodopa
10/100
Tablet
TEVA

SINEMET
Carbidopa with levodopa
25/250
Tablet
TEVA

SINEMET
Carbidopa with levodopa
25/100
Tablet
TEVA

SINEQUAN
Doxepin HCl
50 mg
Capsule
Par

SINEQUAN
Doxepin HCl
25 mg
Capsule
Par

SINEQUAN
Doxepin HCl
100 mg
Capsule
Par

SINEQUAN
Doxepin HCl
150 mg
Capsule
Par

SINEQUAN
Doxepin HCl
10 mg
Capsule
Royce

SINEQUAN
Doxepin HCl
10 mg
Capsule
Par

SINEQUAN
Doxepin HCl
25 mg
Capsule
Royce

SINEQUAN
Doxepin HCl
75 mg
Capsule
Par

SINEQUAN
Doxepin HCl
50 mg
Capsule
Royce

SINEQUAN
Doxepin HCl
10 mg/ml
Oral solution
Pennex

SINEQUAN
Doxepin HCl
10 mg/ml
Oral solution
Copley

SINEQUAN
Doxepin HCl
50 mg
Capsule
Danbury

SINEQUAN
Doxepin HCl
75 mg
Capsule
Danbury

SINEQUAN
Doxepin HCl
100 mg
Capsule
Danbury

SINEQUAN
Doxepin HCl
10 mg
Capsule
Danbury

SINEQUAN
Doxepin HCl
25 mg
Capsule
Danbury

SINEQUAN
Doxepin HCl
100 mg
Capsule
Mylan

SINEQUAN
Doxepin HCl
50 mg
Capsule
Mylan

SINEQUAN
Doxepin HCl
10 mg
Capsule
Mylan

SINEQUAN
Doxepin HCl
25 mg
Capsule
Mylan

SINEQUAN
Doxepin HCl
75 mg
Capsule
Mylan

SINEQUAN
Doxepin HCl
50 mg
Capsule
Geneva

SINEQUAN
Doxepin HCl
10 mg
Capsule
Geneva

SINEQUAN
Doxepin HCl
75 mg
Capsule
Geneva

SINEQUAN
Doxepin HCl
25 mg
Capsule
Geneva

SINEQUAN
Doxepin HCl
100 mg
Capsule
Geneva

SLOW-K
Potassium Cl
8 mEq
Tablet, ER
Copley

*SLOW-K
Potassium Cl
8 mEq
Tablet
Alra

SLOW-K
Potassium Cl
8 mEq
Tablet, ER
Upsher-Smith

SOMA
Carisoprodol
350 mg
Tablet
Geneva

SOMA
Carisoprodol
350 mg
Tablet
Mutual

SOMA
Carisoprodol
350 mg
Tablet
Chelsea

SOMA
Carisoprodol
350 mg
Tablet
Danbury

SOMA COMPOUND
Carisoprodol 200 mg with
aspirin 325 mg
Per tablet
Tablet
Par

*SOMOPHYLLIN
Aminophylline 105 mg
Per 5 ml
Liquid
Barre-National

STELAZINE
Trifluoperazine HCl
10 mg
Tablet
Geneva

STELAZINE
Trifluoperazine HCl
10 mg/ml
Concentrate
Geneva

STELAZINE
Trifluoperazine HCl
5 mg
Tablet
Geneva

STELAZINE
Trifluoperazine HCl
2 mg
Tablet
Geneva

STELAZINE
Trifluoperazine HCl
10 mg
Tablet
Zenith

STELAZINE
Trifluoperazine HCl
5 mg
Tablet
Zenith

STELAZINE
Trifluoperazine HCl
1 mg
Tablet
Zenith

STELAZINE
Trifluoperazine HCl
2 mg
Tablet
Zenith

STUARTNATAL 1 + 1
Prenatal vitamin
Per tablet
Tablet
Eon

STUARTNATAL 1 + 1
Prenatal vitamin
Per tablet
Tablet
J. Stevens

STUARTNATAL 1 + 1
Prenatal vitamin
Per tablet
Tablet
Copley

SULAMYD
Sulfacetamide sodium
10%
Ophth ointment
Ketchum

*SULAMYD
Sulfacetamide sodium
10%
Ophth solution
Akorn

SULAMYD
Sulfacetamide sodium
10%
Ophth solution
Allergan

*SULAMYD
Sulfacetamide sodium
10%
Ophth ointment
Altana

SULAMYD
Sulfacetamide sodium
10%
Ophth ointment
Bausch & Lomb

SULAMYD
Sulfacetamide sodium
30%
Ophth solution
Bausch & Lomb

SULAMYD
Sulfacetamide sodium
10%
Ophth solution
Bausch & Lomb

*SULAMYD
Sulfacetamide sodium
30%
Ophth solution
Steris

SULAMYD
Sulfacetamide sodium
10%
Ophth solution
SMP

*SULAMYD
Sulfacetamide sodium
10%
Ophth solution
Steris

SULAMYD
Sulfacetamide sodium
10%
Ophth solution
Optopics

*SULTRIN
Sulfabenzamide 3.7%,
sulfacetamide 2.86%
sulfathiazole 3.42%
Cream
NMC

*SULTRIN
Sulfabenzamide 3.7%,
sulfacetamide 2.86%
sulfathiazole 3.42%
Cream
G&W

SULTRIN
Sulfabenzamide 3.7%,
sulfacetamide 2.86%
sulfathiazole 3.42%
Cream
Clay-Park

*SULTRIN
Sulfabenzamide 3.7%,
sulfacetamide 2.86%
sulfathiazole 3.42%
Cream
Altana

SURMONTIL
Trimipramine maleate
100 mg
Capsule
PBI

SURMONTIL
Trimipramine maleate
25 mg
Capsule
PBI

SURMONTIL
Trimipramine maleate
50 mg
Capsule
PBI

SYMMETREL
Amantadine HCl
100 mg
Capsule
Invamed

SYMMETREL
Amantadine HCl
100 mg
Capsule
Chase

SYMMETREL
Amantadine HCl
50 mg/5 ml
Syrup
Barre-National

SYMMETREL
Amantadine HCl
50 mg/5 ml
Syrup
Copley

SYNALAR
Fluocinolone acetonide
0.025%
Cream
Clay-Park

SYNALAR
Fluocinolone acetonide
0.01%
Solution
Fougera/Altana

*SYNALAR
Fluocinolone acetonide
0.01%
Cream
Fougera/Altana

*SYNALAR
Fluocinolone acetonide
0.025%
Cream
Fougera/Altana

SYNALAR
Fluocinolone acetonide
0.01%
Cream
G&W

SYNALAR
Fluocinolone acetonide
0.025%
Ointment
Fougera/Altana

SYNALAR
Fluocinolone acetonide
0.025%
Cream
G&W

SYNALAR
Fluocinolone acetonide
0.01%
Cream
Clay-Park

SYNALAR
Fluocinolone acetonide
0.025%
Ointment
G&W

SYNALAR
Fluocinolone acetonide
0.01%
Cream
Syntex

SYNALAR
Fluocinolone acetonide
0.025%
Ointment
Syntex

SYNALAR
Fluocinolone acetonide
0.025%
Cream
Syntex

SYNALAR
Fluocinolone acetonide
0.025%
Cream
Thames

SYNALAR
Fluocinolone acetonide
0.01%
Solution
Thames

SYNALAR
Fluocinolone acetonide
0.01%
Cream
Thames

SYNALAR
Fluocinolone acetonide
0.01%
Solution
Bausch & Lomb

SYNTHROID
Levothyroxine sodium
200 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
125 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
50 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
150 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
25 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
100 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
300 mcg
Tablet
Daniels

*SYNTHROID
Levothyroxine sodium
175 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
75 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
112 mcg
Tablet
Daniels

SYNTHROID
Levothyroxine sodium
88 mcg
Tablet
Daniels

*TAVIST
Clemastine fumarate
0.67 mg/5 ml
Syrup
Copley

TAVIST
Clemastine fumarate
1.34 mg
Tablet
Lemmon

TAVIST
Clemastine fumarate
2.64 mg
Tablet
Lemmon

TEGOPEN
Cloxacillin sodium
monohydrate
500 mg
Capsule
Biocraft

TEGOPEN
Cloxacillin sodium
monohydrate
250 mg
Capsule
Biocraft

TEGOPEN
Cloxacillin sodium
monohydrate
500 mg
Capsule
Beecham

TEGOPEN
Cloxacillin sodium
monohydrate
500 mg
Capsule
Bristol-Myers

TEGOPEN
Cloxacillin sodium
monohydrate
250 mg
Capsule
Beecham

*TEGOPEN
Cloxacillin sodium
monohydrate
125 mg/5 ml
Syrup
Biocraft

TEGOPEN
Cloxacillin sodium
monohydrate
250 mg
Capsule
Bristol-Myers

TEGRETOL
Carbamazepine
200 mg
Tablet
Purepac

TEGRETOL
Carbamazepine
200 mg
Tablet
TEVA

TEGRETOL
Carbamazepine
100 mg
Tablet, chewable
W-C

TEGRETOL
Carbamazepine
200 mg
Tablet
W-C

TEGRETOL
Carbamazepine
100 mg
Tablet, chewable
TEVA

TENORETIC
Atenolol, chlorthalidone
50/25 mg
Tablet
IPR

TENORETIC
Atenolol, chlorthalidone
100/25 mg
Tablet
IPR

*TENORETIC
Atenolol, chlorthalidone
100 mg/25 mg
Tablet
Mutual

*TENORETIC
Atenolol, chlorthalidone
50 mg/25 mg
Tablet
Mutual

TENORETIC
Atenolol, chlorthalidone
50/25 mg
Tablet
Danbury

TENORETIC
Atenolol, chlorthalidone
100/25 mg
Tablet
Danbury

TENORMIN
Atenolol
50 mg
Tablet
Danbury

TENORMIN
Atenolol
100 mg
Tablet
Danbury

*TENORMIN
Atenolol
25 mg
Tablet
IPR

TENORMIN
Atenolol
25 mg
Tablet
Geneva

TENORMIN
Atenolol
100 mg
Tablet
IPR

TENORMIN
Atenolol
50 mg
Tablet
Lederle

TENORMIN
Atenolol
25 mg
Tablet
Lederle

TENORMIN
Atenolol
100 mg
Tablet
Geneva

TENORMIN
Atenolol
50 mg
Tablet
Geneva

TENORMIN
Atenolol
100 mg
Tablet
Lederle

TENORMIN
Atenolol
50 mg
Tablet
IPR

TENORMIN
Atenolol
100 mg
Tablet
Bristol-Myers

TENORMIN
Atenolol
50 mg
Tablet
Bristol-Myers

*TENORMIN
Atenolol
50 mg
Tablet
Novopharm

*TENORMIN
Atenolol
100 mg
Tablet
Novopharm

*TENORMIN
Atenolol
50 mg
Tablet
Mutual

*TENORMIN
Atenolol
100 mg
Tablet
Mutual

TENORMIN
Atenolol
50 mg
Tablet
Mylan

TENORMIN
Atenolol
100 mg
Tablet
Mylan

TERRAMYCIN
Oxytetracycline HCl
250 mg
Capsule
P-D

TERRAMYCIN
Oxytetracycline HCl
250 mg
Capsule
MK

TERRAMYCIN
Oxytetracycline HCl
250 mg
Capsule
West-Ward

*TESSALON PERLES
Benzonatate
100 mg
Capsule
Schering

TESSALON PERLES
Benzonatate
100 mg
Capsule
Pharmacaps

THEO-DUR
Theophylline
450 mg
Tablet
Sidmak

THEO-DUR
Theophylline
100 mg
Tablet
Sidmak

*THEO-ORGANIDIN
Theophylline 120 mg, iodinated
glycerol
30 mg
Per 5 ml
Elixir
Barre-National

THEODUR
Theophylline
100 mg
Tablet
Inwood

THEODUR
Theophylline
300 mg
Tablet
Inwood

THEODUR
Theophylline
200 mg
Tablet
Sidmak

THEODUR
Theophylline
300 mg
Tablet
Sidmak

THORAZINE
Chlorpromazine HCl
100 mg/ml
Concentrate
Roxane

THORAZINE
Chlorpromazine HCl
30 mg/ml
Concentrate
Roxane

THORAZINE
Chlorpromazine HCl
100 mg/ml
Concentrate
Geneva

THORAZINE
Chlorpromazine HCl
30 mg/ml
Concentrate
Geneva

*THORAZINE
Chlorpromazine HCl
100 mg/ml
Concentrate
Barre-National

*TIGAN
Trimethobenzamide HCl
200 mg
Suppository
Bio-Pharm

TIGAN
Trimethobenzamide HCl
100 mg
Suppository
Able

TIGAN
Trimethobenzamide HCl
250 mg
Capsule
Anabolic

TIGAN
Trimethobenzamide HCl
200 mg
Suppository
Able

*TIGAN
Trimethobenzamide HCl
100 mg
Suppository
Bio-Pharm

TIGAN
Trimethobenzamide HCl
200 mg
Suppository
Clay-Park

TIGAN
Trimethobenzamide HCl
100 mg
Suppository
Clay-Park

TIGAN
Trimethobenzamide HCl
200 mg
Suppository
G&W

TIGAN
Trimethobenzamide HCl
100 mg
Suppository
G&W

*TIGAN
Trimethobenzamide HCl
200 mg
Suppository
Paddock

*TIGAN
Trimethobenzamide HCl
100 mg
Suppository
Paddock

TOFRANIL
Imipramine HCl
50 mg
Tablet
Mutual

TOFRANIL
Imipramine HCl
10 mg
Tablet
Mutual

TOFRANIL
Imipramine HCl
25 mg
Tablet
Mutual

*TOFRANIL
Imipramine HCl
50 mg
Tablet
Alra

*TOFRANIL
Imipramine HCl
10 mg
Tablet
Alra

TOFRANIL
Imipramine HCl
25 mg
Tablet
Biocraft

TOFRANIL
Imipramine HCl
50 mg
Tablet
Biocraft

TOFRANIL
Imipramine HCl
10 mg
Tablet
Biocraft

*TOFRANIL
Imipramine HCl
25 mg
Tablet
Alra

TOFRANIL
Imipramine HCl
50 mg
Tablet
Geneva

TOFRANIL
Imipramine HCl
10 mg
Tablet
Geneva

TOFRANIL
Imipramine HCl
25 mg
Tablet
Geneva

TOFRANIL
Imipramine HCl
50 mg
Tablet
Par

*TOFRANIL
Imipramine HCl
50 mg
Tablet
Roxane

*TOFRANIL
Imipramine HCl
25 mg
Tablet
Roxane

TOFRANIL
Imipramine HCl
10 mg
Tablet
Par

TOFRANIL
Imipramine HCl
50 mg
Tablet
Par

*TOFRANIL
Imipramine HCl
10 mg
Tablet
Roxane

*TOLECTIN
Tolmetin sodium
400 mg
Capsule
Mylan

TOLECTIN 200
Tolmetin sodium
200 mg
Tablet
Mutual

*TOLECTIN 200
Tolmetin sodium
200 mg
Tablet
Geneva

TOLECTIN 600
Tolmetin sodium
600 mg
Tablet
Purpac

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
Purepac

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
Geneva

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
TEVA

*TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
Mutual

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
Novopharm

TOLECTIN DS
Tolmetin sodium
400 mg
Capsule
Baker

*TOLINASE
Tolazamide
100 mg
Tablet
Geneva

TOLINASE
Tolazamide
500 mg
Tablet
Geneva

TOLINASE
Tolazamide
250 mg
Tablet
Geneva

TOLINASE
Tolazamide
250 mg
Tablet
Danbury

TOLINASE
Tolazamide
100 mg
Tablet
Danbury

TOLINASE
Tolazamide
500 mg
Tablet
Danbury

TOLINASE
Tolazamide
250 mg
Tablet
PBI

TOLINASE
Tolazamide
500 mg
Tablet
PBI

TOLINASE
Tolazamide
500 mg
Tablet
Mutual

TOLINASE
Tolazamide
500 mg
Tablet
Mylan

TOLINASE
Tolazamide
250 mg
Tablet
Mutual

*TOLINASE
Tolazamide
100 mg
Tablet
Mutual

*TOLINASE
Tolazamide
250 mg
Tablet
Mylan

TOLINASE
Tolazamide
500 mg
Tablet
Zenith

TOLINASE
Tolazamide
100 mg
Tablet
Zenith

*TOLINASE
Tolazamide
250 mg
Tablet
Zenith

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Watson

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
W-C

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
W-C

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
W-C

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Watson

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Watson

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Alra

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Able

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Alra

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Able

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Able

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Alra

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Geneva

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Geneva

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Geneva

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Mylan

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Mylan

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Mylan

TRANXENE
Clorazepate dipotassium
7.5 mg
Tablet
Purpac

TRANXENE
Clorazepate dipotassium
15 mg
Tablet
Purepac

TRANXENE
Clorazepate dipotassium
3.75 mg
Tablet
Purepac

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.25 mg F/ml
Drops
Cenci

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
Per tablet
Tablet, chewable
Amide

*TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.25 mg F/ml
Drops
Barre-National

*TRI-VI-FLOR
Vitamins ADC with fluoride
0.25 mg F/ml
Liquid drops
Cenci

*TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.5 mg F/ml
Drops
Barre-National

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.25 mg F/ml
Drops
Abbott

*TRI-VI-FLOR
Vitamins ADC with fluoride
0.5 mg F/ml
Liquid drops
Cenci

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
Per tablet
Tablet, chewable
Copley

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.5 mg F/ml
Drops
Tri-Med

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.25 mg F/ml
Drops
Tri-Med

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.25 mg F/ml
Drops
Hi-Tech

TRI-VI-FLOR
Vitamins ADC with fluoride.
Per tablet:
F,1 mg
A,2500 U
D,400 U
C,60 mg
0.5 mg F/ml
Drops
Hi-Tech

TRI-VI-FLOR WITH IRON
Tri-Vi-Flor with iron substitute
0.25 mg/ml
Drops, liquid
Hi-Tech

*TRIAVIL
Perphenazine with amitriptyline
4/25
Tablet
Geneva

*TRIAVIL
Perphenazine with amitriptyline
4/10
Tablet
Geneva

*TRIAVIL
Perphenazine with amitriptyline
2/25
Tablet
Geneva

*TRIAVIL
Perphenazine with amitriptyline
2/10
Tablet
Geneva

*TRIAVIL
Perphenazine with amitriptyline
4/50
Tablet
Geneva

*TRIAVIL
Perphenazine with amitriptyline
4/50
Tablet
Danbury

TRIAVIL
Perphenazine with amitriptyline
2/10
Tablet
Royce

TRIAVIL
Perphenazine with amitriptyline
4/25
Tablet
Royce

TRIAVIL
Perphenazine with amitriptyline
2/25
Tablet
Royce

TRIAVIL
Perphenazine with amitriptyline
4/10
Tablet
Royce

TRIAVIL
Perphenazine with amitriptyline
4/50
Tablet
Zenith

TRIAVIL
Perphenazine with amitriptyline
4/25
Tablet
Zenith

TRIAVIL
Perphenazine with amitriptyline
2/25
Tablet
Zenith

TRIAVIL
Perphenazine with amitriptyline
2/10
Tablet
Zenith

TRIAVIL
Perphenazine with amitriptyline
4/10
Tablet
Zenith

TRIAVIL
Perphenazine with amitriptyline
4/50
Tablet
Mylan

*TRIAVIL
Perphenazine with amitriptyline
4/25
Tablet
Mylan

*TRIAVIL
Perphenazine with amitriptyline
2/25
Tablet
Mylan

*TRIAVIL
Perphenazine with amitriptyline
4/10
Tablet
Mylan

*TRIAVIL
Perphenazine with amitriptyline
2/10
Tablet
Mylan

TRIDESILON
Desonide
0.05%
Cream
Derm Prod/Owen

*TRIDESILON
Desonide
0.05%
Cream
Copley

TRIDESILON
Desonide
0.05%
Cream
Taro

TRILAFON
Perphenazine
2 mg
Tablet
Zenith

TRILAFON
Perphenazine
16 mg
Tablet
Zenith

TRILAFON
Perphenazine
8 mg
Tablet
Zenith

TRILAFON
Perphenazine
4 mg
Tablet
Zenith

TRILAFON
Perphenazine
4 mg
Tablet
Geneva

TRILAFON
Perphenazine
8 mg
Tablet
Geneva

TRILAFON
Perphenazine
2 mg
Tablet
Geneva

TRILAFON
Perphenazine
16 mg
Tablet
Geneva

TRILISATE
Choline magnesium salicylate
500 mg
Tablet
Invamed

TRILISATE
Choline magnesium salicylate
750 mg
Tablet
Invamed

*TRILISATE
Choline magnesium salicylate
500 mg
Tablet
Able

*TRILISATE
Choline magnesium salicylate
1 g
Tablet
Able

*TRILISATE
Choline magnesium salicylate
750 mg
Tablet
Able

TRILISATE
Choline magnesium salicylate
500 mg
Tablet
Sidmak

TRILISATE
Choline magnesium salicylate
750 mg
Tablet
Sidmak

TRILISATE
Choline magnesium salicylate
1 g
Tablet
Sidmak

TUSSEND EXPECTORANT
Guaifenesin 200 mg,
hydrocodone
bitartrate 5 mg,
pseudoephedrine HC1 60 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

*TUSSEND EXPECTORANT
Guaifenesin 200 mg,
hydrocodone
bitartrate 5 mg,
pseudoephedrine HC1 60 mg
Per 5 ml
Syrup
Barre-National

*TUSSEND SYRUP
Hydrocodone bitartrate 5 mg,
pseudoephedrine HC1 60 mg
Per 5 ml
Syrup
Barre-National

*TUSSEND SYRUP
Hydrocodone bitartrate 5 mg,
pseudoephedrine HC1 60 mg
Per 5 ml
Syrup
Pennex

*TUSSEND SYRUP
Hydrocodone bitartrate 5 mg,
pseudoephedrine HC1 60 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

TWIN-K
Potassium gluconate 15 mEq
with potassium citrate 5 mEq
20 mEq K/15 ml
Solution
LuChem/H.N. Norton

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
KV

TYLENOL WITH CODEINE
Acetaminophen with codeine
(#3)
300/30 mg
Tablet
Geneva

TYLENOL WITH CODEINE
Acetaminophen with codeine (#4)
300/60 mg
Tablet
KV

TYLENOL WITH CODEINE
Acetaminophen with codeine (#2)
300/15 mg
Tablet
Lemmon

TYLENOL WITH CODEINE
Acetaminophen with codeine (#4)
300/60 mg
Tablet
Geneva

TYLENOL WITH CODEINE
Acetaminophen with codeine (#4)
300/60 mg
Tablet
Halsey

TYLENOL WITH CODEINE
Acetaminophen with codeine (#3)
300/30 mg
Tablet
Halsey

TYLENOL WITH CODEINE
Acetaminophen with codeine (#2)
300/15 mg
Tablet
Halsey

TYLENOL WITH CODEINE
Acetaminophen with codeine (#3)
300/30 mg
Tablet
ICN

TYLENOL WITH CODEINE
Acetaminophen with codeine (#4)
300/60 mg
Tablet
Lemmon

TYLENOL WITH CODEINE
Acetaminophen with codeine (#3)
300/30 mg
Tablet
Lemmon

TYLENOL WITH CODEINE
Acetaminophen 120 mg & codeine 12 mg
Per 5 ml
Elixir
Barre-National

*TYLENOL WITH CODEINE
Acetaminophen with codeine (#4)
300/60 mg
Tablet
Mutual

TYLENOL WITH CODEINE
Acetaminophen with codeine (#4)
300/60 mg
Tablet
McNeil

*TYLENOL WITH CODEINE
Acetaminophen with codeine (#2)
300/15 mg
Tablet
Mutual

TYLENOL WITH CODEINE
Acetaminophen with codeine (#2)
300/15 mg
Tablet
McNeil

TYLENOL WITH CODEINE
Acetaminophen with codeine (#3)
300/30 mg
Tablet
P-D

TYLENOL WITH CODEINE
Acetaminophen with codeine (#4)
300/60 mg
Tablet
P-D

TYLENOL WITH CODEINE
Acetaminophen with codeine (#2)
300/15 mg
Tablet
P-D

TYLENOL WITH CODEINE
Acetaminophen with codeine (#3)
300/30 mg
Tablet
McNeil

*TYLENOL WITH CODEINE
Acetaminophen with codeine (#3)
300/30 mg
Tablet
Mutual

TYLENOL WITH CODEINE
Acetaminophen with codeine (#3)
300/30 mg
Tablet
Zenith

TYLENOL WITH CODEINE
Acetaminophen with codeine (#4)
300/60 mg
Tablet
Zenith

*TYLENOL WITH CODEINE
Acetaminophen with codeine (#3)
300/30 mg
Tablet
Roxane

TYLENOL WITH CODEINE
Acetaminophen with codeine (#3)
300/30 mg
Tablet
Purepac

TYLENOL WITH CODEINE
Acetaminophen 120 mg & codeine 12 mg
Per 5 ml
Elixir
Pennex

TYLENOL WITH CODEINE
Acetaminophen with codeine (#4)
300/60 mg
Tablet
Purepac

TYLENOL WITH CODEINE
Acetaminophen 120 mg & codeine 12 mg
Per 5 ml
Elixir
Roxane

TYLOX
Oxycodone HC1 5 mg with acetaminophen
500 mg
Per capsule
Capsule
Halsey

URECHOLINE
Bethanechol C1
10 mg
Tablet
Sidmak

URECHOLINE
Bethanechol C1
5 mg
Tablet
Sidmak

URECHOLINE
Bethanechol C1
50 mg
Tablet
Sidmak

URECHOLINE
Bethanechol C1
25 mg
Tablet
Sidmak

URECHOLINE
Bethanechol C1
10 mg
Tablet
MSD

URECHOLINE
Bethanechol C1
25 mg
Tablet
MSD

URECHOLINE
Bethanechol C1
5 mg
Tablet
MSD

URECHOLINE
Bethanechol C1
50 mg
Tablet
Danbury

URECHOLINE
Bethanechol C1
25 mg
Tablet
Danbury

URECHOLINE
Bethanechol C1
10 mg
Tablet
Danbury

URECHOLINE
Bethanechol C1
5 mg
Tablet
Danbury

URISED
Urised substitute
Per tablet
Tablet
Trinity

URISED
Urised substitute
Per tablet
Tablet
Manuf. Chemists

V CILLIN K
Penicillin VK
500 mg
Tablet
Wyeth

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Wyeth

V CILLIN K
Penicillin VK
250 mg
Tablet
Wyeth

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Wyeth

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Squibb

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Squibb

V CILLIN K
Penicillin VK
250 mg
Tablet
Squibb

V CILLIN K
Penicillin VK
500 mg
Tablet
Squibb

V CILLIN K
Penicillin VK
250 mg
Tablet
Lederle

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Lederle

V CILLIN K
Penicillin VK
500 mg
Tablet
Lederle

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Lederle

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Bristol-Myers

V CILLIN K
Penicillin VK
500 mg
Tablet
Bristol-Myers

V CILLIN K
Penicillin VK
250 mg
Tablet
Bristol-Myers

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Bristol-Myers

V CILLIN K
Penicillin VK
500 mg
Tablet
Beecham

V CILLIN K
Penicillin VK
250 mg
Tablet
Beecham

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Beecham

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Biocraft

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Beecham

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Biocraft

V CILLIN K
Penicillin VK
250 mg
Tablet
Biocraft

V CILLIN K
Penicillin VK
500 mg
Tablet
Biocraft

V CILLIN K
Penicillin VK
250 mg
Tablet
Clonmel

V CILLIN K
Penicillin VK
250 mg
Tablet
Copanos

V CILLIN K
Penicillin VK
500 mg
Tablet
Clonmel

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Clonmel

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Copanos

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Clonmel

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Copanos

V CILLIN K
Penicillin VK
500 mg
Tablet
Capanos

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
P-D

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
P-D

V CILLIN K
Penicillin VK
250 mg/5 ml
For solution
Mylan

V CILLIN K
Penicillin VK
250 mg
Tablet
P-D

V CILLIN K
Penicillin VK
500 mg
Tablet
P-D

V CILLIN K
Penicillin VK
250 mg
Tablet
Mylan

V CILLIN K
Penicillin VK
125 mg/5 ml
For solution
Mylan

V CILLIN K
Penicillin VK
500 mg
Tablet
Mylan

*VALISONE
Betamethasone valerate
0.1%
Cream
NMC

*VALISONE
Betamethasone valerate
0.1%
Ointment
NMC

*VALISONE
Betamethasone valerate
0.1%
Lotion
Lemmon

VALISONE
Betamethasone valerate
0.1%
Ointment
Lemmon

VALISONE
Betamethasone valerate
0.1%
Cream
Thames

VALISONE
Betamethasone valerate
0.1%
Cream
Taro

VALISONE
Betamethasone valerate
0.1%
Ointment
Savage/Altana

VALISONE
Betamethasone valerate
0.1%
Cream
Savage/Altana

VALISONE
Betamethasone valerate
0.1%
Lotion
Savage/Altana

*VALISONE
Betamethasone valerate
0.1%
Ointment
Fougera/Altana

VALISONE
Betamethasone valerate
0.1%
Ointment
Clay-Park

*VALISONE
Betamethasone valerate
0.1%
Cream
Fougera/Altana

*VALISONE
Betamethasone valerate
0.1%
Lotion
Fougera/Altana

*VALISONE
Betamethasone valerate
0.1%
Lotion
Copley

VALISONE
Betamethasone valerate
0.1%
Cream
Clay-Park

*VALISONE
Betamethasone valerate
0.1%
Lotion
Barre-National

VALIUM
Diazepam
2 mg
Tablet
Barr

VALIUM
Diazepam
5 mg
Tablet
Barr

VALIUM
Diazepam
10 mg
Tablet
Barr

*VALIUM
Diazepam
10 mg
Tablet
W-C

VALIUM
Diazepam
5 mg
Tablet
Zenith

VALIUM
Diazepam
10 mg
Tablet
Zenith

*VALIUM
Diazepam
5 mg
Tablet
W-C

*VALIUM
Diazepam
2 mg
Tablet
W-C

VALIUM
Diazepam
2 mg
Tablet
Zenith

VALIUM
Diazepam
5 mg
Tablet
Mylan

VALIUM
Diazepam
2 mg
Tablet
Mylan

VALIUM
Diazepam
10 mg
Tablet
Mylan

VALIUM
Diazepam
2 mg
Tablet
Lederle

VALIUM
Diazepam
10 mg
Tablet
Lederle

VALIUM
Diazepam
10 mg
Tablet
Geneva

VALIUM
Diazepam
5 mg
Tablet
Geneva

VALIUM
Diazepam
2 mg
Tablet
Geneva

VALIUM
Diazepam
5 mg
Tablet
Lederle

VALIUM
Diazepam
10 mg
Tablet
Danbury

VALIUM
Diazepam
2 mg
Tablet
Danbury

VALIUM
Diazepam
5 mg
Tablet
Danbury

VALIUM
Diazepam
10 mg
Tablet
Purepac

*VALIUM
Diazepam
2 mg
Tablet
Par

VALIUM
Diazepam
5 mg
Tablet
Purepac

VALIUM
Diazepam
10 mg
Tablet
Roxane

VALIUM
Diazepam
2 mg
Tablet
Purepac

*VALIUM
Diazepam
5 mg
Tablet
Par

VALIUM
Diazepam
5 mg
Tablet
Roxane

*VALIUM
Diazepam
10 mg
Tablet
Par

VALIUM
Diazepam
2 mg
Tablet
Roxane

VASOCIDAN
Prednisolone sodium
phosphate, sodium
sulfacetamide
0.25/10%
Solution
Steris

VASOCON
Naphazoline HCl
0.1%
Ophth solution
Bausch & Lomb

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Amide

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Amide

*VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Eon

*VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Eon

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Manuf. Chemists

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Danbury

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Chelsea

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Danbury

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Chelsea

*VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Lemmon

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Geneva

*VASODILAN
Isoxsuprine HCl
20 mg
Tablet
Geneva

*VASODILAN
Isoxsuprine HCl
10 mg
Tablet
Lemmon

VASODILAN
Isoxsuprine HCl
10 mg
Tablet
M-J

VASODILAN
Isoxsuprine HCl
20 mg
Tablet
M-J

VELOSEF
Cephradine
125 mg/5 ml
For solution
Biocraft

VELOSEF
Cephradine
250 mg
Capsule
Biocraft

VELOSEF
Cephradine
125 mg/5 ml
For solution
Barr

VELOSEF
Cephradine
250 mg/5 ml
For solution
Barr

VELOSEF
Cephradine
500 mg
Capsule
Biocraft

VELOSEF
Cephradine
250 mg/5 ml
For solution
Biocraft

VELOSEF
Cephradine
250 mg
Capsule
Zenith

VELOSEF
Cephradine
500 mg
Capsule
Zenith

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Zenith

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Zenith

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
West-Ward

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
West-Ward

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Halsey

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Halsey

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Lemmon

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Lemmon

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Rachelle

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Purepac

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Rachelle

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Purepac

*VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Mylan

*VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Mylan

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Mutual

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
P-D

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Mutual

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
P-D

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Chelsea

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Chelsea

VIBRAMYCIN
Doxycycline hyclate
100 mg
Capsule
Danbury

VIBRAMYCIN
Doxycycline hyclate
50 mg
Capsule
Danbury

*VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Danbury

*VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Rachelle

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Zenith

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Lemmon

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Mylan

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
P-D

VIBRATABS
Doxycycline hyclate
100 mg
Tablet
Mutual

*VICODIN
Hydrocodone bitartrate 5 mg
with acetaminophen 500 mg
Per tablet
Tablet
Mikart

VICODIN
Hydrocodone bitartrate 5 mg
with acetaminophen 500 mg
Per tablet
Tablet
Watson

VICODIN
Hydrocodone bitartrate 5 mg
with acetaminophen 500 mg
Per tablet
Tablet
LuChem/H.N. Norton

VICODIN
Hydrocodone bitartrate 5 mg
with acetaminophen 500 mg
Per tablet
Tablet
Halsey

VICODIN
Hydrocodone bitartrate 5 mg
with acetaminophen 500 mg
Per tablet
Tablet
Central

VICODIN ES
Hydrocodone bitartrate 7.5 mg
with acetaminophen 750 mg
Per tablet
Tablet
Watson

VIOFORM HC
Hydrocortisone with
iodochlorhydroxyquin
1% with 3%
Cream
Thames

VIOFORM HC
Hydrocortisone with
iodochlorhydroxyquin
0.5% with 3%
Cream (mild)
Thames

VIOFORM HC
Hydrocortisone with
iodochlorhydroxyquin
0.5% with 3%
Cream (mild)
Thames

*VIOFORM HC
Hydrocortisone with
iodochlorhydroxyquin
1% with 3%
Cream
NMC

VIOFORM HC
Hydrocortisone with
iodochlorhydroxyquin
1% with 3%
Ointment
Clay-Park

VIOFORM HC
Hydrocortisone with
iodochlorhydroxyquin
0.5% with 3%
Cream (mild)
Clay-Park

VIOFORM HC
Hydrocortisone with
iodochlorhydroxyquin
1% with 3%
Cream
Clay-Park

VIOFORM HC
Hydrocortisone with
iodochlorhydroxyquin
1% with 3%
Cream
Syosset

VIOKASE
Amylase 30,000 U,lipase 8,000
U,protease
30,000 U
Per tablet
Tablet
Anabolic

*VISKEN
Pindolol
5 mg
Tablet
Zenith

*VISKEN
Pindolol
10 mg
Tablet
Zenith

*VISKEN
Pindolol
5 mg
Tablet
Purepac

*VISKEN
Pindolol
10 mg
Tablet
Purepac

VISKEN
Pindolol
5 mg
Tablet
Mylan

VISKEN
Pindolol
10 mg
Tablet
Mylan

*VISKEN
Pindolol
10 mg
Tablet
Geneva

*VISKEN
Pindolol
10 mg
Tablet
Genpharm

*VISKEN
Pindolol
5 mg
Tablet
Genpharm

*VISKEN
Pindolol
5 mg
Tablet
Geneva

VISTARIL
Hydroxyzine pamoate
50 mg
Capsule
Geneva

VISTARIL
Hydroxyzine pamoate
100 mg
Capsule
Geneva

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
Geneva

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
Zenith

VISTARIL
Hydroxyzine pamoate
50 mg
Capsule
EON

VISTARIL
Hydroxyzine pamoate
50 mg
Capsule
Zenith

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
EON

*VISTARIL
Hydroxyzine pamoate
100 mg
Capsule
Zenith

*VISTARIL
Hydroxyzine pamoate
50 mg
Capsule
Chelsea

*VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
Chelsea

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
Danbury

VISTARIL
Hydroxyzine pamoate
25 mg
Capsule
Barr

VISTARIL
Hydroxyzine pamoate
100 mg
Capsule
Barr

VOSOL
Acetic acid
2%
Otic solution
Barre-National

VOSOL
Acetic acid
2%
Otic solution
Thames

VOSOL HC
Acetic acid with hydrocortisone
2% with 1%
Otic solution
Thames

VOSOL HC
Acetic acid with hydrocortisone
2% with 1%
Otic solution
Barre-National

WELLCOVORIN
Leucovorin calcium
5 mg
Tablet
Barr

WELLCOVORIN
Leucovorin calcium
25 mg
Tablet
Barr

WELLCOVORIN
Leucovorin calcium
5 mg
Tablet
Roxane

WELLCOVORIN
Leucovorin calcium
10 mg
Tablet
Roxane

WELLCOVORIN
Leucovorin calcium
25 mg
Tablet
Roxane

WELLCOVORIN
Leucovorin calcium
15 mg
Tablet
Roxane

WYGESIC
Acetaminophen 650 mg,
propoxyphene HC1 65 mg
Tablet
Wyeth

WYGESIC
Acetaminophen 650 mg,
propoxyphene HC1 65 mg
Tablet
Geneva

WYGESIC
Acetaminophen 650 mg,
propoxyphene HC1 65 mg
Tablet
Mylan

XANAX
Alprazolam
0.25 mg
Tablet
Alphapharm

*XANAX
Alprazolam
0.5 mg
Tablet
Greenstone

*XANAX
Alprazolam
2 mg
Tablet
Greenstone

*XANAX
Alprazolam
2 mg
Tablet
Lederle

XANAX
Alprazolam
0.25 mg
Tablet
Roxane

*XANAX
Alprazolam
1 mg
Tablet
Lederle

XANAX
Alprazolam
1 mg
Tablet
Roxane

*XANAX
Alprazolam
0.5 mg
Tablet
Lederle

*XANAX
Alprazolam
0.25 mg
Tablet
Greenstone

XANAX
Alprazolam
1 mg
Tablet
Alphapharm

*XANAX
Alprazolam
1 mg
Tablet
Greenstone

XANAX
Alprazolam
0.5 mg
Tablet
Roxane

XANAX
Alprazolam
0.5 mg
Tablet
Alphapharm

*XANAX
Alprazolam
0.25 mg
Tablet
Lederle

*XYLOCAINE
Lidocaine HC1
2%
Jelly
Copley

*XYLOCAINE
Lidocaine HC1
2%
Soln (viscous)
Barre-National

*XYLOCAINE
Lidocaine HC1
2%
Soln (viscous)
Pennex

XYLOCAINE
Lidocaine HC1
2%
Soln (viscous)
Roxane

ZENATE
Prenatal vitamin
Per tablet
Tablet
Copley

ZYLOPRIM
Allopurinol
300 mg
Tablet
Danbury

ZYLOPRIM
Allopurinol
100 mg
Tablet
Danbury

ZYLOPRIM Allopurinol 100 mg Tablet Geneva	ZYLOPRIM Allopurinol 100 mg Tablet B-W
ZYLOPRIM Allopurinol 300 mg Tablet Mylan	*ZYLOPRIM Allopurinol 300 mg Tablet Boots Labs
ZYLOPRIM Allopurinol 100 mg Tablet Mylan	*ZYLOPRIM Allopurinol 100 mg Tablet Boots Labs
ZYLOPRIM Allopurinol 300 mg Tablet Mutual	ZYLOPRIM Allopurinol 300 mg Tablet Par
ZYLOPRIM Allopurinol 100 mg Tablet Mutual	ZYLOPRIM Allopurinol 100 mg Tablet Par
ZYLOPRIM Allopurinol 300 mg Tablet B-W	

(a)

DRUG UTILIZATION REVIEW COUNCIL

List of Interchangeable Drug Products

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

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

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

Proposal Number: PRN 1994-20.

A **public hearing** concerning these proposed amendments will be held on Monday, January 24, 1994, at 2:00 P.M. at the following address:

Room 804, Eighth Floor
Department of Health
Health-Agricultural Bldg.
Trenton, New Jersey 08625-0360

Submit written comments by February 2, 1994 to:

Mark A. Strollo, R.Ph., M.S.
Drug Utilization Review Council
New Jersey Department of Health
Room 501, CN 360
Trenton, N.J. 08625-0360
609-292-4029

AGENCY NOTE: See related proposal, restructuring and correcting the formulary, elsewhere in this issue of the New Jersey Register.

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.

Over the past 16 years of its existence, certain medications have been added to the Formulary which are no longer made by specific manufacturers. At this time, specific products are proposed for **deletion,** based on their unavailability, to make the Formulary more up-to-date and uncluttered.

Social Impact

There would be little social impact of the proposed deletions on prescribers, pharmacies or patients, because the medications would continue to be available to those who need them from other manufacturers. The proposed products are either not available or no longer manufactured.

Economic Impact

To the extent that some medications from involved manufacturers cannot be returned to suppliers for credit, a minor impact would be felt by certain pharmacies that stocked these medications. However, this is greatly minimized, since these products have not been available for quite some time and most inventories have been totally depleted.

Overall, it is anticipated that very few persons will be economically adversely affected by these deletions.

Regulatory Flexibility Analysis

The proposed amendments impact many small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., specifically, over 2,000 pharmacies and several small generic drug manufacturers which employ fewer than 100 employees.

However, there are no reporting or record-keeping requirements for pharmacies or small generic drug manufacturers. The proposed deletions impose no requirements of any kind, but serve to update the List of Interchangeable Drug Products.

Full text of the proposed amendments follows:

The following products are proposed for **deletion** from the List of Interchangeable Drug Products:

Acetaminophen with codeine (#2) 300/15 mg Tablet Superpharm	Acetaminophen with codeine (#3) 300/30 mg Tablet T-P.
Acetaminophen with codeine (#2) 300/15 mg Tablet Roxane	Acetaminophen with codeine (#4) 300/60 mg Tablet Superpharm
Acetaminophen with codeine (#2) 300/15 mg Tablet Chelsea	Acetaminophen with codeine (#4) 300/60 mg Tablet T-P.
Acetaminophen with codeine (#2) 300/15 mg Tablet Charlotte	Acetaminophen with codeine (#4) 300/60 mg Tablet Charlotte
Acetaminophen with codeine (#3) 300/30 mg Tablet Chelsea	Acetaminophen with codeine (#4) 300/60 mg Tablet B-W
Acetaminophen with codeine (#3) 300/30 mg Tablet Charlotte	Acetaminophen with codeine (#4) 300/60 mg Tablet Chelsea
Acetaminophen with codeine (#3) 300/30 mg Tablet B-W	Acetaminophen with codeine (#4) 300/60 mg Tablet Roxane
Acetaminophen with codeine (#3) 300/30 mg Tablet Superpharm	Acetaminophen, dichloralphenazone, isometheptene mucate 325/100/65 mg Capsule Bio-Pharm

Allopurinol
300 mg
Tablet
Superpharm

Amantadine HCl
100 mg
Capsule
Scherer

Amantadine HCl
100 mg
Capsule
Pharmacaps

Amitriptyline
50 mg
Tablet
Squibb

Amitriptyline
25 mg
Tablet
Squibb

Amitriptyline
75 mg
Tablet
Squibb

Amitriptyline
100 mg
Tablet
Squibb

Amitriptyline
10 mg
Tablet
Squibb

Amitriptyline
10 mg
Tablet
Superpharm

Amitriptyline
100 mg
Tablet
Superpharm

Amitriptyline
25 mg
Tablet
Superpharm

Amitriptyline
75 mg
Tablet
Superpharm

Amitriptyline
50 mg
Tablet
Superpharm

Amoxicillin as the trihydrate
500 mg
Capsule
Roche

Amoxicillin as the trihydrate
125 mg/5 ml
Suspension
Roche

Amoxicillin as the trihydrate
250 mg
Capsule
Roche

Amoxicillin as the trihydrate
250 mg/5 ml
Suspension
Roche

Aspirin with codeine
(#4) 60 mg
Tablet
Lee

Aspirin with codeine
(#3) 30 mg
Tablet
Lee

Aspirin with codeine
(#2) 15 mg
Tablet
Geneva

Aspirin with codeine
(#3) 30 mg
Tablet
Chelsea

Aspirin with codeine
(#2) 15 mg
Tablet
Chelsea

Aspirin with codeine
(#4) 60 mg
Tablet
Chelsea

Aspirin with codeine
(#2) 15 mg
Tablet
B-W

Aspirin with codeine
(#2) 15 mg
Tablet
Zenith

Aspirin with codeine
(#3) 30 mg
Tablet
T.P.

Aspirin with codeine
(#4) 60 mg
Tablet
T.P.

Aspirin with meprobamate
325 mg/200 mg
Tablet
Eon

Aspirin, butalbital and caffeine
325/50/40 mg
Capsule
Chelsea

Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Boots Labs

Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Halsey

Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Superpharm

Aspirin, butalbital and caffeine
325/50/40 mg
Tablet
Zenith

Aspirin, butalbital and caffeine
325/50/40 mg
Capsule
Superpharm

Belladonna alkaloids with phenobarbital
Tablet
Purepac

Belladonna alkaloids with phenobarbital
Elixir
Pharm. Assocs.

Belladonna alkaloids with phenobarbital
Tablet
Robins

Belladonna alkaloids with phenobarbital
Elixir
Robins

Belladonna alkaloids with phenobarbital
Tablet
Chelsea

Belladonna alkaloids with phenobarbital
Elixir
Barre-National

Betamethasone diproprionate
0.05%
Ointment
Pharmaderm/Alta

Betamethasone diproprionate
0.05%
Cream
Pharmaderm/Alta

Betamethasone diproprionate
0.05%
Lotion
Pharmaderm/Alta

Betamethasone valerate
0.1%
Cream
Pharmaderm/Alta

Betamethasone valerate
0.1%
Lotion
Pharmaderm/Alta

Betamethasone valerate
0.1%
Ointment
Pharmaderm/Alta

Bethanechol Cl
25 mg
Tablet
Norwich

Bethanechol Cl
10 mg
Tablet
Norwich

Butabarbital sodium
30 mg/5 ml
Elixir
Pennex

Butabarbital sodium
30 mg
Tablet
T.P.

Carbinoxamine maleate 2 mg with pseudoephedrine HCl 25 mg
Per ml
Drops
Tri-Med

Carbinoxamine maleate 2 mg, dextromethorphan HBr 4 mg, pseudoephedrine HCl 25 mg
Per ml
Oral drops
Esquire

Carisoprodol
350 mg
Tablet
Eon

Carisoprodol
350 mg
Tablet
Pioneer

Cephradine
500 mg
Capsule
Barr

Cephradine
250 mg
Capsule
Barr

Chloral hydrate
250 mg
Capsule
Chase

Chloral hydrate
500 mg/5 ml
Syrup
Barre-National

Chloral hydrate
500 mg/5 ml
Syrup
Cenci

Chloral hydrate
250 mg
Capsule
Banner

Chloral hydrate
500 mg
Capsule
Banner

Chloral hydrate
500 mg
Capsule
Chase

Chloral hydrate
500 mg
Capsule
Pharm. Assocs.

Chloral hydrate
500 mg/5 ml
Syrup
LuChem/H.N. Norton

Chloral hydrate
500 mg
Capsule
Scherer

Chloral hydrate
500 mg/5 ml
Syrup
Purepac

Chloral hydrate
250 mg
Capsule
Scherer

Chloramphenicol
0.5%
Ophth soln
Americal

Chlordiazepoxide HCl
25 mg
Capsule
Boots Labs

Chlordiazepoxide HCl
5 mg
Capsule
Boots Labs

Chlordiazepoxide HCl
10 mg
Capsule
Abbott

Chlordiazepoxide HCl
10 mg
Capsule
Boots Labs

Chlordiazepoxide HCl
5 mg
Capsule
Abbott

Chlordiazepoxide HCl
25 mg
Capsule
Abbott

Chlordiazepoxide HCl
25 mg
Capsule
Rochelle

Chlordiazepoxide HCl
10 mg
Capsule
Rochelle

Chlordiazepoxide HCl
5 mg
Capsule
Rachelle

Chlordiazepoxide HCl
5 mg
Capsule
Roxane

Chlordiazepoxide HCl
25 mg
Capsule
Roxane

Chlordiazepoxide HCl
5 mg
Capsule
Superpharm

Chlordiazepoxide HCl
25 mg
Capsule
Superpharm

Chlordiazepoxide HCl
10 mg
Capsule
Superpharm

Chlorothiazide
250 mg
Tablet
Camall

Chlorpheniramine 2 mg, phenylephrine 5 mg, pyrilamine 12.5 mg (each as the tannate)
Per 5 ml
Suspension
LuChem/H.N. Norton

Chlorpheniramine 8 mg, phenylephrine 25 mg, pyrilamine 25 mg (each as the tannate)
Per tablet
Tablet
Sidmak

Chlorpheniramine 8 mg, phenylephrine 25 mg, pyrilamine 25 mg (each as the tannate)
Per tablet
Tablet
Bio-Pharm

Chlorpropamide
100 mg
Tablet
Duramed

Chlorpropamide
250 mg
Tablet
Duramed

Chlorpropamide
250 mg
Tablet
Chelsea

Chlorpropamide
250 mg
Tablet
Zenith

Chlorpropamide
100 mg
Tablet
Zenith

Chlorpropamide
100 mg
Tablet
Superpharm

Chlorpropamide
250 mg
Tablet
Superpharm

Chlorthalidone
50 mg
Tablet
Purepac

Chlorthalidone
50 mg
Tablet
Pioneer

Chlorzoxazone
500 mg
Tablet
Pioneer

Chlorzoxazone
250 mg
Tablet
Pioneer

Choline magnesium salicylate
500 mg
Tablet
Eon

Choline magnesium salicylate
1 g
Tablet
Eon

Choline magnesium salicylate
750 mg
Tablet
Eon

Choline magnesium salicylate
750 mg
Tablet
Trinity

Choline magnesium salicylate
1000 mg
Tablet
Trinity

Choline magnesium salicylate
500 mg
Tablet
Trinity

Clonidine HCl
0.1 mg
Tablet
Biocraft

Clonidine HCl
0.3 mg
Tablet
Biocraft

Clonidine HCl
0.2 mg
Tablet
Biocraft

Cyclandelate
200 mg
Capsule
Inwood

Cyclandelate
400 mg
Capsule
Inwood

Cyproheptadine HCl
4 mg
Tablet
Superpharm

Dexamethasone
0.5 mg/5 ml
Elixir
Organon

Dextromethorphan HBr 10 mg, iodinated glycerol 30 mg
Per 5 ml
Liquid
Bio-Pharm

Dextromethorphan HBr 10 mg, iodinated glycerol 30 mg
Per 5 ml
Liquid
MOVA

Diazepam
10 mg
Tablet
Superpharm

Diazepam
2 mg
Tablet
Superpharm

Diazepam
5 mg
Tablet
Superpharm

Diazepam
10 mg
Tablet
Pioneer

Diazepam
5 mg
Tablet
Pioneer

Diazepam
2 mg
Tablet
Pioneer

Diazepam
10 mg
Tablet
Halsey

Diazepam
5 mg
Tablet
Halsey

Diazepam
2 mg
Tablet
Ferndale

Diazepam
5 mg
Tablet
Ferndale

Diazepam
2 mg
Tablet
Halsey

Diazepam
10 mg
Tablet
Ferndale

Dicyclomine
10 mg/5 ml
Syrup
Barre-National

Diphenhydramine HCl
25 mg
Capsule
Boots Labs

Diphenhydramine HCl
25 mg
Capsule
Barr

Diphenhydramine HCl
50 mg
Capsule
Boots Labs

Diphenhydramine HCl
25 mg
Capsule
Zenith

Diphenhydramine HCl
25 mg
Capsule
T.P.

Diphenhydramine HCl
25 mg
Capsule
Superpharm

Diphenhydramine HCl
50 mg
Capsule
Zenith

Diphenhydramine HCl
50 mg
Capsule
Superpharm

Diphenhydramine HCl
50 mg
Capsule
T.P.

Diphenhydramine HCl
50 mg
Capsule
Newtron

Diphenhydramine HCl
25 mg
Capsule
Newtron

Diphenoxylate HCl 2.5 mg with atropine sulfate 0.025 mg
Per 5 ml
Liquid
Geneva

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Inwood

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Barr

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
KV

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Chelsea

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Boots Labs

Diphenoxylate HCl with atropine sulfate
2.5/0.025 mg
Tablet
Superpharm

Dipyridamole
25 mg
Tablet
Superpharm

Dipyridamole
50 mg
Tablet
Superpharm

Dipyridamole
75 mg
Tablet
Superpharm

Dipyridamole
25 mg
Tablet
Chelsea

Disopyramide phosphate
100 mg
Capsule
Interpharm

Disopyramide phosphate
150 mg
Capsule
Interpharm

Disopyramide phosphate
100 mg
Capsule
Mylan

Disopyramide phosphate
150 mg
Capsule
Mylan

Disopyramide phosphate
100 mg
Capsule
Superpharm

Disopyramide phosphate
150 mg
Capsule
Superpharm

Doxepin HCl
25 mg
Capsule
SKF

Doxepin HCl
10 mg
Capsule
Lederle

Doxepin HCl
100 mg
Capsule
Lederle

Doxepin HCl
100 mg
Capsule
SKF

Doxepin HCl
150 mg
Capsule
Lederle

Doxepin HCl
25 mg
Capsule
Lederle

Doxepin HCl
10 mg
Capsule
SKF

Doxepin HCl
75 mg
Capsule
Lederle

Doxepin HCl
50 mg
Capsule
Lederle

Doxepin HCl
50 mg
Capsule
SKF

Doxycycline hyclate
100 mg
Capsule
PFI

Doxycycline hyclate
100 mg
Capsule
Pharbita

Doxycycline hyclate
50 mg
Capsule
PFI

Doxycycline hyclate
100 mg
Capsule
Superpharm

Doxycycline hyclate
50 mg
Capsule
Superpharm

Ergoloid mesylates
0.5 mg
Tablet, subling
Zenith

Ergoloid mesylates
1.0 mg
Tablet, subling
KV

Ergoloid mesylates
0.5 mg
Tablet, subling
KV

Ergoloid mesylates
0.5 mg
Tablet, subling
Riker

Ergoloid mesylates
1.0 mg
Tablet, subling
Riker

Ergoloid mesylates
1.0 mg
Tablet, subling
M-J

Erythromycin base
500 mg
Tablet
Barr

Erythromycin base
333 mg
Tablet
Barr

Erythromycin base 1.5%
1.5%
Topical
Barre-National

Erythromycin base enteric coated pellets
250 mg
Capsule
Barr

Erythromycin estolate
125 mg/5 ml
Suspension
Barr

Erythromycin estolate
250 mg/5 ml
Suspension
Barr

Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
KV

Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
KV

Erythromycin ethylsuccinate
400 mg/5 ml
Suspension
Upjohn

Erythromycin ethylsuccinate
200 mg/5 ml
Suspension
Upjohn

Erythromycin stearate
250 mg
Tablet
W-C

Erythromycin stearate
500 mg
Tablet
W-C

Erythromycin stearate
250 mg
Tablet
Bristol-Myers

Erythromycin stearate
500 mg
Tablet
Squibb

Erythromycin stearate
500 mg
Tablet
Pfizer

Erythromycin stearate
250 mg
Tablet
Squibb

Erythromycin stearate
250 mg
Tablet
Pfizer

Fenoprofen calcium
200 mg
Capsule
Halsey

Fenoprofen calcium
300 mg
Capsule
Halsey

Fenoprofen calcium
600 mg
Capsule
Halsey

Fluocinolone acetonide
0.01%
Solution
Syntex

Fluocinolone acetonide
0.01%
Solution
Marion

Fluocinolone acetonide
0.01%
Cream
NMC

Fluocinolone acetonide
0.025%
Cream
NMC

Fluocinolone acetonide
0.01%
Solution
Pennex

Fluocinolone acetonide
0.025%
Ointment
Pharmaderm/Alta

Fluocinolone acetonide
0.025%
Ointment
Marion

Fluocinolone acetonide
0.01%
Solution
Pharmaderm/Alta

Fluocinolone acetonide
0.01%
Cream
Pharmaderm/Alta

Fluocinolone acetonide
0.01%
Cream
Marion

Fluocinolone acetonide
0.025%
Cream
Marion

Fluocinolone acetonide
0.025%
Cream
Pharmaderm/Alta

Flurazepam
15 mg
Capsule
Halsey

Flurazepam
30 mg
Capsule
Halsey

Flurazepam
30 mg
Capsule
Superpharm

Flurazepam
15 mg
Capsule
Superpharm

Furosemide
20 mg
Tablet
Superpharm

Furosemide
40 mg
Tablet
Superpharm

Gentamicin
3 mg/ml
Ophth solution
Akorn

Gramicidin 0.025 mg, neomycin as sulfate 1.75 mg, polymyxin B sulfate, 10,000 U
Per ml
Solution
Solopak

Guaifenesin 200 mg, hydrocodone bitartrate 5 mg, pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Pennex

Guaifenesin 200 mg, hydrocodone bitartrate 5 mg, pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Cenci

Haloperidol
20 mg
Tablet
Par

Haloperidol
10 mg
Tablet
Royce

Haloperidol
0.5 mg
Tablet
Royce

Haloperidol
20 mg
Tablet
Searle

Haloperidol
1 mg
Tablet
Searle

Haloperidol
2 mg
Tablet
Searle

Haloperidol
5 mg
Tablet
Royce

Haloperidol
2 mg/ml
Solution
Pennex

Haloperidol
10 mg
Tablet
Searle

Haloperidol
1 mg
Tablet
Royce

Haloperidol
20 mg
Tablet
Royce

Haloperidol
5 mg
Tablet
Searle

Haloperidol
0.5 mg
Tablet
Searle

Haloperidol
2 mg
Tablet
Royce

Hydralazine HCl
50 mg Tablet
Geneva

Hydralazine HCl
100 mg
Tablet
Barr

Hydralazine HCl
50 mg
Tablet
CIBA

Hydralazine HCl
25 mg
Tablet
Halsey

Hydralazine HCl
25 mg
Tablet
Geneva

Hydralazine HCl
10 mg
Tablet
Halsey

Hydralazine HCl
25 mg
Tablet
CIBA

Hydralazine HCl
50 mg
Tablet
Halsey

Hydralazine HCl
10 mg
Tablet
CIBA

Hydralazine HCl
100 mg
Tablet
Halsey

Hydralazine HCl
25 mg
Tablet
Camall

Hydralazine HCl
100 mg
Tablet
Camall

Hydralazine HCl
50 mg
Tablet
Camall

Hydralazine HCl
10 mg
Tablet
Geneva

Hydralazine HCl
10 mg
Tablet
Camall

Hydralazine with hydrochlorothiazide
25 mg/25 mg
Capsule
Solvay

Hydralazine with hydrochlorothiazide
50 mg/50 mg
Capsule
Solvay

Hydrochlorothiazide
25 mg
Tablet
PFI

Hydrochlorothiazide
50 mg
Tablet
PFI

Hydrochlorothiazide
100 mg
Tablet
CIBA

Hydrochlorothiazide
25 mg
Tablet
CIBA

Hydrochlorothiazide
50 mg
Tablet
CIBA

Hydrochlorothiazide
25 mg
Tablet
Boots Labs

Hydrochlorothiazide
25 mg
Tablet
Eon

Hydrochlorothiazide
50 mg
Tablet
Inwood

Hydrochlorothiazide
50 mg
Tablet
Boots Labs

Hydrochlorothiazide
25 mg
Tablet
Inwood

Hydrochlorothiazide
25 mg
Tablet
Superpharm

Hydrochlorothiazide
50 mg
Tablet
Superpharm

Hydrochlorothiazide
100 mg
Tablet
Superpharm

Hydrocodone bitartrate 2.5 mg with phenylpropanolamine HCl 12.5 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

Hydrocodone bitartrate 2.5 mg with phenylpropanolamine HCl 12.5 mg
Per 5 ml
Syrup
Cenci

Hydrocodone bitartrate 5 mg with phenylpropanolamine HCl 25 mg
Per 5 ml
Syrup
Cenci

Hydrocodone bitartrate 5 mg with phenylpropanolamine HCl 25 mg
Per 5 ml
Syrup
LuChem/H.N. Norton

Hydrocodone bitartrate 5 mg with acetaminophen 500 mg
Per tablet
Tablet
Charlotte

Hydrocodone bitartrate 5 mg with acetaminophen 500 mg
Per tablet
Tablet
Barr

Hydrocodone bitartrate 5 mg, pseudoephedrine HCl 60 mg
Per 5 ml
Syrup
Cenci

Hydrocortisone
1%
Cream
Cenci

Hydrocortisone
1%
Cream
T.P.

Hydrocortisone
2.5%
Cream
Pharmaderm/Alta

Hydrocortisone acetate
25 mg
Suppository
Bio-Pharm

Hydroxyzine HCl
10 mg
Tablet
Halsey

Hydroxyzine HCl
25 mg
Tablet
Halsey

Hydroxyzine HCl
10 mg
Tablet
Eon

Hydroxyzine HCl
50 mg
Tablet
KV

Hydroxyzine HCl
100 mg
Tablet
KV

Hydroxyzine HCl
50 mg
Tablet
Halsey

Hydroxyzine HCl
25 mg
Tablet
Eon

Hydroxyzine HCl
50 mg
Tablet
Eon

Hydroxyzine HCl
10 mg
Tablet
Superpharm

Hydroxyzine HCl
50 mg
Tablet
Zenith

Hydroxyzine HCl
10 mg
Tablet
Zenith

Hydroxyzine HCl
25 mg
Tablet
Superpharm

Hydroxyzine HCl
25 mg
Tablet
Zenith

Hydroxyzine HCl
50 mg
Tablet
Superpharm

Hydroxyzine pamoate
100 mg
Capsule
Superpharm

Hydroxyzine pamoate
50 mg
Capsule
Superpharm

Hydroxyzine pamoate
25 mg
Capsule
Superpharm

Ibuprofen
600 mg
Tablet
Superpharm

Ibuprofen
300 mg
Tablet
PFI

Ibuprofen
400 mg
Tablet
PFI

Ibuprofen
600 mg
Tablet
PFI

Ibuprofen
800 mg
Tablet
PFI

Ibuprofen
600 mg
Tablet
Halsey

Ibuprofen
300 mg
Tablet
Geneva

Ibuprofen
400 mg
Tablet
Halsey

Ibuprofen
300 mg
Tablet
Halsey

Ibuprofen
800 mg
Tablet
Halsey

Imipramine HCl
10 mg
Tablet
Abbott

Imipramine HCl
25 mg
Tablet
Abbott

Imipramine HCl
50 mg
Tablet
Abbott

Imipramine HCl
25 mg
Tablet
Geigy

Imipramine HCl
10 mg
Tablet
Geigy

Imipramine HCl
50 mg
Tablet
Geigy

Indomethacin
50 mg
Capsule
Superpharm

Indomethacin
25 mg
Capsule
Superpharm

Indomethacin
25 mg
Capsule
Pioneer

Inodmethacin
50 mg
Capsule
Pioneer

Iodinated glycerol
60 mg/5 ml
Elixir
Silarx

Iodinated glycerol
60 mg/5 ml
Elixir
Roxane

Iodinated glycerol
30 mg
Tablet
LuChem/H.N. Norton

Iodinated glycerol
60 mg/5 ml
Elixir
LuChem/H.N. Norton

Iodinated glycerol
60 mg/5 ml
Elixir
Naska/Barre-Nat

Iodinated glycerol
50 mg/ml
Solution
LuChem/H.N. Norton

Iodinated glycerol
50 mg/ml
Solution
Hi-Tech

Iodinated glycerol
30 mg
Tablet
Copley

Iodinated glycerol
60 mg/5 ml
Elixir
Hi-Tech

Iodinated glycerol
60 mg/5 ml
Elixir
Barre-National

Iodinated glycerol
60 mg/5 ml
Elixir
Halsey

Iodinated glycerol
30 mg
Tablet
Able

Iodinated glycerol
60 mg/5 ml
Elixir
Duramed

Iodinated glycerol
60 mg/5 ml
Elixir
Cenci

Iodinated glycerol
30 mg
Tablet
Anabolic

Iodinated glycerol
30 mg
Tablet
Trinity

Iodinated glycerol 30 mg,
codeine
phosphate 10 mg
Per 5 ml
Liquid
Roxane

Iodinated glycerol 30 mg,
dextromethorphan 10 mg
Per 5 ml
Liquid
Roxane

Iodinated glycerol 30 mg,
codeine
phosphate 10 mg
Per 5 ml
Liquid
Naska/Barre-Nat

Iodinated glycerol 30 mg,
codeine
phosphate 10 mg
Per 5 ml
Liquid
Pennex

Iodinated glycerol 30 mg,
codeine
phosphate 10 mg
Per 5 ml
Liquid
LuChem/H.N. Norton

Iodinated glycerol 30 mg,
codeine
phosphate 10 mg
Per 5 ml
Liquid
Barre-National

Iodinated glycerol 30 mg,
codeine
phosphate 10 mg
Per 5 ml
Liquid
Cenci

Iodinated glycerol 30 mg,
codeine
phosphate 10 mg
Per 5 ml
Liquid
Halsey

Iodinated glycerol 30 mg,
codeine
phosphate 10 mg
Per 5 ml
Liquid
Duramed

Iodinated glycerol 30 mg,
dextromethorphan 10 mg
Per 5 ml
Liquid
Cenci

Iodinated glycerol 30 mg,
dextromethorphan 10 mg
Per 5 ml
Liquid
Hi-Tech

Iodinated glycerol 30 mg,
dextromethorphan 10 mg
Per 5 ml
Liquid
Halsey

Iodinated glycerol 30 mg,
dextromethorphan 10 mg
Per 5 ml
Liquid
Duramed

Iodinated glycerol 30 mg,
dextromethorphan 10 mg
Per 5 ml
Liquid
Barre-National

Iodinated glycerol 30 mg,
dextromethorphan 10 mg
Per 5 ml
Liquid
LuChem/H.N. Norton

Iodinated glycerol 30 mg,
dextromethorphan 10 mg
Per 5 ml
Liquid
Pennex

Iodinated glycerol 30 mg,
dextromethorphan 10 mg
Per 5 ml
Liquid
Naska/Barre-Nat

Iodinated glycerol 30 mg,
dextromethorphan 10 mg
Per 5 ml
Liquid
Silarx

Isoproterenol HCl
0.5%
Inhalation
Dey

Isosorbide dinitrate
10 mg
Tablet, oral
Zenith

Isosorbide dinitrate
2.5 mg
Tablet, subling
Par

Isosorbide dinitrate
5 mg
Tablet, subling
Par

Isoxsuprine HCl
20 mg
Tablet
Sidmak

Isoxsuprine HCl
10 mg
Tablet
Sidmak

Isoxsuprine HCl
10 mg
Tablet
Roxane

Isoxsuprine HCl
10 mg
Tablet
Roxane

Isoxsuprine HCl
20 mg
Tablet
Roxane

Isoxsuprine HCl
10 mg
Tablet
Boots Labs

Isoxsuprine HCl
20 mg
Tablet
Boots Labs

Isoxsuprine HCl
10 mg
Tablet
Halsey

Isoxsuprine HCl
20 mg
Tablet
Halsey

Isoxsuprine HCl
10 mg
Tablet
Superpharm

Isoxsuprine HCl
20 mg
Tablet
Superpharm

Lindane
1%
Shampoo
Stiefel

Lindane
1%
Lotion
Stiefel

Lorazepam
2.0 mg
Tablet
Superpharm

Lorazepam
0.5 mg
Tablet
Superpharm

Lorazepam
1.0 mg
Tablet
Superpharm

Meclizine HCl
25 mg
Tablet
Zenith

Meclizine HCl
25 mg
Tablet
KV

Meclizine HCl
25 mg
Tablet
Boots Labs

Meclizine HCl
12.5 mg
Tablet
KV

Meprobamate
400 mg
Tablet
Bell

Meprobamate
400 mg
Tablet
Barr

Meprobamate
200 mg
Tablet
Bell

Meprobamate
400 mg
Tablet
Boots Labs

Meprobamate
200 mg
Tablet
Barr

Meprobamate
400 mg
Tablet
SKF

Meprobamate
400 mg
Tablet
Lee

Meprobamate
200 mg
Tablet
Roxane

Meprobamate
200 mg
Tablet
Lederle

Meprobamate
400 mg
Tablet
Lederle

Meprobamate
200 mg
Tablet
Purepac

Meprobamate
400 mg
Tablet
Roxane

Meprobamate
400 mg
Tablet
Purepac

Meprobamate
200 mg
Tablet
T-P.

Meprobamate
400 mg
Tablet
T-P.

Methocarbamol
500 mg
Tablet
Superpharm

Methocarbamol
750 mg
Tablet
Superpharm

Methocarbamol
750 mg
Tablet
KV

Methocarbamol
500 mg
Tablet
KV

Methocarbamol
500 mg
Tablet
Inwood

Methocarbamol
750 mg
Tablet
Inwood

Methocarbamol
500 mg
Tablet
Boots Labs

Methocarbamol
750 mg
Tablet
Boots Labs

Methocarbamol
500 mg
Tablet
Robins

Methocarbamol
750 mg
Tablet
Robins

Methyldopa
125 mg
Tablet
Lederle

Methyldopa
500 mg
Tablet
Roxane

Methyldopa
125 mg
Tablet
Roxane

Methyldopa
250 mg
Tablet
Roxane

Methyldopa
250 mg
Tablet
W-C

Methyldopa
500 mg
Tablet
W-C

Methyldopa 250 mg with Chlorothiazide 150 mg
150 mg
Tablet
Par

Methyldopa 250 mg with Chlorothiazide 250 mg
250 mg
Tablet
Par

Metoclopramide
10 mg
Tablet
Schering

Metoclopramide
10 mg
Tablet
Superpharm

Metoclopramide
10 mg
Tablet
Interpharm

Metronidazole
250 mg
Tablet
Halsey

Metronidazole
500 mg
Tablet
Halsey

Metronidazole
500 mg
Tablet
Superpharm

Metronidazole
250 mg
Tablet
Superpharm

Minoxidil
2.5 mg
Tablet
Royce

Minoxidil
10 mg
Tablet
Royce

Multiple vitamins with fluoride
0.25 mg F/ml
Drops
Esquire

Multiple vitamins with fluoride
0.5 mg F/ml
Drops
Esquire

Naphazoline HCl, pheniramine maleate
0.025/0.3%
Opth solution
Optopics

Nifedipine
10 mg
Capsule
Scherer

Nifedipine
20 mg
Capsule
Scherer

Nitroglycerin
20 mg/g
Ointment
Adria

Nitroglycerin
20 mg/g
Ointment
Biocraft

Norethindrone with ethinyl estradiol
1 mg/35 mcg
Tablet, 21s
Schering

Norethindrone with ethinyl estradiol
1 mg/35 mcg
Tablet, 21s
Searle

Norethindrone with mestranol
1 mg/50 mcg
Tablet, 28s
Searle

Nystatin
100,000 U
Tablet, vaginal
Pharmaderm/Alta

Nystatin
100,000 U/g
Cream
Lederle

Nystatin
500,000 U
Tablet
Lederle

Nystatin
100,000 U/g
Ointment
Lederle

Nystatin
100,000 U
Tablet, vaginal
Lederle

Nystatin
50,000 U
Tablet
Chelsea

Nystatin
100,000 U
Tablet, vaginal
Fougera/Altana

Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Ointment
Pharmaderm/Alta

Nystatin 100,000 U, triamcinolone acetonide 0.1%
Per g
Cream
Pharmaderm/Alta

Oxazepam
10 mg
Capsule
Barr

Oxazepam
30 mg
Capsule
Barr

Oxazepam
15 mg
Capsule
Barr

Oxycodone HCl, oxycodone terephthalate, aspirin
4.50/0.38/325 mg
Tablet
Halsey

Penicillin G potassium
200,000 U/5 ml
For solution
Biocraft

Penicillin G potassium
400,000 U/5 ml
For solution
Biocraft

Penicillin G potassium
400,000 U
Tablet
Pfizer

Penicillin G potassium
800,000 U
Tablet
Pfizer

Penicillin G potassium
400,000 U/5 ml
For solution
Lilly

Penicillin G potassium
200,000 U
Tablet
Pfizer

Penicillin VK
500 mg
Tablet
Pfizer

Penicillin VK
250 mg/5 ml
For solution
Pfizer

Penicillin VK
250 mg
Tablet
Pfizer

Penicillin VK
125 mg/5 ml
For solution
Pfizer

Penicillin VK
500 mg
Tablet
Pfizer

Penicillin VK
250 mg/5 ml
For solution
Lilly

Penicillin VK
125 mg/5 ml
For solution
Lilly

Penicillin VK
250 mg
Tablet
Lilly

Penicillin VK
500 mg
Tablet
Upjohn

Penicillin VK
250 mg
Tablet
Upjohn

Penicillin VK
250 mg/5 ml
For solution
Upjohn

Penicillin VK
125 mg/5 ml
For solution
Upjohn

Phenazopyridine HCl
100 mg
Tablet
Copley

Phenazopyridine HCl
200 mg
Tablet
Copley

Phenylbutazone
100 mg
Capsule
USV

Phenylbutazone
100 mg
Tablet
USV

Phenylbutazone
100 mg
Capsule
Zenith

Pilocarpine HCl
5%
Ophth solution
Solopak

Pilocarpine HCl
6%
Ophth solution
Solopak

Pilocarpine HCl
0.5%
Ophth solution
Solopak

Pilocarpine HCl
4%
Ophth solution
Solopak

Pilocarpine HCl
1%
Ophth solution
Solopak

Pilocarpine HCl
2%
Ophth solution
Solopak

Pilocarpine HCl
3%
Ophth solution
Steris

Pilocarpine HCl
5%
Ophth solution
Steris

Pilocarpine HCl
3%
Ophth solution
Solopak

Pilocarpine HCl
6%
Ophth solution
Steris

Pilocarpine HCl
0.5%
Ophth solution
Steris

POLY-VI-FLOR Substitute
1.0 mg F
Tablet, chewable
Par

POLY-VI-FLOR Substitute
1.0 mg F
Tablet, chewable
Sidmak

Potassium bicarbonate
2.5 g (25mEq K+)
Tablet, efferves
Cima

Potassium bicarbonate
2.5 g (25mEq K+)
Tablet, efferves
Hudson

Potassium chloride
10 mEq (750 mg)
Capsule, ER
Adria

Potassium chloride
20 mEq/packet
Powder
Berlex

Potassium chloride
10% (20mEq/15ml)
Liquid
Dorsey

Potassium chloride
10% (20mEq/15ml)
Liquid
Berlex

Potassium chloride
10% (20mEq/15ml)
Liquid
Clay-Park

Potassium chloride
20% (40mEq/15ml)
Liquid
Adria

Potassium chloride
10% (20mEq/15ml)
Liquid
Adria

Potassium chloride
20m Eq/packet
Powder
KV

Potassium chloride
10% (20mEq/15ml)
Liquid
T.P.

Potassium chloride
20% (40mEq/15ml)
Liquid
T.P.

Potassium chloride
20% (40mEq/15ml)
Liquid
Pharmavite

Potassium chloride
10% (20mEq/15ml)
Liquid
Newtron

Potassium chloride
20% (40mEq/15ml)
Liquid
Newtron

Potassium chloride
20mEq/packet
Powder
Roxane

Potassium chloride
10% (20mEq/15ml)
Liquid
Pharmavite

Potassium gluconate
10% (20mEq/15ml)
Elixir
Newtron

Potassium gluconate
10% (20mEq/15ml)
Elixir
Pharm.Assocs.

Potassium gluconate
10% (20mEq/15ml)
Elixir
Pennex

Potassium gluconate
10% (20mEq/15ml)
Elixir
Adria

Prednisolone acetate 0.2% with sodium
sulfacetamide 10%
Ophth susp.
Americal

Procainamide HCl
375 mg
Capsule
Geneva

Procainamide modified release
750 mg
Tablet
Central

Procainamide modified release
250 mg
Tablet
Central

Procainamide modified release
500 mg
Tablet
Central

Promethazine HCl
25 gm/5 ml
Syrup
Barre-National

Promethazine HCl
6.25 gm/5 ml
Syrup
Pennex

Promethazine HCl 6.25 mg, codeine
phosphate 10 mg
Per 5 ml
Syrup
Pennex

Promethazine HCl 6.25 mg,
dextromethorphan HBr 15 mg
Per 5 ml
Syrup
Pennex

Promethazine HCl 6.25 mg,
dextromethorphan HBr 15 mg
Per 5 ml
Syrup
Cenci

Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg
Per 5 ml
Syrup
Pennex

Promethazine HCl 6.25 mg, phenylephrine HCl 5 mg, codeine phosphate 10 mg
Per 5 ml
Syrup
Pennex

Propantheline bromide
15 mg
Tablet
Geneva

Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Halsey

Proposyphene napsylate/ acetaminophen
50 mg/325 mg
Tablet
Halsey

Proposyphene napsylate/ acetaminophen
100 mg/650 mg
Tablet
Superpharm

Propoxyphene HCl
65 mg
Capsule
Lederle

Propoxyphene HCl
65 mg
Capsule
SKF

Propoxyphene HCl
65 mg
Capsule
Halsey

Propoxyphene HCl/Aspirin/ Caffeine
65/389/32.4 mg
Capsule
Zenith

Propranolol HCl
80 mg
Tablet
Superpharm

Propranolol HCl
40 mg
Tablet
Superpharm

Propranolol HCl
10 mg
Tablet
Superpharm

Propranolol HCl
20 mg
Tablet
Superpharm

Propranolol HCl
10 mg
Tablet
Duramed

Propranolol HCl
60 mg
Tablet
Duramed

Propranolol HCl
40 mg
Tablet
Duramed

Propranolol HCl
90 mg
Tablet
Duramed

Propranolol HCl
20 mg
Tablet
Duramed

Propranolol HCl
80 mg
Tablet
Duramed

Propranolol HCl
90 mg
Tablet
Roxane

Propranolol HCl
20 mg
Tablet
Schering

Propranolol HCl
40 mg
Tablet
Schering

Propranolol HCl
80 mg
Tablet
Schering

Propranolol HCl
60 mg
Tablet
Schering

Propranolol HCl
10 mg
Tablet
Schering

Quinidine gluconate
324 mg
Tablet, ER
Halsey

Quinine sulfate
260 mg
Tablet
Geneva

Salsalate
500 mg
Tablet
Lee

Salsalate
750 mg
Tablet
Lee

Sodium fluoride (0.5 mg F)
1.1 mg
Tablet
Lee

Sodium fluoride (0.5 mg F)
1.1 mg
Tablet
Able

Sodium fluoride (1 mg F)
2.2 mg
Tablet
Able

Sodium fluoride (1 mg F)
2.2 mg
Tablet
T.P.

Sodium fluoride (1 mg F)
2.2 mg
Tablet
Lee

Spironolactone
25 mg
Tablet
Superpharm

Spironolactone/ Hydrochlorothiazide
25 mg/25 mg
Tablet
Superpharm

Sulfacetamide sodium
30%
Ophth solution
Akorn

Sulfacetamide sodium
30%
Ophth solution
Americal

Sulfacetamide sodium
10%
Ophth solution
Americal

Sulfacetamide sodium
30%
Ophth solution
Allergan

Sulfacetamide sodium
30%
Ophth solution
Schering

Sulfacetamide sodium
10%
Ophth solution
Schering

Sulfacetamide sodium
10%
Ophth solution
Schering

Sulfacetamide sodium
10%
Ophth solution
Maurry

Sulfacetamide sodium
30%
Ophth solution
Optopics

Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Pharbita

Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Pharbita

Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Superpharm

Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Superpharm

Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
Barr

Sulfamethoxazole/trimethoprim
800 mg/160 mg
Tablet
B-W

Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
Barr

Sulfamethoxazole/trimethoprim
400 mg/80 mg
Tablet
B-W

Sulfasalazine
0.5 g
Tablet
Superpharm

Sulfasalazine
0.5 g
Tablet
VIP

Sulfinpyrazone
100 mg
Tablet
Zenith

Temazepam
15 mg
Capsule
Barr

Tetracycline HCl
125 mg/5 ml
Suspension
Barre-National

Tetracycline HCl
500 mg
Capsule
Rachelle

Tetracycline HCl
250 mg
Capsule
Robins

Tetracycline HCl
125 mg/5 ml
Suspension
Purepac

Tetracycline HCl
250 mg
Capsule
Rachelle

Tetracycline HCl
125 mg/5 ml
Suspension
Lederle

Tetracycline HCl
500 mg
Capsule
Pfizer

Tetracycline HCl
125 mg/5 ml
Suspension
Pfizer

Tetracycline HCl
125 mg/5 ml
Suspension
Robins

Tetracycline HCl
500 mg
Capsule
Robins

Tetracycline HCl
500 mg
Capsule
PFI

Tetracycline HCl
250 mg
Capsule
PFI

Tetracycline HCl
250 mg
Capsule
Pfizer

Tetracycline HCl
125 mg/5 ml
Suspension
Upjohn

Theophylline
80 mg/15 ml
Elixir
Bell

Theophylline
80 mg/15 ml
Elixir
Berlex

Theophylline 150 mg,
guaifenesin 90 mg
Per 15 ml
Liquid
M-J

Theophylline 8 mg/15 ml with
potassium
iodide 130 mg/15 ml
Elixir
Barre-National

Theophylline 8 mg/15 ml with
potassium
iodide 130 mg/15 ml
Elixir
Berlex

Thioridazine HCl
150 mg
Tablet
Barr

Thioridazine HCl
100 mg/ml
Concentrate
Geneva

Thioridazine HCl
100 mg/ml
Concentrate
Copley

Thioridazine HCl
200 mg
Tablet
Barr

Thioridazine HCl
10 mg
Tablet
Superpharm

Thioridazine HCl
25 mg
Tablet
Superpharm

Thioridazine HCl
50 mg
Tablet
Zenith

Thioridazine HCl
25 mg
Tablet
Zenith

Thioridazine HCl
50 mg
Tablet
Superpharm

Thioridazine HCl
10 mg
Tablet
Zenith

Thioridazine HCl
15 mg
Tablet
Zenith

Thioridazine HCl
100 mg
Tablet
Zenith

Tolazamide HCl
100 mg
Tablet
Mylan

Tolbutamide
0.5 g
Tablet
Lederle

Tolbutamide
0.5 g
Tablet
Geneva

Tolbutamide
0.5 g
Tablet
Superpharm

Triamcinolone acetonide
0.025%
Cream
Lederle

Triamcinolone acetonide
0.1%
Ointment
Lederle

Triamcinolone acetonide
0.1%
Cream
Lederle

Triamcinolone acetonide
0.025%
Ointment
Pennex

Triamcinolone acetonide
0.1%
Cream
Pennex

Triamcinolone acetonide
0.1%
Ointment
Pennex

Triamcinolone acetonide
0.5%
Cream
Lederle

Triamcinolone acetonide
0.025%
Cream
Pennex

Triamcinolone acetonide
0.5%
Ointment
Lederle

Triamcinolone acetonide
0.5%
Ointment
Pennex

Trifluoperazine HCl
10 mg/ml
Concentrate
My-K/Pharmbasic

Trifluoperazine HCl
1 mg
Tablet
Geneva

Trihexyphenidyl HCl
2 mg
Tablet
Schering

Trihexyphenidyl HCl
5 mg
Tablet
Schering

Trimethoprim
100 mg
Tablet
Barr

Valproic acid
250 mg
Capsule
Par

Vitamins ADC with fluoride.
Per tablet:
F, 1 mg
A, 2500 U
D, 400 U
C, 60 mg
0.5 mg F/ml
Drops
Pennex

Vitamins ADC with fluoride.
Per tablet:
F, 1 mg
A, 2500 U
D, 400 U
C, 60 mg
0.25 mg F/ml
Drops
M-J

Vitamins ADC with fluoride.
Per tablet:
F, 1 mg
A, 2500 U
D, 400 U
C, 60 mg
0.25 mg F/ml
Drops
Esquire

Vitamins ADC with fluoride.
Per tablet:
F, 1 mg
A, 2500 U
D, 400 U
C, 60 mg
0.5 mg/F ml
Drops
Esquire

HIGHER EDUCATION

(a)

BOARD OF HIGHER EDUCATION

Administrative Policies

Minority Undergraduate Fellowship Program

Proposed New Rules: N.J.A.C. 9:2-2

Authorized By: Board of Higher Education,
Edward D. Goldberg, Chancellor and Secretary.
Authority: N.J.S.A. 18A:72M-7.
Proposal Number: PRN 1994-25.

Submit comments by February 2, 1994 to:
Jeanne Oswald, Ed.D.
Administrative Practice Officer
Department of Higher Education
CN 542
Trenton, NJ 08625

The agency proposal follows:

Summary

N.J.A.C. 9:2-2 sets forth the program requirements for participation in the Minority Undergraduate Fellowship Program (N.J.S.A. 18A:72M-1 et seq). The program will provide research and mentoring opportunities to talented, New Jersey minority group undergraduate students to encourage them to pursue graduate studies and an academic career. Faculty and student stipends will support the students' involvement in a faculty mentor research project and as an undergraduate teaching assistant.

The selection of the first group of 30 juniors will occur in the Spring of 1994. In subsequent years the selections will be made in the fall in accordance with the proposed rules. New Jersey Institute for Collegiate Teaching and Learning (NJICTL) will administer this program under contract with the Department.

N.J.A.C. 9:2-2.1 defines words and terms within the subchapter.

N.J.A.C. 9:2-2.2 delineates eligibility criteria for program applicants.

N.J.A.C. 9:2-2.3 denotes specific responsibilities of a participating institution.

N.J.A.C. 9:2-2.4 identifies specific responsibilities of a participating undergraduate.

N.J.A.C. 9:2-2.5 details the amount and reasons for the stipend.

Social Impact

Since 1984, the Department of Higher Education has been addressing the challenge of increasing the number of minority faculty members in New Jersey colleges and universities. The Minority Academic Careers (MAC) Program (P.L.1984, c.189), one of the first of its kind in the nation, was designed both to create opportunities for minorities to pursue doctoral studies at one of New Jersey's eight doctoral-degree granting institutions and to increase the pool from which minority faculty could be recruited for New Jersey colleges and universities. The MAC program has produced a number of graduates who are teaching in the State, but by itself, MAC is not sufficient to meet the current and anticipated need for minority faculty in New Jersey colleges and universities. Since the flow of minority students into graduate schools remains underrepresented, the Minority Undergraduate Fellowship Program (N.J.S.A. 18A:72M-1 et seq.) was developed as a pipeline initiative to raise the numbers of high achieving minority undergraduates interested in graduate school and college teaching careers, and to provide such students with the financial and faculty support necessary to assist them in achieving that goal.

Economic Impact

The program will assist in meeting the current and anticipated need for minority faculty in New Jersey colleges and universities. Each undergraduate fellow will receive a stipend in the amount of $1,000 per semester in their Senior year of study and up to $500.00 for travel. Each faculty mentor will receive a stipend in the amount of $500.00 per semester for two semesters. The estimated annual cost for provision of stipends for faculty and undergraduate fellows is $105,000, assuming 30 fellows. N.J.S.A. 18A:72M-7 provides for funding for this program under the Minority Faculty Advancement Loan and Loan Redemption Program Act (N.J.S.A. 18A:72F-1).

It is expected that institutions will incur minor administrative costs in distributing stipends.

Regulatory Flexibility Statement

The proposed new rules do not impose any recordkeeping, reporting or compliance requirements on small businesses, as that term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules pertain to students and faculty participating in the program.

Full text of the proposed new rules follows:

SUBCHAPTER 2. MINORITY UNDERGRADUATE FELLOWSHIP PROGRAM

9:2-2.1 Definitions

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

"Eligible discipline" means an academic discipline in which minority faculty members are underrepresented in comparison to non-minority faculty members with doctorates, including, but not limited to, the physical and life sciences, engineering, mathematics, management, computer sciences, environmental science and statistics. Eligible discipline shall not, however, include the disciplines of law, medicine or dentistry.

"Faculty mentor" means any person employed full-time by a New Jersey institution of higher education to perform primarily teaching or research duties for a full academic year, who agrees to participate in the program and abide by all terms and conditions of such participation as set forth herein.

"Full-time student" means one who, in each semester, quarter or equivalent thereof, is engaged in coursework or research necessary to constitute a full-time student status as defined by the sponsoring institution attended.

"Minority" means any United States citizen or permanent resident who is a member of a racial-ethnic group that has been historically disadvantaged in obtaining access to equal educational opportunities as designated by the United States Department of Education, Office of Civil Rights including Blacks, Hispanics, Native Americans, Asians and Pacific Islanders.

"Program" means the Minority Undergraduate Fellowship Program established pursuant to P.L.1991, c.485.

"Sponsoring institution" means an institution of higher education having authority under the laws of New Jersey to award baccalaureate degrees which elects to participate in the program, selects participants for the program from among its junior level students and selects faculty mentors as set forth herein.

"Undergraduate fellow" means an individual who has been recommended by the sponsoring institution and accepted by the Chancellor to participate in the program.

9:2-2.2 Program participation eligibility

(a) The Department of Higher Education will encourage all institutions annually to participate in the Minority Undergraduate Fellowship Program and nominate eligible students for the program. The Department will have oversight of the overall student selection process, the evaluation of the program and the monitoring of student performance.

(b) To be eligible for consideration to participate in the program, an applicant for the fellowship must:

1. Be a member of a minority group;
2. Have demonstrated a potential for academic excellence based upon performance in previous academic work and related activities with a cumulative grade point average of at least 3.0 based on a 4.0 scale;
3. Have attained the junior year of a baccalaureate program;
4. Be enrolled as a student in good standing at the sponsoring institution;
5. Have an interest in pursuing graduate education and a career as a collegiate faculty member; and
6. Be nominated by the institution at which he or she is enrolled as a full-time undergraduate student pursuing a baccalaureate degree in an eligible discipline, at a sponsoring institution.

9:2-2.3 Sponsoring institution responsibilities

(a) Institutions of higher education will notify the Department of Higher Education (DHE) annually of their desire to participate as sponsoring institutions in the program.

(b) A sponsoring institution will nominate undergraduate fellows based on a determination of potential for success in college teaching and academic research, consistent with the student's performance in previous academic work at that and other regionally accredited colleges and universities, related activities, and level of motivation.

(c) A sponsoring institution will ensure the selection of an appropriate faculty member from the undergraduate fellow's major field to serve as faculty mentor to the undergraduate fellow.

(d) A sponsoring institution will ensure that the faculty mentor fulfills all program responsibilities which include:

1. The provision of supervision and support for a research project by the undergraduate fellow in the spring semester of the junior year, or actively involving the student in a project which the advisor is conducting;

2. The supervision of the fellow in the senior year as an undergraduate teaching assistant, which assistantship may include helping the mentor prepare a class, providing tutoring, leading group discussions, and providing laboratory demonstrations.

3. The accompanying of the undergraduate fellow to the annual meeting of the professional association of the fellow's academic discipline; and

4. Assisting the fellow in the selection of, and application to a graduate school.

(e) The institution may nominate more students for the program than the number of allocated fellowships. Names shall be submitted in a ranked order in the event that additional fellowships become available.

(f) The sponsoring institution will provide reports regarding the progress of the student to the Department of Higher Education, as requested.

(g) The sponsoring institution will be responsible for the associated travel and registration costs for the faculty mentor to attend the annual meeting of the professional association of the fellow's academic discipline.

9:2-2.4 Undergraduate fellow responsibilities

(a) Each undergraduate fellow shall:

1. Maintain full-time enrollment status at the sponsoring institution for the duration of the fellowship;

2. Maintain satisfactory academic progress as defined by the sponsoring institution where the undergraduate fellow is enrolled;

3. Engage in a research project under the faculty mentor's guidance and expertise during the undergraduate fellow's junior year;

4. Participate in a teacher training workshop in preparation for service as an undergraduate teaching assistant;

5. Serve as an undergraduate teaching assistant with the faculty mentor during the undergraduate fellow's senior year;

6. Attend the annual professional association meeting of the undergraduate fellow's academic discipline accompanied by the faculty mentor; and

7. With the assistance of the faculty mentor, complete applications to graduate schools in the fall of the senior year.

9:2-2.5 Undergraduate fellowship award

(a) The program provides a stipend of $1,000 per semester to each undergraduate fellow during the senior year of participation for serving as a teaching assistant. In addition, the program will provide up to $500.00 for travel and related expenses to attend an annual meeting in the undergraduate fellow's academic discipline.

(b) The program provides a stipend of $500.00 per semester to each faculty mentor during the undergraduate fellow's senior year.

HUMAN SERVICES

(a)

DIVISION OF DEVELOPMENTAL DISABILITIES

Administration

Proposed Readoption With Amendments: N.J.A.C. 10:41

Authorized By: William Waldman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 9:6-8, 10a, 20:10-12, 30:4-24.3, 30:6d-4(f).

Proposal Number: PRN 1994-18.

Submit comments by February 2, 1994 to:

James M. Evanochko
Administrative Practice Officer
CN 726
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Division of Developmental Disabilities provides services to approximately 18,000 persons in New Jersey. Services are provided in a variety of settings such as group homes, supervised apartments, community care homes, public and private institutions. Services are also provided to persons living in their own home, including, but not limited to, supported or sheltered employment, personal care attendants and respite care.

This chapter addresses two important administrative aspects of the provision of services. N.J.A.C. 10:41-2 addresses access to client and agency records, along with the requirements to ensure confidentiality. N.J.A.C. 10:41-4 establishes human rights committees, whose responsibility is to safeguard individual rights while services are being provided.

On August 2, 1993, the Division adopted amendments to N.J.A.C. 10:41-2, the subchapter on confidentiality and access to records. These amendments were required in response to a New Jersey Appellate Court decision (see 25 N.J.R. 432(a) and 3465(a)). No further changes are being proposed in this subchapter at this time.

N.J.A.C. 10:41-4 is the subchapter which addresses the use of human rights committees in both provider agencies and State-operated programs. The purpose of these committees is to safeguard the rights of individuals served by the Division. There are several amendments which serve to clarify the requirements of the existing subchapter.

A summary of the rules proposed for readoption follows:

Subchapter 1 is reserved. Subchapter 2 is the access to client records and record confidentiality. This subchapter identifies the types of records maintained by the Division, distinguishes which records are public and which are private and describes how these records may be released. The subchapter also includes safeguarding standards.

Subchapter 3 is reserved. Subchapter 4 addresses human rights committees. This subchapter describes the membership and role of the committee, the frequency of meetings and general committee functions. Provisions are made for resolution of conflicts of interest, minutes of meetings and decision making for behavior modification plans. A separate section, N.J.A.C. 10:41-4.18, is included for committees in provider agencies.

A summary of the proposed changes follows:

The specific changes to subchapter 4 are:

At N.J.A.C. 10:41-3, Definitions, the definition of "aversive stimuli" and "levels of aversiveness" were deleted. The terms were not used in the existing rules.

The definition of "behavior management committee" is deleted, since it is not used in the rules. It had been included based upon wording in an earlier draft which was deleted.

The definition of "Chief Executive Officer" was amended to include the person having authority over a State operated developmental center. The term "Superintendent" also has been deleted. The title for the person with administrative authority over a developmental center has been officially changed from "Superintendent" to "Chief Executive Officer." The term "Superintendent" has been deleted throughout the text of the rules.

The definition of "human rights committee" was amended to change the term "client" to "individuals served." Due to requests from consti-

tuents and advocacy groups, the Division now uses "individuals served" or just "individual" rather than "client." The change has been made throughout the text.

The definition of "Regional administrator" was amended to reflect that the individual had administrative authority over a community based regional office. The Division is planning to reorganize in the near future and the Office of Community Services, which is reflected in the present wording, will no longer exist.

N.J.A.C. 10:41-4.5(d) was amended to place the responsibility on the regional administrator, Chief Executive Officer or executive director to provide an appropriate atmosphere for the independence and objectivity of the committee. This change was made to reinforce the committee's independent role.

N.J.A.C. 10:41-4.7(c) was amended to delete the limit on how many times a chairperson or vice-chairperson could serve. Several Division components stated that the chairs wished to continue to serve beyond the three term limit.

N.J.A.C. 10:41-1.2(d) was added to require agencies with their own committees to forward minutes to the regional administrator. This was done as a means to monitor the function of the committees.

N.J.A.C. 10:41-4.12(a)4 was amended to clearly indicate that certain behavior plans must be reviewed by the committee. The present wording was felt to be too vague.

The amended N.J.A.C. 10:41-4.13 deletes that requirement that committee members who are not Division employees may receive reimbursement for travel expenses. The Division hopes that this will not deter volunteers from serving on these committees.

N.J.A.C. 10:41-4.17(b), 10:41-4.19(a) and (b)2 were amended to clearly indicate when the Chief Executive Officer of a private mental retardation facility needed to act, as opposed to a Chief Executive Officer of a State-operated developmental center.

Social Impact

The proposed readoption with amendments impacts on access to records and confidentiality. This chapter impacts on persons who receive services, their legal guardians, service providers and Division staff. In accordance with N.J.S.A. 30:4-24.3, the Department of Human Services is responsible to ensure the confidentiality of the records of persons served. The Developmentally Disabled Rights Act, N.J.S.A. 30:6D-4(f), requires the confidential handling of personal and medical records. If this subchapter were not adopted, the Division would lack sufficient guidelines to ensure compliance with these statutes. The subchapter on access to records and confidentiality continues the same requirements which were designed to protect the records of persons served by the Division. No new requirements are imposed.

The amendments proposed in the subchapter on human rights committees will have a positive impact, in that they simplify and clarify the requirements presently in place.

The subchapter affects the quality of life of persons who receive services and their families. The establishment of human rights committees provides a direct safeguard to the protection of the rights of individuals served, as designated in N.J.S.A. 30:6D-1 through 12.

The social impact of the proposed amendments to subchapter 4 are expected to be favorable. The changes in terminology should improve communication among providers of service and simplify the terms commonly used. Requiring minutes of agencies be provided to the regional administrator should also improve communication and also serve as an administrative safeguard.

Economic Impact

The proposed readoption will have some economic impact because there are approximately 800 service providers. The providers are required to have sufficient areas and procedures to ensure the confidentiality of records. The subchapter also requires that individuals requesting copies of client or agency records pay for the duplication of the records. This requirement is necessary, since staff time and duplication costs to the Division or provider agency can be considerable. There is no anticipated impact on the persons served or their families beyond the costs of duplication. Fees paid to the Division will be returned to the general fund of the Department of Treasury. These record keeping provisions, however, do not have significant economic impact on the provider agencies. Moreover, the subchapter contains no new requirements. No additional costs are necessary to implement or maintain compliance with this subchapter.

The subchapter on human rights committees has a limited economic impact. Part of the membership of the committee must be from persons outside the Division if it is a Division committee or outside the provider agency if it is an agency committee. Outside individuals are expected to serve at their own expense. The requirement that such persons be reimbursed for travel expenses has been deleted.

There is no economic impact on the wording changes proposed in subchapter 4. These changes are based upon the language currently used in the field. The deletion of the provision of travel expenses could affect non employee committee members. When the change was suggested internally, feedback from the Division components and agencies did not indicate that this was expected to have significant impact on the membership of the committees.

Regulatory Flexibility Analysis

This chapter does impact on approximately 800 private service providers, some of which may be classified as small businesses, pursuant to N.J.S.A. 52:14B-16, the Regulatory Flexibility Act. The rules apply to organizations which operate group homes, supervised apartments and community care homes as defined in N.J.A.C. 10:44A and 10:44B.

Subchapter 2 requires the regulated public to account for the confidentiality of records in their care and to ensure that those records are released only under the proper circumstances. The recordkeeping in subchapter 4 is limited to the production of minutes following committee meetings. No professional services are required by either subchapter.

Both initial and annual compliance costs are anticipated to be minimal. As a result of the inclusion of internal communication as agency records, which providers would be obliged to disclose to litigants, there may be costs incurred that involve securing storage of records and duplication fees of agency records which agencies are to be reimbursed. The rules should not produce any adverse economic impact on small businesses.

Because of an overriding concern the confidentiality of records and the preservation of the rights of persons served, the Department will not exempt any small businesses from compliance with the rules as proposed.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:41.

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

10:41-4.3 Definitions

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

["Aversive stimuli" means the presentation of stimuli or conditions to decrease the frequency, intensity or duration of maladaptive behavior by inducing distress, discomfort or pain which may place the individual at some degree of risk of physical and/or psychological injury.]

"Behavior Management Committee (BMC)" means a representative body of individuals who have clinical expertise and individuals who have administrative authority within the Division component or provider agency who review behavior plans and who make a judgment as to whether or not the plans are clinically and technically appropriate.

"Chief executive officer (CEO)" means the person having administrative authority over, and responsibility for, a **State-operated developmental center,** or a private residential facility licensed under N.J.A.C. 10:47.

...

"Human rights committee" means a group comprised of professionals, [clients] **individuals served,** advocates and/or interested persons from the community at large who function as an advisory body to the CEO, executive director or regional administrator, on issues directly or indirectly affecting the rights of [Division clients] **individuals served.**

["Levels of aversiveness" means one of the four categories of techniques used to modify behavior, as follows:

1. Level I means techniques that do not have any aversive components;

2. Level II means techniques that are presumed to be mildly aversive and/or restrictive in nature;

3. Level III means techniques that are presumed to be more aversive and/or restrictive than Level II techniques and which place the client at increased risk;

4. Level IV means severely aversive and/or restrictive techniques, such as contingent electric shock (Faradic stimulation).]

...

"Regional administrator" means the person having administrative authority and responsibility for **a community based** regional office [within the jurisdiction of the Office of Community Services.]

["Superintendent" means the person having administrative authority and responsibility over a developmental center.]

10:41-4.4 Rights of developmentally disabled persons

(a) Developmentally disabled individuals are entitled to exercise the same human and civil rights enjoyed by other citizens. These rights shall not be limited or modified unless the individual's disability limits the exercise of these rights. Staff shall make efforts to assure that the human and civil rights of developmentally disabled [clients] **individuals** are protected and exercised.

(b) Limitations of an [client's] **individual's** rights shall be documented in the client record.

(c) All staff and contract service providers shall advocate for and protect the rights of developmentally disabled [clients] **individuals** in programs for which they are responsible. Staff and contract service providers shall utilize the structured form of the human rights committee as an assist in protecting the rights of the developmentally disabled.

10:41-4.5 Role for the human rights committee

(a) The human rights committee shall exercise an advisory role only in relation to the [superintendent,] regional administrator, CEO or executive director.

(b) The [superintendent] regional administrator, CEO or executive director shall make the final decision on any issue regarding the rights of a [client] **person receiving services** and when proceeding against the advice and recommendations of the human rights committee, shall document the substantive reasons for proceeding against the advice and recommendations of the human rights committee in the client record.

(c) The orientation of the human rights committee shall be proactive and preventative. The committee shall recommend procedures and programs which safeguard the rights of the [client] **individual.**

(d) [Each] **The regional administrator, CEO or executive director, shall ensure that each** committee be afforded a private meeting area and an atmosphere respectful of its independence and objectivity as a review group.

10:41-4.6 Appointment of members

(a) The members of the human rights committee shall be appointed by the [superintendent,] regional administrator, CEO or executive director for a two year term. The term may be renewable.

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

[(d) At least one of the affiliated members of a developmental center or regional human rights committee shall be a representative of the Division's Bureau of Guardianship Services and shall be assigned by the Bureau of Guardianship supervisor of the region responsible for the office or facility.]

[(e)](**d**) (No change in text.)

10:41-4.7 Appointment and duties of chairperson and vice-chairperson

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

(c) The chairperson and vice-chairperson shall serve a two-year term to which they may be reelected [a maximum of three consecutive times].

(d) (No change.)

10:41-4.8 Conflict of interest

(a) (No change.)

(b) Representatives of legal services, such as the Department of the Public Advocate[,] or other agency, who may represent future [client] **individual** interests, shall not be appointed members of a human rights committee as defined in this subchapter. Their role and authority exist independent of this advisory body.

10:41-4.9 Filling vacancies created by unexpired terms

(a) Any human rights committee member who cannot complete his or her term shall communicate this in writing to the [superintendent,] regional administrator, CEO or executive director at least two weeks before the date of resignation.

(b) If any human rights committee member, for good reason, cannot complete his or her term, the [superintendent,] regional administrator, CEO or executive director shall appoint a replacement within 30 days of the creation of a vacancy.

10:41-4.10 Removal of human rights committee members

(a) A committee member may be removed by the [superintendent,] regional administrator, CEO or executive director, for good cause, based upon a two-thirds majority vote of the full committee. The member who may be removed shall not vote on the action.

(b) (No change.)

10:41-4.12 Minutes of the meeting

(a) Minutes of the meeting shall be retained on file in the office of the [superintendent,] regional administrator, CEO or executive director, and shall be available to Division staff.

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

(d) For agencies with their own committees, the minutes shall be forwarded to the regional administrator.

10:41-4.13 [Reimbursement of expenses] **(Reserved)**

[Any member of a committee in a developmental center or regional office who is not an employee may receive reimbursements from the center or office for travel expenses, which may include mileage, parking, public transportation expenses and meals.]

10:41-4.14 General committee functions

(a) The functions of a human rights committee shall include, but not be limited to, the following:

1. To advise the [superintendent,] regional administrator, CEO or executive director with regard to issues, regarding the human and civil rights of [client] **individuals**, bringing to his or her attention existing or potential infringements upon, or impediments to the free exercise of [client's] **individual's** rights including recommendations for action.

2. To contribute to the development of revision of policies and procedures directly relating to [client's] **individual's** rights.

3. To review alleged or suspected violation of the rights of [individual clients] **individuals** or groups of [clients] **individuals** brought to the attention of the committee and to recommended investigation of violations, as deemed appropriate by the committee.

4. To review [and to permit or allow, on a case by case basis] **behavior modification plans which employ** the use of procedures not prohibited by law or rule which may present an element of risk and/or restriction to an individual's [client's] rights.

5. To review the proposed involvement of [clients] **person participating** in research projects.

[6. To review investigation reports of unusual incidents involving allegations of abuse, neglect or exploitation of clients]

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

10:41-4.15 Responsibilities of the chairperson

(a) The chairperson of the committee shall be responsible for the following:

1.-2. (No change.)

3. Forwarding copies of minutes and other communications to the members of the committee and the [superintendent,] regional administrator, CEO or executive director; and

4. (No change.)

10:41-4.18 Provider agency committees

(a) (No change.)

(b) The CEO **of a private mental retardation facility** or **the** executive director shall establish a line of communication with the regional administrator of the appropriate office to facilitate case reviews.

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

10:41-4.20 Membership of provider agency human rights committees

(a) The CEO **of a private mental retardation facility** or **the** executive director shall appoint members of the committee, one of whom may be a Division employee.

(b) The Division may assign an observer who is not a voting member of the committee, under the following conditions:

1. (No change.)

2. Should the observer have concerns about the agency or facility, he or she shall bring these concerns to the CEO **of a private mental retardation facility** or **the** executive director; and

3. (No change.)

(c) (No change.)

(a)

DIVISION OF FAMILY DEVELOPMENT

Public Assistance Manual

Computerized Support Enforcement System

Proposed Amendments: N.J.A.C. 10:81-11.7 and 11.9

Authorized By: William Waldman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 44:10-3; Family Support Act of 1988 (Public Law 100-485), Section 123; 45 C.F.R. 307.10 and 45 C.F.R. 303.2(b).

Proposal Number: PRN 1994-1.

Submit comments by February 2, 1994 to:

Marion E. Reitz, Director
Division of Family Development
CN 716
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendments at N.J.A.C. 10:81-11.7(a)12 and 11.9(e) conform with Federal mandates requiring the State to have an automated system which will control, account for and monitor all the factors in the support collection and paternity determination processes of IV-D cases. The proposed amendments outline these requirements in relation to case establishment and case maintenance functions.

The specific information which the system is required to maintain, such as name, social security number, date of birth and mailing address of obligors and obligees, is outlined. The system is also required to maintain accounts receivable on all amounts owed, collected and distributed.

In addition, the proposed amendment at N.J.A.C. 10:81-11.9(e)1 reiterates, for the purpose of clarity, the timeframes for referring a case from IV-A to IV-D, as stated at N.J.A.C. 10:81-11.4(d), and sets forth the 20 calendar day timeframe for establishing a case record on the Automated Child Support Enforcement System (ACSES) after receipt of a IV-A referral or the filing of a IV-D application. The proposed amendment at N.J.A.C. 10:81-11.9(e)1 also requires that the case record be updated with new and verified information within five working days of receiving such information.

Social Impact

The proposed amendments at N.J.A.C. 10:81-11.7(a)12 and 11.9(e) are expected to have a positive social impact, as automation of case information will ensure the timeliness of case processing and a means to effectively track and monitor specific enforcement actions. In addition, automated processing will provide workers with the opportunity to spend more time on those cases requiring other than routine handling. The timeframes proposed at N.J.A.C. 10:81-11.9(e) will ensure the uniform treatment of case records.

Economic Impact

The proposed amendments at N.J.A.C. 10:81-11.7(a)12 and 11.9(e) are expected to have a positive economic impact, as automation should expedite case processing resulting in a more timely order establishment. In addition, the increase of automated functions will prove a financial benefit in regard to the worker hours saved.

Regulatory Flexibility Statement

The proposed amendments have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments impose no reporting, recordkeeping or other compliance requirements on small business; therefore, a regulatory flexibility analysis is not required. The rules govern a public assistance program designed to certify eligibility for the Aid to Families with Dependent Children program by a governmental agency rather than a private business establishment.

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

10:81-11.7 Responsibilities of the State agency

(a) The State Office of Child Support and Paternity Programs, located in the Division of Family Development, shall be the single organizational unit responsible for the supervision of the administration of the Child Support and Paternity Program. This unit shall be referred to as the Office of Child Support and Paternity programs (OCSPP). Responsibilities of the OCSPP include, but are not limited to, the following:

1.-11. (No change.)

12. The operation of the Automated Child Support Enforcement System (ACSES), which will control, account for and monitor all the factors in the support collection and paternity determination processed under the State plan. At a minimum, this shall include:

i. Maintaining identifying information, such as social security numbers, names, dates of birth, home addresses and mailing addresses (including postal zip codes) on individuals against whom support obligations are sought to be established or enforced and on individuals to whom support obligations are owed, and other data as required by OCSPP;

ii. Periodically verifying the information on individuals referred to in (a)12i above with Federal, State and local agencies, both intrastate and interstate;

iii. Maintaining data necessary to meet Federal reporting requirements on a timely basis as prescribed by OCSPP;

iv. Maintaining information pertaining to:

(1) Delinquency and enforcement activities;

(2) Intrastate, interstate and Federal location of absent parents;

(3) The establishment of paternity; and

(4) The establishment of support obligations;

v. Collecting and distributing both intrastate and interstate support payments;

vi. Maintaining and distributing incentive payments to political subdivisions which share in the cost of funding the program and to other political subdivisions, based on efficiency and effectiveness in accordance with N.J.A.C. 10:81-11.6;

vii. Maintaining accounts receivable on all amounts owed, collected, and distributed;

viii. Maintaining costs of all services rendered, either directly or by interfacing with State financial management and expenditure information;

ix. Accepting electronic case referrals and updating information from the State's Title IV-A program and using that information to identify and manage support enforcement cases;

x. Transmitting information electronically to provide data to the State's AFDC system so that the IV-A agency can determine (and report back to the IV-D system) whether a collection of support causes a change in eligibility for, or the amount of aid, under the AFDC program;

xi. Providing security to prevent unauthorized access to, or use of, the data in the system;

xii. Providing management information on all IV-D cases under the State plan from initial referral or application through collection and enforcement;

xiii. Providing electronic data exchange with the State Medicaid system to provide for case referral and the transfer of the medical support information;

xiv. Providing electronic data exchange with the State IV-F program for purposes of assuring that services are furnished in an integrated manner unless the requirement is otherwise met through the exchange conducted under ix above;

xv. Using automated processes to assist the State in meeting State plan requirements and standards for program operations, including, but not limited to:

(1) The automated maintenance and monitoring of accurate records of support payments;

(2) Providing automated maintenance of case records for purposes of management and tracking requirements;

(3) Providing Title IV-D case workers with on-line access to automated sources of absent parent's employer(s) and wage information maintained by the State when available, by establishing an electronic link or by obtaining an extract of the data base and placing it on-line for access throughout the State;

(4) Providing locate capability by automatically referring cases electronically to locate sources within the State (such as the Division of Motor Vehicles, Department of Labor, and other State agencies), and to the Federal Parent Locator Service, and utilizing electronic linkages to receive return locate information and place the information on-line to Title IV-D case workers throughout the State;

(5) Providing capability for electronic funds transfer for purposes of income withholding and interstate collection; and

(6) Integrating all processing of interstate cases with the computerized support enforcement system, including the central registry; and

xvi. Providing automated processes to enable OCSPP to monitor State operations and assess program performance.

10:81-11.9 Responsibilities of the CWA/CSP Unit

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

(e) Rules on CSP case record are as follows:

1. CSP case record: [Separate] **Automated** CSP case records shall be maintained for all AFDC cases referred to the CSP Unit. [This regulation does not necessarily require a separate case folder but at a minimum, income maintenance records and CSP records must be physically segregated within the containing binder.] **The case record shall be established on the Automated Child Support Enforcement System (ACSES) within 20 calendar days after receipt of referral from IV-A or the filing of a IV-D application. The case record shall be updated with new information within five working days of receiving such information.**

i. Purpose of CSP case record: The purpose of the **automated** CSP case record is to compile, in one easily accessible location, all information relevant to CSP activities.

ii. The **automated** CSP case record shall contain the following information as applicable to each case:

(1) The **date of the** referral from [income maintenance to the CSP Unit] **IV-A to IV-D** for each AFDC applicant/recipient or **the date** an application **was filed** for those individuals requesting nonpublic assistance (NPA) services.

(2) Information such as social security numbers, names, dates of birth, home addresses and mailing address on individuals against whom support obligations are sought to be established or enforced and on individuals to whom support obligations are owed.

Recodify existing (2) and (3) as **(3) and (4)** (No change in text.)

[(4)] **(5)** A record of **all** efforts to utilize [local] locate sources, including **the** dates and results of these efforts.

[(5) A record of referral to the State PLS, including the dates and results of such referral.]

(6) Paternity establishment information.

[(6)] **(7)** A record identifying the court order **and information regarding delinquency and enforcement activities, as well as collection and distribution.**

(8) Medical support information.

[(7)] **(9)** A record of communications to and from the [Bureau of CSP] **Office of Child Support and Paternity** Programs or any other CSP agency.

Recodify existing (8) and (9) as **(10) and (11)** (No change in text.)

iii. (No change.)

(f)-(l) (No change.)

INSURANCE

(a)

DIVISION OF PROPERTY AND CASUALTY

Standards for Written Notice: Buyer's Guide and Coverage Selection Form: Minimum Standards for Coverage Selection Form

Proposed Amendments: N.J.A.C. 11:3-15.7

Authorized By: Samuel F. Fortunato, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1C-6(e), 39:6A-8.1, 39:6A-23 and P.L.1993, c.156 (enacted June 8, 1993).

Proposal Number: PRN 1994-29.

Submit comments by February 2, 1994 to:

Verice M. Mason
Assistant Commissioner
Legislative and Regulatory Affairs
New Jersey Department of Insurance
20 West State Street
CN-325
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Insurance ("Department") is proposing amendments to the automobile insurance Coverage Selection Form ("CSF") set forth at N.J.A.C. 11:3-15.7. The additional language is required to be included in the CSF by P.L.1993, c.156, enacted June 8, 1993 (the "Act").

The Act requires an acknowledgement in the CSF by the named insured that the limits available for uninsured motorist coverage and underinsured motorist coverage have been explained to the insured. The Act further requires that the CSF include a warning statement that no person including, but not limited to, an insurer, an insurance producer, a servicing carrier, or non-insurer servicing carrier acting in that capacity, the New Jersey Automobile Full Insurance Underwriting Association, the Market Transition Facility, and any plan established pursuant to section 1 of P.L.1970, c.215 (N.J.S.A. 17:29D-1), shall be liable for damages because of the election by the insured of the level of liability of motor vehicle insurance coverage indicated on the CSF, or by the failure of the named insured to elect to purchase uninsured motorist coverage, collision or comprehensive coverage except when the damage is as the result of a willful, wanton or grossly negligent act of commission or omission.

Similarly, N.J.S.A. 39:6A-8.1e provides that no person, including, but not limited to, an insurer, an insurance producer, a servicing carrier or non-insurer servicing carrier acting in that capacity, and the JUA, shall be liable in an action for damages on account of the election of a tort option by a named insured or on account of the tort option imposed by law. The law does not, however, grant such immunity to these parties for damages resulting from a willful, wanton or grossly negligent act of commission or omission. The CSF is, therefore, amended to include a warning with regard to this immunity.

These proposed amendments set forth the specific text of the newly required statements in the Department's CSF rule.

Social Impact

The proposed amendments conform the language to be contained in an insurer's CSF to the provisions of the new statute, P.L.1993, c.156, and to N.J.S.A. 39:6A-8.1e. This new langauge ensures that persons purchasing or renewing policies of automobile insurance are provided with adequate notice in the CSF, of an insurer's or producer's immunity from liability where the insured does not select sufficient motor vehicle coverage unless damages result from willful, wanton or grossly negligent acts of commission or omission.

Economic Impact

These proposed amendments will have an impact on insurers transacting the business of private passenger automobile insurance in New Jersey ("insurers") and on the Department. Insurers will be required to expend the amounts necessary to amend their existing CSF to conform with these proposed revisions. The costs represent a one-time charge

to revise and typeset insurers' current CSF. This cost will vary among insurers depending upon how they currently arrange for production of these forms, that is, in-house or by an outside printer.

Similarly, these proposed amendments will have an impact on the Department which is required to review and approve the CSF for each insurer. The cost of such review represents a single review of the revised CSF, and will be absorbed within the Department's existing budget.

Regulatory Flexibility Analysis

These proposed amendments impose compliance requirements on "small businesses" as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These small businesses are insurers authorized to write automobile insurance. Less than 10 of the more than 200 automobile insurers are "small businesses" as defined.

The proposed amendments require an insurer to revise its existing CSF to include the statements set forth in the amendments. These statements are set forth at N.J.S.A. 39:6A-8.1 and are required by the Act to be included in the CSF for the information of purchasers of automobile insurance. The Act does not differentiate in application based upon business size, but rather evinces a legislative determination that all purchasers of automobile insurance should be provided this information. Therefore, no differentiation has been provided based upon whether an insurer is a small business.

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

11:3-15.7 Minimum standards for Coverage Selection Form

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

(h) The text of the Coverage Selection Form follows:

(NOTE: Company's name may be included here.)

(NOTE: If a company has more than two percent of the New Jersey private passenger automobile market, it shall include its name and toll-free number here.)

COVERAGE SELECTION FORM

Name:_____

For new policies, you must choose one option for each item below. For changes upon renewal and mid-term policy changes, you must use this Form when you:

(a) elect the "No Threshold" option;

(b) change from the "No Threshold" option to the "Lawsuit Threshold" option;

(c) desire collision or comprehensive deductibles other than $500;

(d) desire to change to the $500 deductible for collision or comprehensive coverage;

(e) desire your health insurer to be the primary insurer to pay for your auto accident-related medical bills; or

(f) desire your auto insurance carrier to be the primary insurer for your auto accident-related medical bills.

The following item numbers match the explanations in the New Jersey Auto Insurance Buyer's Guide. Read the Buyer's Guide for information and help in completing this form.

1. Liability Coverage

How much coverage do you choose for damage you may do to others?

☐_____

☐_____

☐_____

☐_____

(NOTE: At least four of the most popular coverage limits shall be listed, including the lowest limit offered.)

(NOTE: If a complete list is not provided, state that other coverage limits are available.)

2. Lawsuit Threshold (Otherwise known as the "Verbal Threshold")

Do you accept the basic limit on the right to sue if injured in an auto accident?

☐ Yes. I want the Lawsuit Threshold.

☐ No. I want No Threshold. My bodily injury liability premium will be ____% to ____% higher if I select the No Threshold option instead of the Lawsuit Threshold, depending upon where my car is garaged, my bodily injury liability coverage limit, and other factors. Per vehicle, my bodily injury liability premium at current rates will be $_____ to $_____ higher on each _____ renewal of my policy if I select the No Threshold option instead of the Lawsuit Threshold. I understand that I can contact my insurance company or my insurance producer (i.e., agent or broker) for specific details.

(NOTE: Insurance companies writing six month policies should insert the word "semi-annual" in the blank space above. Companies writing 12 month policies should insert the word "annual.")

(NOTE: Insurance companies writing single limit liability coverage may add a footnote to inform insureds that the policy declaration page will not include a specific premium for "bodily injury liability" coverage.)

NOTE: Pursuant to N.J.S.A. 39:6A-8.1e, insurance companies or their producers or representatives, including, but not limited to, all persons enumerated at N.J.S.A. 39:6A-8.1e shall not be held liable in an action for damages either on account of the election of a tort option (lawsuit threshold/verbal threshold or no threshold) by a named insured or on account of the tort option imposed pursuant to N.J.S.A. 39:6A-8.1b, except for damages caused as the result of a willful, wanton or grossly negligent act of commission or omission.

3. Personal Injury Protection (PIP). Choose the kind of coverage you want.

☐ Basic PIP Coverage which includes income continuation, essential services, death benefits and funeral expense benefits as well as medical expense benefits, or

☐ PIP Medical Expenses Only Coverage, for a ____% to ____% savings in the _____ premium. (NOTE: Include the range of percentage savings and the base, i.e., basic PIP premium.);

☐ Additional PIP Coverage at an extra cost. NOTE: This option is not available if you have selected PIP Medical Expenses Only coverage. Contact your insurance company or insurance producer (i.e., agent or broker) for details. (NOTE: Company's name may be used here or a chart listing options may be enclosed.)

☐ Additional Medical Expense Coverage.

(NOTE: Reference to Additional Medical Expense Coverage shall be deleted by those companies which do not offer the coverage.)

4. PIP Health Insurance Option: Choose if you want your health insurer, other than Medicare or Medicaid, to be your primary carrier to pay your auto accident-related medical benefits. Check with your employer or health insurer to see if you are eligible and request an answer in writing. To choose this option, health coverage must cover the named insured and members of his family residing in the household.

☐ Yes. I choose the PIP health insurer option.

(NOTE: Your auto insurance company may invalidate this option selection and request payment of the discounted premium amount if it checks but cannot verify that (1) your health coverage is in effect, and (2) your health insurer will provide primary coverage for your auto accident-related medical expenses.

The name of my health insurer(s) is (are):

1. _____

Number:_____

Policy, Plan, Membership or Group Certificate Number (circle one)

2. _____

Number:_____

Policy, Plan, Membership or Group Certificate Number (circle one)

☐ No. I do not want the PIP health insurer option.

5. PIP Medical Expenses Deductible. Choose only one:

☐ $250 deductible, minimum required by law.

☐ $500 deductible, for a _____% to _____% reduction in the Basic PIP premium.

☐ $1,000 deductible, for a _____% to _____% reduction in the Basic PIP premium.

☐ $2,500 deductible, for a _____% to _____% reduction in the Basic PIP premium.

6. Uninsured/Underinsured Motorists Coverage

How much coverage do you choose for damage which another driver who has little or no insurance may do to your car, your family, your passengers or yourself? Your auto insurance company must offer this coverage up to the bodily injury and property damage liability limits you have selected.

☐_____

☐_____

☐_____

☐_____

(NOTE: List the same options available for liability coverage above. Other options may also be listed.)

NOTE: Pursuant to N.J.S.A. 17:28-1.9 (P.L.1993, c.156), insurance companies or their producers or representatives, including, but not limited to, all persons enumerated at N.J.S.A. 17:28-1.9 (P.L.1993, c.156), shall not be held liable in an action for damages either on account of the election of a given level of motor vehicle insurance coverage by a named insured, as long as those limits provide at least the minimum coverage required by law, or on account of the name insured not electing to purchase underinsured motorists coverage, collision coverage or comprehensive coverage, except for damages caused as the result of a willful, wanton or grossly negligent act of commission or omission.

7. Do you choose "collision" coverage?

☐ No. I do not wish to be covered for collision damage.

☐ Yes, with the basic $500 deductible.

☐ Yes, with the deductible circled here: $1,000, $1,500 or $2,000. This premium will be proportionately **less** than the premium with the basic $500 deductible. Details available from company or insurance producer (i.e., agent or broker).

☐ Yes, with the deductible circled here: $100, $150, $200 or $250. This premium will be proportionately **more** than the premium with the basic $500 deductible. Details available from company or insurance producer (i.e., agent or broker.)

(WARNING: YOU MAY NOT BE ABLE TO ADD COLLISION COVERAGE TO AN EXISTING VEHICLE OR TO ADD AN ADDITIONAL OR REPLACEMENT VEHICLE TO YOUR EXISTING POLICY WITHOUT FIRST HAVING THAT VEHICLE INSPECTED; CONTACT YOUR INSURANCE COMPANY OR INSURANCE AGENT IMMEDIATELY.)

8. Do you choose "comprehensive" coverage? (NOTE: If appropriate, use the term "other than collision" coverage throughout this section.)

☐ No. I do not wish to be covered for comprehensive damage.

☐ Yes, with the basic $500 deductible.

☐ Yes, with the deductible circled here: $1,000, $1,500 or $2,000. This premium will be proportionately **less** than the premium with the basic $500 deductible. Details available from company or insurance producer (i.e., agent or broker).

☐ Yes, with the deductible circled here: $50, $100, $150, $200 or $250. This premium will be proportionately **more** than the premium with the basic $500 deductible. Details available from company or insurance producer (i.e., agent or broker).

(NOTE: For both collision and comprehensive, if either the $200 deductible or $250 deductible is not offered, that option may be deleted from this form. Also, all other available collision and comprehensive deductibles shall be listed where appropriate.)

(WARNING: YOU MAY NOT BE ABLE TO ADD COMPREHENSIVE COVERAGE TO AN EXISTING VEHICLE OR TO ADD AN ADDITIONAL OR REPLACEMENT VEHICLE TO YOUR EXISTING POLICY WITHOUT FIRST HAVING THAT VEHICLE INSPECTED; CONTACT YOUR INSURANCE COMPANY OR INSURANCE AGENT IMMEDIATELY.)

I have read the Buyer's Guide outlining the coverage options available to me. **The limits available for uninsured and underinsured motorists coverage have been explained to me.** My choices are shown above. I agree that each of these choices will apply for all vehicles insured by my policy and to each subsequent renewal, continuation, replacement or amendment until the insurance company or its insurance producer (i.e., agent or broker) with the company's binding authority receives my request that a change be made.

For new policyholders, I understand that:

(a) if I do not make a written choice for Item 2, I will receive the Lawsuit Threshold option;

(b) if I carry collision or comprehensive coverage without making a written choice for Item 7 or Item 8, I will receive the $500 deductible; and

(c) if I do not make a written choice for the PIP health insurer option in Item 4, my auto insurer will be the primary health insurer for PIP medical expense benefits.

I understand that if this is a policy renewal and I do not complete choices, I will receive the same coverage as in my previous policy except when changes are required by a law becoming effective during the term of my previous policy.

I understand that these choices take effect in the following manner:

(1) for new policies and mid-term policy changes, the choices on this Form are effective the day following the date of postmark or, when personal delivery is made or the postmark is illegible, the day following receipt of this Form by the insurance company or by an insurance producer (i.e., agent or broker) with the company's binding authority; and

(2) for changes upon renewal, the changes to be made on this Form are effective on the date of the next policy renewal if postmarked or received by the insurance company or by an insurance producer (i.e., agent or broker) with the company's binding authority prior to the renewal date.

ANY PERSON WHO KNOWINGLY MAKES AN APPLICATION FOR MOTOR VEHICLE INSURANCE COVERAGE CONTAINING ANY STATEMENT THAT THE APPLICANT RESIDES OR IS DOMICILED IN THIS STATE WHEN, IN FACT, THAT APPLICANT RESIDES OR IS DOMICILED IN A STATE OTHER THAN THIS STATE, IS SUBJECT TO CRIMINAL AND CIVIL PENALTIES.

Please check the appropriate box to which this form applies

☐ NEW POLICY ☐ Mid-Term Change ☐ Renewal Change

SIGNATURE DATE

(i)-(k) (No change.)

(a)

INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD

Eligibility For and Replacement of Standard Health Benefits Plans

Proposed Amendment: N.J.A.C. 11:20-1.2
Proposed New Rules: N.J.A.C. 11:20-12

Authorized By: New Jersey Individual Health Coverage Program Board of Directors, Charles Wowkanech, Chair.

Authority: N.J.S.A. 17B:27A-16.

Proposal Number: PRN 1994-13.

Submit written comments by December 17, 1993 to:

Interim Administrator
New Jersey Individual Health Coverage Program
Comments to Eligibility Rules
c/o The Prudential Insurance Company of America
P.O. Box 4080
Iselin, New Jersey 08830

The agency proposal follows:

Summary

The New Jersey Individual Health Coverage ("IHC") Program was established pursuant to N.J.S.A. 17B:27A-2 et seq. ("the Act") in order to make health benefits plans available to individuals. The IHC Program Board of Directors ("the Board") proposes an amendment to the definition of "health benefits plan" contained in N.J.A.C. 11:20-1.2 to provide that a hospital confinement indemnity coverage plan may pay a higher first day benefit than was permitted by the original rule, provided the average daily benefit does not exceed $250.00, without being considered a "health benefits plan" subject to the various rating and assessment rules of the IHC Program. The amended rule preserves the intent of the Board that such plans not be allowed to provide a level of benefits that would potentially circumvent the rules of the IHC Program.

The Board proposes new rules to provide guidance to insurance carriers, insurance producers, employers, and individuals with regard to who is eligible to purchase an individual health benefits plan and what restrictions apply to individuals who are covered by, or eligible for, group or individual health benefits plans.

The proposed rules prohibit persons who are eligible for coverage by group health benefits plans from purchasing standard health benefits plans that provide benefits that are the same or similar to the group health benefits plans for which they are eligible. However, the proposed rules permit persons who are eligible for coverage by group health benefits plans to purchase, during an annual open enrollment period, standard health benefits plans that provide benefits that are not the same or similar to the group health benefits plans for which they are eligible. The proposed rules also impose certain restrictions on the replacement

of one standard health benefits plan with another standard health benefits plan. A standard health benefits plan may be replaced at any time if the replacement plan has the same or higher deductible or policyholder coinsurance requirement, or during a one month open enrollment period if the replacement plan has a lower deductible or lower policyholder coinsurance requirement.

The proposed rules provide that a person who is eligible only for continuation of group coverage required by the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") or state law would not be restricted in his or her choice of a standard health benefits plan. COBRA group coverage is treated differently than other group coverage due to the fact that a person usually becomes eligible for COBRA by virtue of having lost a job and may not be able to afford the full cost of remaining under the former employer's group health benefits plan. The Board has determined that, in the rare circumstance when continuation of coverage under a former employer's group health benefits plan would be more costly than a similar individual health benefits plan, a person should be free to choose the individual plan rather than risk loss of all health coverage due to an inability to pay the group premium.

The proposed rules also clarify that the term "eligible to participate in a group health benefits plan" means, with respect to an employer's group health benefits plan, that an employee works at least the minimum number of hours required, has been employed at least the minimum period required by the employer, and has otherwise satisfied all lawful standards for participation in the group health benefits plan. The Board intends that a person who does not meet the lawful participation standards of an employer's group health benefits plan shall not be restricted in his or her choice of a standard health benefits plan. The Board believes that an employer's exclusion or rejection of a person from participation in a group health benefits plan based on a medical condition or disability may violate the Americans with Disabilities Act, the Federal Pregnancy Discrimination Act, the New Jersey Small Employer Health Benefits Act, or other State or Federal statute, and would not, therefore, be considered a lawful standard of participation.

N.J.A.C. 11:20-12.1 sets forth the purposes and scope of this subchapter.

N.J.A.C. 11:20-12.2 sets forth definitions of terms used in the subchapter.

N.J.A.C. 11:20-12.3 sets forth the general eligibility requirements for coverage by a standard health benefits plan.

N.J.A.C. 11:20-12.4 sets forth the circumstances under which a person may replace coverage by a group health benefits plan with coverage by a standard health benefits plan.

N.J.A.C. 11:20-12.5 sets forth the circumstances under which a person may replace coverage by an individual health benefits plan with coverage by a standard health benefits plan.

N.J.A.C. 11:20-12.6 sets forth penalties for violations of these rules.

P.L.1993, c.164, section 7 provides a special procedure by which the Board may take actions, such as promulgation of these rules. Prior to the adoption of an action, the Board shall provide notice and a detailed description of its intended action to three newspapers of general circulation. The Board is further required to forward the notice of intended action and detailed description to the Office of Administrative Law ("OAL") for publication in the New Jersey Register. The Board is also required to provide all interested persons an opportunity to comment in writing on the intended action of at least 15 days. The Board may adopt an action immediately following the close of the public comment period, and the action shall be effective on the date the regulations are submitted to the OAL for publication in the New Jersey Register, or such later date as the Board may establish. Within a reasonable time after submission of the comments, the Board is also required to prepare a report for public distribution listing all parties who provided comments, summarizing the content of the comments, and providing the Board's response to the data, views and arguments contained in the comments. A copy of this report is also filed with the OAL for publication in the New Jersey Register.

Social Impact

The proposed amendment affects the few carriers which offer hospital confinement indemnity coverage in New Jersey by providing greater flexibility in the design of the hospital confinement indemnity product.

The proposed new rules provide guidance about who is eligible to be covered by a standard health benefits plan. The rules apply to all member carriers which issue individual health benefits plans, insurance producers who sell individual or group health benefits plans, employers that offer health benefits plans to their employees, individuals covered by standard health benefits plans, and individuals seeking to be covered by a standard health benefits plan.

While the restrictions on a person's ability to switch from group to individual coverage, and from one standard health benefits plan to another, to some degree restrict consumer choice, they also bring order to the health insurance market, reduce administrative costs to carriers and employers, limit adverse selection of benefits, and permit carriers to offer lower premiums to consumers for standard health benefits plans with lower levels of benefits.

Affected parties are likely to welcome guidance in interpreting restrictions on eligibility contained in the Act. In the absence of rules, different carriers have been making different decisions when presented with the same set of facts regarding a person's eligibility for coverage by a standard health benefits plan. The Board has been presented with numerous examples of individuals who have been excluded from coverage by a group health benefits plan and have also been denied individual coverage. These proposed rules are essential to ensure that coverage is available to everyone who is eligible.

Economic Impact

The proposed amendment is likely to have a minimal, but beneficial, economic impact on the carriers which offer hospital confinement indemnity coverage in New Jersey, since it allows them greater latitude in their product design.

These proposed rules will have a minimal economic impact on carriers issuing standard health benefits plans, insurance producers selling those plans, and individuals purchasing those plans. Carriers and producers will be required to follow the rules and make determinations of eligibility which require comparisons of different health benefits plans. Carriers will benefit by reduced administrative costs due to the restriction on changing from group to individual coverage during a single annual open enrollment period. Individuals will benefit from the lower premiums that will result from the restrictions on changing from group to individual coverage, from the standpoint of reduced adverse selection of benefits and lower administrative costs to carriers.

Regulatory Flexibility Analysis

The proposed amendment and proposed new rules may impact "small business" as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment will affect only those carriers which offer hospital confinement indemnity coverage in New Jersey. The proposed new rules will affect small businesses which are members of the IHC Program issuing individual health benefits plans and insurance producers selling those plans. It is essential that all persons making decisions with regard to eligibility for individual health benefits plans do so according to the same rules in order for the IHC Program to be implemented in a consistent manner, and so that persons who are entitled to coverage by an individual health benefits plan are not denied such coverage.

It is entirely possible that clear guidelines such as are provided in these rules will lessen the burden on small businesses required to make eligibility determinations. Since the IHC Program must be implemented and administered in a consistent manner, no variation in the size of businesses affected by the proposed rules is appropriate.

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

11:20-1.2 Definitions

Words and terms contained in the Act, when used in this chapter, shall have the meanings as defined in the Act, unless the context clearly indicates otherwise, or as such words and terms are further defined by this chapter.

. . .

"Health benefits plan" means a hospital and medical expense insurance policy, including certificates covering individual New Jersey residents, a health service corporation subscriber contract delivered or issued for delivery in New Jersey. The term "health benefits plan" specifically includes:

1.-7. (No change.)

The term "health benefits plan" specifically excludes:

1.-8. (No change.)

9. Hospital confinement indemnity coverage so long as the coverage is provided on a stand alone basis, contains no elimination period greater than three days, provides coverage for no less than 31 days during one period of confinement for each person covered

under the policy, and provides no less than $40.00 but no more than $250.00 in daily benefits **except that the benefit for the first day of hospital confinement may exceed $250.00 as long as the following formula is satisfied:**

$$\frac{\text{1st day benefit} - \text{2nd day benefit}}{5} + \text{2nd day benefit} < \$250.00$$

10.-17. (No change.)

...

SUBCHAPTER 12. ELIGIBILITY FOR AND REPLACEMENT OF STANDARD HEALTH BENEFITS PLANS

11:20-12.1 Purpose and scope

(a) This subchapter establishes the standards for determining who may be covered by a standard health benefits plan, as defined at N.J.A.C. 11:20-1.2.

(b) This subchapter sets forth the standards for obtaining a standard health benefits plan by persons covered by, or eligible for, group health benefits plans and persons covered by individual health benefits plans.

(c) This subchapter shall apply to persons applying for coverage by standard health benefits plans in New Jersey, all carriers which are members of the program, insurance producers selling standard health benefits plans, and employers offering group health benefits plans to their employees.

11:20-12.2 Definitions

For the purposes of this subchapter, words and terms used herein shall have the meanings set forth by the Act, or as may be more specifically defined at N.J.A.C. 11:20-1.2, unless otherwise defined below, or the context clearly indicates otherwise.

"Eligible to participate in a group health benefits plan" means, with respect to a group health benefits plan offered by an employer to an employee and the employee's dependents, the employee works at least the minimum number of hours required for participation in the group health benefits plan, the employee has been employed for at least the minimum period required by the employer and the employee, and the employee's qualified dependents have satisfied all other lawful standards for participation in the group health benefits plan. With respect to a group health benefits plan under an HMO contract only, a person who resides outside of the HMO's service area shall not be considered to be "eligible to participate in a group health benefits plan."

"General services" means a range of services or treatments which result in:

1. Hospital charges; and

2. Medical-surgical charges.

"Group health benefits plan" means a health benefits plan, as that term is defined at N.J.A.C. 11:20-1.2, for groups of two or more persons, except that "group health benefits plan" shall also include any self-funded health benefits plan for groups of two or more persons.

"Hospital charges" means charges for care, including room and board received in or at a hospital or other facility licensed by the state in which it is located which provides mainly for the care and treatment of sick or injured persons, but does not include facilities which mainly provide convalescent or custodial care, or government hospitals which mainly provide care to military or ex-military personnel.

"Medical-surgical charges" means charges for diagnostic care and treatment rendered by a licensed health care provider acting within the scope of his or her licensure whether or not rendered in a hospital, but which, if rendered in a hospital, would not be reflected in the hospital charge.

"Open enrollment period" means the period from October 1 through October 31, beginning in 1994 and annually thereafter. The effective date for coverage elections made during the "open enrollment period" shall be January 1 of the following year.

"Standard health benefits plan" means a health benefits plan, including riders, if any, adopted by the IHC Program Board.

11:20-12.3 Eligibility for coverage under a standard health benefits plan

(a) The policyholder of a standard health benefits plan shall be a resident, as defined at N.J.A.C. 11:20-1.2. A carrier may require reasonable proof of residency. A dependent of the policyholder may be a nonresident, but may not reside outside of the United States.

(b) A person shall not be covered by a standard health benefits plan, as the policyholder or a dependent, if the person is eligible for Medicare, Medicaid, or a group health benefits plan, except as provided in N.J.A.C. 11:20-12.4.

11:20-12.4 Replacement of a group health benefits plan with a standard health benefits plan

(a) A person who is a participant, or is eligible to participate, in a group health benefits plan that does not cover general services may choose, only during the open enrollment period, to be covered by a standard health benefits plan.

(b) A person who is a participant, or is eligible to participate, in a group health benefits plan that covers general services may choose, only during the open enrollment period, to be covered by a standard health benefits plan with a higher deductible and policyholder coinsurance requirement or lower deductible and policyholder coinsurance requirement than the group health benefits plan.

1. A standard health benefits plan shall be considered to have a higher deductible and policyholder coinsurance requirement than a group health benefits plan if the deductible is more than $100.00 higher and the policyholder coinsurance requirement is at least 10 percent higher than the group health benefits plan.

2. A standard health benefits plan shall be considered to have a lower deductible and policyholder coinsurance requirement than a group health benefits plan if the deductible is more than $100.00 lower and the policyholder coinsurance requirement is at least 10 percent lower than the group health benefits plan.

(c) With respect to coverage under an HMO contract, the following apply, notwithstanding (a) and (b) above:

1. A person who participates, or is eligible to participate, only in a group health benefits plan under an HMO contract may choose, only during the open enrollment period, to be covered under any standard health benefits plan, except plan E with a $150.00 cash deductible or the standard HMO benefits plan.

2. A person who participates, or is eligible to participate, only in a group health benefits plan under a non-HMO contract may choose, only during the open enrollment period, to be covered by the HMO standard health benefits plan.

(d) A carrier making determinations under (b) above with respect to a person who participates, or is eligible to participate, in more than one group health benefits plan, shall decide which group health benefits plan to compare with a standard health benefits plan, as follows:

1. If a person is seeking to be covered by a standard health benefits plan with a higher deductible and policyholder coinsurance requirement than the group health benefits plan, the carrier shall compare the group health benefits plan with the higher, or highest, deductible and policyholder coinsurance requirement.

2. If a person is seeking to be covered by a standard health benefits plan with a lower deductible and policyholder coinsurance requirement than the group health benefits plan, the carrier shall compare the group health benefits plan with the lower, or lowest, deductible and policyholder coinsurance requirement.

(e) A carrier comparing deductibles and policyholder coinsurance requirements according to (b) above shall not consider any separately applicable deductible and policyholder coinsurance requirements for specified covered services.

(f) A carrier comparing deductibles and policyholder coinsurance requirements according to (b) above, with respect to a health benefits plan delivered under a selective contracting arrangement, shall use the in-network benefit as a basis for comparison.

(g) A carrier determining whether a group health benefits plan covers general services, according to (a) and (b) above, shall not consider any limits, coinsurance, copayment or deductible requirements which may apply to a specific type of general service, (or

a covered service within a type of general service) separately from the other general services (or covered services) under either the group health benefits plan or the standard health benefits plan.

(h) Notwithstanding (a), (b) and (c) above, a carrier shall not offer a person coverage by a standard health benefits plan unless:

1. The person is required to pay a portion of the premium for coverage by the group health benefits plan in which the person participates, or is eligible to participate; and

2. The person's coverage by a group health benefits plan has been terminated or will terminate no later than 30 days after the effective date of the standard health benefits plan, except as extension of benefits provisions under the group health benefits plan or by law may be applicable.

(i) A person who is eligible only for continuation of coverage under an employer's group health benefits plan required by State or Federal law, including, but not limited to, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and amendments thereto, may choose to be covered by any standard health benefits plan in lieu of continuing to participate in the group health benefits plan.

11:20-12.5 Selection of a standard health benefits plan by a person covered by an individual health benefits plan

(a) A person who is covered by an individual health benefits plan with an effective date prior to August 1, 1993, may choose, at any time, to be covered by any standard health benefits plan.

(b) A person who is covered by a standard health benefits plan or whose coverage by a standard health benefits plan has not lapsed for more than 30 days may choose, at any time, to be covered by a standard health benefits plan with the same or higher deductible and the same or higher policyholder coinsurance requirement than the standard health benefits plan being replaced, except that a person who is covered by standard health benefits plan A may choose, only during the open enrollment period, to be covered by any other standard health benefits plan.

(c) A person who is covered by a standard health benefits plan or whose coverage by a standard health benefits plan has not lapsed for more than 30 days may choose, only during the open enrollment period, to be covered by a standard health benefits plan with a lower deductible or lower policyholder coinsurance requirement than the standard health benefits plans being replaced.

(d) The following rules apply to the HMO standard health benefits plan, notwithstanding (a), (b) and (c) above:

1. A person covered by standard health benefits plan E with a $150.00 deductible may replace that coverage, at any time, with coverage under an HMO standard health benefits plan.

2. A person covered by the HMO standard health benefits plan may replace that coverage, at any time, with coverage by an HMO standard health benefits plan with the same or higher copayment options than the HMO standard health benefits plan being replaced.

3. A person covered by standard health benefits plans A, B, C, or D, or plan E with a deductible of $500.00 or $1,000 may replace that coverage, only during the open enrollment period, with coverage by an HMO standard health benefits plan.

4. A person covered by an HMO standard health benefits plan may replace that coverage, only during the open enrollment period, with coverage by an HMO standard health benefits plan with a lower copayment option than the HMO standard health benefits plan being replaced.

(e) A carrier comparing deductibles or policyholder coinsurance requirements according to (b) and (c) above shall not consider any separately applicable deductible or policyholder coinsurance requirements for specific covered services.

(f) A carrier comparing deductibles or policyholder coinsurance requirements according to (b) and (c) above, with respect to individual health benefits plans delivered under selective contracting arrangements, shall use the in-network benefit as a basis for comparison.

(g) Notwithstanding (b), (c) and (d) above, a carrier shall not offer a person coverage by a standard health benefits plan unless the person's coverage by the standard health benefits plan being replaced has been terminated or will terminate no later than 30 days after the effective date of the replacement standard health benefits plan.

11:20-12.6 Penalties

The Board shall promptly provide the Commissioner with any information in its possession regarding possible violations of this subchapter by covered persons, employers, carriers, and insurance producers, and request that the Commissioner pursue all fines and penalties provided by law.

(a)

INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD

Enrollment Status Report

Proposed New Rules: N.J.A.C. 11:20-17 and 11:20 Appendix, Exhibit L

Authorized By: Individual Health Care Program Board of Directors, Charles Wowkanech, Chair.

Authority: N.J.S.A. 17B:27A-11f and 17B:27A-16

Proposal Number: PRN 1994-14.

Submit written comments by December 17, 1993 to:

Interim Administrator
New Jersey Individual Health Care Program
IHC Box 1
c/o The Prudential Insurance Company of America
P.O. Box 4080
Iselin, New Jersey 08830

The agency proposal follows:

Summary

The New Jersey Individual Health Coverage Program ("IHC Program") was established pursuant to N.J.S.A. 17B:27A-2 et seq. ("the Act") in order to make standard health benefits plans available to individual purchasers. The IHC Program Board of Directors ("Board") proposes these new rules to require members issuing standard health benefits plans to submit quarterly and annual enrollment status reports in order to evaluate the results of the IHC Program in making standard health benefits plans available to individuals.

P.L. 1993, c.164, section 7 provides a special procedure by which the Board may take actions, such as promulgation of these rules. Prior to the adoption of an action, the Board shall provide notice and a detailed description of its intended action to three newspapers of general circulation. The Board is further required to forward the notice of intended action and detailed description to the Office of Administrative Law ("OAL") for publication in the New Jersey Register. The Board is also required to provide all interested persons an opportunity to comment in writing on the intended action of at least 15 days. The Board may adopt an action immediately following the close of the public comment period, and the action shall be effective on the date the regulations are submitted to the OAL for publication in the New Jersey Register, or such later date as the Board may establish. Within a reasonable time after submission of the comments, the Board is also required to prepare a report for public distribution listing all parties who provided comments, summarizing the content of the comments, and providing the Board's response to the data, views and arguments contained in the comments. A copy of this report is also filed with the OAL for publication in the New Jersey Register.

These proposed new rules set forth procedures and a form of report that permits the data obtained to be compiled for all members of the IHC Program issuing standard health benefits plans.

N.J.A.C. 11:20-17.1 sets forth the purpose and scope of this subchapter.

N.J.A.C. 11:20-17.2 sets forth definitions of terms used in the subchapter, which includes definitions set forth in the Act and N.J.A.C. 11:20-1.2.

N.J.A.C. 11:20-17.3 sets forth the filing requirements and procedures for the quarterly and annual enrollment status data reports.

N.J.A.C. 11:20-17.4 sets forth specific requirements for the contents of the enrollment status report.

N.J.A.C. 11:20-17.5 sets forth penalties for violations of these rules.

The Appendix sets forth the format of the report.

Social Impact

These proposed rules require members issuing standard health benefits plans to submit an Enrollment Status Report to the Board after each calendar quarter and an annual report after each year. These reports are necessary and useful to the Board in order to evaluate the impact of the IHC Program concerning the availability of standard health benefits plans to individual purchasers in this State. The rules include forms of quarterly and annual reports so that data from members can be compiled by the Board. This information will be used by the Board to monitor the progress of the program and determine its effect on the market.

Economic Impact

These proposed rules will impact members of the IHC Program and the Board.

Members issuing standard health benefits plans will be required to bear the costs of compiling and submitting a quarterly and annual report of enrollment status in the format required. Since the data required to be filed is available to all members issuing standard health benefits plans, and necessary for their own business purposes, the costs imposed by these rules are limited to the costs involved in placing the data in the format required and submitting it to the Board. The Board believes that these costs are minimal.

These proposed rules will also impact the Board, which will be required to compile the information necessary from Enrollment Status Reports submitted by each carrier issuing standard health benefits plans, and make the compilation available in a useful format. These costs will be absorbed by the IHC Program and are deemed by the Board to be beneficial in that they will provide a means by which the IHC Program may be evaluated.

Regulatory Flexibility Analysis

These rules may impact "small businesses" as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These "small businesses" are members of the IHC Program issuing standard health benefits plans. These proposed rules impose specified reporting requirements on all IHC Program members issuing standard health benefits plans.

The purpose of these rules is to require reports from members that may be compiled by the Board and used for evaluating the impact of the IHC Program. It is necessary, therefore, that all members provide the same information in the same format. The Board notes that the information required is readily available to all members, regardless of business size, and that costs are limited to the placing of data in the proper format and submitting it to the Board. No outside professional services are required, except data processing services for those insurers that do not have such resources available in-house.

In view of the proposed use of the reports (that is, compilation of the data for an overall evaluation of the IHC Program), no variation in requirements by business size is appropriate.

Full text of the proposed new rules follows:

SUBCHAPTER 17. ENROLLMENT STATUS REPORT

11:20-17.1 Purpose and scope

(a) This subchapter provides for the quarterly and annual submission of enrollment status reports by all members of the IHC Program, and sets forth the procedures and format for those reports.

(b) This subchapter applies to all members of the IHC Program that issue standard health benefits plans to individuals.

11:20-17.2 Definitions

(a) Words and terms defined at N.J.S.A. 17B:27A-2 and N.J.A.C. 11:20-1, when used in this subchapter, shall have the meanings as defined therein, unless more specifically defined in (b) below or unless the context clearly indicates otherwise.

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

"Enrollment status report" means a complete and accurate document that is prepared and filed in accordance with the requirements of this subchapter and sets forth the information in the format of Part 1 of Exhibit L for the quarterly submission and Part 2 of Exhibit L for the annual submission in the Appendix to this chapter, which is incorporated herein by reference.

11:20-17.3 Filing requirements

(a) Every member of the IHC Program issuing standard health benefits plans shall complete and file with the Board the enrollment status reports required by this subchapter.

(b) Members shall file enrollment status reports on a quarterly basis reflecting inforce subscriber contracts, inforce persons insured, subscribers by rating category and subscribers by deductible and copayment options in the format of Part 1 of Exhibit L which shall reflect data as of March 31, June 30, September 30 and December 31 of each year. The first such report shall be filed reflecting data from August 1 through December 31, 1993.

(c) Members shall file enrollment status reports on an annual basis reflecting subscribers by zip code category, covered persons by age and sex category and subscribers by salary category in the format of Part 2 of Exhibit L which shall reflect data as of December 31 of each year. The first such report shall be filed reflecting data as of December 31, 1993.

(d) Members shall submit completed enrollment status reports to the Board at the following address no later than 45 days following the end of the quarter or end of the year (for annual reporting purposes):

Enrollment Status Report
IHC Interim Administrator
c/o The Prudential Insurance Company of America
P.O. Box 4080
Iselin, New Jersey 08830

(e) Affiliated carriers shall submit the enrollment status reports only on a combined basis. Each affiliated carrier shall be identified on the report.

(f) In lieu of submission on paper, members may submit the reports on a 5.25 inch 360 KB or 3.5 inch 1.44 MB computer disk, which provides the information in the format set forth in Parts 1 and 2 of Exhibit L, and includes instructions for the use of the program.

11:20-17.4 Contents of the enrollment status report

(a) Members shall report the following information on a quarterly basis on the enrollment status report form set forth as Part 1 of Exhibit L in the Appendix, separately for each of the standard health benefits plans, broken out into Indemnity or PPO and POS delivery systems for Plans A through E, and, if applicable, the individual health benefits plans issued on a community rated, open enrollment basis prior to August 1, 1993:

1. Subscriber contracts at the end of the period, which shall be calculated by adding the number of contracts inforce at the beginning of the period to the number of contracts representing new sales and conversions during the period, and subtracting the number of contracts lapsed during the period.

i. New sales and conversion contracts shall be reported separately by employment status and replacement status.

(1) Employment status shall be separated into three categories: employed, unemployed, unknown. Employment status shall be obtained from the section of the application entitled, Other Health Care Coverage, and the question "Are you employed?" If the response is yes, then the contract should be reported as employed. If the response is no, then the contract should be reported as unemployed. If the question has not been answered, the contract should be reported as unknown.

(2) Replacement status shall be separated into three categories: previously insured, previously uninsured, and unknown. Replacement status shall be obtained from the section of the application entitled, Other Health Care Coverage, and the question "Are you replacing existing coverage?" If the response is yes, then the contract shall be reported as previously insured. If the response is no, then the contract shall be reported as previously insured. If the question has not been answered, the contract shall be reported as unknown.

APPENDIX

Exhibit L, Part 1

Carrier Name: _____

Quarter Ending: _____

Name of Person Completing Report: _____

Telephone Number: _____

Fax Number: _____

Enrollment Status Report

Quarterly Statistics

Open Enrolled, Community Rated Individual Plans

Health Benefits Plan	Issued Prior to August 1, 1993	Plan A Indemnity	Plan A PPO/POS	Plan B Indemnity	Plan B PPO/POS	Plan C Indemnity	Plan C PPO/POS	Plan D Indemnity	Plan D PPO/POS	Plan E Indemnity	Plan E PPO/POS	HMO Plan	Total
A. Report by Subscriber Contract													
I. Number of Contracts Inforce Beginning of Period													
II. New Sales and Conversions Issued in Period													
Total Number of New Contracts													
Contracts by Employment Status													
Number Employed													
Number Unemployed													
Number Unknown													
Contracts by Replacement Status													
Number Previously Insured													
Number Previously Uninsured													
Number Unknown													
III. Number of Contract Lapses in Period													
IV. Number of Contracts Inforce End of Period (I. + II. - III.)													
B. Report by Persons Insured (End of Period)													
I. Number Insured Beginning of Period													
II. Number of New Insureds During Period													
III. Number of Insureds Lapsed During Period													
IV. Number Insured End of Period (I. + II. - III.)													
C. Report of Contracts by Rating Category (End of Period)													
Number of Single Subscriber Contracts													
Number of Husband and Wife Subscriber Contracts													
Number of Parent and Child(ren) Contracts													
Number of Family Contracts													
D. Report of Contracts by Deductible/Copayment Option (End of Per.)													
Number of Subscriber Contracts with $150 or $250 Deduct or $10 Copay													
Number of Subscriber Contracts with $500 Deduct or $15 Copay													
Number of Subscriber Contracts with $1000 Deduct or $20 Copay													

Exhibit L, Part 2

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Carrier Name: _____

Year Ending: _____

Name of Person Completing Report: _____

Telephone Number: _____

Fax Number: _____

Enrollment Status Report

Annual Statistics

Open Enrolled, Community Rated Individual Plans

Health Benefits Plan		Plan A		Plan B		Plan C		Plan D		Plan E		HMO Plan	Total
		Indemnity	PPO/POS	Indemnity	PPO/POS	Indemnity	PPO/POS	Indemnity	PPO/POS	Indemnity	PPO/POS		
A. Report of Contracts by Zip Code Categories													
Number of Subscriber Contracts in Zip Code Areas 070 - 073													
Zip Code Areas 074 - 075													
Zip Code Areas 076													
Zip Code Areas 077													
Zip Code Areas 078													
Zip Code Areas 079													
Zip Code Areas 080 - 084													
Zip Code Areas 085													
Zip Code Areas 086													
Zip Code Areas 087													
Zip Code Areas 088 - 089													
Total Subscribers													
B. Report of Covered Persons by Age and Sex													
Number of Male Covered Persons Insured End of Period													
Age	0 to 20												
	20 to 30												
	30 to 40												
	40 to 50												
	50 to 60												
	60 to 65												
	65 to 70												
	70 & Over												
Number of Female Covered Persons Insured End of Period													
Age	0 to 20												
	20 to 30												
	30 to 40												
	40 to 50												
	50 to 60												
	60 to 65												
	65 to 70												
	70 & Over												
Total Covered Persons End of Period													

Annual Report Page 2

C. Report of Salary Data															
Number of Subscriber Contracts															
Salary	Under $10,000														
	$10 to $20,000														
	$20 to $30,000														
	$30 to $40,000														
	$40 to $50,000														
	$50 to $60,000														
	$60,000 & Over														
	Total Subscribers														

ii. A reinstatement shall be reported by reducing the number of contracts lapsed;

2. Persons insured at the end of the period, which shall be calculated by adding the number of persons insured at the beginning of the period and the number of new insureds during the period, and subtracting the number of insureds lapsed during the period.

i. The number of lives insured should be reported in this section. For those members who do not maintain actual dependent data, the following factors shall be used to convert contracts to persons insured: single = 1; husband and wife = 2; parent and child(ren) = 2.8; family = 3.9;

3. Contracts at the end of the period, which shall be reported separately by rating category, that is: single; husband and wife (or two person); parent and child(ren) and family; and

4. Contracts at the end of the period, which shall be reported separately by deductible options of $150.00 or $250.00, $500.00, $1,000 for Plans A-E or copayment options of $10.00, $15.00, $20.00 for the HMO Plan.

(b) Members shall report the following information on an annual basis on the enrollment status report form set forth as Part 2 of Exhibit L in the Appendix, cumulatively for all years to date and separately for each of the standard health benefits plans, broken down by Indemnity or PPO and POS delivery systems for Plans A-E, and if applicable, the individual health benefits plans issued on a community rated, open enrollment basis prior to August 1, 1993:

1. Number of contracts inforce geographically, categorized by the first three digits of the zip code, as of December 31 of the previous year;

2. Number of lives insured, separated by sex and age distribution as of December 31 of the previous year beginning with 12/31/94; and

3. Number of contracts by salary categories as reported by the subscriber on the household income section of the application.

11:20-17.5 Penalties

Failure to provide the enrollment status reports within the time and in the format required by this subchapter shall result in the imposition of penalties as may be provided by law.

LABOR

(a)

OFFICE OF WAGE AND HOUR COMPLIANCE

Exemption from Overtime; Definition of Limousine Operator

Proposed Recodification with Amendment: N.J.A.C. 12:56-7.5 to 7.6

Proposed New Rule: N.J.A.C. 12:56-7.5

Proposed Amendment: N.J.A.C. 12:56-6.1

Authorized By: Raymond L. Bramucci, Commissioner, Department of Labor.

Authority: N.J.S.A. 34:1-20, 34:1A-3e, 34:11-56a4 and 34:11-56a5.

Proposal Number: PRN 1994-33.

Submit written comments by February 2, 1994 to:

Linda Flores, Esquire
Special Assistant for External and Regulatory Affairs
Office of the Commissioner
Department of Labor
CN 110
Trenton, New Jersey 08625-0110

The agency proposal follows:

Summary

The Wage and Hour Law found at N.J.S.A. 34:11-56a et seq. declares it the policy of the State to establish minimum wage levels in order to safeguard workers' health, efficiency and general well-being and to protect workers as well as their employers from the effects of serious and unfair competition resulting from wage levels detrimental to their health, efficiency and well-being. In furtherance thereof, the Commissioner of Labor has promulgated rules at N.J.A.C. 12:56 necessary to implement these wage and hour laws. N.J.A.C. 12:56 consists of rules designed to prevent the circumvention or evasion of the State's Wage and Hour Law, N.J.S.A. 34:11-56a et seq., and to safeguard the wage rates established thereunder.

Specifically, the rules at N.J.A.C. 12:56-7 set forth the guidelines governing the exemptions from the overtime rate of pay requirements established by N.J.S.A. 34:11-56a4; the statute specifically states that the provision for the payment of an overtime rate shall not apply to employees of a common carrier of passengers by motor bus, employees engaged to labor on a farm or employed in a hotel, or to employees engaged in labor relative to the raising or care of livestock, among others. The proposed amendment to N.J.A.C. 12:56-7 adds limousine operators to the list of categories of employees which are exempt from the overtime payments required under N.J.A.C. 12:56-6.1. The proposed new rule at N.J.A.C. 12:56-7.5, however, affords the limousine operators the same minimum compensation per week as similarly situated categories of employees already exempted under the rules pursuant to N.J.A.C. 12:56-7; the proposed new rule provides that drivers who are compensated at a rate of not less than $400.00 per week would be exempt from the overtime requirement provided they receive all billed gratuities attributed to the services they perform. This would preclude the employer from retaining part or all of the gratuities and provide the opportunity for the drivers to obtain higher compensation for services. As such, the proposed new rule provides protection and stability for the limousine operators while relieving employers of overtime payments.

Social Impact

The proposed new rule at N.J.A.C. 12:56-7.5 is expected to have a positive social impact by allowing the employer to know in advance the cost of the services provided by operators of limousines and by ensuring limousine operators who will be exempt from overtime payments that they will receive a minimum level of compensation each week. As a result of the proposed new rule, the rates for affected limousine service are expected to stabilize, thereby benefitting the industry as a whole. Employers who avail themselves of the exemption provided by the proposed amendment to N.J.A.C. 12:56-7 will benefit from the reduced paperwork associated with their no longer having to maintain records on the payment of overtime. The proposed amendment is also expected to facilitate the efficient investigation of the wage and hour laws, thereby alleviating undue disruption of an employer's business operations occasioned by the Department's enforcement efforts.

Economic Impact

The proposed amendment to N.J.A.C. 12:56-7 will not add to the economic costs of employers and will serve to keep their wage costs at a predictable level, such level being the same as for other exempt categories of employees, such as outside salesmen and administrative employees. The employer is also expected to benefit economically from the cost savings associated with the reduced paperwork requirements which will result from no longer recording overtime hours and payments for eligible limousine operators. Compliance with the minimum compensation level of $400.00 per week will be reflected in the payroll records which are already required pursuant to the State's wage and hour laws. Therefore, the proposed new rule at N.J.A.C. 12:56-7.5 does not impose any additional administrative costs beyond those required in the conduct of business in this State.

The employee will also benefit economically by the proposed new rule at N.J.A.C. 12:56-7.5 because the employee will not be subject to drastic cuts in the actual wages earned when scheduled hours fall below a reasonably anticipated level. The proposed new rule thus serves to stabilize the employee's wage base by providing a minimum below which he or she may not be paid if overtime payments are to be eliminated. However, the operators of limousines who work excess hours will experience a reduced hourly rate of pay for those hours worked in excess of 40 hours per week. This reduced rate of compensation is counterbalanced by the minimum level of compensation to which they are entitled before the overtime rate of pay is eliminated.

The Department is expected to benefit from the proposed new rule and amendment because it will facilitate a more expeditious investigation of an employer's compliance with the wage and hour laws, thereby permitting the deployment of existing staff resources to other enforcement activities.

Regulatory Flexibility Analysis

The proposed new rule at N.J.A.C. 12:56-7.5 imposes compliance requirements on employers who operate certain limousine services. A large number of these employers are small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rule does not add any additional reporting, recordkeeping or requirements other than those required under the State's wage and hour laws already in effect. In fact, it is expected that the recordkeeping requirements may be lessened because of the exemption from overtime payment, which payment in itself requires a certain amount of recordkeeping, payroll reporting, etc. There is also no need for professional services, such as those of an accountant, to be employed in the preparation of forms or other similar requirements other than those which an employer may already be utilizing to prepare his or her payroll records and related documents.

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

12:56-6.1 Rate of overtime payment

For each hour of working time in excess of 40 hours in any week, except as provided in N.J.A.C. 12:56-[7.5]**7.6**, every employer shall pay to each of his employees, wages at a rate of not less than 1½ times such employee's regular hourly wage.

12:56-7.5 Definition of limousine operator

(a) Limousine operator means any employee:

1. Who operates any automobile or motor car with a carrying capacity of not more than nine passengers, not including the driver; and

2. Who is employed to transport passengers:

i. To a specified place or places for a business or organizational account; or

ii. To and from specified locations or over a fixed route in accordance with a definite and pre-arranged schedule; and

3. Who devotes at least 50 percent of the employee's work week in accordance with (a)2 above.

(b) Such employee as defined in (a) above shall be compensated for his or her services on a salary or fee basis, exclusive of gratuities which have not been billed or otherwise specified, board, lodging or other facilities, at a rate of not less than $400.00 per week.

(c) Nothing contained in this subchapter shall be construed to include taxicabs, hotel buses, buses employed solely to transport school children, or van pools.

12:56-[7.5]**7.6** Employees exempt from overtime

Employees employed in a bonafide executive, administrative or professional capacity and outside [salesmen] **salespersons and limousine operators as defined in this subchapter** shall be exempt from the overtime requirements of N.J.A.C. 12:56-6.1.

LAW AND PUBLIC SAFETY

(a)

NEW JERSEY RACING COMMISSION

Harness Rules

Sulky

Proposed New Rules: N.J.A.C. 13:71-29

Authorized By: New Jersey Racing Commission, Frank Zanzuccki, Executive Director.

Authority: N.J.S.A. 5:5-30.

Proposal Number: PRN 1994-30.

Submit written comments by February 2, 1994 to:

Bruno J. Verducci, Deputy Director
New Jersey Racing Commission
CN 088
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Proposed new rules N.J.A.C. 13:71-29 define a sulky and describes its configuration.

The rules create uniformity, promote safety and can be readily identified by standardbred racing patrons. The proposed rules concerning uniform sulky standards are being proposed in order to elicit comment from all interested parties. There has been an enormous amount of discussion on this topic which has convinced the Commission to consider proposal and obtain written comment from all interested parties before a final determination is made by the Commission, consistent with provisions of the Administrative Procedures Act.

N.J.A.C. 13:71-29.1 sets forth sulky standards, including wheels, wheel discs, shafts, arch, fork, stirrups, seats and mud fenders. N.J.A.C. 13:71-29.2 requires sulky inspection stickers. N.J.A.C. 13:71-29.3 addresses sulky certification. N.J.A.C. 13:71-29.4 requires individual serial numbers. N.J.A.C. 13:71-29.5 requires each manufacturer to annually file a copy of their liability insurance/occurrence insurance, in a minimum amount of one million dollars per occurrence, with the Racing Commission.

Social Impact

The proposed new rules will have a positive social impact as they will eliminate confusion among standardbred patrons and preclude the cluttering of the racing programs with varied symbols to identify sulkies. During the 1993 Harness Meeting, patrons complained that the great variety of sulkies was confusing and made handicapping more difficult.

Economic Impact

There should be no direct economic impact upon the State of New Jersey, the State Racing Commission or the public as a result of the proposed rules. However, for those who now own sulkies, other than those described in the proposed rules, such sulkies will become obsolete. Owners of sulkies conforming to the proposed rules will incur the cost of the inspection system.

Regulatory Flexibility Analysis

The compliance requirements of the proposed new rules implicate owners, trainers and others affiliated with the manufacturing and possession of sulkies, some of whom would be considered small business as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Although the number of small businesses affected by these rules is not readily ascertainable, such entities would be required to comply with its requirements including the cost of inspecting the sulky. The Commission is of the view that the objective of the rules requires a consistent application of its terms to small business without regard to type or size.

Full text of proposed new rules follows:

SUBCHAPTER 29. SULKY

13:71-29.1 Standardbred sulky standards

(a) A sulky is a dual shafted dual wheeled vehicle designed to be drawn by a horse and driven by a person.

(b) The following requirements apply to sulky wheels:
1. Each sulky shall contain two wheels.
2. The wheels shall be 26 inches to 28 inches with tire attached.
3. All wheels shall be covered by wheel disc covers constructed in such a manner so that they are lightweight and durable.
(c) Wheel discs shall be either unicolored or colorless.
(d) The following requirements apply to sulky shafts:
1. Each sulky shall be equipped with two shafts that are attached independent of one another to the horse.
2. Inside to inside measurement shall be within a range of 42 inches to 50 inches at the front of the arch.
3. The sulky must be attached to either side of the horse by an approved method with each shaft hooked separately on each side.
4. All shafts will be equipped with quick hitch fixtures or attachable by conventional tie-downs.
5. All quick hitches shall have safety straps. The forward ends of the sulky shaft shall not project beyond the shoulder of the horse.
6. The shaft shall not be higher than the withers of the horse.
(e) The following requirements apply to the sulky arch:
1. The style of arch must be no narrower than 47 inches or wider than 56 inches in distance measuring from the inside of each side of the arch at the axle nuts.
2. The front of the arch to the center line of the harness where a horse is hitched shall be no greater than 76 inches as measured along the shaft. The distance from the front of the arch to the back of the seat shall be no greater than 19 inches.
3. The distance from the ground to the bottom of the arch shall be between 28 inches and 35 inches measured with the wheels attached.
4. The arch shall be parallel to the ground and located at a minimum of one inch higher than the tire at all points.
(f) The following requirements apply to the sulky fork:
1. Inside measurements between the inside fork assemblies shall be six inches greater than the inside measurement between the shafts as measured at the front of the arch; that is, shafts 40 inches/inside forks 46 inches, shafts 46 inches/inside forks 52 inches (fork measurements taken from the inside of each side of the arch at the axle nuts).
2. There shall be a fork assembly on both sides of each wheel.
(g) The following requirements apply to sulky stirrups:
1. Each sulky shall be equipped with two stirrups. Each stirrup shall be not more than eight inches wide.
2. The stirrups shall be attached to the inside of each shaft no closer than 30 inches from stirrup to stirrup.
3. The measurement from the ground to the heel of the stirrup and ground to seat plate shall have a spread of no more than six inches as measured with the bike hitched at 54 inches.
(h) The following requirements apply to sulky seats:
1. The seat plate shall be no lower than one inch below the arch.
2. The seat shall be securely attached to the seat bracket in a fixed position.
3. The back of the seat shall be no higher than four inches. No high back (bucket type) seats shall be permitted.
4. All seats shall have adequate padding to provide comfort for the driver.
(i) The mud fenders shall be easily attached to the sulky in such a manner as to make them totally secure to the sulky.

13:71-29.2 Inspection stickers
(a) Each sulky in use must contain an inspection sticker indicating the year and month the sulky was inspected, affixed in a visible location on the arch and shaft.
1. The sticker shall be affixed to the sulky by a representative of the manufacturer. It shall represent that the sulky is free of any stress marks, broken equipment, rust or rot spots.
2. The sticker shall be color coded to indicate the life cycle of each sulky and placed on file with the New Jersey Racing Commission and a copy to the Paddock Judge.

13:71-29.3 Certification
(a) No sulky shall be used after the expiration of eight years from the year of manufacture or the recommended period for use by the manufacturer, whichever is less.
1. No sulky shall be used that does not have affixed to it in a visible location on the arch or shaft a current inspection sticker.
2. A current inspection sticker shall have been issued no more than two years prior to the date of use.
3. The sticker shall be affixed to the sulky by a representative of the manufacturer after the sulky passes a visual inspection.
4. The sulky shall fail inspection if it fails to satisfy any requirements of this subchapter.

13:71-29.4 Serial numbers
(a) Newly manufactured sulkies shall contain individual serial numbers placed on the arch and shaft by the manufacturer denoting the date of manufacturing and space made to reflect that the sulky passed a scientific testing for use by a reputable firm to be designated by the Racing Commission.
1. Serial number and verification documents on sulkies competing in New Jersey shall be filed with the New Jersey Racing Commission Steward.

13:71-29.5 Liability insurance
Each manufacturer shall be required to annually file a true copy of their current product liability insurance/occurrence insurance in the minimum amount of one million dollars per occurrence with the New Jersey Racing Commission Steward.

PUBLIC UTILITIES

(a)

BOARD OF REGULATORY COMMISSIONERS

Rules of Practice and Procedure of the Office of Cable Television

Proposed Readoption with Amendments: N.J.A.C. 14:17

Proposed Repeals and New Rules: N.J.A.C. 14:17-3, 4, 8, 9 and 10

Proposed Repeals: N.J.A.C. 14:17-5, 11 through 16, and 18

Authorized By: Celeste M. Fasone, Director, Office of Cable Television (with the approval of the Board of Regulatory Commissioners, Dr. Edward H. Salmon, Chairman, and Jeremiah F. O'Connor and Carmen J. Armenti, Commissioners).
Authority: N.J.S.A. 48:5A-10.
BRC Docket Number: CX93110509.
Proposal Number: PRN 1994-34.

A **public hearing** concerning the proposal will be held on Friday, February 4, 1994 at 10:30 A.M. at:
Board of Regulatory Commissioners
Hearing Room, 10th Floor
Two Gateway Center
Newark, New Jersey 07102

Submit written comments by February 4, 1994 to:
Celeste M. Fasone, Director
Office of Cable Television
Board of Regulatory Commissioners
Two Gateway Center
Newark, New Jersey 07102

The agency proposal follows:

Summary

Pursuant to the New Jersey Cable Television Act (Act), specifically N.J.S.A. 48:5A-9 and 10, the Board of Regulatory Commissioners (Board) is empowered to promulgate rules and procedures necessary to carry out the purposes of the Act. Chapter 17 of Title 14 of the New Jersey Administrative Code contains the procedural rules of the Board governing cable television. These rules are necessary to ensure the orderly regulation of the cable television industry in the State of New Jersey.

Pursuant to Executive Order No. 66(1978), N.J.A.C. 14:17 expires on April 24, 1994. The Board of Regulatory Commissioners has reviewed the rules and determined them to be necessary, reasonable and proper for the purpose for which they were promulgated and amended.

On July 15, 1993, the Office of Cable Television (OCTV) informally solicited interested parties for suggestions for changes in the procedural rules. Comments and responses relevant to procedural rules are noted below in the summary of substantive provisions.

The Board proposes that N.J.A.C. 14:17 be readopted with certain amendments and deletions. These amendments fall into the categories of (1) technical changes to conform with rules of practice and procedures before the Board for utilities in general, N.J.A.C. 14:1, which became effective June 1, 1992, and (2) procedural changes to conform to changes in State and Federal law since 1989, when the expiring rules were adopted, and (3) technical changes to conform with the General and Special Hearing rules of the Office of Administrative Law, N.J.A.C. 1:1 and 1:14.

It is now proposed by the Board that N.J.A.C. 14:17 be readopted with certain amendments and deletions to the expiring rules. One such amendment relates to the scope and applicability of the Rules of Practice. The proposed rules relating to pleading requirements will govern filings in both contested and uncontested cases. The remainder of the proposed procedural requirements will apply solely to uncontested cable television matters before the Office or Board. Other than pleading requirements contained in the instant proposal, all procedures related to contested cases are governed by the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and rules of special applicability to the Board, N.J.A.C. 1:14.

The Board has reviewed these rules and has found most of them to be necessary, reasonable and proper for readoption for the purpose for which they were originally promulgated. Other rules have been deleted or amended consistent with the Board's prior actions in the adoption of R.1992 d.224, effective June 1, 1992, BRC Docket No. AX90091001, regarding the conduct of "contested cases" before State agencies, such as the Board, as well as before Office of Administrative Law (OAL) itself.

The Board also proposes technical conformation of the rules by changing all references to the Board of Public Utilities to the Board of Regulatory Commissioners.

The Board proposes to readopt subchapter 1 with minor amendments and recodifications to conform General Provisions governing Office of Cable Television procedures to the Board's general procedural provisions in N.J.A.C. 14:1-1.

Subchapter 2, Fees and Charges, would be readopted deleting the procedure for handling hearing fees disputes which can be adequately addressed by procedures governing motion practice before the OAL, Board or Office.

The Board proposes to repeal expiring subchapters 3, 4, and 5. A new proposed Subchapter 3, Appearance before the Board or Office would parallel procedural rules governing representatives of utilities.

The Board proposes a new subchapter 4 to govern pleadings for cable television matters before the Board or Office, which parallel requirements for utility pleadings.

Subchapter 5, formerly "Pleadings Generally" is reserved.

The Board proposes to readopt subchapter 6 of the expiring rules, without recodifying. These particular rules, which cover the filing of numerous types of petitions, are utilized extensively in practice before the Office. Conforming their codification in this instance to the Board's rules would create confusion and would require extensive revision of forms and documents used in practice before the Board.

However, N.J.A.C. 14:17-6.5 is repealed; N.J.A.C. 14:1-12.6 adequately addresses procedures for Emergency Relief. The Board proposes to readopt subchapter 7, formerly N.J.A.C. 14:17-7.1, of the expiring rules, recodifying it as N.J.A.C. 14:17-6.5, concerning complaint procedures, with conforming changes to the text of N.J.A.C. 14:17-7.1.

No substantive changes to rate petition procedures in Subchapter 6 are included, except for the additions of subsections N.J.A.C. 14:17-6.16(b) and 6.17(h) specifically responding to changes in the law governing rate regulation and requiring adherence to rules for rate regulation still being promulgated by the FCC. Please note however, that the former Common Tariff procedures, N.J.A.C. 14:17-18, are no longer applicable under the new Federal law, and will therefore be repealed.

Subchapters 9, 10, 11, 12, 13, 14, 15, 16, and 18 are repealed. Subchapter 8 is readopted and recodified as Subchapter 7 (Answers and Replies), and Subchapter 17 (Compliance with Orders, Decisions, and Recommendations) is recodified as subchapter 11 upon readoption. Subchapter 12 is reserved for a separate future rulemaking concerning rate procedures under new Federal law.

New subchapters 8, 9, and 10 are proposed to provide the Office of Cable Television with procedures for cable television companies which correspond to those established by the Board for utilities under Docket Number AX 90091001, adopted effective June 1, 1992, at 24 N.J.R. 2063(c), to establish procedures for conferences to be held prior to transmittal of contested matters to the Office of Administrative Law, for handling contested cable matters heard before the Commissioners, and for uncontested cable matters before the Board or Office.

The substantive provisions of the rule proposed for readoption and amendments by the Board are summarized as follows:

N.J.A.C. 14:17-1.1 pertains to the scope of the rules.

N.J.A.C. 14:17-1.2 pertains to the construction of and amendments to the rules.

N.J.A.C. 14:17-1.3 defines certain words and terms utilized in this chapter.

N.J.A.C. 14:17-1.4 designates the Office's official address.

N.J.A.C. 14:17-1.5 designates the hours of the Office.

N.J.A.C. 14:17-1.6 pertains to the transmittal of communications with the Board and Office.

N.J.A.C. 14:17-1.7 pertains to public records maintained by the Board and Cable Television Advisory Council.

N.J.A.C. 14:17-1.8 pertains to the use of cameras and recording devices at proceedings before the Board.

N.J.A.C. 14:17-2.1 notes that the Board and Office have statutory authority to collect fees and charges.

N.J.A.C. 14:17-2.2 requires all fees to be paid prior to the acceptance of any filing or the processing of any request for copies of documents.

N.J.A.C. 14:17-3.1 pertains to evidence of authority to appear before the Board.

N.J.A.C. 14:17-3.2 pertains to ethical conduct before the Board and ex parte communications.

N.J.A.C. 14:17-3.3 pertains to the appearance of former employees before the Board.

N.J.A.C. 14:17-4.1 defines the pleadings before the Board.

N.J.A.C. 14:17-4.2 sets forth the number of copies of pleadings to be filed with the Board.

N.J.A.C. 14:17-4.3 pertains to attachments to pleadings.

N.J.A.C. 14:17-4.4 pertains to defective pleadings.

N.J.A.C. 14:17-4.5 pertains to service and notice of proceedings.

N.J.A.C. 14:17-4.6 pertains to the verification of pleadings.

N.J.A.C. 14:17-4.7 pertains to the amendment of pleadings as a result of changes in fact or circumstances.

N.J.A.C. 14:17-6.1 pertains to the form and content of petitions.

N.J.A.C. 14:17-6.2 pertains to those occasions where the relief sought in a petition also requires the approval or authorization of any other State or Federal regulatory body.

N.J.A.C. 14:17-6.3 pertains to the joinder of requests for relief.

N.J.A.C. 14:17-6.4 pertains to the procedures to be employed by the Board upon the filing of a petition.

N.J.A.C. 14:17-6.5 is a recodification of readopted rule 14:17-7.1, which pertains to filing complaints in lieu of petition and complaint procedures where the OCTV is designated as complaint officer by the municipal consent.

N.J.A.C. 14:17-6.6 pertains to petitions for certificates of approval.

N.J.A.C. 14:17-6.7 pertains to petitions for the approval of the modification or amendment of the terms or conditions of a municipal consent upon which a certificate of approval is based.

N.J.A.C. 14:17-6.8 pertains to petitions for approval of the transfer of the certificate of approval. In response to the OCTV's request for informal comments and suggestions, the New Jersey League of Municipalities wrote on August 19, 1993, asking that municipal approval be made a requirement for Board approval of the transfer. However because statutory authority for the approval (N.J.S.A. 48:5A-38, 40 and 43) is vested solely with the Board, legislation would be the appropriate way to address the question; the rules already do provide municipalities with notice and an opportunity to be heard.

N.J.A.C. 14:17-6.9 pertains to petitions for renewal of certificates of approval.

N.J.A.C. 14:17-6.10 pertains to petitions for the approval of the sale or lease of property.

N.J.A.C. 14:17-6.11 pertains to petitions for authority to change depreciation rates.

N.J.A.C. 14:17-6.12 pertains to petitions for reconsideration of assessment.

N.J.A.C. 14:17-6.13 pertains to petitions for authority to issue stocks, bonds, notes and other evidence of indebtedness or to execute mortgages.

N.J.A.C. 14:17-6.14 pertains to petitions for authority to transfer capital stock.

N.J.A.C. 14:17-6.15 pertains to petitions for permission to lend money or property.

N.J.A.C. 14:17-6.16 pertains to tariff filings that do not propose increases in charges to customers, and Board adherence to FCC rate regulation rules.

N.J.A.C. 14:17-6.17 pertains to tariff filings which propose increases in charges to customers, and Board adherence to FCC rate regulation rules.

N.J.A.C. 14:17-6.18 pertains to petitions for approval of a merger or consolidation.

N.J.A.C. 14:17-6.19 pertains to petitions for permission to keep books and records outside the State of New Jersey.

N.J.A.C. 14:17-6.20 pertains to petitions by municipalities for permission to charge a franchise fee above that prescribed in N.J.S.A. 48:5A-1 et seq.

N.J.A.C. 14:17-6.21 pertains to petitions to set aside municipal or county for refusal of zoning or other necessary authorization refusal pursuant to N.J.S.A. 48:5A-17(e).

N.J.A.C. 14:17-7.1 pertains to the form and content of answers and replies filed in proceedings before the Board.

N.J.A.C. 14:17-7.2 pertains to the time for the filing of answers and replies.

N.J.A.C. 14:17-8.1 sets forth the purposes of conducting pre-transmittal conferences.

N.J.A.C. 14:17-8.2 pertains to the initiation of pre-transmittal conferences.

N.J.A.C. 14:17-8.3 pertains to the stipulation of pre-transmittal conference results.

N.J.A.C. 14:17-8.4 sets forth the authority of Board-designated officers presiding at pre-transmittal conferences.

N.J.A.C. 14:17-9.1 sets forth the procedures to be followed in all contested cases.

N.J.A.C. 14:17-9.2 pertains to oral argument before the Board after receipt of the initial decision and the exceptions and answers thereto.

N.J.A.C. 14:17-9.3 pertains to the review of an initial decision by the Board on its own motion.

N.J.A.C. 14:17-9.4 sets forth the method of reopening a hearing prior to the issuance of a final decision by the Board.

N.J.A.C. 14:17-9.5 pertains to motions to reopen a proceeding after the issuance of a final decision by the Board.

N.J.A.C. 14:17-9.6 pertains to motions for the rehearing, reargument or reconsideration of a proceeding.

N.J.A.C. 14:17-9.7 pertains to motions and answers on rehearing.

N.J.A.C. 14:17-10.1 pertains to uncontested case proceedings before the Board.

N.J.A.C. 14:17-10.2 pertains to the designation by the Board of a person to act as the Board's representative to conduct a hearing in an uncontested matter pending before the Board.

N.J.A.C. 14:17-10.3 pertains to the filing of pleadings, correspondence and other documents regarding an uncontested case.

N.J.A.C. 14:17-10.4 pertains to the use of camera and recording devices in uncontested cases.

N.J.A.C. 14:17-10.5 pertains to appearances before the Board in uncontested cases.

N.J.A.C. 14:17-10.6 requires that three days be added to any prescribed period when service is made by mail.

N.J.A.C. 14:17-10.7 sets forth that all motions shall be deemed denied if not decided within 60 days of filing unless waived by the Board or presiding officer.

N.J.A.C. 14:17-11.1 requires parties to whom an order is directed to notify the Board on or before the date specified in said order whether or not compliance has been made.

N.J.A.C. 14:17-11.2 requires a party to respond within 15 days to any recommendation made to it by the Board.

N.J.A.C. 14:17-11.3 pertains to the extension of time limits for compliance.

N.J.A.C. 14:17-11.4 requires that a cable television company must submit a report within 15 days of receipt of any letter or telegram from the Board or Office directing an investigation of any matter under its jurisdiction.

Social Impact

The chapter proposed for readoption governs the procedural rules for initial petition filings and uncontested cable television matters brought before the Board and/or the Director of the Office.

The proposed readoption with amendments, as were the prior rules, is designed to insure orderly practice and procedure before the Board and Office by establishing both guidelines and specific requirements pertaining to the filing of petitions requesting relief from the Board or Office, and to all other submissions related thereto, as well as to the handling of all proceedings before the Office and to the participation and conduct of all affected parties. As it sets forth the specific information that must be included in all filings as well as the time frames within which said information must be submitted, the rules proposed for readoption are essential if the Office is to process those petitions lawfully before it in an expeditious and just manner. While the majority of matters before the Office are brought by regulated cable television companies, petitions are also filed by persons who have grievances against regulated cable television companies or who seek other relief that is within the jurisdiction of the Board and Office.

Economic Impact

This chapter imposes procedural requirements on cable television operators. Thus, it has some additional impact on operating costs which are, to some extent, passed on to the subscriber.

While the rules proposed for readoption with amendments impose no direct or specific costs, all petitioners and other parties will incur varying levels of expenses in preparing and litigating petitions before the Board. Said expenses will include costs related to legal assistance, accounting work, engineering input, and expert witnesses, as well as to those expenses involved in physically preparing and filing the appropriate submissions. With regard to regulated public utilities, all reasonable levels of expenses incurred in complying with these requirements will be considered to be business expenses to be recovered through customer charges. All fees and charges associated with practice and procedures before the Board and Office are set pursuant to statute. N.J.S.A. 48:2-56, and N.J.S.A. 48:5A-1 et seq.

Regulatory Flexibility Analysis

It is anticipated that the proposed readoption and proposed amendments will affect all cable television operators including four cable television operators which are defined as small businesses under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

It is not anticipated that the proposed readoption would require any additional initial capital costs other than those normally associated with the construction and operation of a cable television system. These are not expected to be unreasonable.

The proposed readoption will not impose any additional reporting, recordkeeping or compliance requirements as it continues prior requirements for the filing of petitions for various kinds of relief that require, by statute, the prior approval of the Board and for the submission therewith of certain informational documents.

Said requirements are necessary in order that the Board and Office may carry out their statutory responsibilities and process all applications which are appropriately brought before it. The purpose of the proposed rule is to ensure that all participants in proceedings before the Board and Office are afforded their full due process rights, both procedural and substantive, and that the records made in those proceedings contain sufficient competent evidence to allow the Board to render fair, reasonable and legally sound decisions. To varying degrees, participants may choose to utilize professional services to assist in the preparation, filing or litigation of matters before the Board and Office. These services may include legal, accounting, engineering and economic services. As previously indicated, all reasonable levels of expenses incurred by a cable television company will be considered to be business expenses that may be recovered through rates to customers.

Accordingly, as the submissions required by the rules proposed for readoption are essential, the Board does not find any reason to distinguish between large and small businesses.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 14:17.

Full text of the subchapters proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 14:17-3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, and 18.

Full text of the proposed amendments and the new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

14:17-1.1 Scope

[Except for contested case hearings which shall be conducted pursuant to the UAPR, N.J.A.C. 1:1, these] **These** rules shall govern practice and procedure before the Office of Cable Television within the Board of [Public Utilities] **Regulatory** Commissioners [of the State of New Jersey, unless otherwise ordered by the Board in any proceeding].

14:17-1.2 Construction and amendment

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

(c) The rules may be amended by the Office, with the approval of the Board**, from time to time**.

14:17-1.3 Definitions

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

"Board" means the Board of [Public Utility] **Regulatory** Commissioners [of New Jersey].

...

"Commissioner" means a member of the Board of [Public Utility] **Regulatory** Commissioners.

...

"Presiding Officer" means [and shall include] any member of the Board, [of Office] **the Director, or an Office staff member** [or hearing examiner duly] **who is** designated as [such who may conduct any hearing within or on behalf of the Director of the Office of Cable Television] **a hearing examiner in an uncontested case.**

...

14:17-1.4 Offices

The **statutory offices of the Board, the office of the Secretary of the Board, and the** Office of Cable Television [is] **are** [Two Gateway Center in Newark, New Jersey 07102] located at **44 South Clinton Avenue, CN 350, Trenton, New Jersey 08625**.

14:17-1.5 Hours

(a) [The Office is] **All offices of the Board are** open on weekdays from 9:00 A.M. to 5:00 P.M., unless otherwise authorized by the Board.

(b) The [Office is] **offices are** closed on legal holidays, Saturdays and Sundays.

[14:17-1.6 Sessions

The Office will be in continuous session for the performance of administrative duties. Hearings will be held on such days, at such hours, and at such places as the Office with the concurrence of the Board may from time to time designate.]

14:17-[1.7]**1.6** Communications

(a) All [formal papers and] **pleadings,** correspondence **and other papers** should be addressed to the [Office of Cable Television, Board of Public Utility Commissioners, Two Gateway Center, Newark, New Jersey 07102] **Secretary, Board of Regulatory Commissioners, 44 South Clinton Avenue, CN 350, Trenton, New Jersey 08625.** [and not to individual members of the Office's staff unless specifically authorized or directed by the Board or Office.]

(b) All such papers and correspondence shall be deemed to be officially received when delivered at the [Office at Two Gateway Center, Newark, New Jersey 07102] **office of the Board,** but the Director, a Commissioner, the Secretary or an Assistant Secretary of the Board may in his **or her** discretion receive papers and correspondence for filing.

(c) Additional copies of such pleadings and correspondence for the Director and staff may be sent to the Director, Office of Cable Television, Two Gateway Center, Newark, New Jersey 07102.

14:17-[1.8]**1.7** Official records

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

(c) The [Chairman] **Chair** of the Cable Television Advisory Council shall have custody of the Council's official records, including the minutes of all meetings held.

14:17-[1.9]**1.8** [Radio, television, photographs and sketches] **Cameras and recording devices**

(a) (No change.)

(b) The use of cameras [or] **and** recording devices, including still cameras, movie cameras, television cameras, tape recorders and stenotype machines (hereinafter referred to as "equipment"), in open meetings or [hearings] **other public proceedings** conducted by the Board **or Office** [Staff Hearing Examiners or a Commissioner] is permitted.

(c) (No change.)

(d) No such equipment shall be placed on the counsel tables, witness stand or on **the Board or** presiding officer's bench, without the approval of the **Board or** presiding officer; equipment which would require the user to move about the room during the proceedings is prohibited. Moving about the meeting room in order to more advantageously use such equipment is prohibited, while the meeting [or hearing] is in session.

(e) Except for portable equipment which is used at an individual's seat in the audience, such equipment must be in place and ready for use prior to the start of the meeting [or hearing] or set-up during a recess thereof. Such equipment may be removed only at the conclusion of the meeting [or hearing] or during a recess. A prearranged recess for the set-up or removal of such equipment may be requested through the Office of Public Information [or presiding officer].

(f) The Board or presiding officer may suspend the operation of all or part of this rule with respect to a particular [hearing or] meeting.

(g) The Board or presiding officer may at any time limit or prohibit the use of any or all of such equipment in [hearing or] meetings where in the opinion of the Board or presiding officer use of such equipment may obstruct the conduct of the [hearing] **meeting**.

SUBCHAPTER 2. FEES AND CHARGES

14:17-2.1 Amount of fees and charges

(a) The fee required to defray administrative expenses of hearings held pursuant to N.J.S.A. 48:5A-1 et seq., where applicable, shall be $50.00 per day of hearing or portion thereof, to be paid by the petitioner or other moving party. [In the event of a dispute as to who shall pay the fee the presiding officer shall submit a recommendation to the Director which shall be accepted, rejected or modified by the Director. In any event, the Director, shall make the final determination. Copies of the presiding officer's recommendation shall be served upon all parties to the proceeding who shall have five days in which to file and serve an answer.]

(b) (No change.)

SUBCHAPTER 3. APPEARANCE AND PRACTICE BEFORE THE BOARD OR OFFICE

14:17-3.1 Appearances

Any person appearing before or transacting business with the Board or Office in a representative capacity may be required by the Board or Office to file evidence of his or her authority to act in such capacity.

14:17-3.2 Ethical conduct and ex parte communications

All attorneys appearing in proceedings before the Board or Office in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of the State of New Jersey.

14:17-3.3 Former employees

Except with the written permission of the Board, no former member or employee of the Board or member of the Attorney General's staff assigned to the Board may appear in a representative capacity or as an expert witness on behalf of other parties at any time within six months after severing his or her association with

the Board, nor may he or she appear after said six-month period in any proceeding wherein he or she previously took an active part when associated with the Board.

SUBCHAPTER 4. PLEADINGS

14:17-4.1 Pleadings enumerated and defined

(a) Pleadings before the Board or Office shall be petitions, answers, and replies which for purposes of these rules are defined as follows:

1. "Petition" means the pleading filed to initiate a proceeding invoking the jurisdiction of the Board or Office;

2. "Answer" means the pleading filed by a respondent or other party against whom a petition is directed or who is affected by the filing of a petition; and

3. "Reply" means the pleading filed by the petitioner or others in response to an answer.

14:17-4.2 Number of copies

(a) Unless otherwise required by the Board or Office, there shall be filed with the Board for its own use, an original and 10 conformed copies of each pleading or other paper and amendment thereof.

(b) Where a pleading originating a proceeding is filed by a party other than a cable television company subject to the jurisdiction of the Board, one additional conformed copy shall be filed for each respondent named therein for service by the Secretary in accordance with the provisions of N.J.A.C. 14:17-4.5.

14:17-4.3 Attachments to pleadings

All balance sheets, income statements and journal entries submitted with pleadings must conform to generally accepted accounting principles and generally accepted auditing principles, or if adopted under State or Federal law, any applicable uniform system of accounts.

14:17-4.4 Defective pleadings

Pleadings will be liberally construed with the view to effect justice. The Board or Office may disregard errors or defects in pleadings which do not affect the substantial rights of the parties. However, if the defect in a pleading prejudices a substantial right of any party the Board or Office may, on notice, strike the pleading or take such other action as it deems appropriate.

14:17-4.5 Service and notice of proceedings

(a) Unless otherwise provided for by statute or in these rules or unless otherwise ordered or permitted by the Board or Office, the following provisions shall govern:

1. A petition filed on behalf of a cable television company shall be served by such cable television company or its agent or attorney upon each respondent named in such petition;

2. A petition originating a proceeding filed by a party other than a cable television company shall be served by the Secretary of the Board upon each respondent named in such petition;

3. Every other pleading, including all answers, replies, notices, briefs and other papers, shall be served by the party filing the same (whether a cable television company or not) on all other parties of record concurrently with or prior to the filing thereof; and

4. Whenever public notice is required, the same shall be at the expense of the party directed to give such notice.

14:17-4.6 Verification

All pleadings initiating a proceeding or otherwise seeking affirmative relief shall be verified except for those matters brought upon the Board's own motion or the motion of the Attorney General of the State of New Jersey.

14:17-4.7 Changes in facts or circumstances

(a) Whenever, subsequent to the date of a pleading, there is any significant change in respect to matter contained in such pleading, the party who filed the pleading shall promptly file an amendment showing or explaining the changed facts or circumstances.

(b) The filing of such amendment shall be considered a new filing as of the date of its filing unless otherwise ordered or permitted by the Board or Office.

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. PETITIONS

14:17-6.1 Form and content of petitions

(a) [The form and content of petition shall be as set forth below:

1.] All petitions shall comply with the provisions of [Subchapter 5 (pleadings Generally) of this Chapter] **N.J.A.C. 14:17-4** to the extent applicable; shall clearly and concisely state the facts and relief sought; shall cite by appropriate reference the statutory provision or other authority under which the Office's action is sought; and, in addition, shall contain such information or statements as are required by provision of the statute and the applicable provision of these rules, or such other rules by the Office with the approval of the Board or orders adopted by the Board pertaining to certain petitions, or as may be required by the Board **or Office** in a particular proceeding.

Recodify existing 2. and 3. as **(b) and (c)** (No change in text.)

14:17-6.4 Procedures of Office on filing of petition

(a) (No change.)

(b) Unless otherwise directed by the Board, petitions and subsequent pleadings shall be served by the parties as provided for in N.J.A.C. 14:17-[5.6 and 5.7] **4.5.**

[14:17-6.5 *Ex Parte* or emergency relief

(a) If a petition seeks *ex parte* action or the granting of emergency relief pending full hearing, it shall set forth the necessity or emergency for such requested action, and must be supported by affidavits sufficient to make out a *prima facie* case.

(b) The party presenting such a petition shall also present a draft of the decision or order proposed.]

14:17-6.5 Handling informal complaint to the Office as complaint officer in lieu of petition

(a) When a municipality designates the Office as the "complaint officer" pursuant to the applicable provisions of N.J.S.A. 48:5A-1 et seq., an informal complaint may be made by letter or other writing, in lieu of filing a petition.

(b) Matters thus presented will be taken up with the parties affected by correspondence or otherwise, in an endeavor to bring about an adjustment of the subject matter of the complaint with formal hearing or order.

(c) While no form of informal complaint is prescribed, to be considered by the complaint officer such complaint must be signed and state the name and address of the complainant and the party complained of as well as the essential facts upon which the complaint is based, including the dates of acts or omissions complained of.

(d) The complaint officer will bring the matter to the attention of the party complained of and direct the said party to submit information deemed to be pertinent as well as a statement of its position.

(e) Following a study and review of the complainant's and cable television operator's positions and supporting data and after such informal conferences as may be held, an attempt will be made to effect an amicable adjustment of the dispute.

(f) A letter will then be forwarded, within 30 days of the receipt of said complaint to all parties reflecting the results, if any, of the processing of the informal complaint.

(g) Informal complaints shall be without prejudice to the right of any party to file a petition pursuant to N.J.S.A. 48:5A-1 et seq., or of the Board to institute a formal proceeding.

(h) While informal complaints are recommended wherever practicable as a method designed for amicable adjustment of disputes, no mandatory or prohibitory order will be issued on an informal complaint.

(i) A party desiring a decision on order of the Board must file a petition.

14:17-6.6 Petitions for certificates of approval

(a) Petitions for a certificate of approval shall conform to the provisions of [Subchapter 5 of this Chapter and the previous Sections of this Subchapter] **N.J.A.C. 14:17-4 and N.J.A.C. 14:17-6.1 through**

6.4, to the extent applicable.[, and shall, in the body the thereof, or in attached exhibits, also provide the following information] **The following information shall also be supplied in the body of the petition or in attached exhibits:**

1.-3. (No change.)

(b) (No change.)

14:17-6.7 Petition for approval of the modification or amendment of the terms or conditions of a municipal consent upon which a certificate of approval is based

(a) Petitions for the approval of the modification or amendment of the terms or conditions of a municipal consent upon which a certificate of approval is based shall conform to the provisions of [Subchapter 5 of this Chapter] **N.J.A.C. 14:17-4** and [Sections 1 through 5 of this Subchapter] **N.J.A.C. 14:17-6.1 through 6.4,** to the extent applicable, and shall in the body thereof or attached exhibits, also provide the following information:

1.-5. (No change.)

14:17-6.8 Petitions for approval of the transfer of certificates of approval

(a) Petitions for approval of the transfer of certificates of approval shall conform to the requirements of N.J.A.C. 14:17-[5]**4** and N.J.A.C. 14:17-6.1 through [6.5] **6.4,** to the extent applicable and shall in the body thereof or in the attached exhibits also provide the following information:

1.-9. (No change.)

10. Proof of service of notice of the proposed transfer to subscribers by way of bill insert or by publication in at least one newspaper circulated in the cable television company's service area, and upon all cable television companies referred to in (a)(4) above, and all the electric and telephone utilities serving the area, in the manner provided [for in N.J.A.C. 14:17-5.7] **by law.**

(b) (No change.)

14:17-6.9 Petitions for renewal of certificate of approval

(a) Petitions for renewal of a certificate of approval shall conform to the provisions of N.J.A.C. 14:17-[5]**4** and N.J.A.C. 14:17-6.1 through [6.5]**6.4,** to the extent applicable and shall, in the body thereof, or in attached exhibits also provide the following information:

1.-4. (No change.)

(b) (No change.)

14:17-6.10 Petitions for the approval of the sale or lease of property

(a) Petitions for the approval of the sale, conveyance or lease of real or personal property, or the granting of an easement, or like interest therein as required by law shall conform to the provisions of [Subchapter 5 of this Chapter and Sections 1 through 5 of this Subchapter] **N.J.A.C. 14:17-4 and N.J.A.C. 14:17-6.1 through 6.4** to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information:

1.-5. (No change.)

6. The basis of the price or rental: Assessed valuation, appraisal, comparable sales, or other basis[.]**;** [Is] **whether** it **is** the best price or rental obtainable[? Attach] **(attach three independent** appraisals, if any, as exhibits);

7.-15. (No change.)

(b) Where the Board's approval of sale or lease is required by law and the property has a net book cost or fair market value of more than $100,000, the property shall be advertised for sale or lease at least twice, one week apart, in a daily newspaper published or circulated in the county in which the property is located, within 90 days immediately prior to the filing of the petition for the approval of the sale or lease, except that advertising shall not be required for sale or lease of property for cable television purposes to another cable television company or other person or company subject to any jurisdiction of this Office or Board, and the advertisement shall contain the following:

1.-3. (No change.)

4. A statement that the sale or lease is subject to the approval of **the** Office of Cable Television, Board of [Public Utility] **Regulatory** Commissioners;

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

14:17-6.11 Petitions for authority to change depreciation rates

(a) Petitions for the approval of a change or variation in the rates of depreciation used shall conform to the provisions of [Subchapter 5 of this Chapter and Sections 1 through 5 of this Subchapter] **N.J.A.C. 14:17-4 and N.J.A.C. 14:17-6.1 through 6.4,** to the extent applicable, and shall, in the body thereof, or in attached exhibits, also provide the following information:

1.-5. (No change.)

14:17-6.12 Petitions for reconsideration of assessment

(a) Petitions for reconsideration of the assessment levied in accordance with N.J.S.A. 48:5A-1 et seq., where applicable, shall conform to the provisions of [Subchapter 5 of this Chapter and Sections 1 through 5 of this Subchapter] **N.J.A.C. 14:17-4, and N.J.A.C. 14:17-6.1 through 6.4,** to the extent applicable, and shall in the body thereof, or the exhibits attached thereto provide the following information:

1.-2. (No change.)

14:17-6.13 Petitions for authority to issue stocks, bonds, notes, other evidence of indebtedness or to execute [shortages] **mortgages**

(a) Petitions for authority to issue any stocks, bonds, notes, or other evidence of indebtedness, payable in more than one year from the date thereof, and to execute mortgages shall conform to the provisions of N.J.S.A. 48:5A-1 et seq., and [Subchapter 5 of this Chapter and Sections 1 through 5 of this Subchapter] **N.J.A.C. 14:17-4, and N.J.A.C. 14:17-6.1 through 6.4,** to the extent applicable, and shall in the body thereof, or in attached exhibits, provide the following:

1.-12. (No change.)

13. Petitions filed under this rule shall contain a certified copy of the resolution of the Board of Directors or other authority authorizing the proposed issuance of securities and shall be verified. The verification shall include a statement that it is the intention of the petitioner in good faith to use the proceeds of the securities proposed to be issued for the purposes set forth in the petition[.]**; and**

14. Information which under this rule is required to be set forth in a petition or any exhibit attached thereto and which is contained in any report, document, pleading or other instrument previously filed with the Office pursuant to any requirement of any statute or any [regulation] **rule** of the Office, may be incorporated in such petition or exhibit by reference to the official filing thereof with the Office provided that said information is still correct in all respects.

14:17-6.14 Petitions for authority to transfer capital stock

(a) Petition for authority to transfer upon the books and records of any [CATV] **cable television** company, pursuant to N.J.S.A. 48:5A-1 et seq., where applicable, any share or shares of its capital stock, shall conform to the provisions of N.J.A.C. 14:17-[5]**4** and N.J.A.C. 14:17-6.1 through [6.5]**6.4,** to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information:

1.-8. (No change.)

14:17-6.15 Petitions for permission to lend money or property

(a) Petitions for permission to lend money or property pursuant to N.J.S.A. 48:5A-1 et seq., shall conform to [Subchapter 5 (Pleadings Generally) of this Chapter and Sections 1 through 5] **N.J.A.C. 14:17-4, and N.J.A.C. 14:17-6.1 through 6.4,** to the extent applicable, [of this Subchapter] and shall, in the body thereof, or in exhibits thereto provide the following additional information:

1.-5. (No change.)

14:17-6.16 Tariff filings which do not propose increases in charges to customers

(a) Tariff filings for the purpose of making effective initial tariffs or of revisions, changes or alterations of existing tariffs and which are not filed because of the need for additional revenue from products or services covered by existing tariffs, which do not propose increases in charges to customers, shall conform to the provisions of [Subchapter 5 of this Chapter and Sections 1 through 5 of this Subchapter] **N.J.A.C. 14:17-4, and N.J.A.C. 14:17-6.1 through 6.4,**

to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information:

1.-3. (No change.)

4. A statement as to the date on which it is proposed to make the tariff or change effective, which date shall not be earlier than [ten] **30** days after the filing unless otherwise permitted by the Office with the approval of the Board; **and**

5. (No change.)

(b) Review of petitions and tariffs under this section shall conform and comply with the regulations and procedures established by the Federal Communications Commission for the regulation of cable television rates.

14:17-6.17 Tariff filings or petitions which propose increases **in charges** to customers

(a) Tariff filings or petitions [which have as their objective the] **for the purpose of** making effective [of] revisions, changes or alterations of existing tariffs which propose to increase any rate, **rental** or charge or so to alter any classification, practice, rule or regulation as to result in such an increase, shall conform to the provisions of [Subchapter 5 of this Chapter and Sections 1 through 5 of this Subchapter] **N.J.A.C. 14:17-4, and N.J.A.C. 14:17-6.1 through 6.4,** to the extent applicable, and shall in the body thereof, or in attached exhibits, contain all applicable information and data set forth in [Section 16 (Tariff filings which do not propose increases in charges to customers) of this Subchapter] **N.J.A.C. 14:17-6.16** and, in addition, shall contain the following **information and** [(Financial] **financial** statements [shall be] prepared in accordance with **generally accepted accounting and auditing principles, or** the applicable uniform system of accounts[)]:

5. A *pro forma* income statement reflecting operating income at present and proposed rates and an explanation of all adjustments thereon, as well as a calculation showing the indicated rate of return on the average net investment [(] for the same period as that covered by the *pro forma* income statement[) for example] **that is,** investment in plant facilities plus supplies and working capital to the extent claimed, less the reserve for depreciation and advances and contributions for facilities.

6. In providing the information required by (a)5 above, a company may also file, in addition to the new rates proposed to become effective, alternative rate changes designed to produce the full revenue request, which alternatives are illustrative of the application of other possible rate designs to the filing.

[6.]**7.** An itemized schedule showing all payments or accruals to affiliated companies or organizations and to those who own in excess of five per cent of the cable television company's capital stock regardless of the form or manner in which such charges are paid or accrued and an explanation of the service performed for such charges;

[7.]**8.** A copy of the form of notice to customers.

(b) Each cable television company that makes a filing under (a) above shall, at the same time, unless otherwise ordered or permitted by the Board, give notice thereof as follows:

1. (No change.)

2. Serve a notice of the filing and two copies of the petition or tariff **on the Department of Law and Public Safety, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07102 and** on the Director, Division of Rate Counsel, Department of the Public Advocate[.]; **and**

3. (No change.)

(c)-(g) (No change.)

(h) Review of petitions and tariffs under this section shall conform and comply with the regulations and procedures established by the Federal Communications Commission for the regulation of cable television rates.

14:17-6.18 Petitions for approval of a merger or consolidation

(a) Petitions for approval of a merger or consolidation of one cable television company of New Jersey with that of another cable television company, shall conform to the provisions of [Subchapter 5 of this Chapter and Sections 1 through 5 and 13 of this Subchapter] **N.J.A.C. 14:17-4, and N.J.A.C. 14:17-6.1 through 6.4, and 6.13,** as well as N.J.A.C. 14:11-1.17, to the extent applicable, and shall contain in the petition, or as attached exhibits, the following information:

1.-11. (No change.)

12. Proof of service of notice of the proposed merger to the public, the municipalities being served by the companies to be merged, and the [electric and telephone] **public** utilities serving in the area, pursuant to N.J.A.C. 14:17-[5.6]**4.5;**

13.-14. (No change.)

14:17-6.19 Petitions for permission to keep books and records outside the State of New Jersey

(a) Petitions for authority to keep books, records, accounts, documents and other writings outside the State of New Jersey, filed with the [Office] **Board,** as required under N.J.S.A. 48:5A-1 et seq., where applicable, shall conform to the provisions of [Subchapter 5 of this Chapter and Sections 1 through 5 of this Subchapter] **N.J.A.C. 14:17-4 and N.J.A.C. 14:17-6.1 through 6.4,** to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information:

1.-7. (No change.)

8. [Will] **Whether** the books and records which will be kept at the location outside the State **will** be, on notice in writing of the Office or Board, produced at such time and place within this State as the Board or Office may designate;

9. [Will] **Whether** the petitioner will pay to the Office any reasonable expenses or charges incurred by the Office for any investigation or examination, if the Board grants said permission;

10.-11. (No change.)

14:17-6.20 Petitions by municipalities for permission to charge franchise fee above that prescribed in N.J.S.A. 48:5A-1 et seq.

(a) Petitions by municipalities for permission to charge a franchised fee above that prescribed in N.J.S.A. 48:5A-1 et seq., shall be filed in one [or] **of** two forms:

1. (No change.)

2. A petition in conformity with the requirements of [Subchapter 5 of this Chapter and Sections 1 through 5 of this Subchapter] **N.J.A.C. 14:17-4 and N.J.A.C. 14:17-6.1 through 6.4,** may be filed separately by a municipality.

3. (No change.)

14:17-6.21 Petition to set aside refusal pursuant to N.J.S.A. 48:5A-17(e)

(a) Petition for an order setting aside municipal or county refusal for zoning variance, or other act or necessary authorization pursuant to N.J.S.A. 48:5A-17(e), shall conform to N.J.A.C. 14:17-[5]**4** [(Pleadings Generally)] and N.J.A.C. 17-6.1 through [6.5]**6.4,** to the extent applicable, and shall include, but not be limited to the following:

1.-4. (No change.)

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

[SUBCHAPTER 7. COMPLAINT PROCEDURE]

[14:17-7.1 Designation of the Office as complaint officer

(a) When a municipality designates the Office as the "complaint officer" pursuant to the applicable provisions of N.J.S.A. 48:5A-1 et seq., the following shall be the procedure for handling complaints:

1. A complaint may be made by letter or other writing. Matters thus presented will be taken up with the parties affected by correspondence or otherwise, in an endeavor to bring about an adjustment of the subject matter of the complaint without formal hearing or order. While no form of information complaint is prescribed, to be considered by the complaint officer such complaint must be signed and state the name and address of the complainant and the party complained of as well as the essential facts upon which the complaint is based, including the dates of acts or omissions complained of.

2. The complaint officer will bring the matter to the attention of the party complained of and direct the said party to submit information deemed to be pertinent as well as a statement of its position. Following a study and review positions and supporting data and after such informal conferences as may be held, an attempt will be made

to effect an amicable adjustment of the dispute. A letter will then be forwarded, within 30 days of the receipt of said complaint, to all parties reflecting the results, if any, of the processing of the complaint. Complaints shall be without prejudice to the right of any party to file a petition pursuant to N.J.S.A. 48:5A-1 et seq., to institute a formal proceeding.]

SUBCHAPTER [8.]7. ANSWERS AND REPLIES

14:17-[8.1]**7.1** Form and content
(No change in text.)

14:17-[8.2]**7.2** Time for filing
(a) Unless otherwise provided in these rules or ordered by the Office with the approval of the the Board, an answer, if made, must be filed within 20 days after the service of the pleading against which it is directed. [and a] **A** party desiring to reply to an answer shall file the same with the Board within 10 days after service of the answer.

(b) Whenever the Office **or the Board** believes the public interest requires expedited procedure, it may shorten the time for any answer or reply.

(c) Upon motion on notice to all parties to the proceeding, the Office with the approval of the Board may, in its discretion, extend or shorten the time to file an answer or reply.

SUBCHAPTER 8. CONFERENCES

14:17-8.1 Purposes

(a) The purpose of this subchapter is to foster early settlement of cases pending before the Board or Office prior to the case being transmitted to the Office of Administrative Law and to provide a vehicle for the parties to file pre-transmittal motions with the Board for retention and disposition of certain issues. Pre-transmittal settlement conferences of parties or their attorneys may be held to provide opportunity for a settlement, subject to approval of the Board, of a proceeding or any of the issues therein, and for the submission and consideration of facts, argument, offers of settlement or proposals of adjustments, as time, the nature of the proceeding and the public interest may permit.

(b) Pre-transmittal conferences of parties or their attorneys may be held to expedite the disposition of any hearing. At such conferences there may be considered, in addition to the matters set forth in (a) above, the following:

1. Identification and simplification of the issues;

2. Admissions or stipulations of facts;

3. Identification of those matters or issues which should either be retained for disposition by the Board or be transmitted to the Office of Administrative Law; and

4. Such other matters as may be properly dealt with to aid in expediting the proceeding.

14:17-8.2 Initiation of conferences

(a) The Board, Office or a designated officer, with or without motion, may direct that a conference be held at any stage prior to transmittal to the Office of Administrative Law or at any time when the Board certifies a case unto itself pursuant to N.J.S.A. 52:14F-8(b).

(b) On motion of a party, the Board or Office-designated officer may direct the parties or their attorneys to appear for a conference to consider the matters set forth in N.J.A.C. 14:17-8.1(b).

14:17-8.3 Stipulation of conference results

(a) Upon conclusion of the pre-transmittal conference, the parties or their attorneys shall reduce the results thereof to the form of a written stipulation reciting the matters agreed upon, and three copies thereof shall be filed with the Board within 10 days of the date of the conference. If no stipulations are reached, the matter shall be immediately transmitted to the Office of Administrative Law.

(b) Such stipulations shall be signed by the parties or their attorneys, may be received in evidence as part of the record and when so received shall be binding on the parties with respect to the matters therein stipulated.

(c) Such stipulations are subject to review by the Board at a regularly scheduled agenda meeting.

14:17-8.4 Authority of Board or Office-designated officers

(a) Any Board or Office-designated officer shall have the authority to conduct and preside over pre-transmittal conferences in the interest of fostering resolution of issues.

(b) When appropriate, a Board or Office-designated officer may submit a pre-transmittal order which shall be reviewed by the Board at an agenda meeting and, if acceptable, shall be adopted as its own order.

SUBCHAPTER 9. CONTESTED CASE HEARINGS

14:17-9.1 Contested case procedures

The hearing in any matter which is determined by the Board to be a contested case shall be conducted pursuant to the procedures in the Administrative Procedures Act, N.J.S.A 52:14B-1 and 52:14F-1, the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the Board of Regulatory Commissioners Rules of Special Applicability, N.J.A.C. 1:14.

14:17-9.2 Argument on exceptions

After receipt of the initial decision, the exceptions and answers thereto, if any, will be disposed of by the Board based on the exceptions, answers and briefs filed unless the Board, in its discretion, requires or permits oral argument, in which case the Board will schedule the matter for argument before it.

14:17-9.3 Review of initial decision by the Board on its own motion

The Board may institute on its own motion a review of any aspect of the initial decision and it may call for oral argument, the filing of briefs, or both, or the taking of additional testimony.

14:17-9.4 Method of reopening

(a) At any time after the conclusion of a hearing in a proceeding or adjournment thereof *sine die*, but before the entering and issuance by the Board of its final decision or order, any party to the proceeding may file with the Board a motion to reopen the hearing for the purpose of taking additional evidence. Such motion shall set forth clearly the reasons for reopening of the hearing, including any material changes of fact or of law alleged to have occurred since the last hearing.

(b) If, after the hearing in a proceeding, the Board shall have reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of such hearing, the Board will issue an order for the reopening of same.

14:17-9.5 Motions to reopen

(a) After issuance of the final decision, a party may file for the reopening of the proceeding. Upon filing by any party of a motion for the reopening of a proceeding, appropriate notice thereof shall be given forthwith by the moving party to all other parties, or their attorneys of record, by service of a copy of the motion for reopening.

(b) Within 10 days following the service of a motion to reopen, any party to the proceeding may serve upon the moving party and file with the Board an answer thereto, and in default thereof shall be deemed to have waived any objection to the granting of such motion.

(c) As soon as practicable after the filing of answers to a motion to reopen or default thereof, as the case may be, the Board will grant or deny such motion. The action by the Board may be conditioned on reasonable terms.

14:17-9.6 Rehearing, reargument or reconsideration

(a) A motion for rehearing, reargument or reconsideration of a proceeding may be filed by any party within 15 days after the issuance of any final decision or order by the Board.

1. Such motion shall state in separately numbered paragaraphs the alleged errors of law or fact relied upon and shall specify whether reconsideration, reargument, rehearing or further hearing is requested and whether the ultimate relief sought is reversal, modification, vacation or suspension of the action taken by the Board or other relief.

2. Where opportunity is also sought to introduce additional evidence, the evidence to be adduced shall be stated briefly together with reason for failure to previously adduce said evidence.

(b) The Board at any time may order a rehearing, reargument or reconsideration on its own motion and extend, revoke or modify any decision or order made by it.

14:17-9.7 Motions and answers on rehearing

(a) A copy of the motion shall be served by the moving party upon all other parties or their attorneys of record, forthwith upon the filing hereunder. The moving party shall also give such notice, as the Board may direct, of the filing of the motion to all other persons to whom notice of the original hearing had been given.

(b) Any answer to the motion shall be filed within 10 days following the service of the motion. Failure to file an answer shall be deemed to be a waiver of any objection to the granting of the motion.

(c) Any motion hereunder which is not granted or otherwise expressly acted upon by the Board within 60 days after the filing thereof, shall be deemed denied.

(d) The filing or granting of any motion under this rule shall not operate as a stay of the Board's decision or order. A stay will be granted only for good cause shown.

SUBCHAPTER 10. UNCONTESTED CASE PROCEEDINGS

14:17-10.1 Uncontested case proceedings

This subchapter applies only to a matter which the Board or Office determines to constitute an uncontested case. Where the Board or Office determines to hold a hearing in an uncontested case, said hearing shall be conducted pursuant to this section and, in the absence of a specific provision herein, pursuant to the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the Board of Regulatory Commissioners Rules of Special Applicability, N.J.A.C. 1:14.

14:17-10.2 Designation

The Board or Director, may by general order in writing designate as a presiding officer such person or persons, as provided by statute, as its representative or representatives in and on its behalf to conduct any hearing in any uncontested proceeding now or hereafter pending before the Board or Office.

14:17-10.3 Filing

Pleadings, correspondence or other documents pertaining to an uncontested case shall be filed pursuant to N.J.A.C. 14:17-4. Copies of such correspondence shall be filed with the presiding officer and with the parties of record.

14:17-10.4 Cameras and recording devices

Cameras or recording devices may be used at uncontested case proceedings in accordance with the standards and procedures of N.J.A.C. 14:17-1.8.

14:17-10.5 Appearances

Any person appearing in a representative capacity in any uncontested case proceeding shall conform to the requirements of N.J.A.C. 14:17-3.

14:17-10.6 Service

Whenever a party has the right or is required to do some act within a prescribed period after the serving of a notice or other paper upon said party, and the notice or paper is served upon said party by mail, three days from the date of mailing shall be added to the prescribed period.

14:17-10.7 Motions

All motions shall be deemed denied if not decided within 60 days after the filing thereof, whether referred to the Board or to be decided by the presiding officer. The Board or presiding officer may waive this rule on their own motion or for good cause shown by a party.

SUBCHAPTER [17.]**11.** COMPLIANCE WITH ORDERS, DECISIONS AND RECOMMENDATIONS

Recodify existing N.J.A.C. 14:17-17.1 to 17.3 as **11.1 to 11.3** (No change in text.)

14:17-[17.3]**11.3** Extension of time limits
(No change in text.)

14:17-[17.4]**11.4** Answers to communications
(a) (No change.)
(b) If circumstances prevent compliance with this rule, the cable **television** company must advise the Board through the Office, in writing within the **above** [period] prescribed [in N.J.A.C. 14:17-17.3] **period**, of its inability to comply and the reasons therefor.

(a)

BOARD OF REGULATORY COMMISSIONERS OFFICE OF CABLE TELEVISION

Cable Television Monitor Point Tests

Proposed Repeal: N.J.A.C. 14:18-10.5

Authorized By: Celeste M. Fasone, Director, Office of Cable Television, with the Approval of the Board of Regulatory Commissioners, Dr. Edward H. Salmon, Chairman, Jeremiah F. O'Connor and Carmen J. Armenti, Commissioners.
Authority: N.J.S.A. 48:5A-10.
BRC Docket Number: CX93110479.
Proposal Number: PRN 1994-35.

A **public hearing** on the proposal will be held on Friday, January 28, 1994, at 10:00 A.M. at:

The Board of Regulatory Commissioners Hearing Room
44 South Clinton Avenue
Trenton, New Jersey

Submit written comments by February 20, 1994 to:

Celeste M. Fasone, Director
Office of Cable Television
Board of Regulatory Commissioners
CN 350
Trenton, New Jersey 08625

The agency proposal follows:

Summary

At 24 N.J.R. 4497(a), the Board of Regulatory Commissioners (Board) proposed amendments to N.J.A.C. 14:18-9.2 and 14:18-10, which are part of the rules governing cable television operators. The proposed amendments were designed to bring the Board's cable television technical standards into conformance with the new technical and operational requirements for cable television systems promulgated by the Federal Communications Commission (FCC or Commission).

The proposed amendments to the Board's rules fell into the categories of: (1) technical changes to conform with the revised FCC cable television technical standards of PART 76, Subpart K of Title 47, Code of Federal Regulations (CFR) (for example, new signal quality standards for all cable channels, revised semiannual as opposed to annual proof of performance test, new standards for the color portion of the television signal, etc.); and (2) deletion of technical rules which are no longer applicable or consistent with the new FCC standards (for example, deletion of technical standards for specific classes of channels and deletion of requirements for initial performance tests).

Subsequent to the Board's notice of proposal, the FCC released a Memorandum Opinion and Order (MM Docket No. 91-169 and 85-38) clarifying certain aspects of the Commission's new rules. In its clarification, which was released on November 24, 1992, the FCC indicated that franchise authorities could not require cable operators to perform additional tests beyond the testing requirements of the FCC rules.

In response to the FCC's clarification, and in order to implement rules consistent with the Commission's new standards, the Board, based on the recommendations of its staff, did not adopt the proposed amendment to N.J.A.C. 14:18-10.5, which required cable operators to conduct system test point monitoring every 60 days. The Board acted on the remainder

of the proposed amendments and new rules, N.J.A.C. 14:18-9.2 and N.J.A.C. 14:18-10, which became effective upon publication in the New Jersey Register on June 21, 1993 at 25 N.J.R. 2700(a). The Board further stated its intention to propose the repeal of N.J.A.C. 14:18-10.5 as a separate rulemaking.

While there was no adoption of the proposed amendment requiring cable operators to conduct test point monitoring every 60 days, the existing code requirement at N.J.A.C. 14:18-10.5, which requires cable operators to conduct monthly test point monitoring, remains in effect. N.J.A.C. 14:18-10.5 continues to require cable operators to conduct monthly test point monitoring of their cable systems at a minimum of three test points for each distribution hub, plus one additional point for each 100 miles of plant or fraction thereof.

In light of the aforementioned FCC Memorandum Opinion and Order which clarified the Commission's intent that additional testing requirements of franchise authorities could not exceed those established by the FCC, the Board believes it is appropriate to repeal N.J.A.C. 14:18-10.5 in its entirety in order to maintain consistent and uniform standards.

Social Impact

The recent amendments to N.J.A.C. 14:18-9.2, 10.1 and 10.2, which were adopted by the Board on March 31, 1993, and became effective on June 21, 1993, were designed to bring the Board's technical rules into conformance with new and stricter FCC requirements. The proposed repeal of N.J.A.C. 14:18-10.5 will provide further consistency with the federal requirements under which cable operators will need to constantly monitor system performance. Therefore, the Board believes that the monthly test point monitoring provided for in N.J.A.C. 14:18-10.5 are unnecessary and that its repeal will not diminish the quality of service presently delivered to cable subscribers.

Economic Impact

As discussed during the adoption of the amendments to N.J.A.C. 14:18-9.2 and 14:18-10, the new FCC technical rules require a continuous effort by cable operators to comply with applicable standards. This requires that personnel and overhead expenses be borne by the cable operators. Since the proposed repeal of N.J.A.C. 14:18-10.5 is designed to conform with present FCC requirements, no additional expenses beyond what is already incurred for operators to comply with the existing FCC standards are anticipated. In fact, certain operational and filing responsibilities for some cable operators may be reduced.

Regulatory Flexibility Analysis

It is anticipated that the repeal of N.J.A.C. 14:18-10.5 will affect these small businesses as that term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16. The deletion of the monthly testing requirement may reduce certain operational burdens and filing requirements placed on some small systems, particularly those with fewer than 1,000 subscribers and which maintain a small technical staff.

The overwhelming majority of cable companies will see no effect in their daily operations. Since the new FCC rules require that cable operators maintain a sufficient staff to constantly monitor the system, the monthly test point monitoring requirement is normally incorporated into a system's routine maintenance program. The repeal of such a monitoring requirement, therefore, is not expected to change the daily routine operation of most cable systems. Therefore, no differing standards based on business size are proposed.

Full text of the proposed repeal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

14:18-10.5 [Monitor point tests] **(Reserved)**

[(a) Monitor check points shall be designated by each system operator in accordance with the following:

1. The minimum number of monitor points shall be three for each distribution hub, plus one additional point for each 100 strand or route miles (or fraction thereof) of cable plant in each hub, in regular operation.

2. Monitor points shall be at or near the output of the last amplifier in the longest feeder line connected to trunk amplifiers selected by the operator to be representative of performance in all parts of the system. At least three such monitor point shall be at or near the extremities of the longest trunk lines.

3. It is recommended, but not required, that test point terminals be installed at each monitor point to facilitate taking readings at convenient locations. Furthermore, all monitor points should be in public rights-of-way, accessible to authorized persons at any time without requiring special permission, and should be so located as not to present a safety hazard to personnel engaged in performing the necessary tests.

(b) The following data shall be collected at each monitor point at least once each calendar month, at intervals not to exceed 40 days:

1. Signal levels of each visual and aural carrier and all pilot carriers, if any.

2. Signal carrier to noise ratio at no fewer than three frequencies within the pass-band of the system. This measurement should be performed without interrupting service to subscribers.

3. The results of subjective observation of picture quality by the technicians with respect to visible beats, visible hum, electrical impulse noise, sharpness, color defects, "ghosts", cross-modulation, and so forth.

(c) A log of the monthly measurements at monitor points shall be kept on file for five years at the local office of the system and shall be available for the inspection on request by authorized representatives of the Office.

(d) The record for continuing monitor check point observations is the complete data obtained in the initial performance tests. Any subsequent changes in minor points or monthly test procedures shall be accompanied by such additional data as may be required for proper evaluation.]

(a)

BOARD OF REGULATORY COMMISSIONERS OFFICE OF CABLE TELEVISION

Late Fees and Charges

Proposed Amendment: N.J.A.C. 14:18-3.24

Authorized By: Celeste M. Fasone, Director, Office of Cable Television, with the approval of the Board of Regulatory Commissioners, Dr. Edward H. Salmon, Chairman, Jeremiah F. O'Connor, Commissioner and Carmen J. Armenti, Commissioner.

Authority: N.J.S.A. 48:5A-10.

BRC Docket Number: CX93100439.

Proposal Number: PRN 1994-15.

A **public hearing** concerning the proposal will be held on January 28, 1994 at 10:00 A.M. at:

Department of Personnel Building
44 South Clinton Avenue, 1st Floor
Trenton, New Jersey 08625

Submit written comments by February 2, 1994, to:

Celeste M. Fasone, Director
Office of Cable Television
Board of Regulatory Commissioners
CN 350
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Office of Cable Television (Office) conducted a study concerning billing and rates complaints for the period beginning July 1, 1992, and running through June 30, 1993. Out of the approximate 3,000 complaints reviewed, 153, or five percent, dealt specifically with late fees.

Pursuant to the New Jersey Cable Television Act (Act), N.J.S.A. 48:5A-1.1 et seq., specifically N.J.S.A. 48:5A-9 and 10, the Board of Regulatory Commissioners (Board) is empowered to promulgate rules and procedures necessary to carry out its statutory directive to fairly regulate cable television companies in the interest of the public. N.J.S.A. 48:5A-2(b).

N.J.A.C. 14:18 contains the Board's rules governing cable television which were promulgated pursuant to the Board's statutory authority. The proposed amendment is meant to supplement existing rules regarding late fees which may be charged by cable television companies. Pursuant to the proposed amendment, additional fees, charges or penalties on outstanding bill balances shall be limited to the collection of interest which shall equal the average yields on six-month Treasury Bills for the

12 month period ending each September 30 as calculated pursuant to the provisions of N.J.A.C. 14:18-3.19(b).

Social Impact

The proposed amendment will result in all New Jersey cable television subscribers being responsible for late fees and charges for owing and past due bills in the same manner and subject to the same method of calculation.

Economic Impact

The proposed amendment imposes restrictions on additional fees, charges or penalties to a subscriber for billing balances which are past due or late. Thus, it could have some adverse impact on operating revenue and costs which, to some extent, may impact subscribers.

As with regulated public utilities, all reasonable levels of expenses incurred in complying with these requirements will be considered to be business expenses, recoverable through rate procedures and cost of service regulations. All fees and charges associated with practice and procedures before the Board and Office are set pursuant to statute. N.J.S.A. 48:2-56, N.J.S.A. 48:5A-1 et seq. The only anticipated actual expense to cable operators is the filing of conforming tariff sheets which the Board deems to be a minimal task.

Regulatory Flexibility Analysis

The Board does not anticipate that the proposed amendment will either require any additional initial cost or will impose any additional reporting, recordkeeping or compliance requirements on cable operators, some of whom may be small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Existing tariffs on file with the Board, however, must be modified in order to comply with this proposed amendment.

The purpose of the proposed amendment is to ensure: (1) that all additional fees, charges or penalties for billing balances past due or late are reasonable and are consistently and equally applied on a statewide basis; and (2) that filed tariffs contain all applicable and required language. To varying degrees, participants may choose to utilize professional services to assist in the preparation, filing or litigation of matters before the Board and the Office. These services may, in part, be legal, accounting, or economic in nature. As indicated above, all reasonable levels of expenses incurred by a cable television company will be considered to be business expenses that may be recovered through rates to customers.

Accordingly, as the submissions required by the proposed amendment are essential, the Board does not find any reason to distinguish between large and small businesses.

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

14:18-3.24 Late fees and charges

(a) In the event a cable television operator imposes an additional fee or charge or penalty to a subscriber for billing balances which are considered past due or late, the cable television operator shall clearly specify the amount of the fee, charge or penalty on the subscriber's bill. [The cable television company shall also specify the method of calculation of the fee, charge or penalty on the bill.]

(b) Any additional fee, charge or penalty imposed by a cable television operator to a subscriber for billing balances that are past due shall be limited to simple interest on the outstanding balance. The permitted interest amount shall be calculated and implemented in a manner consistent with the provisions for the calculation of interest on uncorrected billng errors set forth in N.J.A.C. 14:18-3.19(b). The cable television operator may neither compound the interest or issue separate charges for multiple incidents of overdue payments against any cable subscriber.

(c) The cable television company shall also specify the method of calculation of the fee, charge or penalty on the bill.

[(b)](**d**) (No change in text.)

TRANSPORTATION

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID

BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Speed Limits

Routes N.J. 154 in Camden County and U.S. 40 and U.S. 40/U.S. 322 in Atlantic County

Proposed Amendments: N.J.A.C. 16:28-1.32 and 1.56

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-98.

Proposal Number: PRN 1994-12.

Submit comments by February 2, 1994 to:

Administrative Practice Officer
Department of Transportation
Bureau of Policy and Legislative Analysis
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes to amend N.J.A.C. 16:28-1.32 and 1.56 to establish revised "speed limit" zones along Routes N.J. 154 in Cherry Hill Township, Camden County and U.S. 40 and U.S. 40/U.S. 322 in Egg Harbor Township and the City of Pleasantville, Atlantic County for the efficient flow of traffic, the enhancement of safety and the well-being of the populace.

Based upon local government requests, and as part of a review of current conditions, the Department's Bureau of Traffic Engineering and Safety Programs conducted traffic investigations. The investigations proved that the establishment of revised "speed limit" zones along Routes N.J. 154 in Cherry Hill Township, Camden County and U.S. 40 and U.S. 40/U.S. 322 in Egg Harbor Township and the City of Pleasantville, Atlantic County were warranted.

Appropriate signs shall be erected in areas where the speed limit zones have been changed.

Social Impact

The proposed amendments will establish revised "speed limit" zones along Routes N.J. 154 in Cherry Hill Township, Camden County and U.S. 40 and U.S. 40/U.S. 322 in Egg Harbor Township and the City of Pleasantville, Atlantic County, for the efficient flow of traffic, the enhancement of safety, and the well-being of the populace. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of "speed limit" zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size, and method of procurement. Motorists who violate the rules will be asessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed amendments do not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments primarily affect the motoring public and the governmental entities responsible for the enforcement of the rules.

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

16:28-1.32 Route 154

(a) The rate of speed designated for the certain parts of State highway Route 154 described in this [section] **subsection** shall be [and hereby is] established and adopted as the maximum legal rate of speed [thereat]:

1. For both directions of traffic:

[i. 40 mph from the beginning of Route 154 at the intersection with County Road 561 to a point 900 feet north of the center line of Kresson Road; thence

ii. 50 mph to the end of Route 154 at the Routes 41 and 70 traffic circle.]

i. In Camden County:

(1) Cherry Hill Township:

(A) 40 miles per hour between Haddonfield-Berlin Road (County Road 561) and Route N.J. 70-Route N.J. 41 intersection (approximate mileposts 0.00 to 1.70).

16:28-1.56 Route U.S. 40 and **U.S. 40**/U.S. 322

(a) The rate of speed designated for the certain parts of State highway U.S. 40 and **U.S. 40**/U.S. 322 described in this subsection shall be established and adopted as the maximum legal rate of speed:

1. For both directions of traffic:

i. (No change.)

(1) (No change.)

(2) Egg Harbor Township:

(A) (No change.)

(B) Zone 2: 50 miles per hour between 700 feet east of Pineview Avenue and Washington Avenue (County Road 608) (approximate mileposts 56.48 to [56.86] **57.41**); thence

(C) Zone 3: 45 miles per hour between Washington Avenue (County Road 608) and [the Garden State Parkway overpass (approximate mileposts 56.86 to 57.41)] **Delancy Avenue (approximate mileposts 57.41 to 58.34)**; thence

(D) Zone 4: [50 miles per hour between the Garden State Parkway overpass] **40 miles per hour between Delancy Avenue** and the westernmost Egg Harbor Township—Pleasantville City Line (approximate mileposts [57.41] **58.34** to 58.40); thence

(3) City of Pleasantville:

[(A) Zone 1: 50 miles per hour between the westernmost Egg Harbor Township-Pleasantville City line and 400 feet west of Route U.S. 9 (approximate mileposts 58.40 to 59.02); thence

(B) Zone 2: 40 miles per hour between 400 feet west of Route U.S. 9 and the easternmost Pleasantville City-Egg Harbor Township line (approximate mileposts 59.02 to 59.82); thence]

(A) 40 miles per hour between the westernmost Pleasantville City-Egg Harbor Township line and the easternmost Pleasantville City-Egg Harbor Township line (approximate mileposts 58.40 to 59.82); thence

(4)-(5) (No change.)

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID

BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Lane Usage

Route I-287 in Morris County

Proposed New Rule: N.J.A.C. 16:30-3.10

Authorized By: Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.

Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 39:4-88.

Proposal Number: PRN 1994-16.

Submit comments by February 2, 1994 to:

Administrative Practice Officer
Department of Transportation
Bureau of Policy and Legislative Analysis
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Department of Transportation proposes a new rule at N.J.A.C. 16:30-3.10 to establish lane use restrictions on Route I-287 in the Town of Morristown and Township of Parsippany-Troy Hills in Morris County. The provisions of this new rule will improve the flow of traffic and enhance safety along the highway system.

This new rule, which applies to drivers of trucks having a registered gross weight of vehicle plus load in excess of five tons, is being proposed at the recommendation of the Department's Regional Engineer Region II Design in view of existing structural damage on the Edison Bridge, and as part of the Department's on-going review of current conditions. The traffic investigation conducted by the Department's Bureau of Traffic Engineering and Safety Programs proved that the establishment of lane use restrictions along Route I-287 in the Town of Morristown and Township of Parsippany-Troy Hills in Morris County were warranted. Signs are required to notify motorists of the restrictions proposed herein.

Social Impact

The proposed new rule will establish lane use restrictions along Route I-287 in the Town of Morristown and Township of Parsippany-Troy Hills in Morris County, to improve traffic flow and enhance safety. Appropriate signs will be erected to advise the motoring public.

Economic Impact

The Department and local governments will incur direct and indirect costs for mileage, personnel and equipment requirements. The Department will bear the costs for the installation of appropriate lane use restrictions zone signs. The costs involved in the installation and procurement of signs vary, depending upon the material used, size and method of procurement. Motorists who violate the rules will be assessed the appropriate fine in accordance with the "Statewide Violations Bureau Schedule," issued under New Jersey Court Rule 7:7-3.

Regulatory Flexibility Statement

The proposed new rule does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rule primarily affects trucks having a gross weight of vehicle plus load in excess of five tons and the governmental entities responsible for the enforcement of the rule.

Full text of the proposed new rule follows:

16:30-3.10 Route I-287

(a) The use of certain parts of Route I-287 as described in this subsection shall be denied to a certain classification of vehicles as described herein:

1. In the Town of Morristown and Township of Parsippany-Troy Hills, Morris County:

i. The drivers of all trucks having a registered gross weight of vehicle plus load in excess of five tons shall not drive the truck in the two left lanes of the roadway nor overtake and pass another vehicle in such lane of traffic unless the lanes are obstructed or impassable or unless otherwise directed by a police officer, except that an overtaken vehicle may be passed when it is being driven at such a slow speed as to impede the normal and reasonable movement of traffic.

(1) For northbound traffic:

(A) From the vicinity of Franklin Street (milepost 36.15) in the Town of Morristown to the Route I-80 Interchange (milepost 42.13) in the Township of Parsippany-Troy Hills.

(2) For southbound traffic:

(A) From the vicinity of Parsippany Road in the Township of Parsippany-Troy Hills (milepost 40.60) to the vicinity of South Street (milepost 35.80) in the Town of Morristown.

TREASURY-GENERAL

(a)

DIVISION OF PENSIONS AND BENEFITS

Public Employees' Retirement System School Year Members

Proposed Amendment: N.J.A.C. 17:2-4.3

Authorized By: Board of Trustees, Public Employees' Retirement System, Wendy Jamison, Secretary.
Authority: N.J.S.A. 43:15A-17.
Proposal Number: PRN 1994-11.

Submit comments by February 2, 1994 to:
Peter J. Gorman, Esq.
Administrative Practice Officer
Division of Pensions and Benefits
CN 295
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment attempts to clarify the current interpretation of the laws and administrative rules governing a situation where a school employee, whose contract states that his or her full academic year is less than 12 months, terminates such employment and accepts a full 12-month position on or before what would have been the expiration date of the previous contract. In such cases, the person would receive credit within the retirement system for the full months between the termination of actual employment under the former contract and the start of the new contract if the employee returns to the same employer.

Social Impact

The proposed amendment will affect all present and future school employees whose regular work year is less than 12 months, who terminates such a position and accepts a full 12 month position with the same employer before the termination of that former contract. This amendment would eliminate the possible gap in service credit that otherwise would have been granted to the member if he or she did not convert to a full 12 months contract with the same employer.

Economic Impact

Since the proposed amendment is merely a restatement of the current rule in effect and is an attempt to provide clarification regarding the service credit, there are no adverse economic consequences to either the member or the employer who may be affected by the amendment.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because this proposed amendment does not impose reporting, recordkeeping or other compliance requirements upon small businesses. Since the rules of the Division of Pensions and Benefits only impact upon public employers and/or public employees, this amendment will not have any effect upon small business or private industry in general.

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

17:2-4.3 School year members

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

(d) If a member terminates a position that requires less than 12 months to constitute one full year of service at the end of the normal academic school year and accepts a 12 month position with the same employer and begins employment on or before the date that was established by the previous year's contract position, such member will receive service credit within the Public Employees' Retirement System for the period between the end of the previous contract and the employment date of the new 12 month position.

(b)

DIVISION OF PENSIONS AND BENEFITS

Teachers' Pension and Annuity Fund School Year Members

Proposed Amendment: N.J.A.C. 17:3-4.3

Authorized By: Board of Trustees, Teachers' Pension and Annuity Fund, Regina Trauner, Secretary.
Authority: N.J.S.A. 18A:66-56.
Proposal Number: PRN 1994-10.

Submit comments by February 2, 1994 to:
Peter J. Gorman, Esq.
Administrative Practice Officer
Division of Pensions and Benefits
CN 295
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendment attempts to clarify the current interpretation of the laws and administrative rules governing a situation where a school employee, whose contract states that his or her full academic year is less than 12 months, terminates such employment and accepts a full 12-month position on or before what would have been the expiration date of the previous contract. In such cases, the person would receive credit within the retirement system for the full months between the termination of actual employment under the former contract and the start of the new contract if the employee returns to the same employer.

Social Impact

The proposed amendment will affect all present and future school employees whose regular work year is less than 12 months, who terminates such a position and accepts a full 12 month position with the same employer before the termination of that former contract. This amendment would eliminate the possible gap in service credit that otherwise would have been granted to the member if he or she did not convert to a full 12 months contract with the same employer.

Economic Impact

Since the proposed amendment is merely a restatement of the current rule in effect and is an attempt to provide clarification regarding the service credit, there are no adverse economic consequences to either the member or the employer who may be affected by the amendment.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because this proposed amendment does not impose reporting, recordkeeping or other compliance requirements upon small businesses. Since the rules of the Division of Pensions and Benefits only impact upon public employers and/or public employees, this amendment will not have any adverse effect upon small business or private industry in general.

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

17:3-4.3 School year members

(a) Members whose salaries for a school year are considered as a full year's compensation shall be given service credit in the proportion that the time employed bears to the duration of the school year, but not more than one year's credit shall be given during any consecutive 12 months.

(b) If a member terminates a position that requires less than 12 months to constitute one full year of service at the end of the normal academic school year and accepts a 12 month position with the same employer and begins employment on or before the date that was established by the previous year's contract position, such member will receive service credit within the Teachers' Pension and Annuity Fund for the period between the end of the previous contract and the employment date of the new 12 month position.

(a)

DIVISION OF PENSIONS AND BENEFITS

State Health Benefits Commission
Appointive Officer Definition

Proposed Amendments: N.J.A.C. 17:9-4.1 and 4.5

Authorized By: State Health Benefits Commission, Patricia A. Chiacchio, Acting Secretary.
Authority: N.J.S.A. 52:14-17.27 et seq.
Proposal Number: PRN 1994-17.

Submit comments by February 2, 1994, to:
Peter J. Gorman, Esq.
Executive Assistant
Division of Pensions and Benefits
CN 295
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The proposed amendments clarify the definition of "appointive officer" for both State and local employers and the requirements for such individuals to qualify for health benefits coverage. The amendments require that such appointive officer must be appointed to an office specifically established by law, ordinance or other official action required by law for the establishment of a public office by an appointing authority. For example, a person appointed under a general authorization whose function is merely to appoint other officers is not eligible for health benefits coverage. All eligible appointive officers must also qualify as a full time employee for such coverage.

Social Impact

The proposed amendments may affect present and future appointive offices of public agencies participating in the State Health Benefits Program who seek health benefits coverage but are not appointed to an office established by law, ordinance, resolution or comparable official action. Such appointive officers would have to qualify for benefits under the program as "full-time employees."

Economic Impact

The proposed amendments may adversely affect some individual appointive officers who do not qualify for health benefits coverage. The taxpaying public may benefit from these amendments since public employers will not be required to pay for health benefits coverage of some of their appointive officers who do not meet the requirements for such coverage.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping or other compliance requirements upon small businesses as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Since the rules of the Division of Pensions and Benefits only impact upon public employers and/or public employees, the amendments will not have any effect upon small businesses or private industry in general.

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

17:9-4.1 State employee defined

(a) (No change.)

(b) To qualify for coverage as an appointive officer, a person must be appointed to an office specifically established by law, ordinance, resolution or such other official action required by law for establishment of a public office by an appointing authority. A person appointed under a general authorization, such as "to appoint officers" or "to appoint such other officers" or similar language, is not eligible to participate in the program as an appointive officer. An officer appointed under a general authorization must qualify for participation as a "full-time employee."

17:9-4.5 Local; employee defined

(a) For purposes of local coverage, "employee" shall mean an appointive or [elected] **elective** officer of full-time employee of the local employer, including an employee who is compensated on a fee basis as a convenient method of payment of wages or salary but who is not a self-employed, independent contractor compensated in a like manner.

(b) To qualify for coverage as an appointive officer, a person must be appointed to an office specifically established by law, ordinance, resolution or such other official action required by law for establishment of a public office by an appointing authority. A person appointed under a general authorization, such as "to appoint officers" or "to appoint such other officers" or similar language, is not eligible to participate in the program as an appointive officer. An officer appointed under a general authorization must qualify for participation as a "full-time employee."

TREASURY-TAXATION

(b)

DIVISION OF TAXATION

Homestead Property Tax Rebate; Extension of Filing Date for Certain Claimants

Proposed New Rule: N.J.A.C. 18:12-7.1

Authorized By: Leslie A. Thompson, Director, Division of Taxation.
Authority: N.J.S.A. 54:4-8.57 et seq. and 54:50-1.
Proposal Number: PRN 1994-32.

Submit comments by February 2, 1994 to:
Nicholas Catalano
Chief, Tax Services
Division of Taxation
50 Barrack Street, CN 269
Trenton, NJ 08646

The agency proposal follows:

Summary

The Division of Taxation is proposing a new rule pertaining to homestead property tax rebates. N.J.A.C. 18:12-7.1 extends the April 15 filing deadline for homestead property tax rebate applications for those applicants who have filed for Federal or New Jersey extensions to file their New Jersey gross income tax returns pursuant to N.J.S.A. 54A:8-1(b) and N.J.A.C. 18:35-1.18. Under the proposed rule, the homestead rebate application for applicants who have timely filed for a Federal or New Jersey extension, or both, will be due on or before the date on which the New Jersey gross income tax return is due under the extension.

Another provision of the rule addresses the application for a homestead rebate for claimants not required to file a gross income tax return pursuant to the New Jersey Gross Income Tax Act. N.J.S.A. 54:4-8.62(a)(2)(a) provides that the homestead rebate "application form shall be submitted (1) as part of the claimant's gross income tax return filed pursuant to the 'New Jersey Gross Income Tax Act,' N.J.S. 54A:1-1 et seq., or (2) or any other form and at any time as the director shall prescribe if (a) the claimant is not required to file a gross income tax return ...." The proposed rule also establishes an extension for claimants not required to file a gross income tax return pursuant to the New Jersey Gross Income Tax Act.

Social Impact

The proposed new rule will have a positive social impact by providing later filing deadlines for two separate groups of claimants for homestead rebates who would otherwise have failed to receive them because their applications would have been untimely, although they otherwise qualified for the rebates. Under the new rule, those who file the homestead rebate application, which is a part of the gross income tax return, on or before the date the New Jersey gross income tax return is due with a Federal or New Jersey extension, or both, will be able to receive a homestead rebate if otherwise qualified for the rebate. In addition, claimants who are not required by the New Jersey Gross Income Tax Act fo file a gross income tax return will have a longer period to file for a homestead rebate. Implementation of the rule will make it more likely that these persons receive rebates.

Economic Impact

Since the proposed new rule will extend the filing deadline for certain claimants, it may result in some persons receiving rebates who otherwise would not have been eligible due to untimely filing of the application. Based on past experience with the current program, $2 million is a reasonable estimate of the annual cost.

Regulatory Flexibility Statement

The proposed new rule will apply to individuals claiming homestead rebates and not to small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, no regulatory flexibility analysis is required.

Full text of the proposed new rule follows:

SUBCHAPTER 7. HOMESTEAD PROPERTY TAX REBATE

18:12-7.1 Extension of time to file homestead property tax rebate applications

(a) No homestead rebate shall be allowed pursuant to the Homestead Property Tax Rebate Act of 1990 except upon written application therefor, in a manner and on a form prescribed by the Director of the Division of Taxation in the Department of the Treasury.

(b) Every claimant seeking a rebate shall file the rebate application form as part of a gross income tax return.

(c) Every claimant shall file the rebate application form pursuant to the filing deadlines provided in the New Jersey Gross Income Tax Act; in the case of calendar year claimants, April 15 of each year. The filing deadline for the rebate applications will be extended as follows:

1. For claimants who have properly prepared and timely filed for a Federal and/or New Jersey extension of time to file their New Jersey gross income tax return pursuant to the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq., and, in particular, N.J.S.A. 54A:8-1(b) and N.J.A.C. 18:35-1.18, the rebate application must be filed with their NJ-1040 on or before the extended due date. The rebate application will be considered timely filed, even though the request for the extension of time to file the NJ-1040 is subsequently denied by the Division of Taxation for any reason other than untimely filing or the gross income tax return itself is considered to be untimely filed pursuant to law.

2. For claimants who are not otherwise required to file a gross income tax return pursuant to the New Jersey Gross Income Tax Act, N.J.S.A. 54A:1-1 et seq., the rebate application must be filed no later than January 15 following the date of payment and distribution of rebates for the prior tax year, pursuant to N.J.S.A. 54:4-8.63. If the fifteenth day falls on a weekend or holiday, then the application must be filed on or before the next business day.

(d) Paragraphs (c)1 and (c)2 above shall apply to claimants for homestead property tax rebates for tax year 1992 and thereafter.

(a)

DIVISION OF TAXATION

Railroad Property Tax

Proposed Readoption with Amendments: N.J.A.C. 18:23

Authorized By: Leslie A. Thompson, Director, Division of Taxation.

Authority: N.J.S.A. 54:29A-6.

Proposal Number: PRN 1994-36.

Submit comments by February 2, 1994 to:

Nicholas Catalano
Chief, Tax Services
Division of Taxation
50 Barrack Street
CN 269
Trenton, NJ 08646

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:23 expires on February 24, 1994. The Division of Taxation has reviewed these rules and has determined them to be necessary, reasonable and proper for the purposes for which they were originally promulgated. The Division proposes to readopt these rules with changes.

The first general New Jersey Railroad Tax Law dates back to 1884, when railroad property was assessed both by the State and local governments. Since that time, the tax rate and classification of property have been the subject of many statutory amendments. In 1941, the basic structure for the present tax law was adopted and the previous statutes repealed. The new law provided for both a property tax and a franchise tax, based on net railway operating income allocation to New Jersey on the basis of a trackage formula. The franchise tax is not a tax on earnings, but a franchise tax measured by net operating income allocated to New Jersey. In 1948, the tax was extensively amended so as to adopt the present system of classifying railroad property and the current franchise rate of 10 percent of net railway operating income. Again, in 1964 and 1966, the law was amended to exclude main stem and facilities used in passenger service. The 1966 amendment eliminated local rates of taxation of property used for railroad purposes and substituted a uniform tax, collected by the State of New Jersey. The revenues collected are appropriated for payment to municipalities, in lieu of railroad property tax, plus additional sums appropriated as are required for replacement revenues to certain municipalities in which railroad property is located, in accordance with a formula, known as State aid, established by the New Jersey Legislature.

The Act for which these rules are promulgated is the Railroad Tax Law of 1948, N.J.S.A. 54:29A-1 et seq. These rules are issued pursuant to N.J.S.A 54:29A-6.

Subchapter 1 deals with purpose, scope and definitions. In subchapter 2 are rules indicating the property not subject to New Jersey railroad property tax. Property subject to New Jersey railroad property tax is found in subchapter 3. Subchapter 4 deals, in general, with the railroad franchise tax. Assessment and disposition of the railroad property and franchise taxes are dealt with in subchapter 5. Subchapter 6 deals with reassessment and omitted property. The repeal of N.J.A.C. 18:23-6.4 reflects P.L. 1992, c.175, sec. 30, which deleted provisions relating to a five year limitation period to reassess or to assess omitted property. Rules for appeal and review are found in subchapter 7. Returns, payments and refunds are covered in subchapter 8. Subchapter 9 contains provisions regarding penalties and interest incorporating provisions of the Taxpayers Bill of Rights (P.L. 1992, c.175). Collection of delinquent taxes is covered in subchapter 10. Subchapter 11 deals with administration and procedures. Appendix I contains the calendar of tax events.

N.J.A.C. 18:23-5.1(a)1 has been changed to indicate that "main stem" means the roadbed not exceeding 100 feet in width. This is in accordance with the definition provided in N.J.S.A. 54:29A-2.

The proposal reflects a change of branch name made under a 1991 Division of Taxation reorganization wherein the Local Property and Public Utility Branch was changed to Property Administration.

Under the Taxpayer Bill of Rights, P.L. 1992, c.175, interest on delinquent taxes has been changed from 1½ percent for each month of delinquency to an annual rate of 3 percent above the prime rate, at N.J.A.C. 18:23-9.3.

Social Impact

Railroad property first became subject to railroad tax in 1884. The public and businesses gradually became more involved in the transportation by railroads of persons and property. Revenues from these taxes were income to municipalities. Railroad property is present in many municipalities. Some of this property has been abandoned and then converted to other use.

Economic Impact

For fiscal year 1992 railroad property tax collection was $2,303,028 and in fiscal year 1993 $2,323,765. The railroad franchise tax resulted in collections of $14,369 in fiscal year 1992 and $3,216,100 in fiscal year 1993. This readoption is necessary to continue the orderly collection of this revenue source.

There has been a change in the interest rates charged to delinquent taxpayers under the Taxpayers Bill of Rights (P.L. 1992, c.175). By using the prime rate as a base in computing the interest, there is a relationship to current financial market rates. This is a sound method which is more meaningful than the utilization of a fixed rate, which may or may not reflect actual rates at any given time.

Regulatory Flexibility Analysis

The rules proposed for readoption apply to small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., as well as to businesses employing more than 100 people. The reporting, recordkeeping and other compliance requirements in the Act must apply uniformly; any action to exempt taxpayers who may be small businesses as defined in the Regulatory Flexibility Act would not be in compliance with applicable statutes. The rules govern the classification and assessment of railroad real property and the assessment of franchise taxes. The taxpayer must make books and records available; file monthly reports, annual reports and tax information; as well as, at the Director's request, appear when required to testify in a tax matter.

The proposed readoption does not provide additional reporting, recordkeeping, or other compliance requirements. The Division of Taxation does not feel that services beyond normal accounting services are required for a business to comply with the requirements of the rule. The reporting requirements are minimal and there is no foreseeable adverse economic impact on businesses that are subject to tax under this law.

Full text of the readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:23.

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

[FOREWORD]

18:23-1.1 Purpose; scope; history

(a) The first general New Jersey Railroad Tax Law dates back to 1884[1] when railroad property was assessed both by the State and local governments. Since that time, the tax rate and classification of property have been the subject of many statutory amendments. In 1941 the basic structure for the present tax law was adopted[2] and the previous statutes repealed. The new law provided for both a property tax and a franchise tax, based on net railway operating income allocated to New Jersey on the basis of a trackage formula. The Franchise Tax is not a tax on earnings but a Franchise Tax measured by net operating income allocated to New Jersey.[3] In 1948, the tax was extensively amended so as to adopt the present system of classifying railroad property and the current franchise rate of 10 per cent of net railway operating income.[4] Again, in 1964 and 1966, the law was amended so as to exclude main stem and facilities used in passenger service.[5] Furthermore, the 1966 amendment eliminated local rates of taxation of property used for railroad purposes and substituted a uniform tax, collected by the State of New Jersey. The revenues collected are appropriated for payment to municipalities, in lieu of railroad property tax, plus additional sums appropriated as are required for replacement revenues to certain municipalities, in which railroad property is located, in accordance with a formula, known as State Aid, established by the New Jersey Legislature.

(b) The Act for which these rules [and regulations] are promulgated is the Railroad Tax Law of 1948. These rules [and regulations] are issued pursuant to N.J.S.A. 54:29A-6.

(c) These [regulations] **rules,** insofar as they are identical in substance to existing rules [or regulations] relating to the same subject matter shall be construed as restatements and continuations and not new [regulations] **rules**.

(d) Any reference in these rules [and regulations] to the "Act" or the "Tax Act" refers to the Railroad Tax Act of 1948 as amended, (N.J.S.A. 54:29A-1 et seq.).

(e) The Railroad Tax law of 1948 is administered by the Division of Taxation through [the Local Property and Public Utility Branch] **Property Administration.**

[Regulation reference numbers have been designated according to the regulations issued by the Director, Division of Administrative Procedure, pursuant to P.L. 1968, c.410, for example, Reg. 18-23-1 refers to the section of the New Jersey Administrative Code and should be cited as N.J.A.C. 18:23-1.]

As amended, R.1979 d.48, effective February 6, 1979.
See: 11 N.J.R. 43(a), 11 N.J.R. 151(c).

[1]P.L. 1884, c.101
[2]P.L. 1941, c.291
[3]Delaware Lackawanna & W.R.R.N. Division of Tax Appeals, N.J. State Department of Taxation and Finance, 3 N.J. 27; 68 A.2d 749 (1949), State Department of Taxation and Finance, 3 N.J. 27; 68 A.2d 749 (1949), *appeal dismissed*, 338 U.S. 946.
[4]P.L. 1948, c.40, 41
[5]P.L. 1964, c.251 P.L. 1966, c.139

18:23-[1.1]**1.2** Definitions

(No change in text.)

18:23-5.1 Classification of railroad property

(a) On or before November 1 of the pretax year all real property used for railroad purposes in this State is classified as Class I, Class II or Class III railroad property for tax purposes.

1. Class I real property consists of the length of main stem **(roadbed not exceeding 100 feet in width)** of each railroad in this State;

2.-3.(No change.)

(b) (No change.)

18:23-6.4 [Period of limitations on assessment of omitted property] **(Reserved)**

[Any reassessment or assessment of omitted property is limited to a period of five years next preceding the year in which the assessment or reassessment is made.]

18:23-8.1 Return of information

(a) Every taxpayer must, on or before March 1 of the pretax year, file with [the Local Property Branch] **Property Administration** statements and/or schedules showing:

1.-2. (No change.)

(b) [The Local Property Branch] **Property Administration** has developed and maintains a perpetual inventory of all property owned by each railroad or system in the State of New Jersey and only changes in the ownership, character or value of such property are required to be reported annually. Such annual returns of information must be submitted to [the Local Property Branch] **Property Administration** on forms R.R.51 through R.R.45 which are available from said [Branch] **office**.

(c) (No change.)

(d) On or before April 1 of the tax year, each taxpayer must file with the Director, through [the Local Property Branch] **Property Administration,** at its own expense, a sworn and complete copy of its Railroad Annual Report for the pretax year, which has been filed or will be filed with the Interstate Commerce Commission or with the Department of Transportation of the State of New Jersey.

(e) Furthermore, all taxpayers must complete and file [the Local Property Branch] **with Property Administration** Forms R.R.551 through 556 [with such Branch], together with such supplemental statements and schedules as may from time to time be required by the Director or the [State Supervisor of the Local Property Branch] **Assistant Director of Property Administration**, acting in his behalf.

18:23-8.2 Monthly statistics report

All taxpayers shall submit monthly reports of net railway operating income to [the Local Property Branch] **Property Administration,** as soon as such information is available or projected. Such report shall include the monthly net railway operating income, and the cumulative net railway operating income for the year up to the month reported.

18:23-9.3 Delinquent payment; interest

Any taxpayer who fails to pay either the railroad franchise tax or the railroad property tax when due is subject to interest at the rate of [one and one-half percent per month or fraction thereof] **"prime rate" plus three percent,** computed on the amount of tax due, from and including the date the payment was due up to the date payment is actually received by the Director of the Division of Budget and Accounting.

18:23-11.2 Taxpayer's right to informal conference

Where, under N.J.A.C. 18:23-5.6, a taxpayer requests an informal hearing, a conference will be held before [the Local Property

Branch] **Property Administration** to be conducted on an informal basis, with or without representation on behalf of the taxpayer or other party in interest.

18:23-11.3 Taxpayers right to formal hearing

(a) Where, under [section] N.J.A.C. 18:23-6.5 (Review of reassessment or assessment) [of this chapter], a taxpayer requests an administrative review, such review will be granted by means of a formal hearing, in the following manner:

1. (No change.)

2. After all parties have been given the opportunity of presenting all the evidence in support of the issues, [the Branch] **Property Administration** shall take the matter under advisement and reach a determination on the record and facts disclosed;

3. Upon reaching a determination, [the Branch] **Property Administration** shall notify the taxpayer or other party in interest or his representative by mail of the determination made;

4. (No change.)

(a)

DIVISION OF TAXATION

Gross Income Tax
Interest on Overpayments
Proposed New Rule: N.J.A.C. 18:35-1.27

Authorized By: Leslie A. Thompson, Director, Division of Taxation.

Authority: N.J.S.A. 54A:9-17(a).

Proposal Number: PRN 1994-5.

Submit comments by February 2, 1994 to:

Nicholas Catalano
Chief, Tax Services
Division of Taxation
50 Barrack Street
CN 269
Trenton, NJ 08646

The agency proposal follows:

Summary

This proposed new rule will provide guidelines for the payment of interest on overpayments of New Jersey gross income tax. Although originally proposed on July 6, 1992 (see 24 N.J.R. 2419(a)), the rule was not adopted, in contemplation of the changes that would result from the Taxpayers' Bill of Rights, P.L. 1992, c.175.

Consistent with the previous proposal and the language and intent of the Taxpayers' Bill of Rights, Section 7, no interest is allowed or paid on any overpayment of less than $1.00, nor upon any overpayment refunded within six months after the last date prescribed or permitted by extension of time for filing an original return, or within six months after such a return is filed, whichever is later.

When due under P.L. 1992, c.175, interest on overpayments will be paid at the rate of six percent per annum for all eligible refunds paid before July 1, 1993. Interest on eligible overpayments refunded after July 1, 1993 will be calculated at six percent per annum up to June 30, 1993, and at the prime rate pursuant to N.J.S.A. 54:48-2, thereafter.

The proposed new rule sets forth the requirement that a refund claim (amended return) is only valid and considered filed for interest purposes if it contains sufficient information to permit the mathematical verification of tax liability or overpayment shown on the return. All required schedules and attachments must also be submitted in order for the return to be deemed filed. No interest shall be paid on the refund of tax erroneously paid by the taxpayer by reason of any assessment of tax by this Division under the Gross Income Tax Act.

Social Impact

The proposed new rule is necessary to provide taxpayers and their representatives with information on the conditions under which interest on income tax overpayments is paid under N.J.S.A. 54A:9-7(f). The rule will eliminate any confusion which might exist as to when interest is payable and at what rate.

Economic Impact

Since the purpose of this proposed new rule is to clarify existing law and administrative practice for taxpayers, the effect on the revenue derived from the Gross Income Tax Act will be negligible. However, the Taxpayers' Bill of Rights provides for interest to be paid at the prime rate on income tax overpayments. This may result in revenue gains or losses, with respect to interest, as the prime rate changes over time.

Regulatory Flexibility Statement

The proposed new rule does not impose reporting, recordkeeping or other compliance requirements on small businesses, as the term is defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16. The rule merely states the conditions and requirements for the payment of interest on income tax overpayments of gross income tax to individuals. Accordingly, a regulatory flexibility analysis is not required.

Full text of the proposed new rule follows:

18:35-1.27 Interest on overpayments

(a) Interest will be paid on an overpayment of gross income tax which has not been refunded six months and one day after the later of:

1. The last date for filing a gross income tax return as prescribed by statute or permitted by an approved application for extension of time to file; or

2. The date the return, whether original or amended, requesting the refund is actually filed.

(b) Interest paid pursuant to (a) above on refunds which are claimed prior to July 1, 1993, and paid by the Division of Taxation prior to July 1, 1993, shall be calculated at the rate of six percent per annum.

(c) Interest paid pursuant to (a) above on refunds which are claimed prior to July 1, 1993, and paid by the Division of Taxation after June 30, 1993, shall be calculated at the rate of six percent per annum up until June 30, 1993. Any interest accruing to the taxpayer after that date will be calculated on the total amount due on June 30, 1993, at the rate determined by the Director to be equal to the prime rate pursuant to N.J.S.A. 54:48-2.

(d) Interest paid pursuant to (a) above on refunds which are claimed after June 30, 1993 shall be calculated at the rate determined by the Director to be equal to the prime rate pursuant to N.J.S.A. 54:48-2.

(e) When interest is to be paid pursuant to (a) above, it will be calculated beginning from one day after the later of the last date for filing a gross income tax return as prescribed by statute or permitted by an approved application for extension of time to file, or the date the return, whether original or amended, requesting the refund is actually filed. Interest will continue to accrue to a date (to be determined by the Director) preceding the date of the refund check by not more than 30 days.

(f) An overpayment of gross income tax is deemed to occur on the last date for filing a gross income tax return, as prescribed by statute or permitted by an approved application for extension of time to file, or on the date the return, whether original or amended, requesting the refund is actually filed.

1. Monies paid erroneously resulting from an assessment made under the Act are not considered an overpayment of gross income tax. Nothing in this section shall be construed to permit the payment of interest on such monies if and when returned to the taxpayer.

(g) No interest will be paid on any overpayment of gross income tax refunded within six months of the dates indicated in (a)1 and (a)2, above.

(h) For the purposes of this section, a gross income tax return is not considered to be filed unless and until it contains sufficient required information to permit the mathematical verification of tax liability and the resulting overpayment shown on the return. All required schedules and attachments must be submitted in order for the return to be deemed filed.

(i) This section shall take effect immediately and apply to all tax years beginning after December 31, 1990, as well as any other return filed (within the applicable statute of limitations) after April 15, 1992 which results in an overpayment.

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

Accounting and Internal Controls
Complimentary Services or Items; Procedures for Complimentary Cash and Noncash Gifts
Limitations on Complimentary Incentive Programs and Complimentary Programs for Invited Guests; Restrictions on the Return of Complimentary Noncash Gifts

Proposed Amendments: N.J.A.C. 19:45-1.9 and 1.9B

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.
Authority: N.J.S.A. 5:12-63c, 69a, 70j, 70l, 99 and 102.
Proposal Number: PRN 1994-2.

Submit written comments by February 2, 1994 to:
David C. Missimer
Assistant General Counsel
Casino Control Commission
Tennessee Avenue at the Boardwalk
Atlantic City, New Jersey 08401

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 19:45-1.9(f)3 are intended to provide an optional method of measuring the maximum amount of complimentary cash payments which may be made to slot machine complimentary incentive program participants by casino licensees whose computer systems are not designed to calculate theoretical win for each player. Under the proposed amendments, a casino licensee could develop its predetermined complimentary schedule for slot machine complimentary incentive programs by using an alternative standard based on fixed percentages of the amount of coin or slot tokens placed into slot machines by slot players ("handle"). The percentage of the handle which would be returned to players could vary by the denomination of the slot machines played but could in no instance exceed six percent.

The proposed amendment to N.J.A.C. 19:45-1.9(g)4 is intended to clarify whether cash complimentaries in excess of the $100,000 limitation established by N.J.A.C. 19:45-1.9(g)4 may be awarded to a patron participating in a complimentary program for invited guests if that patron would otherwise be entitled to receive the excess amount under the standards of N.J.A.C. 19:45-1.9B(g). The amendment makes clear that the excess cash complimentaries may be awarded to the patron as long as the patron is eligible to receive the excess amount under one of the three standards contained in N.J.A.C. 19:45-1.9B(g) and the complimentaries are appropriately recorded in accordance with the requirements of that section.

Finally, the proposed amendments to N.J.A.C. 19:45-1.9B are based on regulatory problems uncovered by the Commission during the resolution of two complaints filed against casino licensees involving the improper conversion by patrons of complimentary noncash gifts into cash payments. In each of these cases, patrons engaged in schemes to convert noncash complimentaries into cash complimentaries during a period when cash complimentaries were illegal under New Jersey law. Although cash complimentaries are now legal in New Jersey when issued in accordance with the requirements of N.J.S.A. 5:12-102m and N.J.A.C. 19:45-1.9 and 1.9B, statutory and regulatory limitations on the issuance of cash complimentaries might still provide an unscrupulous patron with some motivation to attempt to circumvent these limitations.

The proposed amendments to N.J.A.C. 19:45-1.9B would require a casino licensee purchasing a noncash gift for a patron to require the seller of the gift to actually deliver the gift. This provision would help to prevent schemes whereby the patron prearranges with the seller of the gift to provide the patron with cash rather than the gift itself. The amendment would also require a casino licensee to direct the seller of the gift to pay to the casino licensee directly any refund or cash balance created should the patron directly or indirectly return or exchange the gift after delivery. If a complimentary gift has a purchase price of $1,000 or more, the casino licensee would be required to confirm these conditions of sale in a written agreement or purchase order by using contract language in substantial conformity with that contained in N.J.A.C. 19:45-1.9B(i). The casino licensee would also be required to maintain a copy of the purchase agreement in its files and to make this copy available for inspection upon request.

Social Impact

The proposed amendments are not anticipated to have any social impact. These rules govern the manner in which casino licensees are required to record and report the issuance of complimentary services or items. Any social values reflected in the determination to allow casino licensees to engage in such activities are reflective of the legislative judgement to authorize such activities as opposed to the rules themselves. The Commission believes the amendments will allow it to effectively exercise its responsibility to regulate the conduct of casino licensees in such a manner so as to instill and maintain public confidence in the regulation of casino gaming in this State.

Economic Impact

The proposed amendments to N.J.A.C. 19:45-1.9 are not anticipated to cause any significant changes to the manner in which casino licensees currently conduct or maintain their complimentary programs and, thus, the amendments should not have any significant economic impact. The proposed amendments to N.J.A.C. 19:45-1.9B may have some effect on the negotiations between casino licensees and the sellers of noncash gifts with whom they deal, but this impact, if any, would be highly speculative and impossible to predict at this time.

It is not anticipated that the amendments will have any significant economic impact on the Commission or the Division of Gaming Enforcement.

Regulatory Flexibility Statement

A regulatory flexibility statement is not required since the proposed amendments will only affect the operation of New Jersey casino licensees, none of which qualifies as a small business protected under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

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

19:45-1.9 Complimentary services or items

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

(f) Any complimentary service or item, including a complimentary cash or noncash gift, which is issued to a patron as part of a table game or slot machine complimentary incentive program shall be subject to the requirements of N.J.A.C. 19:45-1.46 and this subsection and shall not be included on the daily complimentary report required by (e) above or subject to the annual limitation on cash complimentaries established by N.J.A.C. 19:45-1.9B(g) if:

1.-2. (No change.)

3. Each participant in the program is issued complimentaries in accordance with a predetermined schedule as a result of his or her table game or slot play, which schedule shall, with regard to cash complimentaries, be based on and shall not exceed:

i. [the] **The** theoretical win of the casino licensee from each participant as reasonably determined from data maintained pursuant to the approved internal controls for the complimentary incentive program; [and] **or**

ii. As to slot play only, a fixed percentage of the player's handle, which percentage may differ for different denominations of slot machines, but shall not exceed six percent for any denomination of slot machine; and

4. (No change.)

(g) Any complimentary service or item, including a complimentary cash or noncash gift, which is issued to a patron as part of a complimentary program for invited guests shall be subject to the requirements of N.J.A.C. 19:45-1.46 and this subsection and shall not be included on the daily complimentary report required by (e) above or subject to the annual limitation on cash complimentaries established by N.J.A.C. 19:45-1.9B(g) if:

1.-3. (No change.)

4. The recipient of any cash complimentary issued as part of the program will not have received more than $100,000 in cash complimentaries from complimentary programs for invited guests conducted by the casino licensee, including the current program, during the previous 12 month period; **provided, however, that such limitation shall not preclude a recipient from receiving more than**

$100,000 in cash complimentaries through participation in complimentary programs for invited guests conducted by that casino licensee during the previous 12 month period if any cash complimentaries issued in excess of $100,000 are otherwise authorized by N.J.A.C. 19:45-1.9B(g) and are recorded in accordance with the requirements of that section; and

5. (No change.)

19:45-1.9B Procedures for complimentary cash and noncash gifts

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

(i) Each casino licensee which purchases a noncash gift for the direct or indirect benefit of a patron shall require the vendor from which the gift is purchased to deliver the gift directly to the casino licensee or the patron. The casino licensee shall also require the vendor to pay to the casino licensee directly any refund or cash balance generated by the return or exchange of the gift by the patron or any representative of the patron.

(j) If a noncash gift to be purchased from a vendor by a casino licensee for the direct or indirect benefit of a patron has a purchase price of $1,000 or more, the purchase shall be authorized by a written agreement or purchase order, a copy of which shall be maintained by the casino licensee in its files for inspection upon request, and shall include a provision in substantially the following form:

"Pursuant to the requirements of New Jersey law, the seller agrees not to effect any transaction with (name of the patron), directly or indirectly, involving the item(s) purchased pursuant to this purchase agreement after delivery without the express written approval of (the casino licensee). If the seller violates this condition of purchase, the seller agrees that this purchase agreement shall be null and void, and the seller further agrees to return the full purchase price of the item(s) purchased pursuant to this purchase agreement to (the casino licensee) as liquidated damages."

(a)

CASINO CONTROL COMMISSION

Accounting and Internal Controls
Jobs Compendium Submission
Proposed Amendments: N.J.A.C. 19:45-1.11A

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-63c, and 63f, 69, 70g, 70j, 70l, 70m, 99 and 101.

Proposal Number: PRN 1994-8.

Submit written comments by February 2, 1994 to:

Antonia Z. Cowan, Senior Counsel
Casino Control Commission
Tennessee Avenue at the Boardwalk
Atlantic City, New Jersey 08401

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 19:45-1.11A reduce the complexity of the process for proposed amendments to a previously approved jobs compendium, reduce the number of copies of jobs compendiums required to be submitted and make minor changes in the organization of the information submitted to allow for better confirmation and cross-reference.

The proposed amendment to N.J.A.C. 19:45-1.11A(b)1 adds the job code to the alphabetical table of contents, which lists by job title each job description, in order to allow better cross referencing and sorting.

The proposed amendment to N.J.A.C. 19:45-1.11A(b)4 requires organization of job descriptions by distinct departments or divisions to allow better confirmation and reference of the job descriptions for positions indicated on tables of organization.

Consistent with the Casino Control Act, N.J.S.A. 5:12-1 et seq., N.J.A.C. 19:45-1.11A(c) is amended to reduce from 90 days to 60 days the proposed effective date of any proposed amendment to a previously approved job compendium.

N.J.A.C. 19:45-1.11A(d) establishes types of amendments to previously approved jobs compendiums that do not require approval. This will reduce the complexity of the amendment process and allow casino licensees to make certain management decisions without preapproval from the Commission in the listed administrative circumstances which, because license categories and endorsements are not directly involved, do not require regulatory review.

N.J.A.C. 19:45-1.11A(f) is amended to reduce the number of copies required of a jobs compendium from five to four to reflect actual requirements. The number of copies of amendments necessary is specified to reflect the actual need of four copies.

Social Impact

The proposed amendments do not increase the regulatory burden placed on casino licensees or applicants but support the legislative requirements of the Casino Control Commission to oversee the casino industry labor force.

Economic Impact

The proposed amendments seek to clarify the previously required information and to reduce the complexity of amendment to a previously approved jobs compendium and the number of jobs compendium submitted which should reduce the production time and the material cost associated with the production of the jobs compendium and amendments to jobs compendium. The proposed amendments have no economic effect on persons or businesses external to the casino regulation process.

Regulatory Flexibility Statement

The proposed amendments affect only casino licensees and applicants for a casino license none of which are "small businesses" as defined in N.J.S.A. 52:14B-17. Therefore, no regulatory flexibility analysis pursuant to small business concerns is required.

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

19:45-1.11A Jobs compendium submission

(a) (No change.)

(b) A jobs compendium shall include the following sections, in the order listed:

1. An alphabetical table of contents listing [by] **the** position title **and job code for** each job description included in (b)3 below and the page number on which the corresponding job description may be found;

2. A table of organization for each department and division illustrating by position title direct and indirect lines of authority within the department or division. Each **page of a** table of organization shall [include on each page the] **specify the following:**

i. The date of its submission; [and the]

ii. The date of the previously submitted table of organization which it supersedes; **and**

iii. A unique title or other identifying designation for that table of organization.

3. A description of each employee position[. Each position shall be listed on a separate page and shall] **which** accurately corresponds to the position title as listed in the table of organization and as listed in the table of contents. Each [job] **position** description shall **be listed on a separate page, organized by departments or divisions, and** shall include, at a minimum, the following:

i.-ix. (No change.)

(c) Except as otherwise provided in (d) below, any proposed amendment to a previously approved jobs compendium shall be submitted to and approved by the Commission before such amendment is implemented by the casino licensee. Unless otherwise directed by the Commission, any amendment required to be preapproved pursuant to this subsection shall be submitted to the Commission at least [90] **60** days prior to the proposed effective date of the amendment and shall contain, at a minimum:

1.-2. (No change.)

(d) The following amendments to [a previously] **an** approved jobs compendium [shall be] **may be implemented without the prior approval of the Commission, provided that the amendments are** immediately recorded in the jobs compendium maintained by the casino licensee on its premises[, but do not have to be submitted to the Commission except as otherwise provided in (e) below or

upon request] **and a summary of each amendment and the date of implementation with corresponding job descriptions is filed with the Commission no later than five business days prior to the date implementation**:

1. Amendments to casino hotel registrant position [titles] **descriptions for positions** which report to casino hotel employee registrant position titles. Such amendments may be implemented by a casino licensee without the prior approval of the Commission; provided, however, this subsection shall not apply to casino hotel employee registrant position titles which are departmental or divisional supervisory positions; [and]

2. Amendments to individual job descriptions required by (b)3ix above;

3. Amendments to position titles;

4. Revised page numbers;

5. Amendments to job codes required by (b)1 above;

6. Amendments to the experiential or educational requirements of (b)3iv above;

7. Cost of living salary increases; and

8. Amendments to the projected number of employees in any position other than casino key employee position titles.

(e) (No change.)

(f) Whenever required by this section, a casino licensee shall file [five] **four** copies of a jobs compendium [or] **and four copies of** an amendment to a jobs compendium [to the Records Administrator of] **with** the Commission. A casino license applicant shall file [five] **four** copies of a jobs compendium [or an amendment to a jobs compendium] with the [Records Administrator of the] Commission and one copy with the Division [of Gaming Enforcement]. **Each copy shall be in a format prescribed by the Commission, including a** [The] cover [shall indicate] **indicating** the name of the casino licensee or applicant, the date of the submission and [shall be labeled] **the label** "Jobs Compendium Submission" or "Jobs Compendium Amendment" as appropriate.

(a)

CASINO CONTROL COMMISSION

Keno
Rules of the Games
Accounting and Internal Controls
Gaming Equipment

Proposed New Rules: N.J.A.C. 19:45-1.47 through 1.51 and 19:47-16

Proposed Amendments: N.J.A.C. 19:41-1.3; 19:45-1.1, 1.1A, 1.2, 1.8, 1.10, 1.11, 1.12, 1.15, 1.19, 1.33 and 1.46; and 19:46-1.5, 1.20 and 1.33

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-5, 69(a), 70(f), and (j), 99 and 100(e).

Proposal Number: PRN 1994-3.

Submit written comments by February 2, 1994 to:

Barbara A. Mattie, Chief Analyst
Casino Operations Unit
Casino Control Commission
Tennessee Avenue and the Boardwalk
Atlantic City, NJ 08401

The agency proposal follows:

Summary

The proposed new rules and amendments are intended to govern the implementation of the game of keno in Atlantic City casinos. The Commission has determined pursuant to N.J.S.A. 5:12-5 that keno constitutes a game which is compatible with the public interest, subject to the Commission ultimately finding that keno is suitable for casino use after an appropriate test period. The actual rules of the game are set forth in N.J.A.C. 19:47-16.1 through 16.7.

Briefly, keno is an electronic game which uses the numbers 1 through 80. These numbers are preprinted on a form known as a "keno request." For an individual wager, players may select numbers by appropriately marking the keno request. The keno request is converted into a keno ticket by a keno writer. All gaming at keno shall be conducted at a keno booth or satellite keno booth. Using a computer as a random number generator, the casino licensee selects 20 of the 80 available numbers for each keno game. The amount that the player shall win depends on the proportion of the player's choices that match those selected at random by the computer. The proposed rules permit each casino licensee to set the winning pay out amount for each wager, provided, however, that the house advantage for each wager does not exceed 30 percent.

N.J.A.C. 19:45-1.11 and 1.12 address the personnel needed to operate the game of keno. The proposed amendment to N.J.A.C. 19:45-1.11(b)10 would delete the current language describing the simulcast counter and its manager. Since each casino licensee may or may not conduct simulcast wagering in its discretion, the current language is inappropriate for inclusion in N.J.A.C. 19:45-1.11(b) which, by its terms, describes "mandatory departments." The deleted language is not recodified elsewhere since each requirement described therein is already contained in N.J.A.C. 19:45-1.12(h)3 and 1.14A.

The proposed amendments to N.J.A.C. 19:45-1.12(h) delete the licensing requirements for the mandatory simulcast positions listed therein since the purpose of this section is to identify the positions required for the various aspects of a casino licensee's operations rather than to identify the employee licenses which the individuals in these positions must hold. These employee license requirements have been recodified in N.J.A.C. 19:41-1.3, the section of the rules which codifies the type of employee license which must be held by employees working in particular positions.

Proposed new rule N.J.A.C. 19:45-1.47 specifies the physical characteristics of a keno booth and satellite keno booth. Proposed new rules N.J.A.C. 19:45-1.48, 1.49 and 1.50 set forth the accounting and internal control requirements for the keno booth and keno writers. Keno booths may be located on the casino floor, in a casino simulcasting facility or in an area adjacent to the casino floor provided that the patrons are standing on the casino floor when placing a wager. Proposed new rule N.J.A.C. 19:45-1.51 contains the internal control procedures governing the security of and control over the keno computer system. The remainder of the proposed new rules and amendments are technical proposals which govern the operation of keno in Atlantic City casinos.

The amendments are as follows: N.J.A.C. 19:41-1.3 establishes those employees, related to keno, that require casino key employee licenses. At N.J.A.C. 19:45-1.1, definitions relating to keno are added. At N.J.A.C. 19:45-1.1A, gaming days are established for keno. At N.J.A.C. 19:45-1.2, methods for keno statistical game records are established. At N.J.A.C. 19:45-1.8, the amendment establishes that keno requests need not be retained as records for any minimum period of time. At N.J.A.C. 19:45-1.10, surveillance for keno is established. At N.J.A.C. 19:45-1.15, the role of cashiers in the game of keno is addressed. At N.J.A.C. 19:45-1.19 tips and gratuities to keno writers are addressed. At N.J.A.C. 19:45-1.33, the procedures for recording of keno revenue are established. At N.J.A.C. 19:45-1.46 the amendment establishes procedures for control of coupons redeemed by keno writers. At N.J.A.C. 19:46-1.5 there are provisions added allowing for the use of slot tokens or coins in wagering at keno. At N.J.A.C. 19:46-1.20, the discretion of the Commission to review and approve of keno equipment is established. At N.J.A.C. 19:46-1.33, a provision establishes that metal tokens can be used for waging at keno.

Social Impact

The proposed new rules and amendments are not anticipated to have any social impact independent of that created by the statutory authorization of a game which is compatible with the public interest. The proposed rules do not reflect any social judgements made by the Commission. It is anticipated that the implementation of the new game may generate patron interest in the game, but it is unclear at this time whether new or additional patrons will be attracted to Atlantic City as a result of the introduction of keno.

Economic Impact

Implementation of any new game will, by its very nature, require casino licensees to incur some costs in preparing to offer the game to the public. These costs will presumably be offset by the increased casino revenues generated by the new game. Moreover, to the extent that the new game does generate increased casino revenues, senior and disabled citizens of New Jersey will benefit from the additional tax revenues which will be collected. As noted above, however, any attempt to quantify the

effects of the introduction of keno on casino revenue would be highly speculative at this time. The proposed amendments and new rules may require the regulatory agencies to incur some costs in preparing to regulate the game. However, these costs are necessary to introduce and test the game of keno in Atlantic City casinos.

Regulatory Flexibility Statement

The proposed amendments and new rules affect casino licensees and casino employees, none of which is a "small business" within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not required.

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

19:41-1.3 Employee licenses

(a) No natural person shall be employed in the operation of a licensed casino or a casino simulcasting facility in a supervisory or be empowered to make discretionary decisions which regulate casino or casino simulcasting facility operations or the management of an approved hotel unless he or she is over 18 years of age and holds a current and valid casino key employee license authorizing employment in the particular position. The following positions, without limitation, shall require a casino key employee license:

1.-9. (No change.)

10. Junket representatives, as defined in section 102 of the Act; [and]

11. Simulcast counter manager;

12. Simulcast counter shift supervisor;

13. Keno manager;

14. Keno supervisor; and

Recodify 11. as **15.** (No change in text.)

(b) No natural person shall be employed in the operation of a licensed casino or a casino simulcasting facility or in a position whose employment duties require or authorize access to restricted casino areas unless he or she is over 18 years of age and holds a current and valid casino employee license authorizing employment in the particular position. The following positions, without limitation, shall require a casino employee license:

1.-5. (No change.)

6. Any natural person employed by a casino or its agent to provide physical security in a casino [hotel];

7. Casino simulcasting facility personnel involved in wagering-related activities in a casino simulcasting facility**, such as casino pari-mutuel cashiers;** [and]

8. Keno writers; and

Recodify 8. as **9.** (No change in text.)

(c) (No change.)

19:45-1.1 Definitions

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

. . .

"Handle" means the total amount of coins**, slot tokens** or currency placed into a slot machine by a patron to play a slot machine.

. . .

"Keno booth" is defined in N.J.A.C. 19:45-1.47.

"Keno drawer" is defined in N.J.A.C. 19:45-1.48.

"Keno drop" means the sum of the total amount of currency, coin, gaming chips, coupons and slot tokens wagered on keno tickets.

"Keno payout" means the currency or coin paid to a player in exchange for a winning keno ticket.

"Keno request" is defined in N.J.A.C. 19:47-16.1.

"Keno ticket" is defined in N.J.A.C. 19:47-16.1.

"Keno win or loss" means the amount of currency, coin, gaming chips, coupons and slot tokens wagered by patrons at keno less the amount of currency or coin won by patrons wagering at keno.

"Keno work station" is defined in N.J.A.C. 19:45-1.47.

. . .

"Shift" means the regular, daily work period of a group of employees administering and supervising the operation of table games, slot machines, simulcast counter, **keno booths,** [and] cashiers' cage **and satellite cages,** working in relay with another such succeeding or preceding group of employees or specific times, as approved by the Commission, during the day that all drop boxes attached to gaming tables are removed, expeditiously transported to the count room, and replaced with empty ones.

. . .

19:45-1.1A Gaming day

(a) (No change.)

(b) The "gaming day" for a casino licensee on a calendar day which has been approved for extended hours of operation pursuant to N.J.S.A. 5:12-97(a) shall commence and terminate, and the end of the gaming day for the previous calendar day shall terminate, at those times set forth in the approved system of internal procedures and administrative and accounting controls of each casino licensee. Each casino licensee may establish a gaming day for slot machines which is different from its gaming day for table games **and the game of keno;** provided, however, that no gaming day shall be longer than 24 hours.

19:45-1.2 Accounting records

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

(c) The detailed, supporting, and subsidiary records shall include, but not necessarily be limited to:

1. (No change.)

2. Statistical game records to reflect drop and win amounts by table for each **table** game, **and by keno work station number for the game of keno,** by each shift.

3.-10. (No change.)

19:45-1.8 Retention, storage and destruction of books, records and documents

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

(c) All original books, records and documents shall be retained by a casino licensee in accordance with the following schedules. For purposes of this subsection, "original books, records or documents" shall not include copies of originals, except for copies which contain original comments or notations or parts of multi-part forms.

1.-5. (No change.)

6. The following original books, records and documents shall be retained by a casino licensee for a minimum of six months:

i.-xi. (No change.)

[xi.]**xii.**(No change in text.)

7. (No change.)

8. The following original books, records and documents do not have to be retained by a casino licensee for any minimum period of time, and may be destroyed without notice otherwise required by (f) below:

i.-xiv. (No change.)

xv. Unsolicited resumes or letters requesting employment; [and]

xvi. Register tapes, provided that the information contained thereon is duplicative or less than that recorded on another document retained in accordance with (c)3 above; **and**

xvii. Keno requests.

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

19:45-1.10 Closed circuit television system: surveillance department control; surveillance department restrictions

(a) (No change.)

(b) The closed circuit television system shall include, but need not be limited to, the following:

1. Light sensitive cameras with zoom, scan, and tilt capabilities to effectively and clandestinely monitor in detail and from various vantage points, the following:

i.-ii. (No change.)

iii. The operations conducted at and in the cashiers' cage **or satellite cages;**

iv.-viii. (No change.)

ix. The entrances and exits to the casino, casino simulcasting facility and the count rooms; [and]

x. The gaming and operations associated with the conduct of keno; and

[x.]**xi.** (No change in text.)

2.-5. (No change.)

(c)-(h) (No change.)

19:45-1.11 Casino licensee's organization

(a) (No change.)

(b) In addition to satisfying the requirements of (a) above, each casino licensee's system of internal controls shall include, at a minimum, the following departments and supervisory positions. Each of these departments and supervisors shall be required to cooperate with, yet perform independently of, all other departments and supervisors. Mandatory departments are as follows:

1. A surveillance department supervised by a casino key employee holding a license endorsed with the position of director of surveillance. The supervisor of the surveillance department shall be subject to the reporting requirements specified in (c) below. The surveillance department shall be responsible for, without limitation, the following:

i.-iv. (No change.)

v. The clandestine surveillance of the operation of the cashiers' cage **and satellite cages;**

vi.-viii. (No change.)

ix. The notification of appropriate supervisors, the Commission, and the Division upon the detection and taping of cheating, theft embezzlement, or other illegal activities; [and]

x. The communication in writing to the supervisor of the credit department of accurate and verifiable information which may be relevant in determining a patron's credit worthiness; **and**

xi. The clandestine surveillance of all keno gaming and operations.

2.-3. (No change.)

4. A table games department supervised by a casino key employee holding a license endorsed with the position of casino manager. The table games department may be responsible for the operation and conduct of the simulcast counter **and the operation and conduct of keno** and shall be responsible for the operation and conduct of the following games:

i.-x. (No change.)

5. A slot department supervised by a casino key employee holding a license endorsed with the position of a slot department manager. The slot department **may be responsible for the operation and conduct of keno and** shall be responsible for the operation of the slot machines and bill changers.

6.-7. (No change.)

8. A casino accounting department supervised by a casino key employee holding a license endorsed with the position of controller. The supervisor of the casino accounting department may be responsible for the operation and conduct of the simulcast counter **and the operation and conduct of keno** and shall [also] be responsible for the control and supervision of the cashiers' cage and any satellite cages. The casino accounting department shall be responsible for, without limitation, the following:

i.-iii. (No change.)

9. (No change.)

[10. A casino licensee which elects to conduct casino simulcasting shall operate a simulcast counter supervised by a casino key employee designated as simulcast counter manager, who shall perform the functions set forth in N.J.A.C. 19:45-1.12(h)3.]

10. A keno department supervised by a casino key employee holding a licensee endorsement approved by the Commission, unless the casino licensee chooses to not offer the game of keno or to assign responsibility for the operation and conduct of keno to the table games department, the slot department or the casino accounting department.

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

19:45-1.12 Personnel assigned to the operation and conduct of gaming and slot machines

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

(h) The following personnel of the casino accounting or table games department shall, at a minimum, be used to operate a simulcast counter in a casino simulcasting facility:

1. Casino pari-mutuel cashiers [shall be licensed as casino employees and] shall be assigned the responsibility of generating, and issuing to patrons, pari-mutuel tickets and credit vouchers, making simulcast payouts to patrons, and redeeming credit vouchers for patrons;

2. Simulcast counter shift supervisor [shall be licensed as a casino key employee and] shall be the first level supervisor assigned the responsibility for directly supervising the operation and conduct of the simulcast counter;

3. Simulcast counter manager [shall be licensed as a casino key employee and] shall be the executive assigned the responsibility and authority for the supervision and management of the overall operations of the simulcast counter, including without limitation, the hiring and termination of all simulcast counter personnel and the creation of high employee morale and good customer relations, all in accordance with the policies and practices established by the casino licensee's board of directors or non-corporate equivalent.

(i) The following personnel, at a minimum, shall be used at keno:

1. Keno writer shall be the person assigned the responsibility to generate keno tickets, redeem coupons, accept wagers and issue keno payouts at a keno booth or satellite keno booth.

2. Keno supervisor shall be the supervisor assigned to each shift with the responsibility for directly supervising all activities at a keno booth.

3. Keno manager shall be the executive assigned the responsibility and authority for the supervision and management of the overall operation of the game of keno by the casino licensee, including, without limitation, the hiring and terminating of all keno personnel in accordance with the policies and practices established by the casino licensee. Nothing in these rules shall preclude the keno manager from also having the responsibility to manage either the table games department, the slot department or the casino accounting department, provided that the reporting lines and span of control of the keno manager have been approved by the Commission.

Recodify existing (i) as **(j)** (No change in text.)

19:45-1.15 Accounting controls within the cashiers' cage, satellite cages, master coin bank and coin vaults

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

(c) The cashiers' cage and any satellite cage shall be physically segregated by personnel and function as follows:

1.-3. (No change.)

4. Reserve cash ("main bank") cashiers' functions shall be, but are not limited to, the following:

i.-viii. (No change.)

ix. Be responsible for the reserve cash bankroll; [and]

x. (No change.)

xi. Prepare keno fills pursuant to N.J.A.C. 19:45-1.49; and

xii. Receive currency, coin, slot tokens, gaming chips and coupons from a keno booth in exchange for proper documentation.

5. Master coin bank cashiers' functions shall be, but not limited to, the following:

i.-v. (No change.)

vi. Prepare the daily bank deposit of excess cash and coin; [and]

vii. Prepare Jackpot Payout Slips in accordance with N.J.A.C. 19:45-1.40[.]; **and**

viii. Receive currency, coin, slot tokens and coupons from a keno booth in exchange for proper documentation.

(d)-(f) (No change.)

19:45-1.19 Acceptance of tips or gratuities from patrons

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

(d) All tips and gratuities allowed keno writers shall be:

1. Immediately deposited into a transparent locked box reserved for that purpose;

2. Accounted for; and

3. Distributed to each keno writer on a pool basis in a manner to be determined by the casino licensee.

[(d)](**e**) Upon receipt from a patron of a tip or gratuity, a dealer [or], casino pari-mutuel cashier **or keno writer** [assigned to the gaming table or pari-mutuel window] shall extend his or her arm in an overt motion, and deposit such tip or gratuity in the locked box reserved for such purpose.

Recodify existing (e) as **(f)** (No change in text.)

19:45-1.33 Procedure for opening, counting and recording contents of drop boxes and slot cash storage boxes **and the recording of keno revenue**

(a)-(j) (No change.)

(k) The keno computer system shall have the capability of generating a report which lists by keno work station the keno drop, total amount won by patrons and keno win or loss for each gaming day. This report shall be audited by a casino accounting department employee. Once the audit procedures have been completed, the casino accounting department employee shall sign the report and either attach the report to the Master Game Report for that gaming day or record the appropriate figures from the report onto the Master Game Report.

19:45-1.46 Procedure for control of coupon redemption and other complimentary distribution programs

(a)-(i) (No change.)

(j) Coupons shall be redeemed in the following manner:

1. Coupons redeemable for coin, currency or slot tokens shall only be redeemed by changepersons or at the slot [change] **or keno** booths or the cashiers' cage [located on the casino floor]. A changeperson, slot cashier or general cage cashier shall accept the coupons in exchange for the stated amount of cash or slot tokens, **or a keno writer shall accept the coupons in exchange for the stated amount of cash or keno ticket,** and shall cancel the coupons upon acceptance. A coupon redeemable for currency may also be redeemed by slot attendants, who shall accept the coupon in exchange for the stated amount of currency and shall cancel the coupon upon acceptance. Cancellation of coupons by changepersons and slot attendants shall be in a manner that will permit subsequent identification of the individual who accepted and canceled the coupon.

2. Redeemed coupons shall be maintained by the slot or general cashier and shall be exchanged with the [Main] **main** or [Master Coin Bank] **master coin bank** for a like amount of cash at the conclusion of gaming activity each day, at a minimum. **Coupons redeemed by a keno writer shall be maintained by the keno writer until exchanged with the main bank or master coin bank for proper documentation.**

3.-4. (No change.)

(k)-(o) (No change.)

19:45-1.47 Keno booths; satellite keno booths

(a) Keno gaming operations shall only be conducted in a separate and distinct area approved by the Commission, although a casino licensee may conduct the same keno game or different keno games in separate approved areas. Any area designated for keno shall be located:

1. On the casino floor;

2. Adjacent to the casino floor, provided, however, that the location from which patrons place wagers is on the casino floor; or

3. In a casino simulcasting facility.

(b) Any area designated for keno shall contain a physical structure known as a keno booth to house the keno writers and to serve as the central location for the following:

1. The custody of the keno booth inventory, including currency, coin, coupons, gaming chips, slot tokens, and forms and documents normally associated with the operation of a keno booth;

2. The exchange by patrons of coupons for currency, coin or keno tickets in conformity with N.J.A.C. 19:45-1.46(j);

3. The receipt of currency, coin, gaming chips, coupons and slot tokens for wagering at the game of keno;

4. The payment of winning wagers at the game of keno; and

5. Such other functions normally associated with the operation of a keno booth.

(c) The keno booth shall be designed and constructed to provide maximum security for the materials housed therein and the activities performed therein, and shall include the following:

1. Separate work stations which shall include:

i. Manually triggered silent alarm systems connected directly to the monitoring rooms of the closed circuit television system, the security department office and the on-site office of the Division;

ii. A computer terminal which shall be used to issue keno tickets and calculate payouts for winning keno tickets; and

iii. An area for the storage of a keno drawer.

2. A segregated area for the storage of the keno computer equipment. The location and security of the keno computer equipment shall be approved by the Commission. Nothing herein shall preclude a casino licensee from storing its keno computer equipment in another segregated and secure area of the casino hotel facility, provided that the location of and the security measures for such area have been approved by the Commission.

3. A segregated and secure area for the storage of locked keno drawers pursuant to N.J.A.C. 19:45-1.48 and for the storage of excess cash which shall be used for keno fill procedures pursuant to N.J.A.C. 19:45-1.49. This area shall at all times be under the control of a keno supervisor or a supervisor thereof and shall operate in accordance with internal control procedures approved by the Commission.

(d) If a keno booth is designed so as to be immediately adjacent to the cashiers' cage or a satellite cage and access to the keno booth is through the cashiers' cage or satellite cage, the casino security department escort otherwise required by N.J.A.C. 19:45-1.48, 1.49 and 1.50 for the transportation of keno drawers and keno fills and credits shall not be required.

(e) A casino licensee may, in its discretion, operate one or more satellite keno booths. All the provisions of this subchapter governing the operation of a keno booth shall apply to a satellite keno booth with the exception of the following:

1. The keno games for which wagers are accepted at a satellite keno booth must be the same keno games for which wagers are accepted at the keno booth;

2. The only keno computer equipment which may be located at a satellite keno booth shall be computer terminals used by the keno writers to issue keno tickets and calculate payouts of winning keno tickets;

3. A satellite keno booth may not contain a separate area for the storage of locked keno drawers or excess cash pursuant to (c)3 above; and

4. A satellite keno booth may operate without the presence of a keno supervisor; however, a keno writer at a satellite keno booth may not redeem a winning keno ticket for $1,000 or more unless a keno supervisor is present pursuant to N.J.A.C. 19:47-16.6(b).

19:45-1.48 Accounting controls for the operation of keno booths and keno work stations

(a) Whenever a keno work station is opened for gaming, the keno work station shall commence operation with an amount of currency and coin to be known as the "keno inventory." No casino licensee shall cause or permit currency or coin to be added to, or removed from, such keno inventory during the gaming day except:

1. In exchange for a keno ticket purchased by a patron;

2. In order to make change for a patron buying a keno ticket;

3. In receipt of a coupon from a patron in exchange for currency, coin or a keno ticket in conformity with N.J.A.C. 19:45-1.46(j);

4. In payment of a winning or voided keno ticket in conformity with the provisions of N.J.A.C. 19:47-16.6; or

5. In comformity with the keno fill and keno credit procedures described in N.J.A.C. 19:45-1.49 and 1.50.

(b) Whenever a keno work station is opened for gaming activity, the keno inventory shall be stored in a lockable container known as a "keno drawer." For a given shift, each keno writer shall have his or her own keno drawer and no other person shall operate out of the drawer of that keno writer. Nothing herein shall preclude a keno writer from working at multiple keno work stations throughout the gaming day provided the keno writer appropriately logs on and off each computer terminal and continues to operate from his or her assigned keno drawer.

(c) Keno drawers shall be prepared by a main bank cashier, master coin bank cashier or cage supervisor.

(d) The keys to the keno drawers containing the keno inventories shall be maintained and controlled in a secure place approved by the Commission. Each key and keno drawer shall be signed-in and

signed-out in accordance with procedures approved by the Commission.

(e) Immediately prior to opening a keno worker station for gaming, the keno writer assigned to such work station shall sign for a locked keno drawer and the key to that locked keno drawer in accordance with the procedures approved pursuant to (d) above. Once the keno writer has signed for his or her key and keno drawer, the keno writer shall either:

1. Count the drawer in the presence of a main bank cashier, master coin bank cashier or cage supervisor to assure the accurate comparison of the count to the figures recorded on the form required by (g) below, after which the keno writer and main bank cashier, master coin bank cashier or cage supervisor shall sign the form attesting to the accuracy of the information recorded thereon; or

2. Immediately transport the keno drawer, in the presence of a casino security department member, to the appropiate keno work station where the drawer shall be counted in accordance with the requirements of (h) below.

(f) Nothing in this section shall preclude a casino licensee from developing approved internal control procedures pursuant to which the keno drawers for a shift are delivered to the keno booth by a member of the casino security department, provided the casino security department does not have access to the keys to the keno drawers.

(g) Each keno drawer which is prepared shall contain a form in addition to the currency and coin. The form shall be, at a minimum, a two-part form with the sending department maintaining the duplicate as a balancing item and the original being sent with the currency and coin. The preparer shall record, at a minimum, the following information on the original and duplicate form:

1. The date and time of preparation of the keno drawer;

2. The identification number of the keno writer;

3. The total amount of each denomination of currency and coin to be distributed;

4. The total amount of all denominations of currency and coin to be distributed; and

5. The signature of the preparer.

(h) At the keno work station, the keno writer shall count the contents of the drawer in the presence of a keno supervisor or a supervisor thereof and shall assure the accurate comparison of the count to the figures recorded on the form referenced in (g) above.

1. If the count and figures agree, the keno writer and keno supervisor or supervisor thereof shall sign the form attesting to the accuracy of the information recorded thereon.

2. If a discrepancy exists between the amount of currency and coins counted and the amount of currency and coins recorded on the form, the appropriate corrections shall be made on the form by the keno supervisor or supervisor thereof. The keno supervisor or supervisor thereof shall place his or her initials next to each correction. Once all appropriate corrections have been made, the keno writer and keno supervisor or supervisor thereof shall sign the form. The keno supervisor or supervisor thereof shall immediately prepare a discrepancy report and forward a copy of the report to the cashiers' cage or satellite cage, the Commission booth, the security department and the on-site office of the Division.

(i) Upon compliance with the signature requirements of (g) and (h) above, the keno writer shall input the opening inventory figures into the computer terminal and maintain the form required by (g) above in the keno drawer until the end of the keno writer's shift. Notwithstanding for foregoing, the keno supervisor or a supervisor thereof may input the opening inventory figures into the computer terminal provided the keno writer verifies the opening inventory figures in the computer to the figures recorded on the form required by (g) above.

(j) At the end of each keno writer's shift, all currency, coin, slot tokens, coupons, and gaming chips remaining in the keno drawer shall be counted by the keno writer. The keno writer shall record on the form required by (g) above or on a separate one-part form the following information:

1. The total value of each denomination of currency, coin, slot tokens and gaming chips in the keno drawer;

2. The total value of all coupons in the keno drawer;

3. The total value of all denominations of currency, coins, slot tokens and gaming chips in the keno drawer;

4. The total amount of all keno fill slips;

5. The total amount of all keno credit slips;

6. The total amount of all winning keno tickets; and

7. The signature of the preparer.

(k) Once the form required by (g) above has been completed with the information required by (j) above, it shall be placed in the keno drawer. If the casino licensee uses a separate form to record the closing keno inventory pursuant to (j) above, both forms shall be placed in the keno drawer. The keno drawer shall then be locked by the keno writer and either:

1. Immediately transported to the cashiers' cage or satellite cage by the keno writer in the presence of a casino security department member; or

2. Placed in a secure storage area in the keno booth and held for subsequent transportation by the casino security department in a manner approved by the Commission.

(l) Each casino licensee shall develop internal control procedures for the accounting and reconciliation of the assets and documents contained within the keno drawers used each gaming day. These procedures shall include reports generated by the keno computer system and shall provide for the verification of each keno drawer by a keno supervisor, main bank cashier, master coin bank cashier or cage supervisor.

19:45-1.49 Keno drawer fill procedures

(a) Once a keno drawer has been opened for use by the keno writer, if the keno writer needs additional currency or coin the keno writer shall prepare a keno fill slip.

(b) Keno fill slips shall be serially prenumbered forms. The series numbers of all keno fill slips shall be unique to the game of keno and each series of keno fill slips shall be used in sequential order. All original and duplicate void keno fill slips shall be marked "VOID" and shall require the signature of the keno writer who prepared the slip.

(c) A keno fill slip shall be at least a two-part form and shall contain, at a minimum, the following information on the original and each copy of the slip:

1. The denomination of the currency and coin being requested;

2. The total amount of each denomination of currency and coin being requested;

3. The total amount of all denominations of currency and coin being requested;

4. The identification number of the keno writer to whom the currency and coin will be distributed;

5. The date and time of preparation; and

6. The signature of the keno writer or, if computer-prepared, the identification code of the keno writer.

(d) Upon completion of the keno fill slip by the keno writer, a keno supervisor shall either prepare the requested fill from the excess currency and coin maintained in the keno booth pursuant to N.J.A.C. 19:45-1.47 or transport all copies of the keno fill slip to the main bank where a main bank cashier shall prepare the requested fill. Nothing herein shall preclude a main bank cashier or cage supervisor from picking up the completed keno fill slip at the keno booth. If excess cash maintained in the keno booth will be used for the preparation of keno fills pursuant to N.J.A.C. 19:45-1.47, the amount of currency and coin stored therein shall be reconciled by a keno supervisor or a supervisor thereof at the end of each gaming day.

(e) Once the requested funds have been prepared for transfer, either the keno supervisor or a supervisor thereof or the main bank cashier, as applicable, shall sign all copies of the keno fill slip and retain a copy as a balancing item. The funds shall be transported to the keno writer by the keno supervisor or a supervisor thereof or by a main bank cashier or cage supervisor in a sealed envelope or container along with the original keno fill slip. If the funds have been prepared by a main bank cashier, the individual who will transport the funds shall sign for receipt of the funds and a member of the casino security department shall escort the funds.

(f) Once the sealed envelope or container has been given to the keno writer, the casino security department employee or, if no casino security department employee is required for the transfer, the individual who delivered the requested funds to the keno writer shall sign the original keno fill slip as evidence of the transportation of the funds. The keno writer shall then count the currency and coin and, if the amount is consistent with the amount recorded on the keno fill slip, sign the original keno fill slip and enter the amount of the fill into the computer terminal.

(g) Upon compliance with the signature requirements described in (f) above, the original keno fill slip shall be maintained in the keno drawer for subsequent reconciliation purposes.

19:45-1.50 Keno drawer credit procedures

(a) Prior to the end of each keno writer's shift or at such other times as may be necessary, the keno writer may transfer excess currency, coin, gaming chips and coupons to the main bank and slot tokens to either the main bank or master coin bank by preparing a keno credit slip.

(b) Keno credit slips shall be serially prenumbered forms. The series numbers of all keno credit slips shall be unique to the game of keno and each series of keno credit slips shall be used in sequential order. All original, duplicate and triplicate void keno credit slips shall be marked "VOID" and shall require the signature of the keno writer who prepared the slip.

(c) A keno credit slip shall be at least a three-part form and shall contain, at a minimum, the following information on the original and each copy of the slip:

1. The denomination of the currency, coin, gaming chips and slot tokens being exchanged;

2. The total amount of each denomination of currency, coin, gaming chips and slot tokens being exchanged;

3. The total amount of coupons being exchanged;

4. The total amount of currency, coin, gaming chips, coupons and slot tokens being exchanged;

5. The identification number of the keno writer;

6. The date and time of preparation; and

7. The signature of the keno writer.

(d) Upon completion of the keno credit slip by the keno writer, a keno supervisor or a supervisor thereof, main bank cashier, master coin bank cashier or cage supervisor shall verify the items being removed from the keno drawer and the information recorded on the keno credit slip. If the items to be removed and the recorded information agree, the keno supervisor or supervisor thereof, main bank cashier, master coin bank cashier or cage supervisor shall sign the original, duplicate and triplicate keno credit slip and place the items into a sealed envelope or container for transportation to the main bank or master coin bank. The triplicate keno credit slip shall be maintained by the keno writer in the keno drawer as a balancing item and the original and duplicate shall be transported by the keno supervisor or supervisor thereof, main bank cashier, master coin bank cashier or cage supervisor with the sealed envelope or container. Prior to the transportation of the keno credit, the keno writer shall enter the amount of each item being credited into the computer terminal.

(e) A casino security department employee shall be required to escort the keno supervisor or supervisor thereof, main bank cashier, master coin bank cashier or cage supervisor and the sealed envelope or container to the main bank or master coin bank. Once at the main bank or master coin bank, the casino security department employee shall sign the original and duplicate keno credit slip as evidence of his or her escort of the funds.

(f) Upon receipt of the sealed envelope or container, the main or master coin bank cashier shall count the contents and compare the amount counted to the totals recorded on the keno credit slip. If the contents and the recorded totals agree, the main or master coin bank cashier shall sign the original and duplicate of the keno credit slip and maintain the duplicate keno credit slip. The original keno credit slip shall be immediately returned to the keno work station and either maintained by the keno writer in the keno drawer or maintained by the keno supervisor for forwarding to the accounting department at the end of the gaming day.

19:45-1.51 Keno computer system

(a) Each casino licensee shall submit for approval the internal control procedures governing the security and control of its keno computer system. Such internal controls shall, without limitation, include:

1. System access restrictions which shall, at a minimum, preclude multiple log-ons by the same individual;

2. Hardware and software controls;

3. Floppy disc controls;

4. Override policies and restrictions;

5. Adequate documentation of keno tickets and payoff information; and

6. Backup and recovery procedures.

(b) The keno computer system shall have the capability of simultaneously generating a hard (paper) copy of each keno transaction. Each keno transaction shall be identified with a unique identification number for the individual who performed said transaction. The identification number for each employee shall be different than that employee's computer password code.

(c) At any time, a representative of the Commission may count the items in a selected keno drawer and compare that count to the computer-generated reports.

19:46-1.5 Nature and exchange of gaming chips, slot tokens and plaques

(a) All wagering on authorized games in a casino or casino simulcasting facility shall be conducted with gaming chips or plaques; provided however, that slot tokens or coins shall be permitted for use in slot machines or **keno or** simulcast wagering. Gaming chips previously issued by a casino licensee which are not in active use by that casino licensee shall not be used for wagering at authorized table games, **keno** or casino simulcasting, and shall not be accepted nor exchanged for any purpose at a gaming table, **keno booth** or a casino simulcast counter. Such chips shall only be redeemed at the cashiers' cage pursuant to (f) below.

(b) Gaming chips or plaques shall be issued to a person only at the request of such person and shall not be given as change in any but a gaming transaction. Gaming chips and plaques shall only be issued to casino patrons at the gaming tables and shall only be redeemed at the cashiers' cage; provided, however, that gaming chips may be exchanged by a patron at the slot booths or with changepersons for currency, coin or slot tokens issued pursuant to N.J.A.C. 19:46-[1.33(c)1]**1.33(d)1** to play the slot machines and may be used for **keno or** simulcast wagering.

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

(f) Each casino licensee shall redeem promptly its own genuine gaming chips and plaques by cash or by check dated the day of such redemption on an account of the casino licensee as requested by the patron, except when the gaming chips or plaques were obtained or being used unlawfully. Slot tokens shall be redeemed or exchanged in the following manner:

1. Slot tokens issued pursuant to N.J.A.C. 19:46-[1.33(c)1]**1.33(d)1** shall be redeemed promptly by the issuing casino at the request of the patron for:

i.-ii. (No change.)

2. Slot tokens issued pursuant to N.J.A.C. 19:46-[1.33(c)2]**1.33(d)2** shall be exchangeable for a coupon which is redeemable for goods or services offered by, or on behalf of, the casino licensee; provided, however, that a casino licensee shall require that the amount of tokens exchangeable be equal to the face value of the coupon, the denomination of which shall be approved by the Commission.

(g) Each casino licensee shall have the right to demand the redemption of its gaming chips, slot tokens or plaques from any person possession of them and such person shall redeem said chips, slot tokens or plaques upon presentation of an equivalent amount of cash by the casino; provided, however, that slot tokens issued pursuant to N.J.A.C. 19:46-[1.33(c)2]**1.33(d)2** shall be exchanged in accordance with (f)2 above.

(h)-(i) (No change.)

(j) Each casino licensee shall cause to be posted and remain posted in a prominent place on the front of the cashiers' cage, [and]

any satellite cage[s], **the simulcast counter, the keno booth and any satellite keno booth** a sign that reads as follows:

"By law, gaming chips or plaques issued by another casino may not be used, exchanged or redeemed in this casino or casino simulcasting facility."

(k) Each casino licensee shall cause to be posted and remain posted in a prominent place on all slot booths, **the keno booth, all satellite keno booths, the simulcast counter** and **all** coin redemption booths a sign that reads as follows:

"It is a violation of Federal law to use tokens issued by this casino outside these premises or to use tokens issued by another casino here."

19:46-1.20 Approval of gaming and simulcasting wagering equipment; retention by Commission or Division; evidence of tampering

(a) The Commission shall have the discretion to review and approve all gaming and simulcast wagering equipment and other devices used in a casino, casino simulcasting facility or hub facility as to quality, design, integrity, fairness, honesty and suitability including without limitation gaming tables, layouts, roulette wheels, pokette wheels, roulette balls, drop boxes, big six wheels, sic bo shakers, sic bo electrical devices, pai gow shakers, chip holders, racks and containers, scales, counting devices, trolleys, slip dispensers, dealing shoes, dice, cards, pai gow tiles, locking devices, card reader devices, data processing equipment, pari-mutuel machines, self-service pari-mutuel machines, [and] totalisators **and all equipment utilized in the operation of keno.**

(b) (No change.)

(c) Any evidence that gaming equipment or other devices used in a casino, casino simulcasting facility or hub facility including, without limitation, gaming tables, layouts, roulette wheels, pokette wheels, roulette balls, drop boxes, big six wheels, sic bo shakers, sic bo electrical devices, pai gow shakers, gaming chips, plaques, chip holders, racks and containers, scales, counting devices, trolleys, slip dispensers, dealing shoes, locking devices, card reader devices, data processing equipment, tokens, slot machines, pari-mutuel machines, self-service pari-mutuel machines, [and] totalisators **and any equipment used in the operation of keno** have been tampered with or altered in any way which would affect the integrity, fairness, honesty or suitability of the gaming equipment or other device for use in a casino, casino simulcasting facility or hub facility shall be immediately reported to an agent of the Commission and the Division. A member of the casino licensee's casino security department shall be required to insure that the gaming equipment or other device and any evidence required to be reported pursuant to this subsection is maintained in a secure manner until the arrival of an agent of the Division. Rules concerning evidence of tampering with dice, cards and pai gow tiles may be found at N.J.A.C. 19:46-1.16, 19:46-1.18 and 19:46-1.19B, respectively.

19:46-1.33 Issuance and use of tokens for gaming; slot token specifications

(a) A casino licensee may, with Commission approval, issue metal tokens designed for gaming use in its slot machines and in **keno or** simulcast wagering, provided that each such slot token:

1.-11. (No change.)

12. Contains a statement that is not redeemable for cash, if the slot token is issued pursuant to [section (c)2] **(d)2** below.

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

(d) A slot token shall be capable of insertion into and activating the play of a designated slot machine operated by the casino licensee which issued the slot token.

1. A slot token that is redeemable by the patron pursuant to N.J.A.C. 19:46-1.5(f)(1) shall:

i.-ii. (No change.)

iii. Be available for use in **keno or** simucast wagering.

2. A slot token that is exchangeable only for a coupon pursuant to N.J.A.C. 19:46-1.5(f)2 shall:

i.-ii. (No change.)

iii. Be retained in a separate slot drop bucket or slot drop box, pursuant to N.J.A.C. [19:46-1.25(h)] **19:45-1.36(i)**; and

iv. Not be available for use in **keno or** simulcast wagering.

SUBCHAPTER 16. KENO

19:47-15.1 Definitions

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

"Conditioning" means the coding which the player and computer mark on the keno request and keno ticket, respectively, to indicate the type of keno ticket being wagered and the rate at which the keno ticket is to be played.

"House advantage" means means the difference between true odds (the statistical probability of a selected event occuring) and the established payoff odds (the payoff rate at which a winner will be paid if the selected event occurs).

"Keno request" means a one-part form used by a patron to select the desired number or numbers (spots) for one or more keno games.

"Keno ticket" means a one-part computer-generated form which is issued by a keno writer to a patron based on the information recorded on the keno request.

"Quick-pick" means a straight or basic keno ticket in which the computer system randomly selects the marked number or numbers (spots) for the patron.

"Rate card" means the document issued by a casino licensee listing the available types of wagers, payoff rates, wagering format and such other information as required by this subchapter.

"Spots" means the number or numbers selected by a player for a keno game. For example, a keno ticket based on a keno request on which a player selected three numbers is referred to as a "three-spot" keno ticket.

19:47-16.2 Permissible wagers

(a) Keno shall be played with 80 consecutive numbers starting with the number one.

(b) The maximum number of spots that may be selected by a player for any keno game shall be determined by the casino licensee and set forth in its approved rate card.

(c) The following shall constitute the permissible wagers at the game of keno:

1. "Straight or basic ticket" is a keno ticket on which a player selects from one spot to the maximum number of spots that may be selected as permitted by the casino licensee without any type of groupings. The type of straight or basic ticket shall be determined by the number of spots the player selects.

2. "Split ticket" is a keno ticket on which the equivalent of two or more straight or basic tickets are written. Each group of spots shall be separated from each other by either circling each group or by drawing a line between them. The wager shall be limited in that the numbers in one group of spots shall not be duplicated in any other group of spots. For purposes of determining a winning keno ticket, each group of spots on a split ticket shall be evaluated separately.

i. When all of the groups on a split ticket contain an equal number of spots, the split ticket must be wagered at the same rate for each group.

ii. When at least two groups on a split ticket contain an unequal number of spots, the split ticket may be wagered at the same or a different rate for each group, notwithstanding (c)2i above.

3. "Way ticket" is a keno ticket on which a player selects at least two groups containing an equal number of spots which are then combined to form several straight or basic ticket combinations within one ticket. Each group played must be wagered at the same rate.

4. "Combination ticket" is a keno ticket on which a player selects at least two groups containing any number of spots and also selects how the groups shall be combined to form multiple tickets within one ticket.

5. "King ticket" is a keno ticket on which a player selects a single spot which is referred to as the "king" and then combines the king with other groups of spots to form multiple tickets within one ticket. A king ticket may contain more than one king.

6. "Multi-race ticket" is a keno ticket which is wagered for more than one game. All of the games covered by the ticket must be consecutive and must be wagered at the same rate.

19:47-16.3 Placement of wagers; payoff requirements

(a) All wagering at the game of keno shall be conducted at a keno work station in a keno booth or satellite keno booth.

(b) All wagers at keno shall be made with currency, coin, gaming chips, coupons or slot tokens. Except for a quick-pick, each player shall be required to use a keno request in order to place a wager and no verbal wagers may be accepted at the game of keno. Nothing herein shall preclude the acceptance of a losing or winning keno ticket as the patron's keno request for the next game.

(c) Each player shall be responsible for ensuring that the spots recorded on the keno ticket agree with the spots marked on the player's keno request. The casino licensee shall not be responsible for any error by a keno writer which the player does not detect prior to the start of the first game for which the ticket has been generated. All winnings shall be paid in accordance with the computer-generated keno ticket and not the keno request. A keno ticket may not be voided or changed once the keno computer system has been locked out for the start of the game.

(d) Each casino licensee shall provide notice of the minimum wagering requirements and the maximum wagers in effect at the game of keno in its approved rate card.

(e) Each casino licensee shall set the payoff amount for each winning wager so that the housing advantage for each wager shall not exceed 30 percent.

19:47-16.4 Issuance of keno tickets

(a) Unless a player uses a previously generated keno ticket as a keno request or requests a quick-pick, a player shall request the issuance of a keno ticket by completing a keno request and submitting the request to a keno writer. The player shall complete a keno request by placing some type of distinguishing mark over the number or numbers he or she wishes to play. Prior to submitting the keno request to a keno writer, the player shall properly condition and price the keno request in accordance with the information set forth in the rate card of the casino licensee.

(b) Keno requests shall contain, at a minimum, the following:

1. A grid listing the numbers 1 through 80;
2. An area to record the number of games to be played;
3. An area to record the dollar value of each wager;
4. An area to record the conditioning; and
5. An area for the total price of the ticket.

(c) The keno writer shall input the information on the player's keno request or previously issued keno ticket into the keno computer system in a manner approved by the Commission. This action shall cause a one-part sequentially numbered keno ticket to be printed. Upon receipt of currency, coin, gaming chips, coupons or slot tokens in an amount equal to the total price of the keno ticket from the player, the keno writer shall issue the keno ticket to the player. The keno ticket shall contain, at a minimum, the following:

1. The date and time of issuance;
2. The keno work station number where the ticket was issued;
3. A grid listing the numbers 1 through 80 with the spots selected by the patron marked in a clearly identifiable manner;
4. The number of games to be played;
5. The first and last game number;
6. The conditioning;
7. The rate of each wager;
8. The number of ways played;
9. The total price of the keno ticket;
10. The identification code of the keno writer;
11. A representation as to the maximum keno limit for each game and an indication as to whether or not that limit will be paid to each winner or divided among multiple winners;
12. A statement that winning patrons must present a computer generated keno ticket in order to collect winnings; and
13. A statement as to the amount of time available to present a claim for the collection of keno winnings.

(d) If a casino licensee permits multi-race keno tickets, one keno request shall be used for all of the games to be wagered by the player. The player shall be required to pay for the wager prior to the start of the first game and shall not be paid for any winning games until the completion of the last game for which the multi-race keno ticket was issued. A casino licensee may permit a player to receive a refund on a multi-race keno ticket for those games not drawn; provided, however, that the keno computer system is capable of generating adequate documentation for the refund and the internal control procedures governing the refund transaction are approved by the Commission.

(e) A keno writer may void a keno ticket prior to the start of the game for which the keno ticket was issued. A multi-race keno ticket may only be voided, in its entirety, prior to the start of the first game for which the keno ticket was generated. The method for voiding keno tickets shall be approved by the Commission. Each keno computer system shall be capable of maintaining, on a daily basis, a listing of voided keno tickets for each keno work station.

19:47-16.5 Keno games; selection of numbers

(a) Each casino licensee which elects to offer the game of keno shall conduct the game with an independent computer system which selects the winning numbers for the game in a random fashion. All keno computer systems shall be approved by the Commission in consultation with the Division.

(b) The casino licensee, at its discretion, shall determine the number of keno games to be conducted during the gaming day. Nothing in this subchapter shall preclude a casino licensee from conducting keno games at different intervals at separate locations. Each keno game conducted during the gaming day shall be assigned a unique sequential game number by the keno computer system.

(c) A keno supervisor or a keno writer shall announce "Last call for placing wagers" prior to the start of a keno game.

(d) A keno supervisor or a keno writer with verbal approval from a keno supervisor shall cause the keno computer system to start a keno game by:

1. Locking out all keno work station terminals so that no additional keno tickets may be voided or issued for the game being conducted; and
2. Randomly selecting 20 of the 80 available numbers.

(e) As the 20 numbers are selected by the computer, the keno supervisor or a keno writer may announce the winning numbers for the patrons in the area of the keno booth or satellite keno booth.

(f) The 20 numbers which are randomly selected by the keno computer system and the game number shall be displayed or illuminated on a keno board or video monitor visible to patrons in the area of the keno booth and in such other areas of the casino, hotel and casino simulcasting facility as are approved by the Commission.

(g) Each casino licensee shall be required to maintain a record of the winning numbers for each keno game for a period of at least one year.

19:47-16.6 Payment of winning wagers

(a) After the 20 numbers have been selected by the keno computer, a player may take a winning keno ticket to a keno booth or satellite keno booth for redemption. All winning wagers shall be paid in accordance with the information recorded on the computer-generated keno ticket. The method used by the casino licensee to evaluate the keno ticket for correct payment and cancellation shall be approved by the Commission. The keno writer shall pay the player from the cash in the keno drawer and shall retain the keno ticket in the keno drawer until the end of the keno writer's shift.

(b) Winning payouts of $1,000 or more shall be authorized by a keno supervisor or a supervisor thereof. The keno supervisor or supervisor thereof shall sign the back of the winning keno ticket as evidence of such authorization.

(c) All winning keno tickets shall be valid for a maximum of one year unless a casino licensee establishes a lesser time limit for the validity of its winning keno tickets. In no case, however, may a casino licensee establish a time limit which is less than five minutes from the start of the game for which the winning ticket was sold. The time limits for which winning keno tickets shall be valid shall be set forth in the casino licensee's Rules of the Games Submission, its rate card and on all keno tickets. In the case of a multi-race keno ticket, any time limit set by a casino licensee shall:

1. Begin on the date of the last game for which the ticket was sold; and

2. Be at least five minutes from the start of the last game for which the ticket was sold.

(d) On a yearly basis, the dollar amount of all expired and unclaimed winning keno tickets shall be added to the top keno jackpot by the casino licensee in a manner approved by the Commission.

19:47-16.7 Irregularities

(a) A keno request which is marked in such a way that it is not clear which number or type of wager is to be played shall be returned to the player for preparation of another keno request.

(b) A winning keno ticket which is not accepted or read by the keno computer system shall be manually input by the keno writer in a manner approved by the Commission.

(c) If the keno computer system is not operational, in accordance with approved internal control procedures, a winning keno ticket:

1. For $10.00 or less may be manually paid by a keno writer;

2. For more than $10.00 but less than or equal to $1,000 may be manually paid by the keno writer with authorization from the keno supervisor or a supervisor thereof; and

3. For over $1,000 may not be paid until the keno ticket can be verified by the keno computer system.

ENVIRONMENTAL PROTECTION AND ENERGY

(a)

ENVIRONMENTAL SAFETY, HEALTH AND ANALYTICAL PROGRAMS

Worker and Community Right to Know Regulations

Proposed Readoption with Amendments: N.J.A.C. 7:1G

Authorized By: Jeanne Fox, Acting Commissioner, Department of Environmental Protection and Energy.

Authority: N.J.S.A. 34:5A-1 et seq., 13:1D et seq. and 52:27D-223.

DEPE Docket Number: 65-93-12/286.

Proposal Number: PRN 1994-31.

A **public hearing** will be held on:

Tuesday, February 1, 1994 at 9:00 A.M. at
New Jersey Department of Environmental Protection and Energy
First Floor Hearing Room
401 East State Street
Trenton, New Jersey 08625

Submit written comments, identified by the Docket Number given above, by February 2, 1994 to:

Janis E. Hoagland, Esq.
New Jersey Department of Environmental Protection and Energy
Office of Legal Affairs
401 East State Street
CN 402
Trenton, N.J. 08625

The agency proposal follows:

Summary

Pursuant to the requirements and criteria of Executive Order Number 66(1978), the Worker and Community Right to Know Regulations, N.J.A.C. 7:1G (Rules), expire on September 29, 1994. As required by the Executive Order, the Department of Environmental Protection and Energy (Department) has reviewed these rules, which contain extensive amendments made in 1993 to all subchapters, and has determined them to be necessary, reasonable, and proper for the purposes for which they were promulgated. The Department proposes to readopt these rules with amendments which will improve citizens' awareness of the environmental hazardous substances present in their community.

The Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq. (the Act), became effective on August 29, 1984, and established a comprehensive program for the disclosure of information to the Departments of Health and Environmental Protection and Energy by designated categories of employers about hazardous substances in the workplace and the community, and provide for public access to this information.

In accordance with the Act, the Department developed a list of environmental hazardous substances (EHSs) subject to reporting and a two-part Environmental Survey for use in collecting the information about these EHSs. The Department also promulgated regulations for an Emergency Services Information Survey (ESIS) to collect chemical inventory information and provide it to emergency responders. The U.S. Department of Transportation (USDOT) Hazardous Materials List (49 C.F.R. 172.101-102) was adopted as the list of substances subject to ESIS reporting.

In 1993, the Department amended each subchapter of N.J.A.C. 7:1G. On April 19, 1993 the Department proposed extensive changes to its Community Right to Know regulations (25 N.J.R. 1631(a)). Those amendments reflected program changes brought about by the enactment of Title III of the Federal Superfund Amendments and Reauthorization Act (SARA) and passage of New Jersey's Pollution Prevention Act. The proposed amendments redefined the list of substances subject to Community Right to Know reporting by incorporating into the EHS list several Federal and state chemical lists and adding a list of "unusually hazardous substances," as mandated by N.J.S.A. 52:27D-223. At the same time, the Department deleted both the ESIS, which had previously been combined with the Community Right to Know portion of the Environmental Survey and the USDOT Hazardous Materials Table (49 CFR 172.101) which was the list of reportable substances used for ESIS reporting. As described in the proposal, the Department proposed to delete the USDOT Hazardous Materials Table to promote consistency between the State and Federal programs and facilitate reporting efficiency. The proposal also added thresholds for chemical inventory reporting.

In response to the comments received from the public on the proposed revisions to the EHS list and the thresholds for reporting, the Department deferred action on those sections of the proposal when it adopted the other amendments contained in the April 19, 1993 proposal. That adoption is published elsewhere in this New Jersey Register.

This proposal to readopt N.J.A.C. 7:1G includes amendments to N.J.A.C. 7:1G-2 and 3 that revise the EHS list and add thresholds for reporting. These amendments are necessary to provide the public and emergency responders with comprehensive information about hazardous substances in the community. The Department was made aware that the proposed deletion of the substances on the USDOT Hazardous Materials Table would create a gap in the inventory information collected by the Department. Missing were many chemicals in several categories which, even when present in quantities below Federal reporting thresholds, may pose a threat to first responders in emergency situations and may pose health and safety risks to the community. The Department reviewed the comments offered in response to its proposed revisions to the EHS list and determined that the addition of the substances subject to prior Community Right to Know reporting that are classified by the USDOT as hazardous materials at 49 CFR 172.101 should be added to the EHS list.

USDOT defines a hazardous material as a material which presents a hazard during transport. The Hazardous Materials Regulations at 49 CFR 171-180 set forth requirements for classification of hazardous materials and specify requirements for their packaging and hazard communication during their transportation. The Hazardous Materials Table (Table) at 49 CFR 172.101 provides a list of over 2,000 substances categorized by USDOT as posing hazards due to their reactivity, explosivity, flammability, corrosivity, or toxicity. Included on the Table is the hazard class of each substance and requirements for its handling during transport. Definitions of each hazard class are found at 49 CFR 173 et seq. These hazard classes are: Class 1—Explosives; Class 2—Gases (flammable, nonflammable, poison, and corrosive); Class 3—Flammable Liquids; Class 4—Flammable Solids, Spontaneously Combustible Materials; and materials that are dangerous when wet; Class 5—Oxidizers and Organic peroxides; Class 6—Poisonous and Infectious materials; Class 7—Radioactive materials; Class 8—Corrosives; and Class 9—Miscellaneous hazardous materials. In evaluating the hazardous materials which have been surveyed in the past and their hazards identified by

USDOT, the Department believes their listing as environmental hazardous substances is warranted since these hazardous characteristics are inherent in these materials. The properties of these hazardous materials present similar risks to emergency responders and the public from accidental releases regardless of whether they are in transport or in daily use or storage at a local facility.

After consideration of this issue, the Department is proposing to add to the EHS list at N.J.A.C. 7:1G-2.1 the hazardous materials at 49 CFR 172.101 that were previously subject to Community Right to Know reporting. These hazardous materials will be added as Appendix 1 to these rules. The Department is also proposing to add as EHSs the list of substances originally proposed on April 19, 1993. Collection of data concerning these substances will enhance the information available to local health, fire, police, safety and other government officials about the identity, characteristics and quantities of hazardous substances used and stored in their community and enable them to adequately plan for, and respond to, emergencies.

The Department acknowledges that there may be some hazardous materials on Appendix 1 that pose minimal threat to public health and safety when not in transport and welcomes comments to this proposal or petitions for rulemaking from the public to delete these substances from the EHS list at N.J.A.C. 7:1G-2.1. Petitions for rulemaking must be filed and acted upon in accordance with the requirements as set forth in the New Jersey Administrative Procedures Act at N.J.S.A. 52:14B-4(f). The Department is required to evaluate all petitions for rulemaking including those to add substances that should be subject to Community Right to Know reporting. Petitions for rulemaking shall include the scientific documentation that substantiates the petition.

In addition to the hazardous materials on Appendix 1, the Department is proposing to add the substances on the list proposed for incorporation into the EHS list in its April 19, 1993 proposal. The USDOT Class 1 explosives and Class 7 radioactive materials originally proposed as a separate list of EHSs are now included in Appendix 1.

In addition to Appendix 1, the Department proposes to amend N.J.A.C. 7:1G-2.1 to reflect the inclusion of the following substances as EHSs subject to chemical inventory reporting:

- Toxic chemicals listed in SARA Title III, Section 313;
- Selected substances used for the Industrial Survey (N.J.A.C. 7:1F-Appendix A);
- Extremely Hazardous Substances listed in SARA, Title III, Section 302;
- Unusually Hazardous Substances pursuant to N.J.S.A. 52:27D-223; and
- Hazardous substances that may be added to the list of chemicals subject to pollution prevention planning pursuant to N.J.A.C. 7:1K-3.5.

In adding the phrase "as from time to time supplemented or amended" to the Federal lists being incorporated into the EHS list, the Department is specifying that additions or deletions of substances to those lists will result in similar changes to the EHS list without the need for formal rulemaking.

The Department is amending the EHS list to add the SARA Section 313 toxic chemicals and all substances on the Industrial Survey list, including those substances not originally included on the EHS list, pursuant to the changes to the Act at N.J.S.A. 34:5A-4 made when the Pollution Prevention Act was passed. The Department is also adding the Extremely Hazardous Substances listed at Section 302 of SARA to the Environmental Hazardous Substances list to standardize reporting at the 100 pound threshold, except where lower Federal thresholds exist. The list of Extremely Hazardous Substances developed by USEPA, published at 55 FR 13379 (April 22, 1987), contains substances which have the potential to cause serious, irreversible health effects from accidental releases.

The Department is also establishing an Unusually Hazardous Substances list pursuant to N.J.S.A. 52:27D-223. As defined by that Act, these substances are not hazardous under normal conditions but become hazardous for firefighters and the community when exposed to fire. The Department has developed the proposed list by its own analysis and literature review. The proposed list of unusually hazardous substances is based on the following criteria:

For explosive substances and water reactive substances, the Department used the same criteria as the National Fire Protection Association (NFPA). That is, explosives exhibit oxydizing or reactivity characteristics; water reactives create explosive or corrosive mixtures when mixed with water. For substances with a propensity to produce toxic fumes, the Department reviewed the Underwriter's Laboratories list of plastics and other common solids, the NFPA list of generic plastics and elastomers identified by NFPA as having a propensity to produce toxic fumes, and a University of Michigan publication, "Combustion Products from the Incineration of Plastics" PF-222 001, 1973 (EPA 670/2, 73-049 available from NTIS), which quantifies combustion products from the incineration of plastics. Next, the Department used the criteria of the New Jersey Toxic Catastrophe Prevention Act (TCPA) program to select those acutely toxic combustion products which are defined as extraordinarily hazardous. These criteria were a combination of volatility (vapor pressure) and acute toxicity concentration (LC 50/10, LC/10 or IDLH) factors.

N.J.A.C. 7:1G-3.1(c)1 is being changed to clarify that CAS numbers must be given if the reportable substance has been assigned a CAS number. Since Appendix 1 contains several generic categories of substances, it is likely that some substances may not have assigned CAS numbers.

The Department is amending N.J.A.C. 7:1G-4.1(e) to specify that environmental release, throughput, and waste transfer reporting on the Release and Pollution Prevention report is limited to the toxic chemicals on the SARA 313 list and any hazardous substances adopted pursuant to the Pollution Prevention Act. This will allow for consistency in reporting under the Right to Know and Pollution Prevention programs.

The Department is also proposing to add a reporting threshold of 100 pounds for all substances on the EHS list except those listed on the SARA 302 list which are subject to lower Federal reporting thresholds. This threshold is being proposed after consideration of the public comments received in response to the April 19, 1993 proposal. That proposal contained reporting thresholds of 500 pounds for most environmental hazardous substances. Many commenters expressed concern that a 500 pound threshold for chemical inventory reporting will expose emergency responders and the community to unknown hazards and deprive emergency responders of vital information needed to plan their initial attack on a fire or other incident. In order to provide emergency responders and the public with adequate information about hazardous substances used, stored or manufactured in the community needed to protect public health and safety, the Department is proposing a 100 pound reporting threshold for all EHSs except for those Federally regulated at lower thresholds. The 100 pound threshold was arrived at after consultation with representatives of industry, environmental groups and firefighter organizations. It strikes a balance fulfilling the mandates of the Act since it is sufficiently high to eliminate unnecessary reporting and low enough to protect the community and emergency responders.

The Worker and Community Right to Know Rules have been successful in increasing public awareness about the types and quantities of hazardous substances used, stored, or manufactured in the community. The Rules have allowed citizens to make informed choices about where they wish to live. This community awareness led to the enactment of the Pollution Prevention Act and the refocus of environmental protection from "end of the pipe" controls of discharges to reduction of hazardous substance usage and prevention of releases of chemicals into the environment. The data collected pursuant to the Act formed the basis of New Jersey's pollution prevention program. The Rules have given local governments access to chemical inventory and release information which enable pre-planning for emergencies and increased community safety.

The chapter (N.J.A.C. 7:1G) contains seven subchapters governing the program's reporting requirements and procedures, trade secrets and civil administrative penalties for non-compliance. Each of the subchapters was amended in 1993 although action on the April 1993 proposal was deferred for certain sections of subchapters 2 and 3. A brief summary of each follows:

Subchapter 1, General Provisions, sets forth the scope of the rules; defines terms used in the chapter; establishes burden of proof requirements when claiming exemptions to the rules; defines conditions under which the Department has the right of entry to inspect a business premises; and contains a statement of severability for the provisions of the rules in the chapter.

Subchapter 2, Environmental Hazardous Substance List, designates the list of EHSs subject to Community Right to Know reporting.

Subchapter 3, Community Right to Know Survey, contains the requirements for completing the Community Right to Know (CRTK) survey portion of the environmental survey, the thresholds for reporting, and reporting exemptions.

Subchapter 4, Release and Pollution Prevention Report, contains the requirements for submitting the Release and Pollution Prevention Report portion of the environmental survey.

Subchapter 5, Submittal of the Community Right to know Survey and Release and Pollution Prevention Report, details the due dates for submittal of each form and the distribution protocol for each survey.

Subchapter 6, Trade Secrets, discusses procedures and guidelines for filing a trade secret claim; the information required by the Department for determination of a trade secret claim; methods for maintaining confidentiality and security of trade secret information; procedures for appeal of a determination of a trade secret claim; and procedures and guidelines for the disclosure of trade secret information.

Subchapter 7, Issuance of Administrative Orders and Notices of Civil Administrative Penalty Assessment, sets forth procedures for the assessment of civil administrative penalties for non-compliance, procedures for requesting an adjudicatory hearing, circumstances under which a penalty may be compromised and the penalties which may be assessed for non-compliance with the rule.

There were amendments to each subchapter (N.J.A.C. 7:1G-1 through 7) in 1993. Not all of the changes proposed on April 19, 1993 at 25 N.J.R. 1631(a) were adopted. Sections of subchapters 2 and 3 regarding the list of environmental hazardous substances subject to Community Right to know reporting and thresholds for reporting were not adopted on January 3, 1994 in response to comments received on those proposed sections. In the amendments herein the Department is proposing to revise the current EHS list. This proposal includes as EHSs, the list of previously reported hazardous materials on the USDOT Hazardous Materials Table as well as the other lists of substances originally proposed on April 19, 1993. The Department is also proposing reporting thresholds of 100 pounds for all environmental hazardous substances except those Federally regulated at lower thresholds.

Social Impact

The social impact of these rules has been very positive. The rules enable firefighters, police, local government agencies and the public to evaluate risks to community safety and public health and plan for emergencies. The chemical inventory and environmental release data collected pursuant to the Community Right to know rules provides the public with needed information to make informed decisions about the communities in which they live. The Community Right to know information provided the basis of the New Jersey Pollution Prevention Act and allows for the tracking of progress made in reducing the volume of hazardous substances emitted to the environment.

Economic Impact

The Right to Know program increases the costs of doing business for those companies having SIC codes covered by the law. The costs include the annual fee assessment of $2.00 per employee ($50.00 minimum) established in the Worker and Community Right to Know Act and the actual cost of preparing and submitting the forms. The cost of compliance increases with the number of reportable environmental hazardous substances stored, used or manufactured by the employer and could range from under a dollar for an employer with no environmental hazardous substances to report to several thousand dollars for employers spending a lot of time inventorying and reporting many environmental hazardous substances. Likewise, those employers hiring consultants to assist in the preparation of the survey will find the cost of compliance to be proportional to the number of entries on the survey.

Although the amendments proposed herein will increase the number of substances subject to chemical inventory reporting, the simultaneous establishment of reporting thresholds will actually reduce the reporting burden by eliminating the need to report very small quantities of environmental hazardous substances. By establishing this EHS list along with a 100 pound reporting threshold, the Department will maximize the community safety and public health benefits of the program without increasing the reporting burden on the regulated community. With the exception of the Federal SARA 302 list and the Unusually Hazardous Substances list, all substances were previously subject to Community Right to Know reporting at zero threshold. These rules will have a positive economic impact on companies that only have non-regulated quantities of reportable substances since they will not need to submit chemical inventories.

The Department expects these amendments to have a positive economic impact on its operations. Although all covered employers will still need to be sent survey booklets for reporting their inventories or declaring their status as non-users or unregulated users of environmental hazardous substances, the Department will have to process less data resulting in lower data processing costs.

Environmental Impact

There is a positive environmental impact from the disclosure of information concerning environmental hazardous substances in the community. Reporting of environmental hazardous substances allows government agencies and emergency responders to plan for emergencies such as spills, fires, accidents, etc. Prompt response to incidents of that kind lessens the resulting adverse impacts on the environment.

The RTK information collected also allows the Department and the public to observe trends in the use, storage, manufacture and releases of environmental hazardous substances. Collection and distribution of this data serves as an impetus for industry to reduce the use and release of hazardous substances to the environment.

Right to Know reporting also provides information which the Department and local government officials can use to monitor compliance with other environmental regulations.

The amendments proposed herein will have a positive environmental impact because they will provide information about additional environmental hazardous substances that have the potential to adversely affect public safety and the environment.

Regulatory Flexibility Analysis

The readoption with amendments of this chapter will apply to all employers having the specific SIC codes listed in the Worker and Community Right to Know Act. It is estimated that approximately 33,000 businesses are currently covered by the Act. Of these, the vast majority are considered to be "small businesses" as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These small businesses are affected by the existing rules and will be impacted by the readoption with amendments.

Although these rules as proposed will increase the number of environmental hazardous substances subject to reporting, the amended rules will actually reduce the reporting burden. This is due to the establishment of thresholds for reporting and newly adopted exemptions from reporting and payment of the RTK fee granted to businesses engaged solely in administrative office activities.

In developing the proposed readoption of N.J.A.C. 7:1G with amendments, the Department balanced the need to protect public safety and the environment against the economic impact of the proposed amendments and has determined that to minimize the impact of the rules on small businesses would endanger the environment, public safety, and, therefore, no further exemption from coverage is provided.

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

7:1G-2.1 Designation of environmental hazardous substances (EHSs)

[The following substances and corresponding Chemical Abstract Services (CAS) numbers are designated as EHSs pursuant to the Act. Each substance has further been identified according to the classifications, in N.J.A.C. 7:1G-2.2. Substances may have numerous synonyms which are not included herein.

Chemical	CAS Number	Group Number
ACETALDEHYDE	75-07-0	02
ACROLEIN	107-02-8	02
ACRYLIC ACID	79-10-7	01
ACRYLONITRILE	107-13-1	23
ALDRIN	309-00-2	28
ALLYL CHLORIDE	107-05-1	15
2-AMINOANTHRAQUINONE	117-79-3	31
AMITROL	61-82-5	28
ANILINE	62-53-3	06
0-ANISIDINE	90-04-0	06
ANTHRACENE	120-12-7	07
ANTIMONY AND COMPOUNDS	7440-36-0	19
ARSENIC AND COMPOUNDS	7440-38-2	19
ASBESTOS	1332-21-4	19
BENZAL CHLORIDE	98-87-3	16
BENZENE	71-43-2	07
BENZOTRICHLORIDE	98-07-7	16
BENZOYL CHLORIDE	98-88-4	01
BENZOYL PEROXIDE	94-36-0	27
BENZYL CHLORIDE	100-44-7	16
BERYLLIUM AND COMPOUNDS	7440-41-7	19
BIPHENYL	92-52-4	07

BIS(2-CHLORO-1-METHYLETHYL) ETHER	108-60-1	13
BIS(2-ETHYLHEXYL)ADIPATE	103-23-1	12
BIS(2-ETHYLHEXYL)PHTHALATE	117-81-7	12
BROMINE	7726-95-6	34
BUTADIENE	106-99-0	03
1,-BUTYLENE OXIDE	106-88-7	11
C.I. ACID GREEN 3	4680-78-8	10
C.I. BASIC GREEN 4	569-64-2	10
C.I. BASIC RED 1	989-38-8	10
C.I. DIRECT BLACK 38	1937-37-7	10
C.I. DIRECT BLUE 6	2602-46-2	10
C.I. DIRECT BROWN 95	16071-86-6	10
C.I. DISPERSE YELLOW 3	2832-40-8	10
C.I. FOOD RED 5	3761-53-3	10
C.I. FOOD RED 15	81-88-9	10
C.I. SOLVENT ORANGE 7	3118-97-6	10
C.I. SOLVENT YELLOW 1	60-09-3	10
C.I. SOLVENT YELLOW 3	97-56-3	10
C.I. SOLVENT YELLOW 14	842-07-9	10
C.I. VAT YELLOW 4	128-66-5	10
CADMIUM AND COMPOUNDS	7440-43-9	19
CAPTAN	133-06-2	28
CARBARYL	63-25-2	28
CARBON TETRACHLORIDE	56-23-5	14
CATECHOL	120-80-9	29
CHLORADANE	57-74-9	28
CHLORINE	7782-50-5	34
CHLOROBENZENE	108-90-7	16
CHLOROFORM	67-66-3	14
CHLOROPRENE	126-99-8	15
-CHLOROTHALONIL	1897-45-6	28
CHROMIUM AND COMPOUNDS	7440-47-3	19
COPPER AND COMPOUNDS	7440-50-8	19
except:		
C.I. PIGMENT BLUE 15, PHTHALOCYANINE BLUE	147-14-8	
C.I. PIGMENT GREEN 7, PHTHALOCYANINE GREEN	1328-53-6	
C.I. PIGMENT GREEN 36, PHTHALOCYANINE GREEN	14302-13-7	
P-CRESIDINE	120-71-8	06
CUMENE	98-82-8	07
CUMENE HYDROPEROXIDE	80-15-9	27
CYANIDE COMPOUNDS	57-12-5	19
2,4-D	94-75-7	28
DECABROMODIPHENYL OXIDE	1163-19-5	13
-DIALLATE	2303-16-4	28
2,4-DIAMINOANISOLE	615-05-4	06
4,4″-DIAMINODIPHENYL ETHER	101-80-4	13
2,4-DIAMINOTOLUENE	95-80-7	06
1,2-DIBROMOETHANE	106-93-4	14
DI-N-BUTYL PHTHALATE	84-74-2	12
1,2-DICHLOROBENZENE	95-50-1	16
1,2-DICHLOROETHANE	107-06-2	14
1,4-DICHLOROBENZENE	106-46-7	16
3,3″-DICHLOROBENZIDINE	91-94-1	06
DICHLOROMETHANE	75-09-2	14
1,2-DICHLOROPROPANE	78-87-5	14
1,3-DICHLOROPROPYLENE	542-75-6	15
DICHLORVOS	62-73-7	28
DICOFOL	115-32-2	28
DIETHYL PHTHALATE	84-66-2	28
1,1-DIMETHYL HYDRAZINE	57-14-7	17
DIMETHYL PHTHALATE	131-11-3	12
DIMETHYL SULFATE	77-78-1	32
3,3″-DEMETHYLBENZIDINE	119-93-7	06
2,4-DEMETHYLPHENOL	105-67-9	29
2,4-DINITROTOLUENE	121-14-2	24
2,6-DINITROTOLUENE	606-20-2	24
DI-N-OCTYL PHTHALATE	117-84-0	12
1,4-DIOXANE	123-91-1	13
1,2-DIPHENYL HYDRAZINE	122-66-7	17
EPICHLOROHYDRIN	16-89-8	11
ETHYLBENZENE	100-41-4	07
ETHYLENE OXIDE	75-21-8	11
ETHYLENE THIOUREA	96-45-7	33
ETHYLENEIMINE	151-56-4	18
FLUOMETURON	2164-17-2	28
FORMALDEHYDE	50-00-0	02
HEPTACHLOR	76-44-8	28
HEXACHLOROBENZENE	118-74-1	16
HEXACHLOROCYCLOPENTADIENE	77-47-4	15
HEXACHLOROETHANE	67-72-1	14
HEXAMETHYLPHOSPHORAMIDE	680-31-9	30
HYDRAZINE	302-01-2	17
HYDROGEN CHLORIDE	7647-01-0	35
HYDROGEN FLUORIDE	7664-39-3	35
HYDROGEN SULFIDE	7783-06-4	35
HYDROQUINONE	123-31-9	29
LEAD AND COMPOUNDS	7439-92-1	19
LINDANE	58-89-9	28
MANEB	12427-38-2	28
MERCURY AND COMPOUNDS	7439-97-6	19
METHOXYCHLOR	72-43-5	28
METHYL HYDRAZINE	60-34-4	17
METHYL IODIDE	74-88-4	14
METHYLMETHACRYLATE	80-62-6	12
4,4″-METHYLENE BIS(2-CHLORO-ANILINE)	101-14-4	06
4,4″-METHYLENEBIS(N,N-DIMETHYL) BENZENAMINE	101-61-1	06
4,4″-METHYLENEDIANILINE	101-77-9	06
METHYL ISOCYANATE	624-83-9	20
NAPHTHYLAMINE	91-29-3	06
1-NAPHTHYLAMINE	134-43-7	06
NICKEL AND COMPOUNDS	7440-02-02	19
5-NITRO-O-ANISIDINE	99-59-2	06
NITROFEN	1836-75-5	28
4-NITROPHENOL	100-02-7	29
2-NITROPROPANE	79-46-9	24
N-NITROSODIPHENYLAMINE	86-30-6	26
PARATHION	56-38-2	28
PENTACHLOROPHENOL	87-86-5	29
PERACETIC ACID	79-21-0	27
PHENOL	108-95-2	29
2-PHENYLPHENOL	90-43-7	29
PHOSGENE	75-44-5	01
PHOSPHORUS TRICHLORIDE	7719-12-2	35
POLYCHLORINATED BIPHENYLS	1336-36-3	16
PROPOXUR	114-26-1	28
PROPYLENE OXIDE	75-56-9	11
QUINOLINE	91-22-5	25
QUINTOZENE	82-68-8	28
SAFROLE	94-59-7	13
STYRENE	100-42-5	07
STYRENE OXIDE	96-09-3	11
1,1,2,2-TETRACHLOROETHANE	79-34-5	14
TETRACHLOROETHYLENE	127-18-4	14
TETRACHLORVINPHOS	961-11-5	28
4,4″-THIODIANILINE	139-65-1	06
THIOUREA	62-56-6	33
TOLUENE	108-88-3	07
TOLUENE-2,4-DIISOCYANATE	584-84-9	20
TOLUENE-2,6-DIISOCYANATE	91-08-7	20
0-TOLUIDINE	95-53-4	06
TOXAPHENE	8001-35-2	28
TRICHLORFON	52-68-6	28
1,24,-TRICHLOROBENZENE	120-82-1	16
1,1,1,-TRICHLOROETHANE	71-55-6	14
1,1,2-TRICHLOROETHANE	70-00-5	14
TRICHLOROETHYLENE	79-01-6	15
TRIFLURALIN	1582-09-8	28
URETHANE	51-79-6	09
VINYLIDENE CHLORIDE	75-35-4	15
XYLENES	1330-20-7	07
2,6-XYLIDINE	87-62-7	06
ZINEB	12122-67-7	28]

(a) The list of EHSs shall be comprised of the substances listed below:

1. Toxic Chemicals on the list at 40 CFR 372.65 established by the United States Environmental Protection Agency for reporting pursuant to SARA Title III section 313, incorporated herein by reference, as from time to time supplemented or amended;

2. Extremely Hazardous Substances on the list at 40 CFR 355 Appendix A designated under SARA Title III section 302, established by the United States Environmental Protection Agency for reporting, incorporated herein by reference, as from time to time supplemented or amended;

3. Chemicals designated as selected substances at N.J.A.C. 7:1F Appendix A for reporting on the Industrial Survey as from time to time supplemented or amended;

4. Unusually Hazardous Substances defined at N.J.A.C. 7:1G-1.2 and listed below by the Department pursuant to N.J.S.A. 52:27D-223:

Chemical	CAS Number
Diethyl Carbamyl Chloride	88-10-8
Diisobutyl Aluminum Hydride	1191-15-7
Triethylborane	97-94-9
Chlorosulfuric Acid	7790-94-5
Lithium Tetrahydroaluminate	16853-85-3
Tert-Butyl Perbenzbate	614-45-9
Cobaltous Nitrate	10141-05-6
Cupric Nitrate	3251-23-8
Dibenzoyl Peroxide	94-36-0
Potassium Chromate	7789-00-6
Saran	8013-77-2
PVC (Chloroethylene, polymer)	9002-86-2
Lopac	9003-54-7

5. Any hazardous substance added to the list of chemicals subject to pollution prevention planning pursuant to N.J.A.C. 7:1K-3.5; and

6. Hazardous materials in Appendix 1 of this chapter.

(b) Chemical inventory reporting on the Community Right to Know Survey shall include all EHSs listed at (a)1 through 6 above.

(c) Environmental release, throughput, and waste transfer reporting on the Release and Pollution Prevention Report shall be limited to the list of substances described at (a)1 and 5 above.

7:1G-3.1 Completion of Community Right to Know Survey Portion of the Environmental Survey

(a) An employer shall complete and submit to the Department a Community Right to Know Survey for each facility covered by the rules indicating if EHSs were present during the reporting period **and whether the EHSs met or exceeded the threshold quantities for reporting listed in (b) below.**

(b) [(Reserved)] **A threshold of 100 pounds or the Federal SARA 302 threshold, whichever is lower, shall apply to all EHSs present in aggregate at the facility at any one time. These thresholds for reporting do not apply to container labeling pursuant to N.J.A.C. 8:59-1 et seq.**

(c) For each EHS **that met or exceeded the thresholds listed in (b) above,** an employer shall provide all information on a Community Right to Know Survey form approved by the Department, which shall include, but is not limited to, the following:

1. The chemical name Chemical Abstracts Service registry number, **if available,** and the EHS number and USDOT number, if available, of each EHS which is present at the facility in a pure state or mixture;

2.-3. (No change.)

4. EHSs in mixtures shall be reported as follows:

i. (No change.)

ii. EHSs in mixtures in the following generic categories may be reported using the generic name and the quantity of the entire mixture: gasoline, new and used petroleum oil, **paint, antifreeze, heating oil,** and hazardous waste;

5.-6. (No change.)

(d) (No change.)

7:1G-3.2 Reporting exemptions

(a) EHSs meeting any of the following criteria are exempt from chemical inventory reporting on the Community Right to Know Survey:

1. [(Reserved)] **EHSs present at a facility in quantities that do not meet or exceed the thresholds for reporting found at N.J.A.C. 7:1G-3.1(b);**

2.-5. (No change.)

(b)-(f) (No change.)

7:1G-4.1 Completion of Release and Pollution Prevention Report

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

(e) Environmental release, throughput, and waste transfer reporting on the Release and Pollution Prevention Report shall be limited to the list of substances [listed at 40 CFR 372.65 promulgated by USEPA pursuant to Section 313 of SARA as from time to time supplemented or amended] **described at N.J.A.C. 7:1G-2.1(a)1 and 5.**

APPENDIX 1

COMMON NAME	CAS NUMBER	SUBSTANCE NUMBER	DOT NUMBER
ACETAL	105-57-7	2057	1088
ACETALDEHYDE AMMONIA	75-39-8	0002	1841
ACETALDEHYDE OXIME	107-29-9	0003	2332
ACETALDEHYDE, TRICHLORO	75-87-6	0356	2075
ACETALDOXIME	107-29-9	0003	2332
ACETAMIDE, N-(4-ETHOXYPHENYL)	62-44-2	1483	1851
ACETIC ACID	64-19-7	0004	2789
ACETIC ACID-tert-BUTYL ESTER	540-88-5	1786	1123
ACETIC ANHYDRIDE	108-24-7	0005	1715
ACETOIN	513-86-0	0018	2621
ACETONE OIL		2058	1091
ACETOPHENETIDIN	62-44-2	1483	1851
ACETOZONE	644-31-5	0011	2081
ACETYL ACETONE PEROXIDE	37187-22-7	0009	2080
ACETYL BENZOYL PEROXIDE	644-31-5	0011	2081
ACETYL BROMIDE	506-96-7	0012	1716
ACETYL CHLORIDE	75-36-5	0013	1717
ACETYL CYCLOHEXANE SULFONYL PEROXIDE	3179-56-4	0014	2082
ACETYL IODIDE	507-02-8	0017	1898
ACETYL METHYL CARBINOL	513-86-0	0018	2621
ACETYL PEROXIDE	110-22-5	0019	2084
ACETYLACETONE	123-54-6	1477	2310
ACETYLENE	74-86-2	0015	1001
ACETYLENE TETRABROMIDE	79-27-6	0016	2504
ACETYSALICYLIC ACID	50-78-2	0020	1851

ACID BUTYL PHOSPHATE	12788-93-1	0277	1718
ACID MIXTURES, NITRATING		2060	1796
ACID MIXTURES, SPENT, NITRATING		2061	1826
ACID SLUDGE	64742-24-1	2770	1906
ACIDS, LIQUID, n.o.s.		2282	1760
ACRIDINE	260-94-6	2064	2713
ACTINOMYCIN D	50-76-0	0025	1851
ADHESIVES		3072	2067
ADHESIVES, CONTAINING FLAMMABLE LIQUID		2067	1133
ADIPIC ACID	124-04-9	0026	9077
ADRIAMYCIN	23214-92-8	0028	1851
AEROSOL DISPENSERS		2068	1950
AGENTS, BLASTING		2173	
AIR, COMPRESSED		2070	1002
AIR, REFRIGERATED LIQUID		2076	1003
ALCOHOL (ETHYL)	64-17-5	0844	1170
ALCOHOL, DENATURED		2080	1986
ALCOHOL, n.o.s.		2079	1987
ALCOHOLIC BEVERAGE		2078	1170
ALDEHYDE AMMONIA	75-39-8	0002	1841
ALDEHYDE, TOXIC, n.o.s.		2082	1988
ALDEHYDES, n.o.s.		2081	1989
ALDOL	107-89-1	0032	2839
ALIPHATIC NAPHTHA	8032-32-4	0206	1115
ALKALI METAL ALLOYS, LIQUID		2083	1421
ALKALI METAL AMALGAM, n.o.s.		2084	1389
ALKALI METAL AMIDES, n.o.s.		2085	1390
ALKALI METAL DISPERSIONS, n.o.s. or ALKALI EARTH		2086	1391
ALKALINE BOILER OR WATER TREATMENT COMPOUND		2087	1760
ALKALINE CORROSIVE LIQUID, n.o.s.		2088	1719
ALKALINE EARTH METAL ALLOYS, n.o.s.		2089	1393
ALKALINE EARTH METAL AMALGAMS, n.o.s.		2090	1392
ALKALINE EARTH METAL DISPERSIONS, n.o.s.		2091	1392
ALKALOID, SALTS, n.o.s., POISONOUS		2093	1544
ALKALOIDS, n.o.s. or ALKALOID SALTS, n.o.s.		2093	1544
ALKANE SULFONIC ACID	75-75-2	0034	2584
ALKYL PHENOL, n.o.s.		2101	2430
ALKYL, ARYL, or TOLUENE SULFONIC ACID, LIQUID containing more than 5% free Sulfuric Acid		2097	2584
ALKYL, ARYL, or TOLUENE SULFONIC ACID, LIQUID containing not more than 5% free Sulfuric Acid		2098	2586
ALKYL, ARYL, or TOLUENE SULFONIC ACID, SOLID containing more than 5% free Sulfuric Acid		2099	2585
ALKYL, ARYL, or TOLUENE SULFONIC ACID, SOLID containing not more than 5% free Sulfuric Acid		2100	2583
ALKYLAMINES or POLYALKYLAMINES, n.o.s., CORROSIVE flash point above 23c, boiling point 35-200c		2094	2733
ALKYLAMINES or POLYALKYLAMINES, n.o.s., flash point above 23c, boiling point 35-200c		2096	2734
ALKYLAMINES or POLYALKYLAMINES, n.o.s., flash point below 23c, boiling point 35-200c		2095	2735
ALLETHRIN	584-79-2	2102	2902
ALLYL ACETATE	591-87-7	0035	2333
ALLYL AMINE	107-11-9	0037	2334
ALLYL BROMIDE	106-95-6	0038	1099
ALLYL CHLOROCARBONATE	2937-50-0	0040	1722
ALLYL ETHER	557-40-4	0610	2360
ALLYL ETHYL ETHER	557-31-3	0041	2335
ALLYL FORMATE	1838-59-1	0042	2336
ALLYL GLYCIDYL ETHER	106-92-3	0043	2219
ALLYL IODIDE	556-56-9	0044	1723
ALLYL ISOTHIOCYANATE	57-06-7	0045	1545
ALLYL TRICHLOROSILANE	107-37-9	0047	1724
ALUMINUM ALKYL CHLORIDE		2104	2221
ALUMINUM ALKYL HALIDES, IN SOLUTION		2106	2220
ALUMINUM ALKYL HALIDES, PURE		2107	2221
ALUMINUM ALKYLS		2547	2003
ALUMINUM BOROHYDRIDE	16962-07-5	2108	2870
ALUMINUM BROMIDE	7727-15-3	0055	1725
ALUMINUM CARBIDE	12656-43-8	0056	1394
ALUMINUM CHLORIDE	7446-70-0	0057	1726
ALUMINUM FERROSILICON	12003-41-7	0058	1395
ALUMINUM HYDRIDE	7784-21-6	0060	2463
ALUMINUM NITRATE	13473-90-0	0061	1438
ALUMINUM PHOSPHATE	7784-30-7	0062	1760
ALUMINUM POWDER, COATED		2110	1309
ALUMINUM POWDER, UNCOATED, NON-PYROPHORIC		2111	1396

ALUMINUM RESINATE	61789-65-9	0064	2715
ALUMINUM SILICON	50810-25-8	0065	1398
ALUMINUM SILICON	12042-55-6	0066	1398
ALUMINUM SILICON	57485-31-1	0067	1398
ALUMINUM SULFATE	10043-01-3	0068	9078
2-AMINO-4-CHLOROPHENOL	95-85-2	0070	2673
2-AMINO-5-DIETHYL AMINOPENTANE	140-80-7	0071	2946
2-(2-AMINODETHOXY)ETHANOL	929-06-6	0073	1760
N-AMINOETHYLPIPERAZINE	140-31-8	0075	2815
AMINOPHENOLS	27598-85-2	0078	2512
AMINOPROPYLDIETHANOLAMINE	4985-85-7	0079	1760
AMINOPROPYLMORPHOLINE	123-00-2	0080	1760
2-AMINOPYRIDINE	504-29-0	0081	2671
3-AMINOPYRIDINE	462-08-8	0082	2671
AMMONIUM ACETATE	631-61-8	0085	9079
AMMONIUM ARSENATE	7784-44-3	0086	1546
AMMONIUM BENZOATE	1863-63-4	0087	9080
AMMONIUM BICARBONATE	1066-33-7	0088	9081
AMMONIUM BICHROMATE	7789-09-5	0097	1439
AMMONIUM BIFLUORIDE	1341-49-7	0089	1727
AMMONIUM BISULFATE	7803-63-6	0102	2506
AMMONIUM BISULFITE	10192-30-0	0090	2693
AMMONIUM CARBAMATE	1111-78-0	0091	9083
AMMONIUM CARBONATE	506-87-6	0092	9084
AMMONIUM CHLORIDE	12125-02-9	0093	9085
AMMONIUM CHROMATE	7788-98-9	0095	9086
AMMONIUM CITRATE DIBASIC	3012-65-5	0096	9087
AMMONIUM DICHROMATE	7789-09-5	0097	1439
AMMONIUM DINITRO-o-CRESOLATE	2980-64-5	0098	1843
AMMONIUM FERRIC CITRATE	1185-57-5	0918	9118
AMMONIUM FERROUS SULFATE	10045-89-3	0928	9122
AMMONIUM FLUORIDE	12125-01-8	0099	2505
AMMONIUM FLUOROBORATE	13826-83-0	0100	9088
AMMONIUM FLUOSILICATE	1309-32-6	0101	2854
AMMONIUM HYDROGEN SULFATE	7803-63-6	0102	2506
AMMONIUM HYDROSULFIDE SOLUTION	12124-99-1	2115	2683
AMMONIUM HYDROXIDE	1336-21-6	0103	2672
AMMONIUM METAVANADATE	7803-55-6	0104	2859
AMMONIUM NICKEL SULFATE	15699-18-0	1342	9138
AMMONIUM NITRATE—SULFATE MIXTURE		2126	2069
AMMONIUM NITRATE FERTILIZER		2116	2067
AMMONIUM NITRATE FERTILIZER (NITROGEN/POTASH OR PHOSPHATE)		2118	2071
AMMONIUM NITRATE FERTILIZER, less than 45% AMMONIUM NITRATE		2117	2071
AMMONIUM NITRATE FERTILIZER, n.o.s.		2119	2072
AMMONIUM NITRATE FERTILIZER, with CALCIUM CARBONATE		2121	2068
AMMONIUM NITRATE FERTILIZER, with less than 0.2% COMBUSTIBLE		2120	1942
AMMONIUM NITRATE PHOSPHATE	57608-40-9	0107	2070
AMMONIUM NITRATE-FUEL OIL MIXTURES		2122	0222
AMMONIUM OXALATE	1113-38-8	0108	2449
AMMONIUM PERCHLORATE	7790-98-9	0109	1442
AMMONIUM PEROXYDISULFATE	7727-54-0	0111	1444
AMMONIUM PERSULFATE	7727-54-0	0111	1444
AMMONIUM PICRATE	131-74-8	0112	1310
AMMONIUM POLYSULFIDE	12259-92-6	0113	2818
AMMONIUM POLYVANADATE		2127	2861
AMMONIUM SILICOFLUORIDE, SOLID	16919-19-0	2128	2854
AMMONIUM SULFAMATE	7773-06-0	0114	9089
AMMONIUM SULFIDE	12135-76-1	0115	2683
AMMONIUM SULFITE	10196-04-0	0116	9090
AMMONIUM TARTRATE	3164-29-2	0117	9091
AMMONIUM THIOCYANATE	1762-95-4	0119	9092
AMMONIUM THIOSULFATE	7783-18-8	0120	9093
AMMONIUM VANADATE	7803-55-6	0104	2859
AMMUNITION, TEAR PRODUCING, NON-EXPLOSIVE		2129	2017
AMPICILLIN	69-53-4	0121	1851
n-AMYL ACETATE	628-63-7	1321	1104
AMYL ACID PHOSPHATE	12789-46-7	0123	2819
AMYL ALCOHOL	71-41-0	0124	1105
AMYL AMINE	110-58-7	0125	1106
n-AMYL BROMIDE	29756-38-5	0266	2343
AMYL BUTYRATE	540-18-1	0126	2620
AMYL CHLORIDE	543-59-9	0127	1107
AMYL FORMATE	638-49-3	0129	1109
AMYL MERCAPTAN	110-66-7	0130	1111
AMYL NITRATE	1002-16-0	0131	1112

AMYL NITRITE	110-46-3	0132	1113
AMYL TRICHLOROSILANE	107-72-2	0134	1728
AMYLENE	26760-64-5	1233	2561
AMYLENE, NORMAL	25377-72-4	0128	1108
ANILINE HYDROCHLORIDE	142-04-1	0136	1548
ANISOLE	100-66-3	0137	2222
ANISOYL CHLORIDE	1300-64-7	0138	1729
ANTI-FREEZE		2131	1142
ANTIMONY compounds, n.o.s.		2223	1549
ANTIMONY LACTATE	58164-88-8	0142	1550
ANTIMONY PENTACHLORIDE	7647-18-9	0143	1730
ANTIMONY POTASSIUM TARTRATE	28300-74-5	0145	1551
ANTIMONY TRIBROMIDE	7789-61-9	0146	1549
ANTIMONY TRICHLORIDE	10025-91-9	0147	1733
ANTIMONY TRIFLUORIDE	7783-56-4	0148	1549
ANTIMONY TRIOXIDE	1309-64-4	0149	9201
ANTIMONY, all inorganic compounds of		2866	1549
ARAMITE	140-57-8	0150	2588
ARGON	7440-37-1	0151	1006
AROCLOR	88-01-9	1554	2315
AROCLOR 1016	12674-11-2	1554	2315
AROCLOR 1221	11104-28-2	1554	2315
AROCLOR 1232	1141-16-5	1554	2315
AROCLOR 1242	53469-21-9	1554	2315
AROCLOR 1248	12672-29-6	1554	2315
AROCLOR 1254	11096-82-5	1554	2315
AROCLOR 1260	11096-82-5	1554	2315
ARSENIC ACID	7778-39-4	0153	1554
ARSENIC BROMIDE	7784-33-0	0154	1555
ARSENIC CHLORIDE	37226-49-6	0155	1560
ARSENIC COMPOUND, LIQUID, n.o.s.		2138	1556
ARSENIC COMPOUND, SOLID, n.o.s.		2139	1557
ARSENIC DISULFIDE	56320-22-0	0156	1557
ARSENIC IODIDE	7784-45-4	0157	1557
ARSENIC TRICHLORIDE	60646-36-8	0160	1560
ARSENIC TRISULFIDE	1303-33-9	0162	1557
ARSENIC, all inorganic compounds of		2867	1556
ARSENICAL DUST or FLUE DUST		2133	1562
ARSENICAL PESTICIDE, FLAMMABLE LIQUID, n.o.s., flash point below 23c		2135	2760
ARSENICAL PESTICIDE, FLAMMABLE LIQUID, n.o.s., flash point between 23c and 61c		2861	2993
ARSENICAL PESTICIDE, LIQUID, TOXIC, n.o.s.		2136	2994
ARSENICAL PESTICIDE, SOLID, TOXIC, n.o.s.		2137	2759
ASBESTOS, AMOSITE	12172-73-5	0165	2590
ASBESTOS, ANTHOPHYLLITE	77536-67-5	0166	2590
ASBESTOS, BLUE	12001-28-4	0168	2212
ASBESTOS, CHRYSOTILE	12001-29-5	0167	2590
ASBESTOS, CROCIDOLITE	12001-28-4	0168	2212
ASBESTOS, WHITE	12001-29-5	0167	2590
ASPARAGINASE	9015-68-3	0169	1851
ASPHALT (PETROLEUM DERIVED)	8052-42-4	0170	1999
ASPHALT FUMES	8052-42-4	0170	1999
ATRAZINE	1912-24-9	0171	2588
AZATHIOPRINE	446-86-6	0174	1851
1-AZIRIDINYL PHOSPHINE OXIDE (TRIS)	545-55-1	0175	2501
AZODI-(1,1'-HEXAHYDROBENZONITRILE)	25551-14-8	0178	2954
2,2'-AZODI-(2,4-DIMETHYL-4-METHOXYVALERONITRILE)	15545-97-8	0176	2955
2,2'-AZODI-(2,4-DIMETHYLVALERONITRILE)	28604-91-3	0177	2953
AZODIISOBUTYRONITRILE	78-67-1	0179	2952
BARIUM ALLOYS, NON-PYROPHORIC		2144	1399
BARIUM ALLOYS, PYROPHORIC		2145	1854
BARIUM AZIDE	18810-58-7	0181	1571
BARIUM BROMATE	13967-90-3	0182	2719
BARIUM CHLORATE	13477-00-4	0183	1445
BARIUM compounds, n.o.s.		2146	1564
BARIUM CYANIDE	542-62-1	0184	1565
BARIUM HYPOCHLORITE	13477-10-6	0185	2741
BARIUM NITRATE	10022-31-8	0186	1446
BARIUM OXIDE	1304-28-5	0187	1884
BARIUM PERCHLORATE	13465-95-7	0188	1447
BARIUM PERMANGANATE	7787-36-2	0189	1448
BARIUM PEROXIDE	1304-29-6	0190	1449
BARIUM SELENATE		2148	2630
BARIUM SELENITE		2149	2630
BATTERY FLUID, ACID		2153	2796
BATTERY FLUID, ALKALI		2154	2797

BATTERY, ELECTRIC, STORAGE, DRY, CONTAINING POTASSIUM HYDROXIDE		2151	1813
BATTERY, ELECTRIC, STORAGE, WET, NONSPILLABLE		2152	2800
BENDIOCARB	22781-23-3	0191	2757
BENOMYL	17804-35-2	0192	2588
BENZALDEHYDE	100-52-7	0196	1989
BENZENE PHOSPHOROUS DICHLORIDE	644-97-3	0200	2798
BENZENE PHOSPHOROUS THIODICHLORIDE	14684-25-4	0201	2799
BENZENE SULFONYL CHLORIDE	98-09-9	0202	2225
BENZENE, CHLORO-, NITRO-, (TRIFLUOROMETH)	121-17-5	1367	2307
1,3-BENZENEDIOL	108-46-3	1634	2876
BENZIN	8030-30-6	0518	2553
BENZINE	8032-32-4	0206	1115
BENZINE, LIGROINE	8032-32-4	0206	1115
BENZOIC ACID	65-85-0	0209	9094
BENZOIC DERIVATIVE PESTICIDES, FLAMMABLE LIQUID, n.o.s. flash point between 23c and 61c		2158	2770
BENZOIC DERIVATIVE PESTICIDES, FLAMMABLE LIQUID, n.o.s. flash point less than 23c		2157	3003
BENZOIC DERIVATIVE PESTICIDES, LIQUID, TOXIC, n.o.s.		2159	3004
BENZOIC DERIVATIVE PESTICIDES, SOLID, TOXIC, n.o.s.		2160	2769
BENZONITRILE	100-47-0	0211	2224
p-BENZOQUINONE	106-51-4	1460	2587
BENZOQUINONE	106-51-4	1460	2587
BENZOTRIFLUORIDE	98-08-8	0213	2338
BENZYL BROMIDE	100-39-0	0216	1737
BENZYL CHLOROFORMATE	501-53-1	0218	1739
BENZYL DIMETHYLAMINE	103-83-3	0219	2619
BENZYL IODIDE	620-05-3	0220	2653
BENZYLPENICILLIN	61-33-6	0221	1851
BERYLLIUM CHLORIDE	7787-47-5	0223	1566
BERYLLIUM compounds, n.o.s.		2163	1566
BERYLLIUM FLUORIDE	7787-49-7	0224	1566
BERYLLIUM NITRATE	13597-99-4	0225	2464
BERYLLIUM OXIDE	1304-56-9	0226	1566
BERYLLIUM, all inorganic compounds of		2868	1566
BHUSA		2164	1327
BIFLUORIDE, n.o.s.	18130-74-0	2165	1740
BIPYRIDILIUM PESTICIDES, FLAMMABLE LIQUID, n.o.s., flash point between 23c and 61c		2167	2782
BIPYRIDILIUM PESTICIDES, FLAMMABLE LIQUID, n.o.s., flash point less than 23c		2166	3015
BIPYRIDILIUM PESTICIDES, LIQUID, TOXIC, n.o.s.		2168	3016
BIPYRIDILIUM PESTICIDES, SOLID, TOXIC, n.o.s.		2169	2781
BIS(AMINOPROPYL)AMINE	56-18-8	0230	2269
BIS(AMINOPROPYL)PIPERAZINE	7209-38-3	0231	1760
1,2-BIS-(DIMETHYLAMINO)-ETHANE	110-18-9	0236	2372
BISULFITES, INORGANIC, AQUEOUS SOLUTION		2171	2693
BITOSCANATE	4044-65-9	2172	1588
BLADEX	21725-46-2	0240	2588
BLASTING AGENTS, n.o.s.		2173	
BLEACHING POWDER	7778-54-3	0323	1748
BLUE ASBESTOS	12001-28-4	0168	2212
BOMBS, SMOKE, CONTAINING CORROSIVE LIQUID, NON-EXPLOSIVES		2175	2028
BORATE AND CHLORATE MIXTURES		2176	1458
BORDEAUX ARSENITE, liquid or solid		2177	2759
BORNEOL	507-70-0	0242	1312
BORNYL CHLORIDE	28324-52-9	1538	2162
BORON TRIBROMIDE	10294-33-4	0244	2692
BORON TRICHLORIDE	10294-34-5	0245	1741
BORON TRIFLUORIDE	7637-07-2	0246	1008
BORON TRIFLUORIDE ACETIC ACID COMPLEX	753-53-7	0247	1742
BORON TRIFLUORIDE COMPOUND with METHYL ETHER (1:1)	343-42-4	0250	2965
BORON TRIFLUORIDE DIETHYL ETHERATE	109-63-7	0248	2604
BORON TRIFLUORIDE DIHYDRATE	13319-75-0	0249	2851
BORON TRIFLUORIDE DIMETHYL ETHERATE	353-42-4	0250	2965
BOX TOE GUM	9004-70-0	1366	2556
BRAKE FLUID, HYDRAULIC		2178	1118
BROMATES, INORGANICS, n.o.s.		2180	1450
BROMINE	7726-95-6	0252	1744
BROMINE CHLORIDE	13863-41-7	0253	2901
BROMINE PENTAFLUORIDE	7789-30-2	0254	1745
BROMINE TRIFLUORIDE	7787-71-5	0255	1746
BROMINE, and solutions	7726-95-6	0252	1744
2-BROMO-2-METHYLPROPANE	507-19-7	0264	2342
1-BROMO-2-METHYLPROPANE	78-77-3	0265	2342
BROMOACETIC ACID, Solid or Solution	79-08-3	2182	1938

BROMOACETONE	598-31-2	0256	1569
BROMOACETYL BROMIDE	598-21-0	0257	2513
BROMOBENZENE	108-86-1	0258	2514
BROMOBENZYL CYANIDE	5798-79-8	0259	1694
2-BROMOBUTANE	78-76-2	0260	2339
BROMOETHYL ETHYL ETHER	592-55-2	0261	2340
BROMOMETHYLBUTANE	107-82-4	0263	2341
BROMOPENTANE	29756-38-5	0266	2343
BROMOPROPANE	26446-77-5	0267	2344
BROMOTRIFLUOROETHYLENE	598-73-2	0269	2419
BRUCINE	357-57-3	0270	1570
BUSULFAN	55-98-1	0271	1851
1,3-BUTADIENE	106-99-0	0272	1010
BUTANE	106-97-8	0273	1011
BUTANEDIONE	431-03-8	0274	2346
1-BUTANETHIOL	109-79-5	0290	2347
2-BUTANONE PEROXIDE	1338-23-4	1259	2127
2-BUTENE, 1,4-DICHLORO-	764-41-0	3070	2924
2-BUTOXY ETHANOL	111-76-2	0275	2369
BUTOXYL	4435-53-4	0276	2708
n-BUTYL ACETATE	123-86-4	1329	1123
BUTYL ACID PHOSPHATE	12788-93-1	0277	1718
BUTYL ACRYLATE	141-32-2	0278	2348
BUTYL ALDEHYDE OXIME	110-69-0	0279	2840
BUTYL BENZENE	104-51-8	0282	2709
BUTYL BROMIDE	109-65-9	0283	1126
sec-BUTYL BROMIME	78-76-2	0260	2339
BUTYL CELLOSOLVE	111-76-2	0275	2369
BUTYL CHLORIDE	109-69-3	0284	1127
BUTYL ETHER	142-96-1	0288	1149
BUTYL FORMATE	592-84-7	0289	1128
BUTYL MERCAPTAN	109-79-5	0290	2347
BUTYL METHACRYLATE	97-88-1	0291	2227
BUTYL METHYL ETHER	628-28-4	3104	2350
BUTYL NITRITE	544-16-1	0292	2351
BUTYL PEROXYCROTONATE	23474-91-1	1795	2183
BUTYL PEROXYDICARBONATE	16215-49-9	0293	2169
BUTYL PHENOL	28805-86-9	0294	2228
BUTYL PHOSPHORIC ACID	12788-93-1	0277	1718
BUTYL PROPIONATE	590-01-2	0295	1914
BUTYL TRICHLOROSILANE	7521-80-4	0296	1747
BUTYL VINYL ETHER	111-34-2	0297	2352
N-BUTYL-4,4-DI(tert-BUTYL-PEROXY) VALERATE (maximum 52%)	995-33-5	2185	2140
N-BUTYL-4,4-DI(tert-BUTYL-PEROXY) VALERATE (stock pure)	995-33-5	2186	2141
n-n-BUTYL-IMIDAZOLE	4316-42-1	1402	2690
BUTYLAMINE	109-73-9	0280	1125
BUTYLANILINE	1126-78-9	0281	2738
BUTYLCHLOROFORMATE	592-34-7	0285	2743
BUTYLCYCLOHEXYLCHLOROFORMATE	70042-58-9	1789	2747
BUTYLENE	25167-67-3	0286	1012
n-BUTYLISOCYANATE	111-36-4	1332	2484
o-sec-BUTYLPHENOL	89-72-5	1440	2229
1,4-BUTYNEDIOL	110-65-6	0298	2716
BUTYRALDOXIME	110-69-0	0279	2840
BUTYRIC ACID	107-92-6	0300	2820
BUTYRIC ANHYDRIDE	106-31-0	0301	2739
BUTYRONITRILE	109-74-0	0302	2411
BUTYRYL CHLORIDE	141-75-3	0303	2353
C.I. ACID BLUE 9 DIAMMONIUM SALT	2650-18-2	2897	
CACODYLIC ACID	75-60-5	0304	1572
CADMIUM ACETATE	543-90-8	0306	2570
CADMIUM BROMIDE	7789-42-6	0307	2570
CADMIUM CHLORIDE	10108-64-2	0308	2570
CADMIUM compounds, n.o.s.		2199	2570
CADMIUM, all inorganic compounds of		2869	2570
CALCIUM	7440-70-2	0309	1401
CALCIUM ARSENITE	52740-16-6	0311	1574
CALCIUM BISULFIDE	13780-03-5	0321	2693
CALCIUM CARBIDE	75-20-7	0312	1402
CALCIUM CHLORATE	10137-74-3	0313	1452
CALCIUM CHLORITE	14674-72-7	0314	1453
CALCIUM CHROMATE	13765-19-0	0315	9096
CALCIUM CYANIDE	592-01-8	0317	1575
CALCIUM DODECYLBENZENE SULFONATE	26264-06-2	0318	9097
CALCIUM HYDRIDE	57308-10-8	0320	1404

CALCIUM HYDROGEN SULFITE	13780-03-5	0321	2693
CALCIUM HYDROSULFITE		2203	1923
CALCIUM HYDROXIDE	1305-62-0	0322	
CALCIUM HYPOCHLORITE	7778-54-3	0323	1748
CALCIUM MANGANESE SILICON		2204	2844
CALCIUM NITRATE	10124-37-5	0324	1454
CALCIUM OXIDE	1305-78-8	0325	1910
CALCIUM PERCHLORATE	13477-36-6	0326	1455
CALCIUM PERMANGANATE	10118-76-0	0327	1456
CALCIUM PEROXIDE	1305-79-9	0328	1457
CALCIUM PHOSPHIDE	1305-99-3	0329	1360
CALCIUM RESINATE	9007-13-0	0330	1314
CALCIUM SELENATE	14019-91-1	0331	2630
CALCIUM SILICIDE	12737-18-7	0332	1405
CALCIUM SILICON	12013-56-8	2205	1406
CAMPHENE	79-92-5	0333	9011
CAMPHOR	76-22-2	0334	2717
CAMPHOR OIL	8008-51-3	0335	1130
CAMPHOR, NATURAL OR SYNTHETIC	76-22-2	0334	2717
CAPROIC ACID	142-62-1	0336	1760
CAPROIC ALDEHYDE	66-25-1	0993	1207
CAPRYLYL PEROXIDE (N-OCTANOYL PEROXIDE)	7530-07-6	2208	2129
CAPTAFOL	2425-06-1	0338	2588
CARBAMATE PESTICIDES, FLAMMABLE, LIQUID, TOXIC, n.o.s. flash point between 23c and 61c		2212	2758
CARBAMATE PESTICIDES, FLAMMABLE, LIQUID, TOXIC, n.o.s. flash point less than 23c		2211	2991
CARBAMATE PESTICIDES, LIQUID, TOXIC, n.o.s.		2210	2992
CARBAMATE PESTICIDES, SOLID, TOXIC, n.o.s.		2213	2757
CARBOBENZOXY CHLORIDE	501-53-1	0218	1739
CARBON DIOXIDE	124-38-9	0343	1013
CARBON MONOXIDE	630-08-0	0345	1016
CARBON OXYFLUORIDE	353-50-4	0348	2417
CARBON REMOVER, LIQUID		2217	1132
CARBON TETRABROMIDE	558-13-4	0346	2516
CARBON TETRAFLUORIDE	75-73-0	1821	1982
CARBONYL FLUORIDE	353-50-4	0348	2417
CARVONE	2244-16-8	2219	1224
CASINGHEAD GASOLINE		2220	1257
CASTOR BEAN POMACE		0350	2969
CAUSTIC ALKALI LIQUIDS, n.o.s.		2221	1719
CAUSTIC SODA, DRY, SOLID	1310-73-2	1706	1823
CAUSTIC SODA, SOLUTION	1310-73-2	1706	1823
CDEC	95-06-7	1753	2902
CELLOSOLVE ACETATE	111-15-9	0840	1172
CELLULOID SCRAP		2225	2002
CELLULOID, IN BLOCKS, RODS, ROLLS, SHEETS, TUBES, ETC.		2224	2000
CEMENT, LIQUID, n.o.s.		2226	1133
CERIUM	7440-45-1	0352	1333
CESIUM	7440-46-2	0353	1407
CESIUM HYDROXIDE	21351-79-1	0354	2681
CESIUM NITRATE	7789-18-6	0355	1451
CHEMICAL AMMUNITION, NON-EXPLOSIVE, WITH IRRITANT		2228	2016
CHEMICAL AMMUNITION, NON-EXPLOSIVE, WITH POISONOUS MATERIAL		2227	2017
CHLORAL	75-87-6	0356	2075
CHLORAMBUCIL	305-03-3	0358	1851
CHLORAMPHENICOL	56-75-7	0360	1851
CHLORATE and BORATE MIXTURES		2176	1458
CHLORATE and MAGNESIUM CHLORIDE MIXTURES		2231	1459
CHLORATE OF POTASH	3811-04-9	1560	1485
CHLORATE OF SODA	7775-09-9	1688	1495
CHLORATES, INORGANIC, n.o.s.		2232	1461
CHLORDECONE	143-50-0	1090	2761
CHLORDIAZEPOXIDE	58-25-3	0362	1851
CHLORDIAZEPOXIDE HYDROCHLORIDE	438-41-5	0363	1851
CHLORIC ACID	7790-93-4	0365	2626
CHLORINE CYANIDE	506-77-4	0556	1589
CHLORINE DIOXIDE HYDRATE, FROZEN	7790-93-4	0365	2626
CHLORINE PENTAFLUORIDE	13637-63-3	0369	2548
CHLORINE TRIFLUORIDE	7790-91-2	0370	1749
CHLORITE, INORGANIC, n.o.s.		2234	1462
CHLORNAPHAZINE	494-03-1	0371	1851
3-CHLORO-2-METHYL ANILINE	87-60-5	0419	2239
5-CHLORO-2-METHYL ANILINE	95-79-4	0421	2239
6-CHLORO-2-METHYL ANILINE	87-63-8	0423	2239

1-CHLORO-3-BROMOPROPANE	109-70-6	2237	2688
2-CHLORO-3-METHYL ANILINE	29027-17-6	0422	2239
4-CHLORO-3-METHYL ANILINE	7149-75-9	0424	2239
2-CHLORO-4-METHYL ANILINE	615-65-6	0417	2239
3-CHLORO-4-METHYL ANILINE	95-74-9	0418	2239
3-CHLORO-4-METHYL PHENYL ISOCYANATE	28479-22-3	0392	2236
2-CHLORO-5-METHYL ANILINE	95-81-8	0420	2239
p-CHLORO-o-ANISIDINE	93-50-5	1466	2233
4-CHLORO-o-TOLUIDINE HYDROCHLORIDE	3165-93-3	0397	1579
CHLOROACETALDEHYDE	107-20-0	0372	2232
CHLOROACETONE	78-95-5	0374	1695
CHLOROACETONITRILE	107-14-2	0375	2668
CHLOROACETYL CHLORIDE	79-04-9	0377	1752
p-CHLOROANILINE	106-47-8	2964	2019
CHLOROANILINES	27134-26-5	0378	2019
CHLOROBENZOTRIFLUORIDE	52181-51-8	0380	2234
p-CHLOROBENZOYL PEROXIDE	94-17-7	1464	2114
p-CHLOROBENZYL CHLORIDE	104-83-6	1465	2235
CHLOROBROMOMETHANE	74-97-5	0381	1887
CHLOROBUTANE	25154-42-1	0382	1127
CHLOROCRESOLS	1321-10-4	0383	2669
CHLORODIFLUOROBROMOMETHANE	353-59-3	0384	1974
CHLORODIFLUOROETHANE	75-68-3	0385	2517
CHLORODIFLUOROETHANES	75-68-3	0385	2517
CHLORODIFLUOROMETHANE	75-45-6	0386	1018
CHLOROETHANOL	107-07-3	0874	1135
CHLOROFORMATE, n.o.s., flash point equals 73F		2240	2742
CHLOROMETHANE	74-87-3	1235	1063
CHLOROMETHYL ETHYL ETHER	3188-13-4	0390	2354
CHLOROMETHYLCHLOROFORMATE	22128-62-7	0389	2745
2-CHLORONAPHTHALENE (beta-CHLORO . . .)	91-58-7	2424	
CHLORONITROANILINE	41587-36-4	0393	2237
CHLORONITROBENZENE	25167-93-5	0394	1578
CHLORONITROTOLUENE	25567-68-4	0396	2433
CHLOROPENTAFLUOROETHANE	76-15-3	0398	1020
3-CHLOROPEROXYBENZOIC ACID	937-14-4	0399	2755
2-CHLOROPHENOL	95-57-8	0403	2021
4-CHLOROPHENOL (CHLOROPHENATE)	106-48-9	0401	2904
3-CHLOROPHENOL (CHLOROPHENATE)	108-43-0	0402	2904
CHLOROPHENOLS, n.o.s.		3133	
CHLOROPHENYLTRICHLOROSILANE	26571-79-9	0404	1753
CHLOROPICRIN	76-06-2	0405	1580
CHLOROPLATINIC ACID	16941-12-1	0406	2507
2-CHLOROPROPANE	75-29-6	2241	2356
3-CHLOROPROPANOL	627-30-5	0408	2849
2-CHLOROPROPENE	557-98-2	0409	2456
CHLOROPROPIONIC ACID	28554-00-9	0410	2511
2-CHLOROPYRIDINE	109-09-1	0411	2822
CHLOROQUINE	54-05-7	0412	1851
CHLOROSULPHONIC ACID	7790-94-5	0413	1754
CHLOROTETRAFLUOROETHANE	63938-10-3	0414	1021
CHLOROTOLUENES	25168-05-2	0416	2238
CHLOROTRIFLUOROETHANE	1330-45-6	3106	1983
CHLOROTRIFLUOROMETHANE	75-72-9	0425	1022
CHLORPYRIFOS	2921-88-2	0426	2783
CHROMIC ACETATE	1066-30-4	0428	9101
CHROMIC ACID	7738-94-5	0429	1463
CHROMIC ACID	11115-74-5	3063	1463
CHROMIC FLUORIDE	7788-97-8	0430	1756
CHROMIC SULFATE	10101-53-8	0431	9100
CHROMIUM (II)	22541-79-3	0433	
CHROMIUM COMPOUNDS, n.o.s.		3134	
CHROMIUM NITRATE	13548-38-4	0435	2720
CHROMIUM OXIDE	1333-82-0	0437	1463
CHROMIUM OXYCHLORIDE	14977-61-8	0436	1758
CHROMIUM(III) OXIDE(2:3)	1308-38-9	0434	
CHROMIUM, all inorganic compounds of		2870	
CHROMOSULFURIC ACID	14489-25-9	0439	2240
CHROMOSULFURIC ACID	64093-79-4	0438	
CHROMOUS CHLORIDE	10049-05-5	0440	9102
CHROMYL CHLORIDE	14977-61-8	0436	1758
C.I. ACID ORANGE 45	2429-80-3	0443	1602
C.I. ACID RED 114, DISODIUM SALT	6459-94-5	0445	1602
C.I. ACID RED 85	3567-65-5	0444	1602
C.I. AZOIC COUPLING COMPONENT	91-92-9	0447	1602

C.I. AZOIC COUPLING COMPONENT 5	91-96-3	0446	1602
C.I. BASIC GREEN 1	633-03-4	2249	1602
C.I. BASIC YELLOW 2, MONOHYDROCHLORIDE	2465-27-2	0450	1602
C.I. DIRECT BLACK 114	61703-05-7	0454	1602
C.I. DIRECT BLACK 4	2429-83-6	0451	1602
C.I. DIRECT BLACK 4	25156-49-4	0452	1602
C.I. DIRECT BLACK 91, TRISODIUM SALT	6739-62-4	0455	1602
C.I. DIRECT BLUE 1	2610-05-1	0458	1602
C.I. DIRECT BLUE 14, TETRASODIUM SALT	72-57-1	0465	1602
C.I. DIRECT BLUE 15	2429-74-5	0459	1602
C.I. DIRECT BLUE 2	25180-19-2	0457	1602
C.I. DIRECT BLUE 2	2429-73-4	0461	1602
C.I. DIRECT BLUE 22, DISODIUM SALT	2586-57-4	0464	1602
C.I. DIRECT BLUE 25	2150-54-1	0456	1602
C.I. DIRECT BLUE 25	25180-27-2	0460	1602
C.I. DIRECT BLUE 8, DISODIUM SALT	2429-71-2	0463	1602
C.I. DIRECT BROWN 1	3811-71-0	0474	1602
C.I. DIRECT BROWN 111	12222-20-7	0470	1602
C.I. DIRECT BROWN 154	6360-54-9	0473	1602
C.I. DIRECT BROWN 2	2429-82-5	0471	1602
C.I. DIRECT BROWN 2	25255-06-5	0477	1602
C.I. DIRECT BROWN 31	2429-81-4	0475	1602
C.I. DIRECT BROWN 31	25180-41-0	0476	1602
C.I. DIRECT BROWN 59	6247-51-4	0466	1602
C.I. DIRECT BROWN 59	3476-90-2	0472	1602
C.I. DIRECT BROWN 6	2893-80-3	0467	1602
C.I. DIRECT BROWN 6	25180-39-6	0468	1602
C.I. DIRECT BROWN 74	8014-91-3	0469	1602
C.I. DIRECT GREEN 1	25180-45-4	0479	1602
C.I. DIRECT GREEN 1	3626-28-6	0480	1602
C.I. DIRECT GREEN 6	4335-09-5	0481	1602
C.I. DIRECT GREEN 6	25180-46-5	0484	1602
C.I. DIRECT GREEN 8	5422-17-3	0482	1602
C.I. DIRECT GREEN 8	25180-47-6	0483	1602
C.I. DIRECT ORANGE 1	54579-28-1	0485	1602
C.I. DIRECT ORANGE 6, DISODIUM SALT	6637-88-3	0487	1602
C.I. DIRECT ORANGE 8	64083-59-6	0486	1602
C.I. DIRECT RED 1	2429-84-7	0492	1602
C.I. DIRECT RED 1	25188-24-3	0495	1602
C.I. DIRECT RED 10	2429-70-1	0493	1602
C.I. DIRECT RED 10	25188-29-8	0494	1602
C.I. DIRECT RED 13	1937-35-5	0489	1602
C.I. DIRECT RED 13	25188-30-1	0491	1602
C.I. DIRECT RED 2, DISODIUM SALT	992-59-6	0497	1602
C.I. DIRECT RED 28	573-58-0	0488	1602
C.I. DIRECT RED 37	3530-19-6	0490	1602
C.I. DIRECT RED 39, DISODIUM SALT	6358-29-8	0496	1602
C.I. DIRECT VIOLET 1	2586-60-9	0498	1602
C.I. DIRECT VIOLET 1	25188-44-7	0501	1602
C.I. DIRECT VIOLET 22	25329-82-2	0499	1602
C.I. DIRECT VIOLET 22	6426-67-1	0500	1602
C.I. DIRECT YELLOW 20	6426-62-6	0502	1602
CIGARETTE LIGHTERS, WITH FLAMMABLE GAS		2250	1057
CIGARETTE LIGHTERS, WITH FLAMMABLE LIQUID		2251	1226
CISPLATIN	15663-27-1	0510	1851
CITRUS RED NO. 2	6358-53-8	0511	1602
CLEANING COMPOUND		2253	1142
CLEANING COMPOUND, LIQUID, CORROSIVE		2254	1760
COAL GAS		2255	1023
COAL TAR (COAL TAR PITCH)	8007-45-2	0519	1137
COAL TAR DISTILLATE, COMBUSTIBLE, LIQUID	65996-92-1	2256	1137
COAL TAR DISTILLATE, FLAMMABLE, LIQUID	65996-92-1	2257	1136
COAL TAR NAPHTHA	8030-30-6	0518	2553
COATING SOLUTION		2259	1139
COBALT COMPOUNDS, n.o.s.		3135	
COBALT NAPHTHENATE	61789-51-3	0523	2001
COBALT RESINATE, PRECIPITATED		2262	1318
COBALTOUS BROMIDE	7789-43-7	0524	9103
COBALTOUS FORMATE	544-18-3	0525	9104
COBALTOUS SULFAMATE	14017-41-5	2261	9105
COLLODION	9004-70-0	1366	2556
COLOGNE SPIRITS	64-17-5	0844	1170
COMBUSTIBLE LIQUID, n.o.s.		2267	1993
COMPOUND, PAINT, etc., REMOVING, REDUCING, or thinning		2268	1263
COMPOUND, TREE or WEED KILLING, LIQUID, COMBUSTIBLE OR FLAMMABLE		2270	1760

COMPOUND, TREE or WEED KILLING, LIQUID, CORROSIVE		2269	1993
COMPRESSED OR LIQUIFIED GASES, FLAMMABLE, TOXIC, n.o.s.		2273	1953
COMPRESSED OR LIQUIFIED GASES, FLAMMABLE, NON-TOXIC, n.o.s.		2272	1954
COMPRESSED OR LIQUIFIED GASES, NON-FLAMMABLE, TOXIC, n.o.s.		2271	1955
COMPRESSED OR LIQUIFIED GASES, NON-FLAMMABLE, NON-TOXIC, n.o.s.		2274	1956
COPPER ARSENITE	10290-12-7	0530	1586
COPPER CHLORATE	26506-47-8	0531	2721
COPPER CHLORIDE	1344-67-8	0532	2802
COPPER COMPOUNDS, n.o.s., except:		3136	
C.I. Pigment Blue 15, Phthalocyanine Blue	147-14-8		
C.I. Pigment Green 7, Phthalocyanine Green	1328-53-6		
C.I. Pigment Green 36, Phthalocyanine Green	14302-13-7		
COPPER CYANIDE	14763-77-0	0533	1587
COPPER CYANIDE	544-92-3	3061	1587
COPPER SELENATE	15123-69-0	2279	2630
COPPER SELENITE	10214-40-1	2280	2630
COPPER, all inorganic compounds of		2871	
COPPER-BASED PESTICIDE, FLAMMABLE, LIQUID, TOXIC, n.o.s., flash point less than 23c		2275	2776
COPPER-BASED PESTICIDE, FLAMMABLE, LIQUID, TOXIC, n.o.s., flash point between 23c and 61c		2276	3009
COPPER-BASED PESTICIDE, LIQUID, TOXIC, n.o.s.		2277	3010
COPPER-BASED PESTICIDE, SOLID, TOXIC, n.o.s.		2278	2775
CORROSIVE LIQUIDS, FLAMMABLE, n.o.s.		2281	2920
CORROSIVE LIQUIDS, n.o.s.		2282	1760
CORROSIVE LIQUIDS, POISONOUS, n.o.s.		2283	2922
CORROSIVE SOLIDS, FLAMMABLE, n.o.s.		2284	2921
CORROSIVE SOLIDS, n.o.s.		2285	1759
CORROSIVE SOLIDS, POISONOUS, n.o.s.		2286	2923
COSMETICS, CORROSIVE LIQUID, n.o.s.		2287	1760
COSMETICS, FLAMMABLE or COMBUSTIBLE LIQUID		2288	1993
COSMETICS, FLAMMABLE SOLID, n.o.s.		2289	1325
COSMETICS, OXIDIZER, n.o.s.		2290	1479
COSMETICS, SOLID, n.o.s.		2291	1759
COSMETICS, WITH FLAMMABLE SOLVENTS		2292	1266
COUMAFURYL	117-52-2	0950	3027
CRESIDINE	7783-08-6	1647	1905
CROTONALDEHYDE	123-73-9	0538	1143
CROTONIC ACID	3724-65-0	0539	2823
CROTONYLENE	503-17-3	0540	1144
CRUFOMATE	299-86-5	0541	2765
CUMYL PEROXYNEODECANOATE	26748-47-0	0544	2963
CUMYL PEROXYPIVALATE		2299	2964
CUPRIC ACETATE	142-71-2	0546	9106
CUPRIC ARSENITE	10290-12-7	0530	1586
CUPRIC CHLORATE	26506-47-8	0531	2721
CUPRIC CHLORIDE	1344-67-8	0532	2802
CUPRIC OXALATE	814-91-5	0548	2449
CUPRIC SULFATE	7758-98-7	0549	9109
CUPRIC SULFATE, AMMONIATED	10380-29-7	2300	9110
CUPRIC TARTRATE	815-82-7	0550	9111
CUPRIETHYLENEDIAMINE	13426-91-0	0551	1761
CUT-BACKS	8052-42-4	0170	1999
CYANIDE	57-12-5	0553	1588
CYANIDE compounds, n.o.s.		2308	1588
CYANIDE, all inorganic compounds		2872	
CYANOBENZENE	100-47-0	0211	2224
CYANOGEN	460-19-5	0554	1026
CYANOGEN CHLORIDE	506-77-4	0556	1589
CYANURIC TRICHLORIDE	108-77-0	0557	2670
CYCLOBUTANE	287-23-0	0559	2601
CYCLOBUTYLCHLOROFORMATE	81228-87-7	0560	2744
1,5,9-CYCLODODECATRIENE	4904-61-4	0561	2518
CYCLOHEPTANE	291-64-5	0562	2241
CYCLOHEPTATRIENE	544-25-2	0563	2603
CYCLOHEPTENE	628-92-2	0564	2242
CYCLOHEXANOL	108-93-0	0569	1986
CYCLOHEXANONE	108-94-1	0570	1915
CYCLOHEXANONE PEROXIDE	12262-58-7	0571	2117
CYCLOHEXENE	110-83-8	0572	2256
CYCLOHEXENYL TRICHLOROSILANE	10137-69-6	0573	1762
CYCLOHEXYL ACETATE	622-45-7	0575	2243
CYCLOHEXYL ISOCYANATE	3173-53-3	0577	2488
CYCLOHEXYL MERCAPTAN	108-93-0	0569	1986
CYCLOHEXYL TRICHLOROSILANE	98-12-4	0578	1763
CYCLONITE	121-82-4	0579	0072

CYCLOOCTADIENE	29965-97-7	0580	2520
CYCLOOCTATETRAENE	629-20-9	0581	2358
CYCLOPENTANE	287-92-3	0583	1146
CYCLOPENTANOL	96-41-3	0584	2244
CYCLOPENTANONE	120-92-3	0585	2245
CYCLOPENTENE	142-29-0	0586	2246
CYCLOPHOSPHAMIDE	50-18-0	0587	1851
CYCLOPROPANE	75-19-4	0588	1027
CYCLOTETRAMETHYLENETETRANITRAMINE	2691-41-0	0589	0226
CYMENE	25155-15-1	0591	2046
DAUNOMYCIN	20830-81-3	0594	1851
DAUNORUBICIN	20830-81-3	0594	1851
DDD	72-54-8	0646	2761
DDE	72-55-9	2979	2761
DDT	50-29-3	0596	
DECAHYDRONAPHTHALENE	91-17-8	0599	1147
DECALIN	91-17-8	0599	1147
DECANE	124-18-5	0600	2247
DECANOYL PEROXIDE	762-12-9	0602	2120
DENATURATED ALCOHOL	64-17-5	0844	1170
DEUTERIUM	7782-39-0	0605	1957
DI (1-HYDROXYCYCLO-HEXYL) PEROXIDE	1758-61-8	0723	2148
DI (2-ETHYLHEXYL) PEROXY-DICARBONATE	16111-62-9	0703	2123
DI (2-ETHYLHEXYL) PHOSPHORIC ACID	298-07-7	2334	1902
DI (2-METHYLBENZOYL) PEROXIDE	3034-79-5	0743	2593
DI (3,5,5-TRIMETHYL-1,2-DIOXOLANYL-3) PEROXIDE, PASTE		2373	2597
DI (3,5,5-TRIMETHYLHEXANOYL) PEROXIDE		2374	2128
2,2-DI (4,4-DI-tert-BUTYL-PEROXY CYCLOHEXL)-PROPANE 42%		2325	2168
DI (4-tert-BUTYLCYCLOHEXYL)-PEROXYDICARBONATE	15520-11-3	0813	2154
1,2-DI (DIMETHYLAMINO)-ETHANE		2329	2372
1,1-DI (tert-BUTYLPEROXY)-3,3,5-TRIMETHYCYCLOHEXANE	6731-36-8	0818	2145
2,2-DI (tert-BUTYLPEROXY)-BUTANE	2167-23-9	0816	2111
1,1-DI (tert-BUTYLPEROXY)-CYCLOHEXANE	3006-86-8	0817	2179
2,2-DI (tert-BUTYLPEROXY) PROPANE with at least 13% PHLEGMATIZER		2318	2883
2,2-DI (tert-BUTYLPEROXY) PROPANE with at least 50% PHLEGMATIZER		2319	2884
1,4-DI-(2-tert-BUTYLPEROXY ISOPROPYL) BENZENE OR 1,3-		2314	2112
DI-2,4-DICHLOROBENZOYL PEROXIDE, 52% as paste		2327	2138
DI-2,4-DICHLOROBENZOYL PEROXIDE, 52% in solution		2328	2139
DI-2,4-DICHLOROBENZOYL PEROXIDE, greater than 75% in water		2326	2137
DI-ISOBUTYLAMINE	110-96-3	0724	2361
DI-ISOBUTYLENE	25167-70-8	0725	2050
DI-ISOBUTYRYL PEROXIDE	3437-84-1	0726	2182
DI-ISOOCTYL ACID PHOSPHATE	27215-10-7	0727	1902
DI-ISOPROPYL PEROXYDICARBONATE	105-64-6	0731	2133
DI-ISOPROPYLBENZENE HYDROPEROXIDE, maximum 72% solution	26762-93-6	2338	2171
DI-ISOPROPYLETHANOLAMINE	96-80-0	0729	2825
DI-ISOTRIDECYL PEROXYDICARBONATE		2339	2889
DI-N-BUTYL PEROXYDICARBONATE, between 27% and 52% solution		2312	2169
DI-N-BUTYL PEROXYDICARBONATE, less than 27% in solution		2313	2170
DI-N-NONANOYL PEROXIDE	762-13-0	0785	2130
DI-N-OCTANOYL PEROXIDE	762-16-3	0786	2129
DI-N-PROPYL PEROXYDICARBONATE	16066-38-9	0788	2176
DI-sec-BUTYL PEROXY-DICARBONATE	19910-65-7	0809	2150
DI-tert-BUTYL PEROXIDE	110-05-4	0815	2102
DI-tert-BUTYLPEROXYPHTHALATE, maximum 55% in paste	2155-71-7	2315	2107
DI-tert-BUTYLPEROXYPHTHALATE, maximum 55% in solution	2155-71-7	2316	2108
DI-tert-BUTYLPEROXYPHTHALATE, technical pure	2155-71-7	2317	2106
DIACETONE ALCOHOL	123-42-2	0606	1148
DIACETONE ALCOHOL PEROXIDE	54693-46-8	0607	2163
DIALLYLAMINE	124-02-7	0609	2359
DIALLYLETHER	557-40-4	0610	2360
2,6-DIAMINOTOLUENE	823-40-5	2980	1709
3,4-DIAMINOTOLUENE	496-72-0	2981	1709
DIAMYLAMINE	2050-92-2	0614	2841
DIAZEPAM	439-14-5	0617	1851
DIAZINON	333-41-5	0618	2783
DIAZODINITROPHENOL	87-31-0	0619	0074
DIBENZYL DICHLOROSILANE	18414-36-3	0627	2434
DIBENZYL PEROXYDICARBONATE	2144-45-8	0628	2149
DIBROMOBENZENE	26249-12-7	0630	2711
DIBROMOBUTANONE	3479-86-5	0631	2648
DIBROMOTETRAFLUOROETHANE (HALON 2402)	124-73-2	3137	
DIBUTYLAMINE	111-92-2	0632	2248
2-n-DIBUTYLAMINOETHANOL	102-81-8	1334	2873
DICAMBA	1918-00-9	0634	2769
DICETYL PEROXYDICARBONATE	26322-14-5	0635	2895

DICHLOBENIL	1194-65-6	0636	2769
DICHLONE	117-80-6	0637	2761
1,1-DICHLORO-1-NITROETHANE	594-72-9	0655	2650
2,4-DICHLORO-1-PHENYL ISOCYANATE	2612-57-9	0662	2250
1,1-DICHLORO-2,2-BIS-(p-CHLOROPHENYL) ETHANE	72-54-8	0646	2761
1,4-DICHLORO-2-BUTENE	764-41-0	3070	2924
1,3-DICHLORO-2-PHENYL ISOCYANATE	39920-37-1	0659	2250
1,4-DICHLORO-2-PHENYL ISOCYANATE	5392-82-5	0661	2250
1,2-DICHLORO-3-PHENYL ISOCYANATE	41195-90-8	0657	2250
1,3-DICHLORO-5-PHENYL ISOCYANATE	34893-92-0	0660	2250
DICHLOROACETIC ACID	79-43-6	0638	1764
DICHLOROACETYL CHLORIDE	79-36-7	0639	1765
DICHLOROANILINE	27134-27-6	0641	1590
2,4-DICHLOROBENZOYL PEROXIDE	133-14-2	0645	2114
DICHLOROBROMOMETHANE	75-27-4	2341	
DICHLOROBUTENE	11069-19-5	0647	2924
DICHLORODIFLUOROETHYLENE	27156-03-2	0648	9018
DICHLORODIFLUOROMETHANE	75-71-8	0649	1028
DICHLORODIPHENYL TRICHLOROETHANE	50-29-3	0596	
1,1-DICHLOROETHANE	75-34-3	0651	2362
DICHLOROFLUOROMETHANE	75-43-4	3109	1029
DICHLOROISOPROPYL ETHER	3188-13-4	0390	2354
DICHLOROPENTANE	30586-10-8	0656	1152
2,6-DICHLOROPHENOXYACETIC ACID ESTER	28165-71-1	0672	2765
2,4-DICHLOROPHENOXYACETIC ACID ESTER	6341-97-5	0673	2765
2,4-DICHLOROPHENOXYACETIC ACID, BUTOXYETHYL also "2,4-D BUTOXYETHYL ESTER"	1929-73-3	2949	2765
2,4-DICHLOROPHENOXYACETIC ACID, BUTYL ESTER also called "2,4-D BUTYL ESTER"	94-80-4	2943	2765
2,4-DICHOROPHENOXYACETIC ACID, ESTER	94-79-1	2942	2765
2,4-DICHLOROPHENOXYACETIC ACID, ESTER	1320-18-9	2944	2765
2,4-DICHLOROPHENOXYACETIC ACID, ESTER	1928-38-7	2945	2765
2,4-DICHLOROPHENOXYACETIC ACID, ESTER	1928-61-6	2946	2765
2,4-DICHLOROPHENOXYACETIC ACID, ESTER	2971-38-2	2947	2765
2,4-DICHLOROPHENOXYACETIC ACID, ESTER	53467-11-1	2948	2765
2,4-DICHLOROPHENOXYACETIC ACID, ISOOCTYL ESTHER also called "2,4-D ISOOCTYL ESTER"	25168-26-7	2930	2765
2,4-DICHOROPHENOXYACETIC ACID, ISOPROPYL ESTHER also called "2,4-D ISOPROPYL ESTER"	94-11-1	2941	2765
2,4-DICHLOROPHENOXYACETIC ESTER	25168-26-7	2930	2765
1,3-DICHLOROPROPANOL	96-23-1	0665	2750
2,2-DICHLOROPROPIONIC ACID	75-99-0	0668	1760
DICHLOROSILANE	4109-96-0	0670	2189
DICHLOROTETRAFLUOROETHANE	76-14-2	0671	1958
DICHLOROTRIAZINETRIONE and its salts		2322	2465
DICUMYL PEROXIDE	80-43-3	0677	2121
DICYCLOHEXYL PEROXY-DICARBONATE	1561-49-5	0680	2153
DICYCLOHEXYLAMINE	101-83-7	0678	2565
DICYCLOHEXYLAMMONIUM NITRATE	3882-06-2	0679	2687
DICYCLOPENTADIENE	77-73-6	0681	2048
DIDECANOYL PEROXIDE, technical pure	762-12-9	0602	2120
DIDYMIUM NITRATE		2330	1465
DIELDRIN	60-57-1	0683	2761
DIENOESTROL	84-17-3	0684	1851
DIESEL FUEL		2444	1993
DIETHOXYDIMETHYL SILANE	78-62-6	0753	2380
DIETHOXYLETHANE	629-14-1	0879	1153
DIETHOXYMETHANE	462-95-3	0687	2373
3,3-DIETHOXYPROPENE	3054-95-3	0688	2374
DIETHYL ANILINE	91-66-7	0693	2432
DIETHYL CARBONATE	105-58-8	0697	2366
DIETHYL CELLOSOLVE	629-14-1	0879	1153
DIETHYL DICHLOROSILANE	1719-53-5	0698	1767
DIETHYL ETHER	60-29-7	0701	1155
DIETHYL KETONE	96-22-0	0704	1156
DIETHYL MAGNESIUM	557-18-6	0705	1367
DIETHYL OXALATE	95-92-1	0901	2525
DIETHYL PEROXYDICARBONATE	14666-78-5	0706	2175
DIETHYL SULFIDE	352-93-2	0711	2375
DIETHYL-p-PHENYLENEDIAMINE	93-05-0	2335	1673
DIETHYLALUMINUM CHLORIDE	96-10-6	0689	1101
DIETHYLAMINE	109-89-7	0690	1154
3-(DIETHYLAMINO) PROPYLAMINE	104-78-9	0692	2684
DIETHYLAMINOETHANOL	100-37-8	0691	2686
DIETHYLBENZENE	25340-17-4	0694	2049

DIETHYLCARBINOL	584-02-1	0696	2706
DIETHYLENE TRIAMINE	111-40-0	0700	2079
DIETHYLENEGLYCOL DINITRATE	693-21-0	0699	0075
DIETHYLETHYLENE DIAMINE	100-36-7	0702	2685
DIETHYLSTILBESTROL	56-53-1	0709	1851
DIETHYLTHIOPHOSPHORYL CHLORIDE	2524-04-1	0712	2751
DIETHYLZINC	557-20-0	0713	1366
DIFLUORODIBROMOMETHANE	75-61-6	0714	1941
1,1-DIFLUOROETHANE	75-37-6	0715	1030
DIFLUOROPHOSPHORIC ACID	13779-41-4	0716	1768
2,2-DIHYDROPEROXY PROPANE	2614-76-8	0719	2178
DIHYDROPYRAN	110-87-2	0720	2376
DIHYDROSTREPTOMYCIN	128-46-1	0721	1851
1,6-DIISOCYANATO HEXANE	822-06-0	0995	2281
DIISOPROPYL ETHER	108-20-3	0730	1159
DIISOPROPYLAMINE	108-18-9	0728	1158
DIKETENE	674-82-8	0732	2521
DILAUROYL PEROXIDE, maximum 42% IN WATER		2340	2893
DILAUROYL PEROXIDE, technical pure	105-74-8	1095	2893
1,1-DIMETHOXYETHANE	534-15-6	0735	2377
DIMETHYL 1,2-DIBROMO-2,2-DICHLOROETHYL PHOSPHATE	300-76-5	0751	2783
DIMETHYL CARBONATE	616-38-6	0747	1161
DIMETHYL ETHER	115-10-6	0758	1033
DIMETHYL SULFIDE	75-18-3	0769	1164
2,5-DIMETHYL-2,5-DI(2-ETHYLHEXANOYLPEROXY)-HEXANE	13052-09-0	3112	2157
2,5-DIMETHYL-2,5-DI(tert-BUTYL PEROXY)HEXANE	78-63-7	0757	2155
2,5-DIMETHYL-2,5-DI(tert-BUTYLPEROXY)HEXYNE-3, maximum 52%	1068-27-5	2345	2158
2,5-DIMETHYL-2,5-DI(tert-BUTYLPEROXY)HEXYNE-3, technical pure	1068-27-5	2346	2159
2,5-DIMETHYL-2,5-DI-(BENZOYLPEROXY)HEXANE	2618-77-1	0750	2959
2,5-DIMETHYL-2,5-DIHYDRO-PEROXYHEXANE	3025-88-5	0754	2174
DIMETHYLACETAL	534-15-6	0735	2377
DIMETHYLAMINE	124-40-3	0737	1032
2-DIMETHYLAMINOACETO-NITRILE	926-64-7	0738	2378
DIMETHYLAMINOETHYL METHACRYLATE	2867-47-2	0740	2522
2,3-DIMETHYLBUTANE	79-29-8	0744	2457
1,3-DIMETHYLBUTYLAMINE	108-09-8	0745	2379
1,4-DIMETHYLCYCLOHEXANE	589-90-2	0748	2263
DIMETHYLCYCLOHEXYL AMINE	98-94-2	0749	2264
DIMETHYLDIETHOXYSILANE	78-62-6	0753	2380
DIMETHYLDIOXANE	25136-55-4	0755	2707
DIMETHYLDISULFIDE	624-92-0	0756	2381
DIMETHYLFORMAMIDE	68-12-2	0759	2265
2,6-DIMETHYLHEPTANONE	108-83-8	0760	1157
1,2-DIMETHYLHYDRAZINE	540-73-8	1008	1163
DIMETHYLMAGNESIUM	2999-74-8	0762	1368
DIMETHYLPROPANE	463-82-1	0766	2044
DIMETHYLPROPYLAMINE	926-63-6	0767	2266
DIMETHYLZINC	544-97-8	0771	1370
DIMPYLATE	333-41-5	0618	2783
DIMYRISTYL PEROXYDICARBONATE	53220-22-7	0772	2892
DINEX	131-89-5	0774	9026
4,6-DINITRO-o-CYCLOHEXYLPHENOL	131-89-5	0774	9026
DINITROANILINE	26471-56-7	0776	1596
DINITROBENZENE	25154-54-5	0777	1597
o-DINITROBENZENE	528-29-0	3018	
p-DINITROBENZENE	100-25-4	3019	
DINITROCHLOROBENZENE	25567-67-3	0778	1577
DINITROPHENATES ALKALI METALS, dry or wetted		2350	0077
DINITROPHENOL	25550-58-7	0780	0076
2,5-DINITROPHENOL	329-71-5	2951	0076
2,6-DINITROPHENOL	573-56-8	2953	0076
DINITROPHENOLATES, with greater than 15% water		2351	1321
DINITRORESORCINOL	35860-51-6	0781	0078
DINITROSOBENZENE	25550-55-4	0782	0406
DINITROTOLUENE (MIXED ISOMERS)	25321-14-6	2985	
DIOXOLANE	646-06-0	0791	1166
DIPENTENE	138-86-3	0792	2052
DIPEROXYAZELAIC ACID	1941-79-3	0793	2958
DIPHENYL DICHLOROSILANE	80-10-4	0799	1769
DIPHENYLAMINECHLORO-ARSINE	578-94-9	0797	1698
DIPHENYLCHLOROARSINE	712-48-1	0798	1699
DIPHENYLMETHYL BROMIDE	776-74-9	0801	1770
DIPICRYL SULFIDE	2217-06-3	0802	0401
DIPROPIONYL PEROXIDE		2358	2132
DIPROPYL ETHER	111-43-3	0805	2384

DIPROPYL KETONE	123-19-3	0806	2710
DIPROPYLAMINE	142-84-7	0803	2383
DIPROPYLENE TRIAMINE	56-18-8	0230	2265
DIQUAT	2764-72-9	0807	2781
DIQUAT also called "DIQUAT DIBROMIDE"	85-00-7	0808	2781
DISINFECTANTS, CORROSIVE, LIQUID, n.o.s.		2361	1903
DISINFECTANTS, n.o.s., POISONOUS, LIQUID OR SOLID		2362	1601
DISPERANT GAS, FLAMMABLE, n.o.s.		2363	1954
DISPERANT GAS, n.o.s.		2364	1078
DISTEARYL PEROXYDI-CARBONATE	52326-66-6	0810	2592
DISUCCINIC ACID PEROXIDE, 72% in water		2365	2962
DISUCCINIC ACID PEROXIDE, technical pure	123-23-9	1751	2135
DISULFIRAM	97-77-8	0811	2588
DITHIOCARBAMATE PESTICIDES, FLAMMABLE LIQUID, n.o.s., flash-point less than 23c		2369	2772
DITHIOCARBAMATE PESTICIDES, FLAMMABLE LIQUID, n.o.s., flash-point between 23c and 61c		2370	3005
DITHIOCARBAMATE PESTICIDES, LIQUID, TOXIC, n.o.s.		2371	3006
DITHIOCARBAMATE PESTICIDES, SOLID, TOXIC, n.o.s.		2372	2771
DIURON	330-54-1	0819	2767
DIVINYL ETHER	109-93-3	0821	1167
DODECYL TRICHLOROSILANE	4484-72-4	0823	1771
DODECYLBENZENE SULFONIC ACID	27176-87-0	0822	2584
DOXORUBICIN	23214-92-8	0028	1851
DRIERS, PAINT OR VARNISH, LIQUID, n.o.s.		2375	1168
DRIERS, PAINT OR VARNISH, SOLID, n.o.s.		2376	1371
DRUGS, LIQUID, n.o.s., CORROSIVE MATERIAL		2377	1760
DRUGS, LIQUID, n.o.s., POISON B		2378	2810
DRUGS, n.o.s.		2532	1851
DRUGS, n.o.s., COMBUSTIBLE OR FLAMMABLE LIQUID		2379	1993
DRUGS, n.o.s., FLAMMABLE SOLID		2380	1325
DRUGS, n.o.s., OXIDIZER		2382	1479
DRUGS, SOLID, n.o.s., CORROSIVE MATERIAL		2383	1759
DRUGS, SOLID, n.o.s., POISON B		2384	2811
DRY ICE	124-38-9	0343	1013
DTBP	110-05-4	0815	2102
DURSBAN	2921-88-2	0426	2783
DYES, n.o.s. or DYE INTERMEDIATES, n.o.s.		2386	1602
DYES, n.o.s. or DYE INTERMEDIATES, n.o.s.		2385	2801
EDTA	60-00-4	0876	9117
ENAMELS		2628	1263
alpha-ENDOSULFAN	959-98-8	3014	2761
beta-ENDOSULFAN	33213-65-9	3015	2761
ENDOSULFAN AND METABOLITES		2987	2761
EDOSULFAN SULFATE	1031-07-8	2988	2761
ENDRIN ALDEHYDE	7421-93-4	2990	2761
ENDRIN AND METABOLITES		2991	2761
ENGINE STARTING FLUID, WITH FLAMMABLE GAS		2390	1960
EPIBROMOHYDRIN	3132-64-7	0827	2558
EPOXY ETHYLOXY PROPANE	4016-11-9	0830	2752
ERADICATORS, PAINT OR GREASE		2876	1850
ERYTHRITOL ANHYDRIDE	431-03-8	0274	2346
ESTRADIOL	50-28-2	0832	1851
ESTRONE	53-16-7	0833	1851
ETHANE	74-84-0	0834	1035
ETHANE, 1,1'-OXYBIS	60-29-7	0701	1155
ETHANOLAMINE	141-43-5	0835	2491
ETHINYLOESTRADIOL	57-63-6	0836	1851
ETHIONAMIDE	536-33-4	0838	1851
2-ETHOXYETHYLACETATE	111-15-9	0840	1172
ETHYL ACETATE	141-78-6	0841	1173
ETHYL ACETONE	107-87-9	1292	1249
ETHYL ACETYLENE	107-00-6	0842	2452
ETHYL ALCOHOL	64-17-5	0844	1170
ETHYL ALUMINUM DICHLORIDE	563-43-9	0845	1924
ETHYL ALUMINUM SESQUICHLORIDE	12075-68-2	0846	1925
ETHYL AMYL KETONE	541-85-5	0848	2271
ETHYL BORATE	34099-73-5	0854	1176
ETHYL BROMIDE	74-96-4	0855	1891
ETHYL BROMOACETATE	105-36-2	0856	1603
ETHYL BUTYL KETONE	106-35-4	0860	1224
ETHYL BUTYRATE	105-54-4	0862	1180
ETHYL CARBONATE	105-58-8	0697	2366
ETHYL CHLOROACETATE	105-39-5	0864	1181
ETHYL CHLOROTHIOFORMATE	2812-73-9	0867	2826

ETHYL CROTONATE	623-70-1	0869	1862
ETHYL CYANOACETATE	105-56-6	0870	2666
ETHYL DICHLOROARSINE	598-14-1	0871	1892
ETHYL DICHLOROSILANE	1789-58-8	0872	1183
ETHYL ETHER	60-29-7	0701	1155
ETHYL FLUID		2568	1649
ETHYL FLUORIDE	353-36-6	0884	2453
ETHYL FORMATE	109-94-4	0885	1190
ETHYL HEXALDEHYDE	123-05-7	0886	1191
2-ETHYL HEXYLAMINE	104-75-6	0888	2276
ETHYL HEXYLCHLOROFORMATE	24468-13-1	0889	2748
ETHYL ISOBUTYRATE	97-62-1	0891	2385
ETHYL ISOCYANATE	109-90-0	0892	2481
ETHYL LACTATE	97-64-3	0893	1192
ETHYL MERCAPTAN	75-08-1	0894	2363
ETHYL MERCURIC CHLORIDE	107-27-7	0895	2777
ETHYL METHACRYLATE	97-63-2	0897	2277
ETHYL METHYL ETHER	540-67-0	1257	1039
ETHYL MORPHINE	104-90-5	1260	2300
ETHYL NITRATE	625-58-1	0898	1993
ETHYL NITRITE	109-95-5	0899	1194
ETHYL ORTHOFORMATE	122-51-0	0900	2524
ETHYL OXALATE	95-92-1	0901	2525
ETHYL PHENYL DICHLOROSILANE	1125-27-5	0902	2435
ETHYL PHOSPHONOUS DICHLORIDE	1498-40-4	0904	2845
ETHYL PHOSPHORODICHLORIDATE	1498-51-7	0905	1760
1-ETHYL PIPERIDINE	766-09-6	0906	2386
ETHYL PROPIONATE	105-37-3	0907	1195
ETHYL PROPYL ETHER	628-32-0	0908	2615
ETHYL SILICATE	78-10-4	0909	1292
ETHYL SULFIDE	352-93-2	0711	2375
ETHYL SULFURIC ACID	540-82-9	0910	2571
ETHYL TOLUIDINE	622-57-1	0911	2754
ETHYL-2-CHLOROPROPIONATE	535-13-7	0866	2935
ETHYL-3,3-DI(tert-BUTYL-PEROXY)BUTYRATE with at least 50%		2397	2598
ETHYL-3,3-DI(tert-BUTYL-PEROXY)BUTYRATE, maximum concentration		2399	2184
ETHYL-3,3-DI(tert-BUTYL-PEROXY)BUTYRATE, technical pure		2398	2185
ETHYLAMINE	75-04-7	0847	1036
ETHYLANILINE	103-69-5	0850	2272
2-ETHYLANILINE	578-54-1	0849	2273
ETHYLBENZYLANILINE	92-59-1	0852	2274
ETHYLBENZYLTOLUIDINE	119-94-8	0853	2753
ETHYLBUTANOL	97-95-0	0857	2275
ETHYLBUTYL ACETATE	123-66-0	0858	1177
ETHYLBUTYL ETHER	628-81-9	0859	1179
ETHYLBUTYRALDEHYDE	97-96-1	0861	1178
ETHYLENE	74-85-1	0873	1962
ETHYLENE CHLOROHYDRIN	107-07-3	0874	1135
ETHYLENE DICHLORIDE	75-34-3	0651	2362
ETHYLENE GLYCOL DIETHYL ETHER	629-14-1	0879	1153
ETHYLENE GLYCOL MONOETHYL ETHER ACETATE	111-15-9	0840	1172
ETHYLENEDIAMINE TETRA-ACETIC ACID	60-00-4	0876	9117
ETHYLIDENE CHLORIDE	75-34-3	0651	2362
ETHYLMERCURIC PHOSPHATE	2235-25-8	0896	3012
ETHYLPHOSPHONOTHIOIC-DICHLORIDE	993-43-1	0903	1760
ETIOLOGIC AGENT, n.o.s.		2403	2814
EXPLOSIVES (ALL USDOT CLASS 1)			
FABRIC, ANIMAL OR VEGETABLE, with greater than 5% oil, n.o.s.		2409	1373
FENAMINOSULF (LESAN)	140-56-7	0913	2588
FENTHION	55-38-9	0916	3018
FERBAM	14484-64-1	0917	2588
FERRIC AMMONIUM CITRATE	1185-57-5	0918	9118
FERRIC AMMONIUM OXALATE	14221-47-7	0919	9119
FERRIC ARSENATE	10102-49-5	0920	1606
FERRIC ARSENITE	63989-69-5	0921	1607
FERRIC CHLORIDE	7705-08-0	1034	1773
FERRIC FLUORIDE	7783-50-8	0923	9120
FERRIC NITRATE	10421-48-4	0924	1466
FERRIC SULFATE	10028-22-5	0925	9121
FERROCERIUM	69523-06-4	0926	1323
FERROSILICON	8049-17-0	0927	1408
FERROUS AMMONIUM SULFATE	10045-89-3	0928	9122
FERROUS ARSENATE	10102-50-8	0929	1608
FERROUS CHLORIDE	7758-94-3	0930	1759
FERROUS METAL BORINGS, CUTTINGS, SHAVINGS OR TURNINGS		2411	2793

FERROUS SULFATE	7720-78-7	0931	9125
FERTILIZER AMMONIATING SOLUTION, less than 35% free ammonia		2877	1043
FILLERS, LIQUID		2627	1760
FILM, MOTION PICTURE, NITROCELLULOSE BASE		2415	1324
FIRELIGHTERS, SOLID, WITH FLAMMABLE LIQUID		2418	2623
FLAMMABLE GAS IN LIGHTERS FOR CIGARS, CIGARETTES, ETC.		2250	1057
FLAMMABLE GAS, n.o.s.		2422	1954
FLAMMABLE LIQUID PREPARATIONS, n.o.s.		2423	1142
FLAMMABLE LIQUIDS, CORROSIVE, n.o.s.		2425	2924
FLAMMABLE LIQUIDS, n.o.s.		2426	1993
FLAMMABLE LIQUIDS, POISONOUS, n.o.s.		2427	1992
FLAMMABLE SOLIDS, CORROSIVE, n.o.s.		2428	2925
FLAMMABLE SOLIDS, n.o.s.		2429	1325
FLAMMABLE SOLIDS, POISONOUS, n.o.s.		2430	2926
FLUE DUST, POISONOUS	67711-90-4	2432	2811
FLUOBORIC ACID	16872-11-0	0934	1775
FLUORINE MONOXIDE	7783-41-7	1449	2190
2-FLUOROANILINE	348-54-9	2436	2941
4-FLUOROANILINE	371-40-4	2437	2944
FLUOROBENZENE	462-06-6	0939	2387
FLUOROFORM	75-46-7	1915	1984
FLUOROPHOSPHORIC ACID	13537-32-1	0940	1776
FLUOROSILICATES, n.o.s.		2438	2856
FLUOROSILICIC ACID	16961-83-4	1665	1778
FLUOROSULPHONIC ACID	7789-21-1	0941	1777
FLUOROTOLUENE	25496-08-6	0942	2388
FLUOSILICIC ACID	16961-83-4	1665	1778
FLURAZEPAM	17617-23-1	0944	1851
FORMAMIDE	75-12-7	0947	1993
FORMIC ACID	64-18-6	0948	1779
FUEL OIL		2444	1993
FUEL OIL #1	8008-20-6	1091	1223
FUEL, AVIATION, TURBINE ENGINE		2443	1863
FUEL, PYROPHORIC, n.o.s.		2445	1375
FUMARIC ACID	110-17-8	0949	9126
FUMARIN	117-52-2	0950	3027
FUMARYL CHLORIDE	627-63-4	0951	1780
FUNGICIDE, CORROSIVE, SOLID, n.o.s.		2446	1759
FUNGICIDE, POISONOUS, n.o.s.		2447	2902
2-FURANCARBOXALDEHYDE	98-01-1	0953	1199
FURFURAL	98-01-1	0953	1199
FURFURYL ALCOHOL	98-00-0	0954	2874
FURFURYLAMINE	617-89-0	0955	2526
FUSEL OIL	8013-75-0	3114	1201
GALLIUM	7440-55-3	0956	2803
GAS OIL	64741-44-2	2452	1202
GASOHOL		2451	1203
GASOLINE	8006-61-9	0957	1203
GERMANIUM HYDRIDE	7782-65-2	0958	2192
GLYCEROL-alpha-MONOCHLOROHYDRIN	96-24-2	2453	2689
GLYCIDALDEHYDE	765-34-4	0961	2622
GLYCIDYLALDEHYDE	765-34-4	0961	2622
GLYCOL ETHERS		3138	
GRENADE, TEAR GAS		2455	2017
GRENADE, WITHOUT BURSTING CHARGE, WITH POISONOUS GAS		2456	2016
GUAIACOL	150-76-5	1216	2761
GUANIDINE NITRATE	506-93-4	0964	1467
GUANIDINE, 1-METHYL-3-NITRO-1-NITROSO	70-25-7	0963	1325
GUTTA-PERCHA SOLUTION	900-32-2	2457	1205
HAFNIUM	7440-58-6	0967	2545
HALAZEPAM	23092-17-3	0968	1851
HALOGENATED IRRITATING LIQUIDS, n.o.s.		2458	1610
HALOTHANE	151-67-7	0969	1851
HAZARDOUS SUBSTANCE, n.o.s.		2460	9188
HAZARDOUS WASTE, n.o.s.		2461	9189
HELIUM	7440-59-7	0972	1046
HEPTACHLOR AND METABOLITES		2996	2761
HEPTACHLOR EPOXIDE	1024-57-3	2997	2761
n-HEPTANE	142-82-5	1339	1206
HEPTENE	81624-04-6	0976	2278
HEXACHLOROACETONE	116-16-5	0977	2661
HEXACHLOROPHENE	70-30-4	0983	2875
HEXDIENE	42296-74-2	0985	2458
HEXAETHYL TETRAPHOSPHATE	757-58-4	0986	1611
HEXAFLUOROACETONE	684-16-2	0987	2420

HEXAFLUOROACETONE HYDRATE	10543-95-0	0988	2552
HEXAFLUOROETHANE	76-16-4	0989	2193
HEXAFLUOROPHOSPHORIC ACID	16940-81-1	0990	1782
HEXAFLUOROPROPYLENE	116-15-4	0991	1858
HEXAFLUOROPROPYLENE OXIDE	428-59-1	0992	1956
HEXAHYDROCRESOL	25639-42-3	1243	2617
HEXALDEHYDE	66-25-1	0993	1207
3,3,6,6,9,9-HEXAMETHYL-1,2,4,5-TETRAOXOCYCLONONANE, technical pure	22397-33-7	2464	2165
3,3,6,6,9,9-HEXAMETHYL-1,2,4,5-TETRAOXOCYCLONONANE, not more than 52% solid with inert solid		2465	2166
3,3,6,6,9,9-HEXAMETHYL-1,2,4,5-TETRAOXOCYCLONONANE, not more than 52% in solution		2466	2167
HEXAMETHYLENE DIAMINE	124-09-4	0994	2280
HEXAMETHYLENE DIISOCYANATE	822-06-0	0995	2281
HEXAMETHYLENE TETRAMINE	100-97-0	0996	1328
HEXAMETHYLENEIMINE	111-49-9	2463	2493
HEXAMINE	100-97-0	0996	1328
n-HEXANE	110-54-3	1340	1208
HEXANITRODIPHENYLAMINE	35860-31-2	0999	0079
HEXANITROSTILBENE	20062-22-0	1000	0392
n-HEXANOL	111-27-3	1001	2282
1-HEXENE	592-41-6	1002	2370
HEXYL ACETATE	108-84-9	1227	1233
sec-HEXYL ACETATE	108-84-9	1227	1233
HEXYL TRICHLOROSILANE	928-65-4	1004	1784
HYDRAZINE HYDRATE	7803-57-8	3115	2030
HYDRIDES, METAL, n.o.s.		2467	1409
HYDRIODIC ACID	10034-85-2	1009	1787
HYDROCARBON GASES, COMPRESSED, n.o.s.		2468	1964
HYDROCARBON GASES, LIQUIFIED, n.o.s.		2469	1965
HYDROFLUOROSILICIC ACID	16961-83-4	1665	1778
HYDROGEN	1333-74-0	1010	1049
HYDROGEN BROMIDE	10035-10-6	1011	1048
HYDROGEN IODIDE SOLUTION	10034-85-2	1009	1787
HYDROGEN IODIDE, ANHYDROUS	10034-85-2	1009	1787
HYDROSILICOFLUORIC ACID	16961-83-4	1665	1778
1-HYDROXY-1'-HYDROPEROXY DICYCLOHEXYL PEROXIDE		2474	2117
1-HYDROXY-1'-HYDROPEROXY DICYCLOHEXYL PEROXIDE	78-18-2	2475	2119
HYDROXYLAMINE SULFATE	10039-54-0	1020	2865
HYDROXYUREA	127-07-1	1021	1851
HYPOCHLORITE SOLUTIONS with less than 5% AVAILABLE CHLORINE		2477	1791
3,3'-IMINOBISPROPYLAMINE	56-18-8	0230	2269
INDOMETHACIN	53-86-1	2480	1851
INFECTIOUS SUBSTANCE, HUMAN, n.o.s.		2481	2814
INK, PRINTERS		2483	1210
INKS		2484	2867
INSECTICIDE GASES, NON-TOXIC, n.o.s.		2486	1968
INSECTICIDE GASES, TOXIC, n.o.s.		2487	1967
INSECTICIDE, DRY, n.o.s.		2485	2588
INSECTICIDE, LIQUID, n.o.s.		2488	1993
INSECTICIDE, LIQUID, POISONOUS, n.o.s.		2489	2902
IODINE	7553-56-2	1026	1851
IODINE MONOCHLORIDE	7790-99-0	1027	1792
IODINE PENTAFLUORIDE	7783-66-6	1028	2495
IODO PROPANE	26914-02-3	1033	2392
1-IODO-2-METHYLPROPANE	513-38-2	1031	2391
2-IODO-2-METHYLPROPANE	558-17-8	1032	2391
2-IODOBUTANE	513-48-4	1029	2390
IODOFORM	75-47-8	1030	1851
IRON CHLORIDE	7705-08-0	1034	1773
IRON OXIDE FUME	1309-37-1	1036	1376
IRRITATING AGENT, n.o.s.		2493	1693
ISOAMYL ALCOHOL	123-51-3	1039	1105
ISOAMYL BROMIDE	107-82-4	0263	2341
ISOBUTANE	75-28-5	1040	1969
ISOBUTYL ACETATE	110-19-0	1041	1213
ISOBUTYL ACRYLATE	106-63-8	1042	2527
ISOBUTYL ALCOHOL	78-83-1	1043	1212
ISOBUTYL BROMIDE	507-19-7	0264	2342
ISOBUTYL FORMATE	542-55-2	1046	2393
ISOBUTYL IODIDE	513-38-2	1031	2391
ISOBUTYL ISOBUTYRATE	97-85-8	1047	2528
ISOBUTYL ISOCYANATE	1873-29-6	1048	2486
ISOBUTYL KETONE	108-83-8	0760	1157
ISOBUTYL PROPIONATE	540-42-1	1050	2394

ISOBUTYLAMINE	78-81-9	1044	1214
ISOBUTYLENE	115-11-7	1045	1055
ISOBUTYLMETHACRYLATE	97-86-9	1049	2283
ISOBUTYRIC ACID	79-31-2	1052	2529
ISOBUTYRIC ANHYDRIDE	97-72-3	1053	2530
ISOBUTYRYLCHLORIDE	79-30-1	1055	2395
ISOCYANATES, n.o.s., boiling point not less than 300c		2495	2207
ISOCYANATES, solutions, n.o.s., FLAMMABLE		2496	2206
ISOCYANATES, solutions, n.o.s., flash point greater than 23c		2497	2206
ISOCYANATOBENZO-TRIFLUORIDE	71121-36-3	1056	2285
ISODODECANE	31807-55-3	2498	2286
ISOHEPTENE	68975-47-3	1058	2287
ISOHEXENE	27236-46-0	1059	2288
ISONONANOYL PEROXIDE	58449-37-9	1060	2128
ISOOCTANE	540-84-1	1061	1262
ISOOCTENE	11071-47-9	1062	1216
ISOOCTYL ALCOHOL	26952-21-6	1063	1987
ISOPENTANE	78-78-4	1064	1265
ISOPENTANOIC ACID	503-74-2	1065	1760
ISOPENTENES		2501	2371
ISOPENTYL ALCOHOL	123-51-3	1039	1105
ISOPHORONE	78-59-1	1066	1224
ISOPHORONEDIAMINE	2855-13-2	1067	2289
ISOPRENE	78-79-5	1069	1218
ISOPROPANOLAMINE DODECYLBENZENESULFONATE	54590-52-2	1070	9127
ISOPROPENYL ACETATE	108-22-5	1071	2403
ISOPROPENYL BENZENE	98-83-9	1072	2303
ISOPROPYL ACETATE	108-21-4	1074	1220
ISOPROPYL ACID PHOSPHATE	1623-24-1	1075	1793
ISOPROPYL BUTYRATE	638-11-9	1078	2405
ISOPROPYL CHLOROACETATE	105-48-6	1079	2947
ISOPROPYL ETHER	108-20-3	0730	1159
ISOPROPYL FORMATE	625-55-8	2504	2408
ISOPROPYL ISOBUTYRATE	617-50-5	1083	2406
ISOPROPYL ISOCYANATE	1795-48-8	1084	2483
ISOPROPYL MERCAPTAN	75-33-2	1085	2703
ISOPROPYL NITRATE	1712-64-7	1086	1222
ISOPROPYL PEROXYDICARBONATE	105-64-6	0731	2133
ISOPROPYL PROPIONATE	637-78-5	1087	2409
ISOPROPYL-2-CHLOROPROPIONATE	40058-87-5	1081	2934
ISOPROPYLAMINE	75-31-0	1077	1221
ISOSORBIDE DINITRATE MIXTURE with not less than 60% lactose	87-33-2	2508	2907
KANAMYCIN	59-01-8	1088	1851
KEPONE	143-50-0	1090	2761
KEROSENE	8008-20-6	1091	1223
KETONES, LIQUID, n.o.s.		2510	1224
KRYPTON	7439-90-9	1093	1056
LACQUER		2628	1263
LACQUER BASE OR LACQUER CHIPS, DRY		2511	2557
LACQUER BASE OR LACQUER CHIPS, LIQUID		2512	1263
LATEX, PAINTS		2885	2810
LAUROYL PEROXIDE	105-74-8	1095	2893
LEAD ACETATE	301-04-2	1097	1616
LEAD ARSENATE	7784-40-9	1098	1617
LEAD ARSENITE	10031-13-7	1099	1618
LEAD AZIDE	13424-46-9	1100	0129
LEAD CHLORIDE	7758-95-4	1101	2291
LEAD CHROMATE	7758-97-6	1102	2291
LEAD COMPOUNDS, n.o.s.		3139	
LEAD COMPOUNDS, SOLUBLE, n.o.s.		2515	2291
LEAD CYANIDE	592-05-2	1103	1620
LEAD DIOXIDE	1309-60-0	1104	1872
LEAD FLUOBORATE	13814-96-5	1105	2291
LEAD FLUORIDE	7783-46-2	1106	2811
LEAD IODIDE	10101-63-0	1107	2811
LEAD NITRATE	10099-74-8	1108	1469
LEAD PERCHLORATE	13637-76-8	1109	1470
LEAD PHOSPHATE	7446-27-7	1110	2291
LEAD PHOSPHITE, DIBASIC	15845-52-0	2293	2989
LEAD STEARATE	7428-48-0	1111	2811
LEAD STYPHNATE	63918-97-8	1112	0130
LEAD SULFIDE	1314-87-0	1113	2291
LEAD SULPHATE	7446-14-2	1114	2291
LEAD THIOCYANATE	592-87-0	1115	2291
LEAD, all inorganic compounds		2873	2291

LETHANE	112-56-1	1116	2902
LIGHT GREEN SF (C.I. ACID GREEN 5)	5141-20-8	3140	
LIGHTER FUELS, CIGAR OR CIGARETTE		2251	1226
LIGHTER, FOR CIGARS, CIGARETTES, etc., with flammable liquid		2251	1226
LIGHTERS, FOR CIGARS, CIGARETTES, etc., with flammable gas		2250	1057
LIME	1305-78-8	0325	1910
LIMONENE, inactive	138-86-3	0792	2052
LIQUEFIED PETROLEUM GAS	68476-85-7	1118	1075
LITHIUM	7439-93-2	1119	1415
LITHIUM ACETYLIDE ETHYLENEDIAMINE	50475-76-8	1120	2813
LITHIUM AMIDE	7782-89-0	1122	1412
LITHIUM BOROHYDRIDE	16949-15-8	1123	1413
LITHIUM CHROMATE	14307-35-8	1125	9134
LITHIUM FERROSILICON	64082-35-5	1126	2830
LITHIUM HYDROXIDE MONOHYDRATE	1310-66-3	1128	2680
LITHIUM HYPOCHLORITE	13840-33-0	1129	1471
LITHIUM NITRATE	7790-69-4	1130	2722
LITHIUM NITRIDE	26134-62-3	1131	2806
LITHIUM PEROXIDE	12031-80-0	1132	1472
LITHIUM SILICON	68848-64-6	1133	1417
LONDON PURPLE	8012-74-6	1134	1621
LORAZEPAM	846-49-1	1135	1851
LPG	68476-85-7	1118	1075
LYE SOLUTION	1310-73-2	1706	1823
LYNESTRENOL	57-63-6	0836	1851
MAGNESIUM	7439-95-4	1136	1869
MAGNESIUM ALUMINUM PHOSPHIDE		2524	1419
MAGNESIUM AMIDE	7803-54-5	1140	2004
MAGNESIUM ARSENATE	10103-50-1	1137	1622
MAGNESIUM BROMATE	7789-36-8	1138	1473
MAGNESIUM CHLORATE	10326-21-3	1139	2723
MAGNESIUM DIAMIDE	7803-54-5	1140	2004
MAGNESIUM DIPHENYL	555-54-4	1141	2005
MAGNESIUM HYDRIDE	60616-74-2	1142	2010
MAGNESIUM NITRATE	10377-60-3	1143	1474
MAGNESIUM PERCHLORATE	10034-81-8	1145	1475
MAGNESIUM PEROXIDE	14452-57-4	1146	1476
MAGNESIUM PHOSPHIDE	12057-74-8	1147	2011
MAGNESIUM SILICIDE	39404-03-0	1148	2624
MAGNESIUM SILICOFLUORIDE	18972-56-0	1149	2853
MALATHION	121-75-5	1150	2783
MALEIC ACID	110-16-7	1151	2215
MANGANESE COMPOUNDS, n.o.s.		3141	
MANGANESE DIOXIDE	1313-13-9	1157	1479
MANGANESE NITRATE	10377-66-9	1158	2724
MANGANESE RESINATE	9008-34-8	2526	1330
MANNITOL HEXANITRATE	15825-70-4	1160	0133
MATCHES, n.o.s		2527	1331
MEDICINES, n.o.s.		2532	1851
MEKP	1338-23-4	1259	2127
MELPHALAN	148-82-3	1162	1851
MEMTETRAHYDROPHTHALIC ANHYDRIDE	25134-21-8	2534	1760
p-MENTHANE HYDROPEROXIDE	80-47-7	1163	2125
MEPROBAMATE	57-53-4	1164	1851
MERCAPTANS AND MIXTURES, LIQUID, n.o.s.		2536	1228
MERCURIC ARSENATE	7784-37-4	1167	1623
MERCURIC BENZOATE	583-15-3	1168	1631
MERCURIC BROMIDE	7789-47-1	1169	1634
MERCURIC CHLORIDE, AMMONIATED	10124-48-8	1184	1630
MERCURIC CYANIDE	592-04-1	1171	1636
MERCURIC IODIDE	7774-29-0	1172	1638
MERCURIC NITRATE	10045-94-0	1173	1625
MERCURIC OXYCYANIDE	1335-31-5	1174	1642
MERCURIC POTASSIUM CYANIDE	591-89-9	1175	1626
MERCURIC SUBSULFATE	1312-03-4	1176	2025
MERCURIC SULFATE	7783-35-9	1177	1645
MERCUROL	12002-19-6	1178	1639
MERCUROUS CHLORIDE	7546-30-7	1179	
MERCUROUS CHLORIDE see MERCURY CHLO	10112-91-1	1180	
MERCUROUS IODIDE	7783-30-4	1189	1638
MERCUROUS NITRATE	10415-75-5	1181	1627
MERCUROUS OXIDE	15829-53-5	1191	1641
MERCUROUS SULFATE	7783-36-0	1182	1628
MERCURY AMMONIUM CHLORIDE	10124-48-8	1184	1630
MERCURY BROMIDE	10031-18-2	1185	1634

MERCURY CHLORIDE	10112-91-1	1180	
MERCURY COMPOUNDS, LIQUID, n.o.s.		2542	2024
MERCURY COMPOUNDS, SOLID, n.o.s.		2543	2025
MERCURY FULMINATE	628-86-4	1187	0135
MERCURY GLUCONATE	63937-14-4	1188	1637
MERCURY NUCLEATE	12002-19-6	1178	1639
MERCURY OLEATE	1191-80-6	1190	1640
MERCURY OXIDE	15829-53-5	1191	1641
MERCURY POTASSIUM IODIDE	7783-33-7	1192	1643
MERCURY SALICYLATE	5970-32-1	1193	1644
MERCURY THIOCYANATE	592-85-8	1194	1646
MERCURY(1)BROMIDE(1:1)	15385-58-7	1186	1634
MERCURY, all inorganic compounds		2874	2025
MERCURY, AMMONIATED	10124-48-8	1184	1630
MERCURY-BASED PESTICIDES, LIQUID, FLAMMABLE, TOXIC, n.o.s.		2539	2778
MERCURY-BASED PESTICIDES, LIQUID, FLAMMABLE, TOXIC, n.o.s.		2538	3011
MERCURY-BASED PESTICIDES, LIQUID, TOXIC, n.o.s.		2540	3012
MERCURY-BASED PESTICIDES, SOLID, TOXIC, n.o.s.		2541	2777
MESITYL OXIDE	141-79-7	1195	1229
MESITYLENE	108-67-8	1928	2325
MESTRANOL	72-33-3	1196	1851
METAL ALKYL SOLUTION, n.o.s.		2548	9195
METAL ALKYLS, n.o.s.		2547	2003
METALDEHYDE	108-62-3	1197	1332
METHACRYLALDEHYDE	78-85-3	1198	2396
METHACRYLIC ACID	79-41-4	1199	2531
METHALLYL ALCOHOL	513-42-8	1200	2614
METHANE	74-82-8	1202	1971
METHENAMINE	100-97-0	0996	1328
METHOTREXATE	59-05-2	1209	1851
4-METHOXY-4-METHYLPENTAN-2-ONE	107-70-0	1215	2293
2-METHOXYETHYL ACETATE	110-49-6	1212	1189
METHOXYMETHYL ISOCYANATE	6427-21-0	1214	2605
4-METHOXYPHENOL	150-76-5	1216	2761
METHYL (N-AMYL) KETONE	110-43-0	1279	1110
METHYL ACETATE	79-20-9	1217	1231
METHYL ALLYL CHLORIDE	563-47-3	1223	2554
METHYL ALUMINUM SESQUIBROMIDE	12263-85-3	2555	1926
METHYL ALUMINUM SESQUICHLORIDE	12542-85-7	1224	1927
METHYL AMYL ACETATE	108-84-9	1227	1233
METHYL AMYL ALCOHOL	108-11-2	1228	2053
METHYL BROMOACETATE	96-32-2	1232	2643
METHYL BUTYRATE	623-42-7	1234	1237
METHYL CELLOSOLVE ACETATE	110-49-6	1212	1189
METHYL CHLORIDE	74-87-3	1235	1063
METHYL CHLOROACETATE	96-34-4	1236	2295
METHYL CHLOROSILANE	993-00-0	1240	2534
METHYL CYCLOHEXANOL	25639-42-3	1243	2617
METHYL CYCLOPENTANE	96-37-7	1245	2298
METHYL DEMETON	8022-00-2	1246	3018
METHYL DICHLOROACETATE	116-54-1	1247	2299
METHYL DICHLOROARSINE	593-89-5	1248	1556
METHYL DICHLOROSILANE	75-54-7	1249	1242
METHYL DISULFIDE	624-92-0	0756	2381
METHYL ETHER	115-10-6	0758	1033
METHYL ETHYL ETHER	540-67-0	1257	1039
METHYL ETHYL KETONE PEROXIDE	1338-23-4	1259	2127
METHYL FLUORIDE	593-53-3	1261	2454
METHYL FORMATE	107-31-3	1262	1243
METHYL ISOAMYL KETONE	110-12-3	1267	2302
METHYL ISOBUTYL CARBINOL	108-11-2	1228	2053
METHYL ISOBUTYL KETONE PEROXIDE	37206-20-5	1269	2126
METHYL ISOPROPENYL KETONE, inhibited	814-78-8	2557	1246
METHYL ISOPROPYL KETONE	563-80-4	1271	2397
METHYL ISOVALERATE	556-24-1	1273	2400
METHYL MAGNESIUM BROMIDE	75-16-1	1274	1928
METHYL N-BUTYL KETONE	591-78-6	1280	1224
METHYL NITRITE	624-91-9	1281	2606
METHYL ORTHO SILICATE	681-84-5	1282	2606
METHYL PENTYL KETONE	110-43-0	1279	1110
METHYL PHOSPHONOTHIOIC DICHLORIDE	676-98-2	1287	1760
METHYL PHOSOPHONOUS DICHLORIDE	676-83-5	1288	2845
METHYL PROPIONATE	554-12-1	1290	1248
METHYL PROPYL ETHER	557-17-5	1291	2612
METHYL PROPYL KETONE	107-87-9	1292	1249

METHYL SILICATE	681-84-5	1282	2606
METHYL STYRENE	98-83-9	1072	2303
METHYL SULFIDE	75-18-3	0769	1164
METHYL TETRAHYDROFURAN	25265-68-3	1294	2536
METHYL TRICHLOROACETATE	598-99-2	1295	2533
METHYL VALERALDEHYDE	123-15-9	1299	2367
METHYL-1,3-BUTYLENE GLYCOL ACETATE	4435-53-4	0276	2708
2-METHYL-2-BUTANETHIOL	110-66-7	0130	1111
METHYL-2-CHLOROPROPIONATE	17639-93-9	1239	2933
2-METHYL-2-PENTANOL	590-36-3	2558	2560
5-METHYL-3-HEPTANONE	541-85-5	0848	2271
1-METHYL-3-NITRO-1-NITROSO-GUANIDINE	70-25-7	0963	1325
2-METHYL-5-ETHYLPYRIDINE	104-90-5	1260	2300
METHYLAL	109-87-5	1221	1234
METHYLAMINE	74-89-5	1225	1061
METHYLANILINE	100-61-8	1229	2294
METHYLBENZOATE	93-58-3	1230	2938
alpha-METHYLBENZYL ALCOHOL	98-85-1	0049	2937
METHYLBUTENE	26760-64-5	1233	2561
n-METHYLBUTYLAMINE	110-68-9	1401	2945
METHYLCYCLOHEXANE	108-87-2	1242	2296
o-METHYLCYCLOHEXANONE	583-60-8	1438	2297
2-METHYLFURAN	534-22-5	1263	2301
METHYLMORPHOLINE	109-02-4	1278	2535
METHYLPENTADIENE	54363-49-4	1284	2461
METHYLPENTANE	43133-95-5	1285	2462
1-METHYLPIPERIDINE	626-67-5	1289	2399
METRIBUZIN	21087-64-9	1302	2588
METRONIDAZOLE	443-48-1	1303	1851
MINERAL SPIRITS		3131	1255
MINING REAGENT, LIQUID		2564	2022
MIREX	2385-85-5	1306	2646
MIXED ACID (NITRATING ACID)		2060	1796
MIXED ACID, SPENT		2061	1826
MOLYBDENUM PENTACHLORIDE	10241-05-1	1311	2508
MONOFLUOROPHOSPHORIC ACID	13537-32-1	0940	1776
MORPHOLINE	110-91-8	1315	2054
MOTOR FUEL ANTI-KNOCK COMPOUND		2568	1649
MOTOR FUEL, n.o.s.		2569	1203
MOTOR SPIRIT	8006-61-9	0957	1203
NALED	300-76-5	0751	2783
NAPHTHA	8030-30-6	0518	2553
NAPHTHA	8032-32-4	0206	1115
NAPHTHA DISTILLATE	8030-30-6	0518	2553
NAPHTHA DISTILLATE	8030-30-6	0518	2553
NAPHTHA, PETROLEUM		2648	1268
NAPHTHA, SOLVENT		2575	1256
NAPHTHALENE DIISOCYANATE	25551-28-4	1323	2207
NAPHTHYLTHIOUREA	30553-04-9	1326	1651
1-NAPHTHYLUREA	6950-84-1	1327	1652
2-NAPHTHYLUREA	13114-62-0	1328	1652
NAPTHENIC ACID	1338-24-5	2576	9137
NATURAL GAS with a high METHANE content, COMPRESSED	74-82-8	2577	1971
NATURAL GAS, LIQUID (REFRIGERATED) with a HIGH METHANE CONTENT	74-82-8	2578	1972
NATURAL GASOLINE		2579	1257
NEOCHROMIUM	64093-79-4	0438	
NEOHEXANE	75-83-2	1335	2457
NEON	7440-01-9	1336	1065
NEOPENTHANE	463-82-1	0766	2044
NICKEL AMMONIUM SULFATE	15699-18-0	1342	9138
NICKEL CATALYST, FINELY DIVIDED, ACTIVATED OR SPENT		2581	1378
NICKEL CHLORIDE	7718-54-9	1344	9139
NICKEL COMPOUNDS, n.o.s.		3142	
NICKEL CYANIDE	557-19-7	1345	1653
NICKEL HYDROXIDE	12054-48-7	1346	9140
NICKEL NITRATE	13138-45-9	1347	2725
NICKEL NITRITE	17861-62-0	2582	2726
NICKEL SULFATE	7786-81-4	1348	9141
NICKEL, all inorganic compounds of		2875	
NICOTINE HYDROCHLORIDE	2820-51-1	1350	1656
NICOTINE SALICYLATE	29790-52-1	1351	1657
NICOTINE TARTRATE	3275-73-8	1353	1659
NICOTINE, COMPOUNDS AND PREPARATIONS, n.o.s.		2583	1655
NITRAMINE	479-45-8	1839	
NITRATES, INORGANIC, n.o.s.		2584	1477

NITRATING ACID MIXTURE, SPENT		2060	1796
NITRATING ACID, MIXTURES		2060	1796
NITRITES, INORGANIC, n.o.s.		2587	2627
4-NITRO-1-CHLOROBENZO-2-TRIFLUORIDE	777-37-7	1370	2307
2-NITRO-1-CHLOROBENZO-4-TRIFLUORIDE	121-17-5	1367	2307
1-NITRO-2-CHLOROBENZO-3-TRIFLUORIDE	39974-35-1	1369	2307
2-NITRO-4-CHLOROBENZO-1-TRIFLUORIDE	25889-38-7	1371	2307
1-NITRO-4-CHLOROBENZO-2-TRIFLUORIDE	118-83-2	1368	2307
5-NITRO-o-TOLUIDINE	99-55-8	1444	2660
o-NITROANILINE	29757-24-2	1359	1661
p-NITROANILINE	100-01-6	1548	1661
4-NITROANILANE	100-01-6	1548	1661
p-NITROANISOLE	100-17-4	1360	2730
NITROBENZENESULFONIC ACID	31212-28-9	1362	2305
5-NITROBENZOTRIAZOL	2338-12-7	1363	0385
3-NITROBENZOTRIFLUORIDE	98-46-4	1364	2306
p-NITROBROMOBENZENE	586-78-7	1365	2732
NITROCELLULOSE	9004-70-0	1366	2556
p-NITROCHLOROBENZENE	100-00-5	1549	1578
NITROCHLOROBENZENE	100-00-5	1549	1578
NITROCRESOLS	12167-20-3	1372	2446
NITROCYCLOHEXANE	1122-60-7	2588	2810
NITROETHANE	79-24-3	1373	2842
NITROGEN (COMPRESSED OR LIQUIFIED)	7727-37-9	1375	1066
NITROGEN DIOXIDE	10544-72-6	1379	1066
NITROGEN FERTILIZER SOLUTION		2589	1043
NITROGEN TETROXIDE	10544-72-6	1379	1066
NITROGEN TRIFLUORIDE	7783-54-2	1380	2451
NITROGEN TRIOXIDE	10544-73-7	1381	2421
NITROGEN TRIOXIDE	12033-49-7	1382	2421
NITROGUANIDINE	556-88-7	1384	0282
NITROHYDROCHLORIC ACID	8007-56-5	1385	1798
NITROMETHANE	75-52-5	1386	1261
NITRONAPHTHALENE	27254-36-0	1387	2538
3-NITROPHENOL	554-84-7	1389	1663
NITROPHENOL, mixed isomers	25154-55-6	3001	1663
1-NITROPROPANE	108-03-2	1394	2608
p-NITROSODIMETHYLANILINE	138-89-6	1550	1369
NITROSODIMETHYLANILINE	138-89-6	1550	1369
NITROSTARCH	9056-38-6	1395	0146
NITROSYL CHLORIDE	2696-92-6	1396	1069
NITROSYLSULFURIC ACID	7782-78-7	1397	2308
NITROTOLUENE	1321-12-6	1398	1664
NITROUS OXIDE	10024-97-2	1399	1070
m-NITROXYLENE	99-51-4	1308	1665
NITROXYLOL	25168-04-1	1400	1665
NONANE	111-84-2	1414	1920
NONFLAMMABLE GAS, n.o.s.		2590	1956
NONYL TRICHLOROSILANE	5283-67-0	1416	1799
NORETHINDRONE	68-22-4	1417	1851
NORETHISTERONE	68-22-4	1417	1851
NOVOLDIAMINE	140-80-7	0071	2946
OCTADECYL TRICHLOROSILANE	112-04-9	1429	1800
OCTADIENE	63597-41-1	1430	2309
OCTAFLUOROBUT-2-ENE	360-89-4	1431	2422
OCTAFLUOROCYCLOBUTANE	115-25-3	1432	1976
OCTAFLUOROPROPANE	76-19-7	1433	2424
OCTANE	111-65-9	1434	1262
OCTANOYL PEROXIDE	762-16-3	0786	2129
OCTYL ALDEHYD	123-05-7	0886	1191
OCTYL TRICHLOROSILANE	5283-66-9	1436	1801
OIL GAS		2595	1071
OIL ORANGE SS (C.I. SOLVENT ORANGE 2)	2646-17-5	3143	
ORGANIC PEROXIDE MIXTURE		2597	2756
ORGANIC PEROXIDE, LIQUID OR SOLUTION, n.o.s.		2596	9183
ORGANIC PEROXIDE, n.o.s., TRIAL QUANTITIES		2599	2899
ORGANIC PEROXIDE, SAMPLES, n.o.s.		2598	2255
ORGANIC PEROXIDE, SOLID, n.o.s.		2600	9187
ORGANIC PHOSPHATE COMPOUND, SOLID (POISON B)		2601	2783
ORGANIC PHOSPHORUS COMPOUND, MIXED WITH COMPRESSED GAS		2602	1955
ORGANOCHLORINE PESTICIDES, FLAMMABLE, LIQUID, TOXIC, n.o.s.		2603	2762
ORGANOCHLORINE PESTICIDES, FLAMMABLE, LIQUID, TOXIC, n.o.s.		2604	2995
ORGANOCHLORINE PESTICIDES, LIQUID, TOXIC, n.o.s.		2605	2996
ORGANOCHLORINE PESTICIDES, SOLID, TOXIC, n.o.s.		2606	2761
ORGANOPHOSPHOROUS PESTICIDES, FLAMMABLE, LIQUID, TOXIC, n.o.s.		2610	2784

ORGANOPHOSPHOROUS PESTICIDES, FLAMMABLE, LIQUID, TOXIC, n.o.s.		2607	3017
ORGANOPHOSPHOROUS PESTICIDES, LIQUID, TOXIC, n.o.s.		2608	3018
ORGANOPHOSPHOROUS PESTICIDES, SOLID, TOXIC, n.o.s.		2609	2783
ORGANORHODIUM COMPLEX	PMN82-14-7	2611	2811
ORGANOTIN PESTICIDES, FLAMMABLE LIQUID, TOXIC, n.o.s., flash point less than 23c		2612	2787
ORGANOTIN PESTICIDES, FLAMMABLE LIQUID, TOXIC, n.o.s., flash point between 23c and 61c		2613	3019
ORGANOTIN PESTICIDES, LIQUID, TOXIC, n.o.s.		2614	3020
ORGANOTIN PESTICIDES, SOLID, TOXIC, n.o.s.		2615	2786
OXALIC ACID	144-62-7	1445	2449
OXAZEPAM	604-75-1	1447	1851
OXIDIZER, CORROSIVE, LIQUID, n.o.s.		2620	9193
OXIDIZER, CORROSIVE, SOLID, n.o.s.		2621	9194
OXIDIZER, POISONOUS LIQUID, n.o.s.		2622	9199
OXIDIZER, POISONOUS SOLID, n.o.s.		2623	9200
OXIDIZING SUBSTANCE, n.o.s.		2624	1479
OXYGEN	7782-44-7	1448	1072
OXYGEN DIFLUORIDE	7783-41-7	1449	2190
OXYMETHOLONE	434-07-1	1450	1851
PAINT RELATED MATERIAL, CORROSIVE LIQUID		2627	1760
PAINT, etc., FLAMMABLE LIQUID		2628	1263
PAINTERS NAPHTHA	8032-32-4	0206	1115
PAINTS, ENAMELS, LACQUERS, STAINS, etc.		2628	1263
PAINTS, LATEX		2885	2810
PANCREATIN	8049-47-6	1452	1851
PAPER, UNSATURATED OIL TREATED, INCOMPLETELY DRY		2629	1379
PARAFORMALDEHYDE	30525-89-4	1454	2213
PARALDEHYDE	123-63-7	1455	1264
PARAMETHANE HYDROPEROXIDE	52061-60-6	1456	2125
PARAOXON	311-45-5	1457	2783
PARATHION AND COMPRESSED GAS MIXTURE		2631	1967
PELARGONYL PEROXIDE	762-13-0	0785	2130
PENICILLIN	61-33-6	0221	1851
PENTACHLOROETHANE	76-01-7	1471	1669
PENTAERYTHRITE TETRANITRATE	78-11-5	1474	0150
PENTAMETHYLHEPTANE	30586-18-6	1475	2286
PENTANE	109-66-0	1476	1265
PENTANE-2,4-DIONE	123-54-6	1477	2310
PENTENE	25377-72-4	0128	1108
PENTOL	12772-47-3	1478	2705
PENTOLITE	8066-33-9	1479	0151
PERCHLORATES, INORGANIC, n.o.s.		2636	1481
PERCHLORIC ACID, greater thn 50% but less than 72% acid, by weight	7601-90-3	2638	1873
PERCHLORIC ACID, less than 50% acid by weight	7601-90-3	2637	1802
PERCHLORYL FLUORIDE	7616-94-6	1481	1955
PERFUMERY PRODUCTS, WITH FLAMMABLE SOLVENT		2639	1266
PERMANGANATES, INORGANIC, n.o.s.		2640	1482
PEROXIDES, INORGANIC, n.o.s.		2641	1483
PESTICIDES, FLAMMABLE LIQUID, TOXIC, n.o.s.		2643	3021
PESTICIDES, FLAMMABLE LIQUID, TOXIC, n.o.s.		2642	2903
PESTICIDES, LIQUID, TOXIC, n.o.s.		2644	2902
PESTICIDES, SOLID, TOXIC, n.o.s.		2645	2588
PETROL	8006-61-9	0957	1203
PETROLEUM CRUDE OIL		2647	1267
PETROLEUM DISTILLATES, n.o.s.	8002-05-9	2648	1268
PETROLEUM ETHER		2648	1268
PETROLEUM GASES, LIQUEFIED	68476	1118	1075
PETROLEUM NAPHTHA		3131	1255
PETROLEUM OIL		2651	1270
PETROLEUM SPIRITS	8032-32-4	0206	1115
PHENACETIN	62-44-2	1483	1851
PHENACYL BROMIDE	70-11-1	1484	2645
PHENARAZINE CHLORIDE	578-94-9	0797	1698
PHENETIDINE	1321-31-9	1486	2311
PHENOL, 2,2'-THIOBIS-4,6-DICHLORO-	97-18-7	2817	1671
PHENOLSULPHONIC ACIDD	98-11-3	1488	1803
PHENOXY PESTICIDES, FLAMMABLE, LIQUID, TOXIC, n.o.s.		2656	2766
PHENOXY PESTICIDES, FLAMMABLE, LIQUID, TOXIC, n.o.s.		2655	2999
PHENOXY PESTICIDES, LIQUID, TOXIC, n.o.s.		2657	3000
PHENOXY PESTICIDES, SOLID, TOXIC, n.o.s.		2658	2765
PHENYL ISOCYANATE	103-71-9	1501	2487
PHENYL PHOSPHOROUS DICHLORIDE	644-97-3	0200	2798
PHENYL PHOSPHORUS THIODICHLORIDE	3497-00-5	2662	2799
PHENYL UREA PESTICIDES, FLAMMABLE LIQUID		2665	2768

PHENYL UREA PESTICIDES, FLAMMABLE LIQUID		2666	3001
PHENYL UREA PESTICIDES, LIQUID, TOXIC, N.O.S.		2667	3002
PHENYL UREA PESTICIDES, SOLID, TOXIC, N.O.S.		2668	2767
PHENYLACETYL CHLORIDE	103-80-0	1491	2577
PHENYLBUTANE	104-51-8	0282	2709
PHENYLCARBYLAMINE CHLORIDE	622-44-6	1492	1672
PHENYLCHLOROFORMATE	1885-14-9	1493	2746
o-PHENYLNEDIAMINE	95-54-5	1495	1673
PHENYLHYDRAZINE	100-43-0	1500	2572
PHENYLMERCURIC COMPOUND, SOLID, n.o.s.		2660	2026
PHENYLMERCURIC HYDROXIDE	100-57-2	1503	1894
PHENYLMERCURIC NITRATE	55-68-5	1504	1895
PHENYTOIN	57-41-0	1507	1851
9-PHOSPHABICYCLONONANE	13396-80-0	1511	2940
9-PHOSPHABICYCLONONANE	13387-02-0	1512	2940
PHOSPORIC ACID TRIETHYLENEIMINE	545-55-1	0175	2501
PHOSPHOROUS ACID, ortho	13598-36-2	1519	2834
PHOSPHORUS HEPTA-SULPHIDE	12037-82-0	1521	1339
PHOSPHORUS OXYBROMIDE	7789-59-5	1522	2576
PHOSPHORUS PENTABROMIDE	7789-69-7	1524	2691
PHOSPHORUS PENTAFLUORIDE	7647-19-0	1526	2198
PHOSPHORUS PENTASULFIDE	1314-80-3	1527	1340
PHOSPHORUS SEQUISULFIDE	1314-85-8	1528	1341
PHOSPHORUS TRIBROMIDE	7789-60-8	1529	1808
PHOSPHORUS TIROXIDE	1314-24-5	1532	2578
PHOSPHORUS TRISULFIDE	12165-69-4	1533	1343
PHTHALIMIDE DERIVATIVE PESTICIDES, FLAMMABLE, LIQUID, NOS FLASH POINT LESS THAN 23C		2678	2774
PHTHALIMIDE DERIVATIVE PESTICIDES, FLAMMABLE, LIQUID, FLASHPOINT BETWEEN 23C AND 61C		2679	3007
PHTHALIMIDE DERIVATIVE PESTICIDES, LIQUID, TOXIC, N.O.S.		2676	3008
PHTHALIMIDE DERIVATIVE PESTICIDES, SOLID, TOXIC, N.O.S.		2677	2773
PHYLLOQUINONE	84-80-0	2680	1851
PICLORAM	1918-02-1	1536	2588
PICOLINE	1333-41-1	1537	2313
2-PICOLINE	109-06-8	2955	2313
PICRITE, with greater than 20% WATER		2683	1336
PINANE HYDROPEROXIDE	28324-52-9	1538	2162
PINDONE	83-26-1	1546	2472
PINE OIL	8002-09-3	2684	1272
alpha-PINENE	80-56-8	0052	2368
PINENE	1330-16-1	1539	2368
PIPERAZINE	110-85-0	1540	2579
PIPROTAL	5281-13-0	2685	2902
PIRIMICARB	23103-98-2	1544	2757
PIVAL	83-26-1	1546	2472
PLASTIC MOULDING MATERIALS, EVOLVING FLAMMABLE VAPORS		2686	2211
PLASTICS, NITROCELLULOSE BASED, SPONTANEOUSLY COMBUSTIBLE		2687	2006
PLATINIC CHLORIDE	16941-12-1	0406	2507
POISONOUS LIQUID OR GAS, FLAMMABLE, n.o.s.		2691	1953
POISONOUS LIQUID OR GAS, n.o.s.		2692	1955
POISONOUS LIQUIDS, CORROSIVE, n.o.s.		2693	2927
POISONOUS LIQUIDS, FLAMMABLE, n.o.s.		2690	2929
POISONOUS LIQUIDS, n.o.s., OR POISON B LIQUIDS		2694	2810
POISONOUS SOLIDS, CORRISVE, n.o.s.		2695	2928
POISONOUS SOLIDS, FLAMMABLE, n.o.s.		2696	2930
POISONOUS SOLIDS, n.o.s.		2697	2811
POLISH, METAL, STOVE AND FURNITURE		2699	1142
POLISHES, LIQUID		2698	1263
POLYBROMINATED BIPHENYLS	13654-09-6	3144	
POLYBROMINATED BIPHENYLS, n.o.s.		3145	
POLYCHLORINATED TRIPHENYLS (AROCLOR, 5442)	12642-23-8	3146	
POLYSTYRENE BEADS, EXPANDED, MIXTURE WITH FLAMMABLE LIQUID		2700	2211
PONCEAU 3R (C.1. FOOD RED 6)	3564-09-8	3147	
POTASSIUM	7440-09-7	1555	2257
POTASSIUM ARSENATE	7784-41-0	1556	1677
POTASSIUM BICHROMATE	7778-50-9	1564	1479
POTASSIUM BIFLUORIDE	7789-29-9	1568	1811
POTASSIUM BISULFIDE	7646-93-7	1569	2509
POTASSIUM BOROHYDRIDE	13762-51-1	1558	1870
POTASSIUM BROMATE	7758-01-2	1559	1484
POTASSIUM CHLORATE	3811-04-9	1560	1485
POTASSIUM CHROMATE	7789-00-6	1561	9142
POTASSIUM CUPROCYANIDE		2702	1679
POTASSIUM DICHLOROISOCYANURATE	2244-21-5	1563	2465

POTASSIUM DICHROMATE	7778-50-9	1564	1479
POTASSIUM FLUORIDE	7789-23-3	1565	1812
POTASSIUM FLUOROACETATE	23745-86-0	1566	2628
POTASSIUM HEXAFLUOROSILICATE	16871-90-2	1582	2655
POTASSIUM HYDROGEN FLUORIDE	7789-29-9	1568	1811
POTASSIUM HYDROGEN SULFATE	7646-93-7	1569	2509
POTASSIUM HYDROSULFITE	14293-73-3	1570	1929
POTASSIUM HYDROXIDE	1310-58-3	1571	1813
POTASSIUM HYDROCHLORITE	7778-66-7	1572	1791
POTASSIUM METAVANADATE	13769-43-2	1573	2864
POTASSIUM NITRATE	7757-79-1	1574	1486
POTASSIUM NITRATE and SODIUM NITRATE, MIXTURE		2704	1487
POTASSIUM NITRATE	7758-09-0	1575	1488
POTASSIUM OXIDE	12136-45-7	1576	2033
POTASSIUM PERCHLORATE	7778-74-7	1577	1489
POTASSIUM PERMANGANATE	7722-64-7	1578	1490
POTASSIUM PEROXIDE	17014-71-0	1579	1491
POTASSIUM PERSULFATE	7727-21-1	1580	1492
POTASSIUM PHOSPHIDE	20770-41-6	1581	2012
POTASSIUM SALTS OF NITRO-AROMATIC DERIVATIVES, EXPLOSIVE		2705	0158
POTASSIUM SILICOFLUORIDE	16871-90-2	1582	2655
POTASSIUM SULFIDE	1312-73-8	1583	1382
POTASSIUM SUPEROXIDE	12030-88-5	1584	2466
POTASSIUM TETRACYANOMERCURATE (II)	591-89-9	1175	1626
POTASSIUM-SODIUM ALLOY	11135-81-2	2709	1422
PRAZEPAM	2955-38-6	1587	1851
PREDNISOLONE	50-24-8	1588	1851
PREDNISONE	53-03-2	1589	1851
PROCARBAZINE HYDROCHLORIDE	366-70-1	1590	1851
PROGESTRONE	57-83-0	1591	1851
PROPADIENE	463-49-0	1593	2200
1-PROPANAMINE	107-10-8	1606	1277
PROPANE	74-98-6	1594	1978
PROPANE MIXTURES	68476-85-7	1118	1075
PROPANETHIOL	79869-58-2	1595	2402
PROPARGITE	2312-35-8	1596	2765
PROPARGYL ALCOHOL	107-19-7	1597	1986
PROPIONIC ACID	79-09-4	1599	1848
PROPIONIC ANHYDRIDE	123-62-6	1600	2496
PROPIONITRILE	107-12-0	1601	2404
PROPIONYL CHLORIDE	79-03-8	1602	1815
PRIPIONYL PEROXIDE	3248-28-0	1603	2132
n-PROPYL ACETATE	109-60-4	1419	1276
PROPYL ALCOHOL	71-23-8	1605	1274
PROPYL BENZENE	103-65-1	1607	2364
PROPYL CHLORIDE	540-54-5	2062	1278
PROPYL ETHER	111-43-3	0805	2384
PROPYL FORMATE	110-74-7	1616	1281
PROPYL ISOCYANATE	100-78-1	1617	2482
PROPYL MERCAPTAN	107-03-9	1618	2704
n-PROPYL NITRATE	627-13-4	1420	1865
PROPYL TRICHLOROSILANE	141-57-1	1619	1816
PROPYLAMINE	107-10-8	1606	1277
PROPYLENE CHLOROHYDRIN	78-89-7	1610	2611
PROPYLENE TETRAMER	6842-15-5	2713	2850
PROPYLENEDIAMINE	78-90-0	1611	2258
PYRETHRINS	121-21-1	3064	9184
PYRETHRINS	121-29-9	3065	9184
PYRETHRUM	8003-34-7	1623	9184
PYROPHORIC FUEL, n.o.s.		2445	1375
PYROPHORIC LIQUIDS, n.o.s.		2721	2845
PHROPHORIC METALS OR ALLOYS, n.o.s.		2722	1383
PYROPHORIC SOLIDS, n.o.s.		2723	2846
PYROSULFURIC ACID		2884	1831
PYROSULPHURYL CHLORIDE	7791-27-7	1625	1817
PYRROLIDINE	123-75-1	1626	1922
QUINOLINE, 4-NITRO, 1-OXIDE	56-57-5	1629	1851
QUINONE	106-51-4	1460	2587
R-12	75-71-8	0649	1028
R-22	75-45-6	0386	1018
RADIOACTIVE DEVICE, n.o.s.		2724	2911
RADIOACTIVE MATERIAL, ARTICLES, from natural or depleted URANIUM or Thorium		2732	2909
RADIOACTIVE MATERIAL, EMPTY PACKAGES		2733	2908
RADIOACTIVE MATERIAL, FISSILE, n.o.s.		2725	2918
RADIOACTIVE MATERIAL, INSTRUMENTS AND ARTICLES		2726	2911

RADIOACTIVE MATERIAL, LIMITED QUANTITY, N.O.S.		2728	2910
RADIOACTIVE MATERIAL, LOW SPECIFIC ACTIVITY (LSA), n.o.s.		2729	2912
RADIOACTIVE MATERIAL, n.o.s.		2730	2982
RADIOACTIVE MATERIAL, SPECIAL FORM, n.o.s.		2735	2974
RARE GASES, MIXTURES		2739	197
RARE GASES, MIXTURES WITH NITROGEN		2740	1981
RARE GASES, MIXTURES WITH OXYGEN		2741	1980
RDX	121-82-4	0579	0072
RECEPTACLES, SMALL, WITH FLAMMABLE COMPRESSED GAS		2742	2037
RED SQUILL		1631	1681
REDUCING LIQUID		2423	1142
REFRIGERANT GAS, FLAMMABLE, n.o.s.		2745	1954
REFRIGERANT GASES, n.o.s.		2744	1078
REFRIGERATING MACHINES, CONTAINING NONFLAMMABLE, NONTOXIC LIQUIFIED GASES		2746	2857
REMOVING LIQUID		2423	1142
RESERPINE	50-55-5	1632	1851
RESIN FAST BLACK WP		1633	1602
RESIN OIL		2748	1286
RESIN SOLUTION		2749	2868
RESIN SOLUTION, POISONOUS		2751	1896
RESORCINOL	108-46-3	1634	2876
ROAD ASPHALT, LIQUID	8052-42-4	0170	1999
ROAD FLARES		2406	EXPC
ROAD OIL		2750	1268
RODENTICIDES, LIQUID OR SOLID, n.o.s.		2752	1681
RONNEL	299-84-3	1637	2783
ROSIN OIL	8002-16-2	2753	1286
ROTENONE	83-79-4	1638	2588
RUBBER SCRAP, POWDERED OR GRANULATED		2754	1345
RUBBER SOLUTION		2755	1287
RUBBER SOLVENT	8032-32-4	0206	1115
RUBIDIUM	7440-17-7	1639	1423
RUBIDIUM HYDROXIDE	1310-82-3	1640	2678
SELENATES, n.o.s., or SELENITES, n.o.s.		2671	2630
SELENIC ACID	7783-08-6	1647	1905
SELENIUM COMPOUNDS, n.o.c.		3148	
SELENIUM DIOXIDE	7446-08-4	1651	2811
SELENIUM DISULFIDE	7488-56-4	1649	2657
SELENIUM HEXAFLUORIDE	7783-79-1	1650	2194
SELENIUM OXIDE	7446-08-4	1651	2811
SELENIUM SULFIDE	7446-34-6	1653	
SHALE OIL		2766	1288
SHELLAC	9000-59-3	2767	1263
SILICA, TRIPOLI	1317-95-9	1664	1123
SILICOFLUORIC ACID	16961-83-4	1665	1778
SILICOFLUORIDES, n.o.s.		2438	2856
SILICON POWDER	7440-21-3	3125	1346
SILICON TETRACHLORIDE	10026-04-7	1666	1818
SILICON TETRAFLUORIDE	7783-61-1	1667	1859
SILICON TETRAHYDRIDE	7803-62-5	1668	2203
SILVER ARSENITE	7784-08-9	1670	1683
SILVER COMPOUNDS, n.o.s.		3008	
SILVER CYANIDE	506-64-9	1671	1684
SILVER NITRATE	7761-88-8	1672	1493
SILVER PICRATE	146-84-9	1673	1347
SLUDGE ACID	64742-24-1	2770	1906
SMOKELESS POWDER, SMALL ARMS		2771	1325
SODA LIME	8006-28-8	2772	1907
SODIUM	7440-23-5	1674	1428
SODIUM ALUMINATE	11138-49-1	1675	1819
SODIUM ALUMINUM HYDRIDE	13770-96-2	1677	2835
SODIUM AMALGAM	11110-52-4	1678	1424
SODIUM AMIDE	7782-92-5	1679	1425
SODIUM AMMONIUM VANADATE	13718-26-8	1680	2863
SODIUM ARSANILATE	127-85-5	1681	2473
SODIUM BICHROMATE	10588-01-9	1695	1479
SODIUM BIFLUORIDE	1333-83-1	1703	2439
SODIUM BISULFATE see SODIUM HYDROGEN	7681-38-1	1704	1821
SODIUM BISULFIDE	16721-80-5	1705	2318
SODIUM BISULFITE	7631-90-5	1685	2693
SODIUM BORATES	1303-96-4	0241	1458
SODIUM BOROHYDRIDE	16940-66-2	2063	1426
SODIUM BROMATE	7789-38-0	1686	1494
SODIUM CHLORATE	7775-09-9	1688	1495

SODIUM CHLORITE	7758-19-2	1689	1496
SODIUM CHLOROACETATE	3926-62-3	1690	2659
SODIUM CHROMATE	7775-11-3	1692	9145
SODIUM CUPROCYANIDE SOLID		2774	2316
SODIUM CUPROCYANIDE SOLUTION		2775	2317
SODIUM DICHROMATE	10588-01-9	1695	1479
SODIUM DINITRO-ortho-CRESOLATE	2312-76-7	1696	0234
SODIUM DITHIONITE	7775-14-6	1697	1384
SODIUM DODECYLBENZENE SULFONATE	25155-30-0	1698	9146
SODIUM FLUORIDE	7681-49-4	1699	1690
SODIUM FLUORIDES		3038	1690
SODIUM FLUOROSILICATE	16893-85-9	1701	2674
SODIUM HYDRIDE	7646-69-7	1702	1427
SODIUM HYDROGEN FLUORIDE	1333-83-1	1703	2439
SODIUM HYDROGEN SULFATE	7681-38-1	1704	1821
SODIUM HYDROSULFIDE	16721-80-5	1705	2318
SODIUM HYDROXIDE	1310-73-2	1706	1823
SODIUM HYPOCHLORITE	7681-52-9	1707	1791
SODIUM HYPOCHLORITE	10022-70-5	3039	1791
SODIUM METABISULFITE	7681-57-4	1708	2693
SODIUM METHOXIDE	124-41-4	1709	1289
SODIUM METHYLATE	124-41-4	1709	1289
SODIUM MONOXIDE	12401-86-4	1710	1825
SODIUM NITRATE	7631-99-4	1711	1498
SODIUM NITRITE	7632-00-0	2258	1500
SODIUM NITRITE and POTASSIUM NITRATE MIXTURES		2704	1487
SODIUM PENTACHLOROPHENATE	131-52-2	1712	2567
SODIUM PERCARBONATE	4452-58-8	1713	2467
SODIUM PERCARBONATE	15630-89-4	1714	2467
SODIUM PERCARBONATE	3313-92-6	1715	2467
SODIUM PERCHLORATE	7601-89-0	1716	1502
SODIUM PERMANGANATE	10101-50-5	1717	1503
SODIUM PEROXIDE	1313-60-6	1718	1504
SODIUM PERSULFATE	7775-27-1	1721	1505
SODIUM PHENOLATE	139-02-6	1722	2497
SODIUM PHENOXIDE	139-02-6	1722	2497
SODIUM PHOSPHATE, DIBASIC	7558-79-4	1723	9147
SODIUM PHOSPHATE, DIBASIC	10039-32-4	3040	9147
SODIUM PHOSPHATE, DIBASIC	10140-65-5	3041	9147
SODIUM PHOSPHATE, TRIBASIC	7601-54-9	1724	9148
SODIUM PHOSPHATE, TRIBASIC	7758-29-4	3042	9148
SODIUM PHOSPHATE, TRIBASIC	7785-84-4	3043	9148
SODIUM PHOSPHATE, TRIBASIC	10101-89-0	3044	9148
SODIUM PHOSPHATE, TRIBASIC	10124-56-8	3045	9148
SODIUM PHOSPHATE, TRIBASIC	10361-89-4	3046	9148
SODIUM PHOSPHIDE	12058-85-4	1725	1432
SODIUM PICRAMATE, WET, greater than 20%	831-52-7	2780	1349
SODIUM SALTS OF NITRO-AROMATIC DERIVATIVE		2782	0203
SODIUM SELENITE	7782-82-3	3047	2630
SODIUM SULFIDE	1313-82-2	1728	1385
SODIUM SUPEROXIDE	12034-12-7	1729	2547
(SODIUM) BLUE VRS (C.I. ACID BLUE 1)	129-17-9	3149	
SODIUM-POTASSIUM ALLOY		2709	1422
SOLVENT, n.o.s.		2784	1993
SPENT MIXED ACID		2061	1826
STAIN		2628	1263
STANNIC CHLORIDE	7646-78-8	1859	1827
STANNIC CHLORIDE, HYDRATED	10026-06-9	1731	2440
STANNIC PHOSPHIDE	25324-56-5	1732	1433
STANNOUS CHLORIDE	7772-99-8	1733	1759
STIBINE	7803-52-3	1735	2676
STODDARD SOLVENT	8052-41-3	1736	1993
STREPTOMYCIN	57-92-1	1737	1851
STREPTOZOCIN	18883-66-4	1738	1851
STRONTIUM	7440-24-6	1739	1434
STRONTIUM ARSENITE	15195-06-9	1740	1691
STRONTIUM CHLORATE	7791-10-8	1741	1506
STRONTIUM CHROMATE	7789-06-2	1742	9149
STRONTIUM NITRATE	10042-76-9	1743	1507
STRONTIUM PERCHLORATE	13450-97-0	1744	1508
STRONTIUM PEROXIDE	1314-18-7	1745	1509
STRONTIUM PHOSPHIDE	12504-13-1	1746	2013
STYPHNIC ACID	82-71-3	1947	0394
SUBSTANCES, WHICH, WHEN IN CONTACT WITH WATER EMIT FLAMMABLE GASES, n.o.s.		2790	2813

SUBSTITUTED NITROPHENOL PESTICIDES, LIQUID, FLAMMABLE, TOXIC, FLASH POINT LESS THAN 23c		2792	2780
SUBSTITUTED NITROPHENOL PESTICIDES, LIQUID, FLAMMABLE, TOXIC, FLASH POINT BETWEEN 23c AND 61c		2791	3013
SUBSTITUTED NITROPHENOL PESTICIDES, LIQUID, TOXIC, n.o.s.		2793	3014
SUBSTITUTED NITROPHENOL PESTICIDES, SOLID, TOXIC, n.o.s.		2794	2779
SUCCINIC ACID PEROXIDE	123-23-9	1751	2135
SULFALLATE	95-06-7	1753	2902
SULFAMETHOXAZOLE	723-46-6	1754	1851
SULFAMIC	5329-14-6	1770	2967
SULFATHIAZOLE	72-14-0	1755	1851
SULFUR	7704-34-9	1757	1350
SULFUR CHLORIDE	10025-67-9	1758	1828
SULFUR HEXAFLUORIDE	2551-62-4	1760	1080
SULFUR MONOCHLORIDE	12771-08-3	3048	1828
SULFURIC ACID, FUMING	8014-95-7	1762	1831
SULFUROUS ACID SOLUTION	7782-99-2	1764	1833
SULFURYL CHLORIDE	7791-25-5	1768	1834
SULFURYL FLUORIDE	2699-79-8	1769	2191
SULPROFOS	35400-43-2	1771	2902
SWAT	122-10-1	1772	3018
SYMCLOSENE	87-90-1	1892	2468
2,4,5-T	93-76-5	1896	2765
2,4,5-T AMINE	42589-07-1	1774	1765
2,4,5-T AMINE	1319-72-8	2931	2765
2,4,5-T AMINE	2008-46-0	2932	2765
2,4,5-T AMINE	3813-14-7	2933	2765
2,4,5-T AMINE	6369-96-6	2934	2765
2,4,5-T AMINE	6369-97-7	2935	2765
2,4,5-T ESTER	25168-15-4	1801	2765
2,4,5-T ESTER	93-79-8	1802	2765
2,4,5-T ESTER	93-78-7	1803	2765
2,4,5-T ESTER	1928-47-8	2936	2765
2,4,5-T ESTER	2545-59-7	2937	2765
2,4,5-T ESTER	61792-07-2	2938	2765
2,4,5-T SALTS	13560-99-1	2940	2765
2,3,6-TBA	50-31-7	1776	3004
TCA	76-03-9	1883	1839
TEAR GAS (IRRITATING SUBSTANCES, LIQUID OR SOLID), n.o.s.		2800	1693
TEAR GAS CANDLES, NON-EXPLOSIVE		2799	1700
TEMAZEPAM	846-50-4	1779	1851
TEMEPHOS	3383-96-8	1780	2783
TERPENE HYDROCARBONS, n.o.s.	68956-56-9	2802	2319
TERPINOLENE	586-62-9	1785	2541
TERT-AMYL HYDROPEROXIDE	3425-61-4	3099	3067
tert-BUTYL BROMIDE	507-19-7	0264	2342
tert-BUTYL CUMENE PEROXIDE	3457-61-2	2184	2091
tert-BUTYL CUMYL PEROXIDE	3457-61-2	2184	2091
tert-BUTYL HYDROPEROXIDE	75-91-2	1790	2094
tert-BUTYL HYDROPEROXIDE SOLUTION, maximum 80% in DI-tert-Butyl		2187	2092
tert-BUTYL ISOPROPYL BENZENE HYDROPEROXIDE	30026-92-7	2188	2091
tert-BUTYL MONOPEROXYMALEATE	1931-62-0	1792	2101
tert-BUTYL PEROXY (2-ETHYL)-HEXANOATE	3006-82-4	1796	2886
tert-BUTYL PEROXY-3,5,5-TRIMETHYLHEXANOATE	13122-18-4	2196	2104
3-tert-BUTYL PEROXY-3-PHENYLPHTHALIDE	25251-51-8	2194	2596
tert-BUTYL PEROXY-PHTHALATE		2195	2105
tert-BUTYL PEROXYACETATE	107-71-1	1793	2096
tert-BUTYL PEROXYCROTONATE	23474-91-1	1795	2183
tert-BUTYL PEROXYDIETHYL-ACETATE with tert-Butyl Peroxybenzoate		2192	2551
tert-BUTYL PEROXYDIETHYL-ACETATE, technical pure	2550-33-6	2191	2144
tert-BUTYL PEROXYISOBUTYRATE	109-13-7	1797	2142
tert-BUTYL PEROXYISONONANOATE		2193	2104
tert-BUTYL PEROXYISOPROPYL CARBONATE	2372-21-6	1798	2103
tert-BUTYL PEROXYNEODECANOATE	26748-41-4	1799	2177
tert-BUTYL PEROXYPIVALATE	927-07-1	1800	2110
tert-BUTYLCYCLOHEXYLCHLOROFORMATE	70042-58-9	1789	2747
tert-BUTYLISOCYANATE	1609-86-5	1791	2485
tert-OCTYL HYDROPEROXIDE		2592	2160
tert-OCTYL PEROXY-2-ETHYLHEXANOATE		2594	2161
TESTOSTERONE	58-22-0	1804	1851
TETRABROMOETHANE	25167-20-8	1805	2504
TETRABROMOETHANE	79-27-6	0016	2504
TETRACYCLINE	60-54-8	1814	1851
TETRAETHYL SILICATE	78-10-4	0909	1292
TETRAETHYLENEPENTAMINE	112-57-2	1816	2320

TETRAFLUOROETHYLENE	116-14-3	1819	1081
TETRAFLUOROHYDRAZINE	10036-47-2	1820	1955
TETRAFLUOROMETHANE	75-73-0	1821	1982
TETRAHYDROBENZALDEHYDE	1321-16-0	1822	2498
1,2,3,4-TETRAHYDROBENZENE	110-83-8	0572	2256
TETRAHYDROFURAN	109-99-9	1823	2056
TETRAHYDROFURFURYLAMINE	4795-29-3	1824	2943
TETRAHYDROPHTHALIC ANHYDRIDE	85-43-8	1825	2698
1,2,3,6-TETRAHYDROPYRIDINE	694-05-3	1826	2410
TETRAHYDROTHIOPHENE	110-01-0	1827	2412
TETRALIN HYDROPEROXIDE	771-29-9	1828	2136
TETRAMETHYL AMMONIUM HYDROXIDE	75-59-2	1829	1835
1,1,3,3-TETRAMETHYL BUTYL HYDROPEROXIDE	5809-08-5	1830	2160
TETRAMETHYL SILANE	75-76-3	1833	2749
1,1,3,3-TETRAMETHYLBUTYLPEROXY-2-ETHYL HEXANOATE	22288-43-3	2804	2161
TETRAMETHYLMETHYLENEDIAMINE	51-80-9	1832	9069
TETRANITRO-ANILINE	53014-37-2	1835	0207
TETRAPROPYLORTHOTITANATE	3087-37-4	2805	2413
TETRAZOL-1-ACETIC ACID	21732-17-2	1838	0407
TETRYL	479-45-8	1839	
THALLIC OXIDE	1314-32-5	2807	1707
THALLIUM CHLORATE	13453-30-0	2808	2573
THALLIUM compounds, n.o.s.		2809	1707
THALLIUM NITRATE	10102-45-1	1841	2727
THALLIUM SALT, n.o.s.		2810	1707
4-THIAPENTANAL	3268-49-3	1843	2785
THINNERS		2627	1760
THIOACETIC ACID	507-09-5	1845	2436
2,2'-THIOBIS-4,6-DICHLORO-PHENOL	97-18-7	2817	1671
THIOCYANIC ACID, (2-BENZOTHIAZOLYLTHIO)METHYL ESTER	21564-17-0	2819	2902
THIOGLYCOL		2821	2966
THIOGLYCOLIC ACID	68-11-1	1848	1940
THIOLACTIC ACID	79-42-5	1849	2936
THIOMETON	640-15-3	2822	3018
THIONYL CHLORIDE	7719-09-7	1850	1836
THIOPHENE	110-02-1	1851	2414
THIOPHOSGENE	463-71-8	1852	2474
THIOPHOSPHORYL CHLORIDE	3982-91-0	3129	1837
THIRAM	137-26-8	1854	2771
THORIUM	7440-29-1	1855	9170
TIN TETRACHLORIDE	7646-78-8	1859	1827
TITANIUM	7440-32-6	1860	2546
TITANIUM HYDRIDE	11140-68-4	1862	1871
TITANIUM SPONGE, Granules or Powder		2827	2878
TITANIUM SULFATE	13825-74-6	1863	1760
TITANIUM TRICHLORIDE	7705-07-9	1865	2869
TOE PUFFS, NITROCELLULOSE BASE		2828	1353
TOLUENE SULFONIC ACID	25231-46-3	1870	2584
TOLUENEDIISOCYANATE (MIXED ISOMERS)	26471-62-5	3132	
m-TOLUIDINE	108-44-1	1318	1708
p-TOLUIDINE	106-49-0	1622	1708
o-TOLUIDINE-5-NITRO	99-55-8	1444	2660
2,4,5-TP ESTERS	32524-95-5	2939	2765
TRIALLYL BORATE	1693-71-6	1876	2609
TRIALLYLAMINE	102-70-5	1875	2610
TRIAZINE PESTICIDES, LIQUID, FLAMMABLE		2832	2764
TRIAZINE PESTICIDES, LIQUID, FLAMMABLE		2831	2997
TRIAZINE PESTICIDES, LIQUID, TOXIC, n.o.s.		2833	2998
TRIAZINE PESTICIDES, SOLID, TOXIC, n.o.s.		2834	2763
TRIAZOLAM	28911-01-5	1877	1851
TRIBUTYL ALUMINUM	1116-70-7	1878	1930
TRIBUTYLAMINE	102-82-9	1879	2542
TRICHLOROACETIC ACID	76-03-9	1883	1839
1,2,3-TRICHLOROBENZENE	87-61-6	1885	2321
TRICHLOROBENZENES	12002-48-1	1886	2321
TRICHLOROBUTENE	51023-22-4	1888	2322
TRICHLOROFLUOROMETHANE	75-69-4	1891	
TRICHLOROISOCYANURIC ACID	87-90-1	1892	2468
2,3,4-TRICHLOROPHENOL	15950-66-0	2926	2020
2,3,5-TRICHLOROPHENOL	933-78-8	2927	2020
2,3,6-TRICHLOROPHENOL	933-75-5	2928	2020
3,4,5-TRICHLOROPHENOL	609-19-8	2956	2020
TRICHLOROPHENOL	25167-82-2	3011	2020
2,4,5-(TRICHLOROPHENOXY) ACETIC ACID	93-76-5	1896	2765
TRICHLOROPHENOXYPROPIONIC ACID	93-72-1	1899	2765

TRICHLOROPHENOXYPROPIONIC ACID ESTER	73826-29-6	1898	2765
TRICHLOROPHENOXYPROPIONIC ACID ESTER	6047-17-2	1900	2765
TRICHLOROSILANE	10025-78-2	1903	1295
TRICRESYLPHOSPHATE	1330-78-5	3130	2574
TRIETHANOLAMINE DODECYLBENZENESULFONATE	27323-41-7	1905	9151
TRIETHYL ALUMINUM	97-93-8	1906	1102
TRIETHYL PHOSPHITE	122-52-1	1909	2323
TRIETHYLAMINE	121-44-8	1907	1296
TRIETHYLENE TETRAMINE	112-24-3	1908	2259
TRIFLUOROACETIC ACID	76-05-1	1911	2699
TRIFLUOROBROMOMETHANE	75-63-8	1912	1009
TRIFLUOROCHLOROETHYLENE	79-38-9	1913	1082
TRIFLUOROETHANE	27987-06-0	1914	2035
TRIFLUOROMETHANE	75-46-7	1915	1984
2-TRIFLUOROMETHYL ANILINE	88-17-5	1917	2942
TRIISOBUTYL ALUMINUM	100-99-2	1919	1930
TRIISOBUTYLENE	7756-94-7	1920	2324
TRIISOCYANATOISOCYANURATE OF ISOPHORONEDIISOCYNATE, SOLUTION		2840	2906
TRIISOPROPYL BORATE	5419-55-6	1921	2616
TRIMETHADIONE	127-48-0	1923	1851
TRIMETHOPRIM	738-70-5	1924	1851
TRIMETHYL ALUMINUM	75-24-1	1926	1103
TRIMETHYL BENZENE	25551-13-7	1929	2325
TRIMETHYL NORPINANYL HYDROPEROXIDE	28324-52-9	1538	2162
TRIMETHYL PHOSPHITE	121-45-9	1935	2329
TRIMETHYLACETYL CHLORIDE	3282-30-2	1925	2438
TRIMETHYLAMINE	75-50-3	1927	1083
1,3,5-TRIMETHYLBENZENE	108-67-8	1928	2325
TRIMETHYLBORATE	121-43-7	1930	2416
TRIMETHYLCYCLOHEXYLAMINE	34216-34-7	1932	2326
TRIMETHYLHEXAMETHYLENEDI-ISOCYANATE	28679-16-5	1934	2328
TRIMETHYLHEXAMETHYLENEDIAMINE	25620-58-0	1933	2327
2,4,4-TRIMETHYLPENTENE	25167-70-8	0725	2050
2,4,4-TRIMETHYLPENTYL-2-PEROXYPHENOXY-AC		2844	2961
TRINITRO-ANILINE	26952-42-1	1936	0153
TRINITRO-m-CRESOL	602-99-3	1943	0216
TRINITROANISOLE	606-35-9	1937	0213
TRINITROBENZENE	99-35-4	1938	0214
TRINITROBENZENESULFONIC ACID	2508-19-2	1939	0386
TRINITROBENZOIC ACID	129-66-8	1940	0215
TRINITROCHLOROBENZENE	28260-61-9	1941	0155
TRINITROFLUORENONE	25322-14-9	1942	0387
TRINITROANAPHTHALENE	55810-17-8	1944	0217
TRINITROPHENETOLE	4732-14-3	1945	0218
TRINITRORESORCINOL	82-71-3	1947	0394
2,4,6-TRINITROTOLUENE	118-96-7	1948	0209
TRIORTHOCRESYL PHOSPHATE	78-30-8	1949	2574
TRIPHENYLTIN HYDROXIDE	76-87-9	1953	2588
TRIPROPYL ALUMINUM	102-67-0	1954	2718
TRIPROPYLAMINE	102-69-2	1955	2260
TRIPROPYLENE	13987-01-4	1956	2057
TRIS(1-AZIRIDINYL)PHOSPHINE OXIDE, SOLUTION	545-55-1	0175	2501
TROCLOSENE POTASSIUM	2244-21-5	1563	2465
TRYPAN BLUE	72-57-1	0465	1602
TUNGSTEN HEXAFLUORIDE	7783-82-6	1961	2196
TURPENTINE	8006-64-2	1962	1299
TURPENTINE SUBSTITUTE		2848	1300
UNDECANE	1120-21-4	1963	2330
URANIUM	7440-61-1	1969	2979
URANIUM HEXAFLUORIDE	7783-81-5	1970	2977
URANYL ACETATE	541-09-3	1975	9180
URANYL NITRATE	10102-06-4	1978	9177
URANYL NITRATE HEXAHYDRATE	13520-83-7	1980	9178
UREA HYDROGEN PEROXIDE	124-43-6	1985	1511
UREA NITRATE	124-47-0	1984	1357
UREA PEROXIDE	124-43-6	1985	1511
VALERALDEHYDE	110-62-3	1987	2058
VALERIC ACID	109-52-4	1988	1760
VALERYL CHLORIDE	638-29-9	1989	2502
VANADIUM OXYTRICHLORIDE	7727-18-6	1992	2443
VANADIUM TETRACHLORIDE	7632-51-1	1994	2444
VANADIUM TRICHLORIDE	7718-98-1	1995	2475
VANADIUM TRIOXIDE	1314-34-7	1996	2860
VANADYL SULFATE	27774-13-6	1997	2931
VANADYL TRICHLORIDE	7727-18-6	1992	2443

VARNISH		2627	1760
VARNOLINE	8052-41-3	1736	1993
VARSOL	8052-41-3	1736	1993
VINYL BROMIDE	593-60-2	1999	1085
VINYL BUTYRATE	123-20-6	2000	2838
VINYL CHLOROACETATE	2549-51-1	2002	2589
VINYL ETHYL ETHER	109-92-2	2004	1302
VINYL FLUORIDE	75-02-5	2005	1860
VINYL ISOBUTYL ETHER	109-53-5	2008	1304
VINYL METHYL ETHER	107-25-5	2009	1087
VINYL TOLUENE	25013-15-4	2010	2618
VINYL TRICHLOROSILANE	75-94-5	2011	1305
VINYL-n-BUTYL ETHER	111-34-2	0297	2352
VINYLIDENE FLUORIDE	75-38-7	2007	1959
VM & P NAPHTHA	8032-32-4	0206	1115
WASTE OIL		2851	1270
WATER REACTIVE SOLID, n.o.s.		2853	2813
WAX, LIQUID		2854	1993
WHITE SPIRITS	8052-41-3	1736	1993
WOOD FILLER, LIQUID		2855	1263
WOOD PRESERVATIVE, LIQUID		2879	1306
XYLENOL	1300-71-6	2015	2261
XYLIDINE	1300-73-8	2017	1711
XYLYL BROMIDE	28258-59-5	2018	1701
ZINC ACETATE	557-34-6	2022	9153
ZINC AMMONIUM CHLORIDE	52628-25-8	2859	9154
ZINC AMMONIUM NITRITE	63885-01-8	2023	1512
ZINC ARSENATE	1303-39-5	2024	1712
ZINC ARSENITE	10326-24-6	2025	1712
ZINC ASHES		2880	1435
ZINC BORATE	1332-07-6	2026	9155
ZINC BROMATE	14519-07-4	2882	2469
ZINC BROMIDE	7699-45-8	2027	9156
ZINC CARBONATE	3486-35-9	2028	9157
ZINC CHLORATE	10361-95-2	2029	1513
ZINC CHLORIDE	7646-85-7	2030	2331
ZINC CHROMATE	13530-65-9	2031	
ZINC COMPOUNDS, n.o.s.		3012	
ZINC CYANIDE	557-21-1	2032	1713
ZINC DITHIONITE	7779-86-4	2033	1931
ZINC FLUORIDE	7783-49-5	2034	9158
ZINC FORMATE	557-41-5	2035	9159
ZINC HYDROSULFITE	7779-86-4	2033	1931
ZINC NITRATE	7779-88-6	2036	1514
ZINC PERMANGANATE	23414-72-4	2038	1515
ZINC PEROXIDE	1314-22-3	2039	1516
ZINC PHENOLSULFONATE	127-82-2	2040	9160
ZINC POTASSIUM CHROMATE	11103-86-9	2042	
ZINC RESINATE	9010-69-9	2883	2714
ZINC SELENATE		2864	2630
ZINC SELENITE	13597-46-1	2865	2630
ZINC SILICOFLUORIDE	16871-71-9	2043	2855
ZINC SULFATE	7733-02-0	2044	9161
ZIRCONIUM	7440-67-7	2047	2008
ZIRCONIUM HYDRIDE	7704-99-6	2048	1437
ZIRCONIUM NITRATE	13746-89-9	2049	2728
ZIRCONIUM PICRAMATE	63868-82-6	2050	1517
ZIRCONIUM POTASSIUM FLUORIDE	16923-95-8	2051	9162
ZIRCONIUM SULFATE	14644-61-2	2052	9163
ZIRCONIUM TETRACHLORIDE	10026-11-6	2053	2503

(a)

DIVISION OF PUBLICLY FUNDED SITE REMEDIATION

New Jersey Pollutant Discharge Elimination System

Proposed Amendments: N.J.A.C. 7:14A-6.14 and 12.4
Proposed New Rules: N.J.A.C. 7:14A-2.15 and 6.17

Authorized By: Jeanne M. Fox, Acting Commissioner, Department of Environmental Protection and Energy.
Authority: N.J.S.A. 58:10A-1 et seq.
DEPE Docket Number: 64-93-12/113.
Proposal Number: PRN 1994-26.

A **public hearing** concerning this proposal will be held from 10:00 A.M. to 12:00 P.M. on Friday, January 21, 1994, at:

Department of Environmental Protection and Energy
Public Hearing Room
401 East State Street, First Floor
Trenton, New Jersey

Submit written comments, identified by the Docket Number given above, by February 2, 1994 to:

Janis E. Hoagland, Esq.
Administrative Practice Officer
Office of Legal Affairs
New Jersey Department of Environmental Protection and Energy
CN-402
Trenton, New Jersey 08625-0402

The agency proposal follows:

Summary

The New Jersey Department of Environmental Protection and Energy ("Department") is responsible for regulating the discharge of pollutants to the surface and ground waters of the State. The United States Environmental Protection Agency has delegated to the Department the primary enforcement and permitting responsibility under both the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) for surfce water discharges and the Underground Injection Control provisions of the Federal Safe Drinking Water Act (42 U.S.C. 300f et seq.) for ground water discharges to injection wells. The Department implements the authority delegated pursuant to these Federal acts and other State programs, such as regulation of discharges to ground water, under the authority of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., through the New Jersey Pollutant Discharge Elimination System ("NJPDES") permitting program. The NJPDES rules are set forth at N.J.A.C. 7:14A. The Department is proposing amendments and new rules at N.J.A.C. 7:14A in order to facilitate the remediation of contaminated sites.

The Department is also charged with the responsibility of ensuring that the thousands of contaminated sites in New Jersey are remediated to the degree that protects human health and the environment. The Department must also ensure that the contaminated sites are remediated as quickly as possible. Previously, investigative and remedial activities at sites where contamination was suspected or documented were conducted under several different regulatory and enforcement mechanisms. These mechanisms included administrative orders, administrative consent orders, directives issued pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11, program oversight requirements of the Industrial Site Recovery Act (formerly the Environmental Cleanup Responsibility Act), N.J.S.A. 13:1K-6 et seq., and the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., as well as NJPDES—Discharge to Ground Water Permits issued pursuant to the Water Pollution Control Act.

The Department has recently adopted rules (N.J.A.C. 7:26C) which redefine how the Department will oversee the remediation of contaminated sites. The Department will identify priority sites and, unless a person comes forward and executes an administrative consent order pursuant to N.J.A.C. 7:26C, will be prepared to expend public resources to conduct remediation. Recognizing the importance of working on the worst cases first, the Department also will encourage those parties interested in remediating sites which have not yet been designated a priority or which are not subject to the program requirements of the Industrial Site Recovery Act or the Underground Storage of Hazardous Substances Act to come forward and begin remediation efforts via a memorandum of agreement, pursuant to N.J.A.C. 7:26C-3. The Department's Technical Requirements for Site Remediation, N.J.A.C. 7:26E, are the standards upon which the Department will review and evaluate remediations performed under administrative consent orders, memoranda of agreement, or under the Industrial Site Recovery Act and Underground Storage of Hazardous Substances Act programs.

Implementation of this new strategy for site remediation will have several effects on the NJPDES Discharge to Ground Water permit program. In the past, the Department has issued NJPDES-Discharge to Ground Water permits to regulate ongoing discharges of pollutants from operational units (such as landfills, surface impoundments, and land treatment units), and to detect, investigate, and, if necessary, to remediate ongoing or past discharges impacting human health or the environment. The Department used three types of permits for facilities where site-related wastewater or materials handling practices resulted in potential or actual discharges that could pollute ground water. These permits were for detection, compliance, or corrective action monitoring. The regulatory scheme was to first measure any detrimental impacts to ground water quality by installation of monitoring wells (detection); second, to study any such impacts found (compliance); and, finally, to devise a remedy to correct any contamination determined to be at unacceptable levels (corrective action).

The Department issued detection monitoring permits to owners and operators of certain categories of waste management units that were designed to discharge, or were suspected of discharging, pollutants to ground water. These permits established monitor well networks to detect and measure impacts to ground water from these regulated units. Compliance monitoring permits required the investigation of contamination through the detection monitoring phase. They routinely required delineation of a contaminant plume and submittal of corrective action plans. The Department used corrective action permits to implement a plan for the remediation of contaminated ground water. These permits typically required that the effectiveness of the approved remediation program be monitored over time to ensure that acceptable levels of the contaminants of concern were being achieved by the cleanup.

The NJPDES-Discharge to Ground Water permit program as administered in the past did not contemplate degrees of case complexity, remedial priority, ability or willingness of responsible parties to undertake independent investigative or remedial actions, or possible involvement of other regulatory or enforcement programs at the site in determining whether issuance of detection, compliance, or corrective action permits was warranted. In many cases, remedial activities at a site were handled under more than one control mechanism. For example, requirements for corrective action for discharges from an operational equalization basin were incorporated into a NJPDES-Discharge to Ground Water permit, while site-wide investigation of discharges from past disposal areas was conducted under an administrative consent order.

Under the new approach, the Department will no longer use NJPDES-Discharge to Ground Water permits for the investigation and remediation of contaminated ground water. Responsible parties will now be encouraged to investigate their sites and to develop plans to remediate contamination with Department oversight through administrative consent orders (for priority sites), memoranda of agreement (for sites not yet determined by the Department to be priority sites), and the oversight requirements of the Industrial Site Recovery Act (formerly the Environmental Cleanup Responsibility Act) and Underground Storage of Hazardous Substances Act. The technical requirements in these oversight documents and programs will supersede the requirements established in detection monitoring, compliance monitoring, and corrective action permits currently issued under the NJPDES-Discharge to Ground Water program in the Site Remediation Program.

The Site Remediation Program intends to continue to issue NJPDES-Discharge to Ground Water permits, after the investigation at a contaminated site has been completed and the need for ground water remedial action has been established, for any discharges to ground water necessary to effectuate the corrective action, such as reinjection of treated ground water. Otherwise, the Department will incorporate approvals for the investigation, design and construction, and remedial action itself into one of the oversight mechanisms identified in the previous paragraph.

Several amendments to the NJPDES regulations are necessary in order to ensure that the NJPDES-Discharge to Ground Water permit program complements the Department's new site remediation strategy. The first proposed amendment allows a permit-by-rule for short-term discharges during the engineering and design phases of remediation. The second

proposed amendment authorizes, by permit-by-rule, ground water discharges necessary to remediate contamination caused by leaking underground fuel storage tanks at private residences. The third proposed amendment exempts owners and operators of contaminated sites from the requirement to conduct detection monitoring, compliance monitoring, or corrective action under a NJPDES-Discharge to Ground Water permit. This exemption will not be applicable to operational units or to facilities that are required by statute, program, or existing enforcement documents to conduct any aspect of ground water investigation or remediation under a NJPDES-Discharge to Ground Water permit. The fourth proposed amendment allows a Department to use a general permit to authorize certain categories of ground water discharges. The fifth proposed amendment exempts owners and operators from the requirement to obtain a Treatment Works Approval to build, install, modify, or operate any systems for discharges to ground water that are permitted-by-rule under proposed N.J.A.C. 7:14A-2.15(a)4.

Proposed Permit-By-Rule for Short-Term, Investigative Discharges, N.J.A.C. 7:14A-2.15

The Department is proposing a new section in subchapter 2 of the NJPDES regulations, General Requirements for the NJPDES Permit. This proposed rule will allow discharges to ground water, under permit-by-rule, rather than individual NJPDES-Discharge to Ground Water permits, from facilities or equipment used in connection with remedial alternatives analysis, for engineering and design studies to evaluate a source of water pollution or to determine methods of treatment for contaminated water.

The Water Pollution Control Act states that it is "unlawful for any person to discharge any pollutant, except in conformity with a valid New Jersey Pollution Discharge Elimination System permit" (N.J.S.A. 58:10A-6(a)) and that it is "unlawful for any person to build, install, modify or operate any facility for the collection, treatment, or discharge of any pollutant, except after approval by the department" (N.J.S.A. 58:10A-6(b)). The NJPDES regulations state that "[n]o person shall build, install, operate or substantially modify a facility for the collection or treatment of any pollutant prior to the issuance of a final draft NJPDES permit" (N.J.A.C. 7:14A-7.2(a)1). However, the definition of "facility" under N.J.A.C. 7:14A-1.9 excludes "facilities or equipment used in connection with feasibility, engineering, and design studies regarding the source or water pollution treatment for the source." The Department has, under the existing definition of "facility," allowed discharges to ground water without a NJPDES-Discharge to Ground Water permit, provided the discharges are necessary as part of a data collection effort during remedial alternatives analysis or the design phases of ground water remediations conducted under an existing NJPDES permit, administrative consent order, administrative order, memorandum of agreement, the Industrial Site Recovery Act, or the Underground Storage of Hazardous Substances Act. The Department believes that certain short-term discharges can be more appropriately authorized through a permit-by-rule.

Permit-by-rule authorization for short-term discharges will be given for ground water discharges necessary for conducting a remedial investigation, remedial alternatives analysis, or remedial design if performed by the Department pursuant to the Spill Act (N.J.S.A. 58:10-23.11(f)) or under Department oversight pursuant to the requirements of the Industrial Site Recovery Act (N.J.S.A. 13:1K-6 et seq.), the rules at N.J.A.C. 7:14B implementing the Underground Storage of Hazardous Substances Act, or the rules at N.J.A.C. 7:26C governing the Procedures for Department Oversight of Site Remediation, and provided the discharges are of limited duration. The Department believes that this new rule will facilitate and expedite the remediation of contaminated sites by allowing the person responsible for conducting the remediation to work cooperatively with the Department without imposing additional requirements to apply for and obtain a NJPDES-Discharge to Ground Water permit for short-term discharges. The Department believes that the permit-by-rule is the appropriate vehicle for approval of these short-term discharges, since the remediations already are being performed with Department oversight.

Proposed Permit-By-Rule for Homeowners, N.J.A.C. 7:14A-2.15(a)4

The Department is also proposing to issue permit-by-rule authorizations to homeowners for discharges to ground water resulting from remediations of leaking underground storage tanks, provided the tanks are not regulated under the Underground Storage of Hazardous Substances Act (heating oil tanks must be less than 2,001 gallons in aggregate capacity and motor fuel tanks less than 1,101 gallons in aggregate capacity), and the cleanup is performed under Departmental oversight, pursuant to N.J.A.C. 7:26C. The Department can, through the oversight mechanism, regulate discharges of pollutants which could otherwise adversely impact human health or the environment.

In recent years, the Department has investigated and assisted in developing remedial plans for hundreds of cases involving discharges of home heating fuel from small capacity underground storage tanks. Although these spills of petroleum product typically are unintentional and often go unnoticed until private wells are contaminated or vapor problems are identified, homeowners are responsible for mitigating the effects of the pollution under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11.

The Department responds to situations involving homeowner fuel tank spills by working in cooperation with the homeowner to ensure that the pollutant source is controlled as quickly as possible, and to initiate ground water remediation where necessary. Under the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., any discharge of pollutants is prohibited unless authorized under a valid NJPDES permit. Because the impact to human health and the environment can be minimized if remediation is implemented quickly, the Department utilizes On-Scene Coordinator authority for discharges to surface water, under N.J.A.C. 7:14A-3.1(b)3, or emergency permits for discharges to ground water pursuant to N.J.A.C. 7:14A-2.2 to grant initial approval for any discharges related to the ground water cleanup.

The Department's experience with these homeowner cases has demonstrated that the remediation of ground water contaminated by fuel oil often takes more time than the effective term of an emergency (180 days). Homeowners with leaking underground fuel oils generally experience significant personal and financial hardship in their good-faith efforts to comply with the Department's remediation requirements. The Department does not wish to add to the economic burdens of homeowners by imposing the administrative and fee requirements of individual NJPDES permits. Rather, the Department will authorize any discharges to ground water necessary to remediate contaminated ground water in these cases using the permit-by-rule, provided that the remediation is being conducted with Department oversight pursuant to N.J.A.C. 7:26C.

The Department is proposing to use the permit-by-rule to approve ground water discharges in homeowner cases because the Department believes that most homeowners are simply unprepared, both financially and technically, to deal with the administrative and economic aspects of individual NJPDES-Discharge to Ground Water permits, but are receptive to Department guidance and oversight of the remediations. The Department can, during its oversight of the homeowner ground water cleanups, work with the homeowners and their consultants to ensure compliance with effluent limitations and other site-specific requirements of the permit-by-rule.

Proposed Exemptions from NJPDES-Discharge to Ground Water Permits, N.J.A.C. 7:14A-6.14(a)4, (b) and (c)

Pursuant to N.J.S.A. 58:10A-6(d), the Commissioner of the Department may, by regulation, exempt certain categories of discharge, in whole or in part, from the requirement to obtain a permit under the Water Pollution Control Act (N.J.S.A. 58:10A-6 et seq.). Such discharges may be exempted from permitting "provided . . . that an exemption afforded under this section shall not limit the civil or criminal liability of any discharger nor exempt any discharger from approval or permit requirements under any other provision of law." The exemption categories at N.J.S.A. 58:10A-6(d)(3) and N.J.S.A. 58:10A-6(d)(7), respectively, are discharges "from septic tanks, or other individual waste disposal systems, sanitary landfills, and other means of land disposal of wastes," and discharges "conforming to a national contingency plan for removal of oil and hazardous substances, published pursuant to section 311(c)(2) of the Federal Act [Water Pollution Control Act Amendments of 1972]."

Ground water discharge activities currently exempted from existing NJPDES permit requirements are identified at N.J.A.C. 7:14A-6.14. The Department is proposing to expand the scope of the exemptions listed at N.J.A.C. 7:14A-6.14 to include ground water monitoring and remediation programs at contaminated sites and discharges authorized by an on-scene coordinator.

Proposed N.J.A.C. 7:14A-6.14(a)4 exempts all discharges to ground water conducted in compliance with the instructions of a Department on-scene coordinator, pursuant to 40 CFR 300 (the National Oil and Hazardous Substances Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances), and the State Spill Compensation and Control Act, N.J.S.A. 58:10-23.11. As a designated representative

of the Department, the on-scene coordinator is empowered to authorized discharges when necessary to mitigate substantial and imminent threats to human health or the environment. Based on existing statutory authority, the Department is proposing to add language at N.J.A.C. 7:14A-6.14(a)4 that will clearly exempt from NJPDES-Discharge to Ground Water permit requirements any discharges to ground water performed under on-scene coordinator authority. A similar exemption for any discharges to surface water authorized by an on-scene coordinator already exists at N.J.A.C. 7:14A-3.1(b). The circumstances that require an on-scene coordinator for ground water discharges for remediation of a contaminated site are that the discharges are short term (less than 12 months) and that they do not warrant issuance of a full permit. An emergency permit would be inappropriate under such circumstances as the intent of the emergency permit is to allow a discharge under emergency conditions where the continuing discharge is necessary until a full permit, which would be in place for a number of years, can be processed.

The Department is also proposing to exempt owners or operators of contaminated sites from having to obtain NJPDES-Discharge to Ground Water permits in order to conduct detection monitoring, compliance monitoring, or corrective action. This exemption will not apply to operational units, or to any facility that is required by statutory, enforcement, or other regulatory requirements to perform any aspects of site investigation or remediation under a NJPDES-Discharge to Ground Water permit. Unless authorized by an on-scene coordinator, any discharge to ground water resulting from remediation at a contaminated site will still require a NJPDES-Discharge to Ground Water permit or, for on-site response actions at sites subject to the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), a permit equivalent.

For the past two decades, with the exception of the Industrial Site Recovery Act (formerly the Environmental Cleanup Responsibility Act) program, the Department has approached site remediation efforts on a media-specific basis. While ground water was often investigated and remediated pursuant to a NJPDES-Discharge to Ground Water permit, contaminated soil, a different "medium," at the site may not have been concurrently remediated. This media-specific approach tended to fragment site remediation efforts. Often, the Department and the regulated party were required to review remediation work already completed to see if additional action was needed. The Department's new site remediation strategy discussed previously is a response to the inefficiencies and duplication of the media-specific approach. To achieve consistency in the manner in which contaminated sites are addressed, the Department will oversee remediation of contaminated sites under an oversight mechanism rather than NJPDES-Discharge to Ground Water permits. The permit exemption for contaminated sites will enable the Department to implement this strategy and will increase efficiency by allowing the Department to redirect its resources from the administration of permits to the oversight of the investigation and cleanup of sites that present the greatest environmental hazards.

Upon adoption of this proposed rule, the Department will initiate procedures, consistent with the statutory requirements at N.J.S.A. 58:10A-7 and the NJPDES regulations promulgated pursuant thereto, to revoke or modify existing NJPDES-Discharge to Ground Water permits for any portion of a facility falling within the scope of the exemption at N.J.A.C. 7:14A-6.14(b).

Proposed N.J.A.C. 7:14A-6.14(c) clarifies the circumstances under which approval for ground water discharges will still be needed, based on statutory, enforcement, or regulatory requirements. Each exception to the exemption proposed at N.J.A.C. 7:14A-6.14(b) is discussed below.

Subtitle C of the Federal Resource Conservation and Recovery Act of 1976 (RCRA), as amended (42 U.S.C. 6901-6992), established a comprehensive program for management of hazardous waste. RCRA requires owners and operators of hazardous waste facilities to comply with standards established by the United States Environmental Protection Agency (EPA) and to apply for permits to operate hazardous waste units. New Jersey was delegated authority to administer the RCRA program in 1985, upon promulgation of regulatory requirements for hazardous waste facilities equivalent to (and, in some cases, more stringent than) those of EPA.

New Jersey's rules applicable to hazardous waste sites are found at N.J.A.C. 7:26 and at N.J.A.C. 7:14A. These rules mandate the implementation of detection monitoring, compliance monitoring, or corrective action for operating or closing hazardous waste land disposal units and hazardous waste underground storage tanks under permit authorization. In order for the State to retain its authorization for administration of its RCRA program, its regulations pertinent to hazardous waste management and monitoring must remain equivalent to EPA rules. Therefore, under proposed N.J.A.C. 7:14A-6.14(c)1, owners and operators of land disposal facilities (landfills, surface impoundments, land treatment units) and underground storage tanks subject to the provisions of the New Jersey hazardous waste regulations must apply for, and obtain, a NJPDES-Discharge to Ground Water permit for the monitoring programs required under N.J.A.C. 7:14A-6.15(b).

The proposed exemption at N.J.A.C. 7:14A-6.14(b) is not applicable to any site operational activities or discharges under the purview of the Department's Division of Water Quality. Under proposed N.J.A.C. 7:14A-6.14(c)2, facilities with operating units (for example, spray irrigation, equalization basins, operational landfills) are still required to obtain NJPDES-Discharge to Ground Water permits to detect and measure potential impacts from the units on ground water quality.

Under proposed N.J.A.C. 7:14A-6.14(c)3, when a remedial action includes discharges to ground water, such as a pump and treat system discharging treated water back into the ground, that are not performed under On-Scene Coordinator authority, a NJPDES-Discharge to Ground Water permit will still be issued where required by law and regulation. Effluent limitations on discharges to ground water will be necessary to ensure that ground water quality standards or site-specific cleanup criteria are being achieved through the approved remedial action program. The issuance of NJPDES permits for such ground water discharges is consistent with the Department's current practice to issue permits for these discharges.

Under proposed N.J.A.C. 7:14A-6.14(c)4, the proposed exemption at N.J.A.C. 7:14A-6.14(b) does not apply to non-operational landfills subject to the provisions of N.J.A.C. 7:26-2A.9. Closure and post-closure care requirements for all new landfills and every landfill that operated on or after January 1, 1982, are identified under N.J.A.C. 7:26-2A.9. Pursuant to these regulatory requirements, closure and post-closure care must include a program for ground water monitoring performed in accordance with the NJPDES rules, N.J.A.C. 7:14A. The Department will continue to require a NJPDES permit for ground water monitoring conducted at landfills as part of the closure and post-closure care programs under N.J.A.C. 7:26-2A.9.

Finally, under proposed N.J.A.C. 7:14A-6.14(c)5, the proposed exemption at N.J.A.C. 7:14A-6.14(b) does not apply to facilities conducting monitoring or remediation under a NJPDES-Discharge to Ground Water permit if the permit was required by a program (for example, the Industrial Site Evaluation Element) or oversight document. This limitation on the proposed exemption ensures that persons conducting NJPDES-permitted ground water investigations and cleanups where the permit was required by previously executed administrative orders or administrative consent orders are not relieved of the responsibility to complete the investigation or remediation. In the past, a number of final Industrial Site Recovery Act (formerly the Environmental Cleanup Responsibility Act) approvals of real estate sales or transactions were conditioned upon the incorporation of a final remedy under a NJPDES-Discharge to Ground Water permit. Similarly, the Department has issued numerous enforcement documents requiring that some aspect of contaminated site remediation be performed in accordance with conditions specified in a NJPDES-Discharge to Ground Water permit. The Department's intent in retaining the permit requirement for these facilities is to prevent termination of required remedial activities that have already been approved by the Department and are being implemented.

Proposed General Permits, N.J.A.C. 7:14A-6.17

In subchapter 6 of the NJPDES rules, Additional Requirements for Discharges to Ground Water, the Department is proposing, at N.J.A.C. 7:14A-6.17, to authorize certain ground water discharges through a general permit.

The New Jersey Water Pollution Control Act prohibits the discharge of any pollutant except in conformity with a valid NJPDES permit. The rules governing the monitoring and permit requirements for pollutant discharges to ground water are set forth at N.J.A.C. 7:14A-6. Historically, regulation of all ground water discharges (with the exception of activities exempted under N.J.A.C. 7:14A-6.14) has been accomplished primarily by issuance of NJPDES-Discharge to Ground Water permits to individual dischargers. Each permit contained general provisions applicable to a particular category of discharges (for example, surface impoundments, injection wells) and any special requirements pertinent to the discharges and conditions at each particular site.

During its administration of the NJPDES permit program, the Department has found that issuance of individual permits to each discharger

is a time and resource intensive process. Preparation of draft permits incorporating general and special conditions, public notices, response to comments received during the public notice period, and issuance of final NJPDES permits requires the commitment of many hours and a high level of Departmental oversight for the term of each permit (five years) to ensure compliance with specific permit conditions.

While individual permit authorizations will still be issued when required by a particular program (for example, RCRA) or warranted due to site complexity, the Department is proposing this new rule that will allow certain categories of discharges to be permitted under a general permit. Protection of public health and the environment can be accomplished through the general permit, and the Department's experience indicates that some discharge activities can more appropriately and efficiently be regulated under a general permit. For example, in cases involving discharges of petroleum products from underground storage tanks, similar classes of pollutants have consistently been identified, and similar ground water extraction and treatment technologies have proven successful in remediating these sites. Thousands of cases involving ground water contamination resulting from leaking underground storage tanks have been identified to date, yet budgetary constraints and the amount of time needed to process individual permits for ground water investigations and remediations of these sites have resulted in issuance of final NJPDES-Discharge to Ground Water permits to only approximately 200 permittees.

In order to manage the thousands of contaminated underground storage tank sites currently without cleanup approvals, the Department will encourage responsible parties to undertake voluntary investigations and cleanups (following the technical requirements for site remediation and with appropriate Department oversight), and will issue approvals for reinjection of treated ground water at many of these sites under a general permit. Approvals for such discharges under a general permit will facilitate regulation of a large number of dischargers in much less time than would be needed to process an equivalent number of individual permits. This strategy will result in the expedited cleanup of contaminated portions of aquifers.

The general permit has been effectively utilized since 1988 in the surface water program to regulate certain categories of discharges to surface water (N.J.A.C. 7:14A-3.9). Hundreds of general permit approvals have been issued to regulate discharges to surface water from stormwater runoff, from non-contact cooling water, and from the remediation of petroleum product releases from underground storage tanks. Through this proposed amendment, the Department expects to achieve similar efficiencies in permit processing and administration in the ground water program.

Proposed Exemptions from Treatment Works Approvals, N.J.A.C. 7:14A-12.4(a)4

The Department is proposing to exempt owners and operators of contaminated sites who will receive permit-by-rule authorization under proposed N.J.A.C. 7:14A-2.15 from the requirements of applying for and receiving Treatment Works Approvals for these discharges. Under N.J.A.C. 7:14A-12.1(c), the Department is authorized to determine whether a Treatment Works Approval is needed based upon an evaluation of such factors as degree of risk to public health, characteristics and quality of the discharge and receiving water, quantity of the discharge, and site of the proposed discharge. Pursuant to N.J.A.C. 7:14A-12.1(e), a treatment works that is not required to obtain an approval must still conform with the requirements outlined under N.J.A.C. 7:14A-12.1 of the NJPDES regulations.

When site remediation is being conducted with Department oversight, the Department can ensure, through that oversight, that permit-by-rule authorization is not given unless a proposed system is designed, operated, and maintained in a manner that is protective of human health and the environment. Under the appropriate oversight mechanism, owners and operators who request permit-by-rule authorization will be required to submit information including, but not limited to, a description of the proposed treatment or testing system, and the characteristics, quality, quantity, and duration of the discharge. The Department will evaluate these criteria and will issue a written permit-by-rule authorization only when it has been demonstrated that the proposed discharge will have no adverse impact on human health and the environment.

Persons who receive authorization for ground water discharges under general permits under proposal N.J.A.C. 7:14A-6.17 will not have to apply for and receive separate Treatment Works Approvals since, under N.J.A.C. 7:14A-7.2(a)1, a final draft NJPDES permit serves as the construction approval. Pursuant to N.J.A.C. 7:14A-7.2(a)1, the treatment works must conform with the requirements of N.J.A.C. 7:14A-12 even though Department approval is not specifically required.

It should be noted that, on August 2, 1993 the Department proposed major changes to the Treatment Works Approval rules at N.J.A.C. 7:14A-12 (25 N.J.R. 3282(a)). The Department will conform, on adoption, the codification of the amendment proposed herein to N.J.A.C. 7:14A-12.4(a)4 to that contained in the August 1993 proposal, which the Department expects to adopt in the winter of 1994.

Social Impact

The proposed new rules and amendments will have a beneficial social impact. The authorization of ground water discharges associated with investigative or remedial activities via the permit-by-rule and the general permit will enable the Department to regulate a larger number of dischargers more effectively and efficiently. Since approvals for these types of ground water discharges will be granted in a shorter time frame than typically needed for processing full NJPDES permits, remediation of the State's ground water resources will be facilitated, and improvement of ground water quality in areas where it has been degraded should occur more rapidly. The proposed permit-by-rule authorizing short-term discharges for owners and operators conducting remediations under Department oversight will for the most part codify existing practice and also facilitate remediation of contaminated sites. The efforts of a responsible party to initiate site remediation should be further expedited since the Department will exempt discharges authorized under the proposed permit-by-rule from the additional requirements of applying for and receiving a Treatment Works Approval.

Exemption of owners and operators of certain facilities from monitoring and remediation under NJPDES-Discharge to Ground Water permits will increase Departmental efficiency in addressing contaminated sites. The Department can, in most cases, more effectively oversee remediation of contaminated sites under administrative consent orders, memoranda of agreement, the Industrial Site Recovery Act (formerly the Environmental Cleanup Responsibility Act), or the Underground Storage of Hazardous Substances Act rather than under NJPDES-DGW permits. Moreover, the Department will be able to redirect staff efforts toward expediting investigations and remediations at sites posing the greatest risk to human health and the environment.

Economic Impact

The proposed new rules and amendments will have an economic impact both on permittees and the Department. Specifically, the proposed new rules and amendments will, for the most part, reduce regulatory charges for: (1) owners and operators of contaminated sites who will be exempted by proposed N.J.A.C. 7:14A-6.14 from conducting monitoring programs under NJPDES-Discharge to Ground Water permits; (2) persons who will qualify for permit-by-rule authorization and exemption from Treatment Works Approvals for certain ground water discharges if performed under Department oversight; and (3) facility owners and operators who will receive general permit authorizations in lieu of individual permit approvals.

Permittees no longer requiring NJPDES-Discharge to Ground Water permits pursuant to the exemptions at proposed N.J.A.C. 7:14A-6.14, will be assessed permit fees for State fiscal year 1994 based upon direct Department charges, pursuant to N.J.A.C. 7:14A-1.8(k) (adopted October 4, 1993). Department charges will reflect the costs of work actually performed to revoke the permits.

Following final permit revocation, the owners and operators of these facilities will no longer incur fees for that permit. However, if site investigation or remediation is conducted at the facility under an oversight document pursuant to the Procedures for Department Oversight of Site Remediation (N.J.A.C. 7:26C), the responsible party will be required to reimburse the Department for costs of oversight related to remediation.

The Department's oversight costs formula identifies all of the Department's direct and indirect costs related to oversight of site remediation. Actual costs are based on direct staff hours worked on an individual site and attendant overhead costs. Actual oversight reimbursement costs incurred by a responsible party during site investigation and remediation performed under memoranda of agreement or administrative consent orders may be greater or less than the past NJPDES permit fees, depending on the site.

N.J.A.C. 7:14A-2.15 will establish a permit-by-rule for certain short-term discharges conducted under a Department oversight mechanism, and for discharges related to remediation of residential underground storage tank sites. Persons qualifying for the proposed permit-by-rule

will be subject to permit fees (based on cost recovery) in accordance with N.J.A.C. 7:14A-1.8(k). Since the proposed permit-by-rule will not involve permit or Treatment Works Approval applications, and the time required for the Department to prepare a written notice of authorization is expected to be minimal, fees should also be minimal.

Historically, the Department has regulated virtually all discharges to ground water by issuing individual NJPDES permits to each discharger. In the past, permit fees were calculated based on discharge category and relative degree of risk posed by the discharges to human health and the environment. Under proposed N.J.A.C. 7:14A-6.17, the Department will have the authority to issue approvals for certain categories of ground water discharges using general permits. Many permittees currently discharging under individual permits will qualify for general permit approvals. These permittees will be subject to permit fees based on cost recovery, pursuant to N.J.A.C. 7:14A-1.8(k). Since the processing time for general permit authorizations is expected to be significantly shorter than that for individual permits, the general permit fees also are expected to be lower than those for individual permits.

Although the proposed amendments are not intended to increase or decrease the revenue generated through the NJPDES permitting process, the Department's costs in processing, monitoring, and administering certain NJPDES permits will be reduced. The issuance of general permits and permit-by-rule authorizations will enable the regulation of a larger number of dischargers using fewer resources than would be needed to issue an equivalent number of individual permit approvals. Since fewer hours will be needed to process permit-by-rule and general permit authorizations than are typically required to process individual permits, any oversight costs incurred by the permittee for the general permits and the permit-by-rule should be lower than the fees assessed for individual NJPDES-Discharge to Ground Water permits.

Environmental Impact

The proposed new rules at N.J.A.C. 7:14A-2.15 and 6.17 will improve the Department's efficiency in remediating contaminated sites by reducing permit processing, review, and sampling efforts. The issuance of NJPDES-Discharge to Ground Water permits and permit-by-rule authorizations will bring more discharges required for remediation of contaminated sites into the NJPDES system in less time than is needed for processing individual permits. The effect will be that the Department will be better able to mitigate pollution in areas where ground water quality has been degraded.

The general permit includes limits, monitoring requirements (where appropriate), reporting requirements, restrictions, and prohibitions. Eligibility for permit-by-rule authorization under proposed N.J.A.C. 7:14A-2.15 and exemption from Treatment Works Approval requirements under proposed N.J.A.C. 7:14A-12.4(a)4 will be contingent upon meeting specific Department oversight requirements. Both types of approvals can be upgraded to individual permits when necessary to protect the ground waters of the State.

The exemption of contaminated non-RCRA facilities from NJPDES-Discharge to Ground Water permitting requirements under proposed N.J.A.C. 7:14A-6.14(b) will allow the Department to focus its resources on the cases where negative impacts to human health or the environment have been greatest. This will expedite contaminant source definition, delineation of extent of contamination, and cleanup of the priority sites.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has determined that the proposed rules will affect a significant number of small businesses (as defined by the Act). The following analysis describes those effects attributable to the proposed new rules and amendments.

Over half of the holders of NJPDES ground water permits are small businesses. Under proposed N.J.A.C. 7:14A-2.15 and amended N.J.A.C. 7:14A-6.14, small businesses will benefit from the simpler requirements for some aspects of investigating or remediating a contaminated site. No new recordkeeping or reporting requirements are imposed by the proposed permit-by-rule and general permit requirements. Some sampling, recordkeeping, and reporting requirements incorporated as conditions of individual NJPDES-Discharge to Ground Water permits are likely to be reduced. Owners and operators qualifying for the Treatment Works Approval exemption will not have to prepare and submit applications and receive these approvals as separate, additional steps in the remedial process. No new capital costs will be imposed, since existing site remediation requirements are being shifted from the NJPDES program to the Site Remediation Program.

Small businesses that may be exempted from NJPDES-Discharge to Ground Water permit requirements under proposed N.J.A.C. 7:14A-6.14 will be relieved of annual permit fees and may thus become better able financially to conduct site investigations and cleanups either independently or under Departmental oversight. Small businesses exempted from permit requirements to conduct site investigations and remediations will require the services of an environmental consultant to perform the investigation and cleanup under alternative oversight programs. Since small businesses have had to engage the services of environmental professionals to perform equivalent studies under NJPDES permits and the Industrial Site Recovery Act (formerly the Environmental Cleanup Responsibility Act) and the Underground Storage of Hazardous Substances Act in the past, the proposed rules will not impose any new economic burden on these businesses.

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

7:14A-2.15 Permit-by-rule authorization for ground water discharges necessary for contaminated site monitoring, remedial investigation or remedial alternatives analysis

(a) When the Department is remediating a contaminated site as defined at N.J.A.C. 7:26C-1.3, or an owner or operator of a contaminated site is conducting remediation under Department oversight pursuant to the rules at N.J.A.C. 7:14B implementing the Underground Storage of Hazardous Substances Act, the requirements of the Industrial Site Recovery Act (N.J.S.A. 13:1K-6 et seq., as amended), the requirements of the Spill Compensation and Control Act (N.J.S.A. 58:12-3.11), or the Procedures for Department Oversight of the Remediation of Contaminated Sites at N.J.A.C. 7:26C, and is in receipt of a notification of authorization by the Department as specified in (b) below, the following ground water discharges are authorized by permit-by-rule:

1. Discharges from pilot treatment plants for the purpose of obtaining engineering design data where the discharge will not last more than 90 days from the first date of discharge;

2. Discharges from wells to test aquifers for the purpose of measuring aquifer characteristics where the discharge will not last more than 30 days from the first date of discharge;

3. Discharges from any other facility or equipment for monitoring, engineering, remedial alternatives analysis, or design studies necessary to evaluate a contaminated site where the discharge will not last more than 90 days from the first date of discharge; and

4. Discharges to ground water to remediate contamination caused by leaking underground storage tanks at private residences not subject to the provisions of the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq.

(b) The permit-by-rule is effective upon receipt of written notification from the Department. This notification will include any limitations necessary to ensure compliance with applicable ground water quality, surface water quality or cleanup requirements.

7:14A-6.14 Exemptions

(a) The following discharges do not require a DGW permit:

1. (No change.)

2. Any introduction of pollutants from nonpoint source agricultural and silvicultural activities, including runoff from orchards, cultivated crops, pastures, range lands, and forest lands but not discharges from concentrated animal feeding operations as defined in N.J.A.C. 7:14A-3.4, discharges from concentrated aquatic animal production facilities as defined in N.J.A.C. 7:14A-3.5, discharges to aquaculture projects as defined in N.J.A.C. 7:14A-3.6, and discharges from silvicultural point sources as defined in N.J.A.C. 7:14A-3.7; [and]

3. Return flows from irrigated agriculture[.]; **and**

4. Any discharge not exceeding 60 days and in compliance with the instructions of a Department on-scene coordinator or remedial project manager pursuant to 40 CFR 300 (the National Oil and Hazardous Substances Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances), and the State Spill Compensation and Control Act, N.J.S.A. 58:10-23.11.

(b) Except as specified in (c) below, an owner or operator is exempted from the requirement of obtaining a DGW permit for discharges from contaminated sites as defined at N.J.A.C. 7:26C-1.3

when the owner or operator is conducting the following programs required by N.J.A.C. 7:14A-6.15(b):

1. Detection monitoring performed pursuant to N.J.A.C. 7:14A-6.15(i);

2. Compliance monitoring performed pursuant to N.J.A.C. 7:14A-6.15(j); or

3. Corrective action performed pursuant to N.J.A.C. 7:14A-6.15(k).

(c) The exemption in (b) above does not apply to any of the following:

1. Hazardous waste land disposal units and operational hazardous waste underground storage tanks;

2. Site operational activities or discharges;

3. Discharges resulting from the extraction and treatment of ground water;

4. Non-operational landfills subject to the provisions of N.J.A.C. 7:26-2A.9; and

5. Facilities where monitoring or remediation under a NJPDES-DGW permit was required as a condition of approval issued pursuant to the Industrial Site Recovery Act or by an oversight document including, but not limited to, an Administrative Consent Order or an Administrative Order.

7:14A-6.17 General permits

(a) The Department may issue a general permit in accordance with the following:

1. The general permit shall be written to cover a category of discharges described in the permit under (a)2 below, except those otherwise eligible for authorization under the permit but authorized by individual permits or other general permits, within a geographic area. The area shall correspond to existing geographic, geologic or political boundaries, such as:

i. Designated planning areas under Section 5 of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.;

ii. City, county or state political boundaries; or

iii. Aquifer units or formations; or

iv. Any other appropriate division or combination of boundaries.

2. The general permit shall be written to regulate, within the area described in (a)1 above, categories of point-source discharges to ground water if the Department determines that the discharges all:

i. Involve the same or substantially similar types of treatment;

ii. Involve the same type or substantially similar types of pollutants;

iii. Require the same effluent limitations or operating conditions;

iv. Require the same or similar monitoring; and

v. In the opinion of the Department, are more appropriately controlled under a general permit than under individual permits.

(b) The administration of general permits shall be as follows:

1. The Department may issue, modify, revoke and reissue, or terminate general permits in accordance with applicable requirements of N.J.A.C. 7:14A-2, 7 and 8.

2. The following pertain to authorization to discharge:

i. Except as provided in (b)2vii below, persons seeking authorization under a general permit shall submit to the Department a written request for authorization. A person who fails to submit a request for authorization in accordance with the terms of the permit is not authorized to discharge under the terms of the general permit unless the general permit, in accordance with (b)2vi below, contains a provision that a request for authorization is not required, or the Department notifies a person that it is authorized by a general permit in accordance with (b)2vii below.

ii. The contents of the request for authorization shall be specified in the general permit and shall require the submission of information necessary for adequate program implementation, including, at a minimum, the legal name and address of the owner and operator, the facility name and address, type of facility or discharges, and the certification required under (b)2iii below. Unless the general permit specifies otherwise, the request for authorization shall include all of the forms, information, and certification that this chapter (including, but not limited to, N.J.A.C. 7:14A-2.1) requires to be submitted in an application for a DGW permit. The request for authorization shall also include any other certification specified in the general permit. The general permit shall not specify signature requirements less stringent than those applicable to permit applications under N.J.A.C. 7:14A-2.4.

iii. In addition to other information required under (b)2ii above, the request for authorization shall include a certification that arrangements have been made for publication, in a daily or weekly newspaper within the area affected by the facility, of a notice which states that a request for authorization under a general permit to discharge pollutants to ground water has been submitted pursuant to N.J.A.C. 7:14A-6.17(b)2. This notice shall also identify the general permit under which authorization is sought, the legal name and address of the owner and operator, the facility name and address, and type of facility or discharges. Each general permit shall set forth the form of notice appropriate to that general permit.

iv. General permits shall specify the deadlines for submitting requests for authorization and the date(s) when a person is authorized to discharge under the permit.

v. General permits shall specify whether a person who has submitted a complete and timely request for authorization in accordance with the general permit, and who is eligible for authorization under the permit, is authorized to discharge in accordance with the permit either upon receipt of the request for authorization by the Department, after a waiting period specified in the general permit, on a date specified in the general permit, or upon the person's receipt of notification of authorization by the Department. Authorization may be terminated, revoked, or denied in accordance with (b)4 through (b)6 below. The Department shall publish in the DEPE Bulletin or other similar DEPE publication a quarterly report of each authorization issued under a general permit.

vi. Discharge to ground water may, at the discretion of the Department, be authorized under a general permit without submission of a request for authorization where the Department finds that a request for authorization requirement would be inappropriate. In making such a finding, the Department shall consider: the type of discharge; the expected nature of the discharge; the potential for toxic and conventional pollutants in the discharges; the expected volume of the discharges; other means of identifying discharges authorized by the permit; and the estimated number of discharges to be authorized by the permit. The Department shall provide in the public notice of the general permit the reasons for not requiring a request for authorization.

vii. The Department may notify a person that he or she is authorized by a general permit, even if the person has not submitted a request for authorization. A person so notified may nonetheless request an individual permit under (b)3iii below.

3. The following pertain to requiring an individual permit or another general permit:

i. The Department may require any permittee authorized by a general permit to apply for and obtain an individual DGW permit or seek and obtain authorization under another general permit. Any interested person may, in accordance with the procedure set forth at (b)5 below, petition the Department to take action under this subparagraph. Cases where an individual DGW permit or another general permit may be required to include the following:

(1) There is evidence that the discharge(s) may be a significant contributor of pollutants. In making this determination, the Department may consider the location of the discharge with respect to waters of the State, the volume of the discharge, the quantity and nature of pollutants in the discharge, aquifer classification and designated uses, and other relevant factors;

(2) The permittee is not in compliance with the conditions of the general DGW permit;

(3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the discharge;

(4) Circumstances have changed since the time of authorization or the request to be authorized so that the permittee is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.

(5) A Water Quality Management Plan containing requirements applicable to such point source discharges is approved; and/or

(6) The Department acquires new information indicating that the person otherwise is not eligible for the general permit according to its own terms.

ii. The Department may require any permittee authorized by a general permit to apply for an individual DGW permit as provided in (b)3i above, only if that permittee has been notified of this requirement in writing.

(1) This notice shall include a brief statement of the reason for this decision, an application form or, if applicable, a request for authorization form, a statement setting a time for the permittee to file the application or, if applicable, the request for authorization, and a statement that on the effective date of the individual DGW permit or on the date of the permittee's authorization under another general permit, the individual permittee's authorization under the general permit shall automatically terminate. The Department may grant additional time upon request of the permittee. If a permittee fails to submit in a timely manner an application form or request for authorization form required by the Department under this subparagraph, then that permittee's authorization under the general permit is automatically terminated at the end of the day specified for submitting the application form or request for authorization form.

iii. Any permittee authorized by a general permit may request to be excluded from authorization under the general permit by applying for an individual DGW permit. The permittee shall submit an application under N.J.A.C. 7:14A-2.1, with reasons supporting the request, to the Department no later than 90 days after the publication by the Department of the general permit in the DEPE bulletin. The request shall be processed under N.J.A.C. 7:14A-2, 7 and 8 of this chapter. The request shall be granted by the issuing of any individual permit if the reasons cited by the permittee are adequate to support the request.

iv. When a permittee authorized by a general DGW permit is issued an individual DGW permit for the authorized discharge, or obtains authorization for that discharge under another general permit, the permittee's authorization under the general permit is automatically terminated on the effective date of the individual permit or on the date of the permittee's authorization under another general permit, whichever the case may be. When an individual DGW permit is denied to a permittee authorized by a general permit, or the permittee is denied authorization under another general permit, the permittee's authorization under the general permit is automatically terminated on the date of such denial, unless otherwise specified by the Department.

v. If a permittee's discharge is excluded from a general permit solely because that discharge already is authorized by an individual permit or authorization under another general permit, the permittee may request that the individual permit or authorization be revoked or modified, as appropriate, and that the discharge be authorized by a general permit. The permittee shall submit a request for revocation or modification under N.J.A.C. 7:14A-7.5 and any request for authorization required under N.J.A.C. 7:14A-6.17, with reasons supporting the request, to the Department. In reviewing such requests, the Department may consider the location of the discharge with respect to waters of the State; the volume of the discharge; the quantity and nature of pollutants in the discharge; the aquifer classification and its designated uses; and any other factors the Department considers relevant to determining whether the discharge is best regulated under one permit or the other. If the Department revokes or modifies the individual permit or authorization, and if authorization under a general permit is issued, the permittee shall be authorized under the general permit.

4. The Department may terminate a permittee's authorization under a general permit for causes specified in N.J.A.C. 7:14A-2.13(a). Such termination of authorization is a type of permit termination under N.J.A.C. 7:14A-2.13. A requirement pursuant to (b)3 above that a permittee apply for an individual permit or seek authorization under another general permit is not a termination within the meaning of N.J.A.C. 7:14A-2.13, even if the permittee's authorization is eventually terminated in favor of an individual permit or another general permit, or is automatically terminated under (b)3ii(1) above as a result of the permittee's failure to submit in a timely manner an application form or request for authorization form. If the Department directs the permittee to apply for an individual permit or seek authorization under another general permit, the only procedure available to the permittee is to ask the Department to reconsider its decision by sending a letter to the Commissioner within 30 days of the issuance of the initial decision. The letter shall be sent to the Department's Office of Legal Affairs, and both the envelope and the letter shall clearly indicate that it is a "REQUEST FOR RECONSIDERATION OF THE GENERAL PERMIT DETERMINATION." The Commissioner may act on the request within 60 days; if the Commissioner fails to take any action the request shall be deemed denied. In no event shall an order from the Department directing a permittee to apply for an individual permit or seek authorization under another general permit (or a denial of a request to reconsider that order) be deemed final agency action.

5. Procedures regarding petitions brought under (b)3i above are as follows:

i. The petition shall state clearly and concisely:

(1) The name, address, and telephone number of the petitioner;

(2) The petitioner's interest in the petition (including any organizational affiliations and any economic interest);

(3) The name and address of the permittee whose authorization could be affected by the petition;

(4) The number of the permit under which that permittee is authorized; and

(5) The reasons why the petition should be granted (including any citations to any relevant legal authority).

ii. The petitioner shall serve the petition on both the Department and the permittees whose authorization could be affected by the petition.

iii. The permittees whose authorization could be affected shall have 30 days from the date the petition was served to respond to the petition. Any response shall be served on both the Department and the petitioner. The Department thereafter may, in its discretion, seek further information relevant to the petition.

iv. The Department shall determine whether to grant the petition based upon materials submitted in accordance with this paragraph and based upon the criteria set forth in (b)3i above. The Department shall notify both the petitioner and the permittees whose authorization is affected by the petition of the Department's determination.

v. Either party may ask the Department to reconsider its decision regarding a petition by sending a letter to the Commissioner within 30 days of the issuance of the initial decision. The letter shall be sent to the Department's Office of Legal Affairs, and both the envelope and the letter shall clearly indicate that it is a "REQUEST FOR RECONSIDERATION OF PETITION DETERMINATION." The Commissioner may act on the request within 60 days; if the Commissioner fails to take any action the request shall be deemed denied. Only if the ultimate outcome of the agency proceedings is that the petition is denied by the Commissioner shall there be final agency action.

6. The Department shall deny a request for authorization if it determines that the subject discharge is not eligible for the general permit for which the person has requested authorization, and the Department may deny a request for authorization if it determines that the discharge is not appropriately regulated under the relevant general permit because of its location with respect to surface water bodies, the volume of the discharge, the quantity and nature of pollutants in the discharge, the aquifer classification and designated uses, or other relevant factors. If the Department denies a request for authorization, it shall notify the person of that denial in writing. The only procedure for challenging the denial that is available to a person whose request for authorization has been denied is to ask the Department to reconsider its decision by sending a letter to the Commissioner within 30 days of the issuance of the initial denial. The letter shall be sent to the Department's Office of Legal Affairs, and both the envelope and the letter shall clearly indicate that it is a "REQUEST FOR RECONSIDERATION OF GENERAL

PERMIT DETERMINATION." The Commissioner may act on the request within 60 days; if the Commissioner fails to take any action, the request shall be deemed denied. In no event shall a denial of a request for authorization, or a request to reconsider that denial, be deemed final agency action.

7:14A-12.4 Activities for which a treatment works approval is not required

(a) The Department shall not require a treatment works approval for the following activities:

1. (No change.)

2. Building, installing, modifying or operating any part of a separate storm sewer system; [or]

3. Building, installing, modifying, or operating a septic system or other subsurface disposal system, serving a single realty improvement receiving less than 2,000 gallons per day of domestic wastes, that is subject to and in compliance with the requirements of P.L. 1954 c.199 (N.J.S.A. 58:11-23 et seq.)[.]; **or**

4. Building, installing, modifying, or operating any system for discharges to ground water that are authorized by permit-by-rule in accordance with N.J.A.C. 7:14A-2.15.

(a)

PINELANDS COMMISSION

Pinelands Comprehensive Management Plan

Proposed Amendments: N.J.A.C. 7:50-2.11, 3.1, 3.15, 3.17, 3.35, 3.37, 3.39, 4.1, 4.2, 4.3, 4.14 through 4.22, 4.25, 4.26, 4.27, 4.31, 4.32, 4.34, 4.35, 4.38 through 4.42, 4.52, 4.53, 4.55, 4.56, 4.57, 4.62 through 4.66, 4.68, 4.69, 4.70, 4.73, 4.76, 4.79, 4.81, 4.83, 4.91, 4.92, 5.1 through 5.5, 5.13, 5.16, 5.18, 5.22 through 5.32, 5.43, 5.44, 5.47, 5.51, 5.52, 5.53, 6.3, 6.4, 6.5, 6.7, 6.12, 6.23, 6.33, 6.44, 6.63, 6.64, 6.66, 6.67, 6.84, 6.85, 6.86, 6.93, 6.104, 6.107, 6.109, 6.111, 6.143, 6.144, 6.154, 6.155, 6.156, 7.3 and 7.6

Proposed Repeal and New Rules: N.J.A.C. 7:50-6.71 and 6.73 through 6.78

Proposed New Rules: N.J.A.C. 7:50-5.19, 6.65, 6.66, 6.67, 6.79, and 7:50-6 Appendix A

Authorized By: New Jersey Pinelands Commission, Terrence D. Moore, Executive Director.

Authority: N.J.S.A. 13:18A-6j.

Proposal Number: PRN 1994-27.

Two **public hearings** concerning this proposal will be held on:

Monday, January 24, 1994 at 4:00 P.M.
Winslow Township Municipal Building
Courtroom
125 South Route 73
Braddock, New Jersey

and

Wednesday, February 23, 1994 at 7:00 P.M.
Atlantic County Public Library
40 Farragut Avenue
Mays Landing, New Jersey

Additional public hearings may be scheduled prior to March 28, 1994.

Submit written comments by March 28, 1994 to:

John C. Stokes
Assistant Director
Pinelands Commission
P.O. Box 7
New Lisbon, NJ 08064

The agency proposal follows:

Summary

The New Jersey Pinelands Commission proposes to amend Subchapters 2 (Interpretations and Definitions), 3 (Certification of County, Municipal and Federal Installation Plans), 4 (Development Review), 5 (Minimum Standards for Land Uses and Intensities), 6 (Management Programs and Minimum Standards), and 7 (Amendments) of the Pinelands Comprehensive Management Plan.

The Pinelands Comprehensive Management Plan initially took effect on January 14, 1981 and has since been amended seven times. The amendments now proposed represent the culmination of an intensive review of the entire Plan which began in the Spring of 1991. In addition to the various Commission meetings where the public was notified and given the opportunity to comment (as identified below), the Commission's Plan Review Committee held numerous public meetings during which all of the suggested changes to the Plan were reviewed. In addition, all of the documents referenced in this Summary have been sent to area repositories for public review.

The plan review process comprised five major tasks, all of which involved many opportunities for public input. The first task was the establishment of a process for conducting the review. Two Plan Review Committee meetings were held on July 19, 1991 and August 23, 1991, and one Commission meeting was held on August 9, 1991 to accept public comment and to discuss and review the process. The process adopted by the Committee (at its August 23, 1991 meeting) is summarized in *Recommendations for Reviewing the Comprehensive Management Plan,* June 1991. (This report was revised in April 1992 to reflect revised meeting dates.)

The second major task was the preparation of a staff report which summarizes key programs, initiatives and information related to the implementation of the Pinelands Comprehensive Management Plan since its inception. The Plan Review Committee was briefed and received public comment on the report outline and contents at meetings held on July 19, 1991 and October 18, 1991. The Commission was briefed and received public comment on the report at its August 9, 1991 and January 3, 1992 meetings. This staff report, *The Second Progress Report on Plan Implementation,* December 1991, addresses 10 substantive topic areas: land use planning, development review, Pinelands Acquisition Program, Pinelands Development Credit Program, enforcement, science, intergovernmental coordination, public programs and education, cultural resources and other major activities. Like the Commission's December 1983 *A Progress Report on the First Three Years of Implementation,* the *Second Progress Report* was used by the Commission as a background document with which to review the Pinelands Comprehensive Management Plan.

The third major task was the selection and prioritization of broad topic areas that the Commission determined to be of most critical importance in its review of the Pinelands Comprehensive Management Plan. The purpose of this task was to enable the Commission to focus its limited staff and budgetary resources on those subject areas which were determined to be in greatest need of re-examination. Public comment on possible topics of concern was solicited in October of 1991 from many interested parties including municipal officials (mayors, planning boards and environmental commissions), individuals and organizations who responded to prior public participation efforts for plan review, State governmental officials, representatives of agencies with which the Commission has entered memoranda of agreement, members of advisory committees of the Commission, and other interested parties.

A document was compiled which identified all major topic areas identified by the public, and by Commission staff, totaling over 150 possible topics. This report, *Reviewing the Comprehensive Management Plan: Compilation of Possible Issues and Topics for Pinelands Commission Evaluation,* December 1991; and a January 1992 supplement to this report, were distributed to Commission members in December of 1991, and January of 1992. The Plan Review Committee held a meeting on January 16, 1993 to review the proposed topic areas, and to accept additional public comment on them.

The Commission met on February 21, 1992 and February 22, 1992 to discuss and select the most important topics on which its review would focus. A modification of the small group technique known as a "nominal group" was used to foster creativity and participation in the generation and selection of the topic areas. The topics were selected in a two-step majority vote process by the Commission.

The topics selected on these days were the following: resource based industries (forestry, resource extraction, and agriculture), regional economic impacts, growth and community design, solid waste management, and permitting procedures (development review). On April 4, 1992, the Commission approved an additional topic, water resources

management (stormwater management, water supply policy and water quality management).

The fourth major task was the identification and selection of the approaches to address these topics. Several strategies were undertaken to accomplish this task. The first consisted of compiling public comment on possible approaches from individuals and organizations previously contacted. Members of the public were solicited for suggestions on approaches on February 28, 1992.

Secondly, 10 workshops were conducted between April and July of 1992 that convened panelists with varying perspectives and technical expertise on the topics. The panelists were given copies of all public comments received on possible approaches. Each workshop panel was then asked to generate the widest possible range of actions the Commission could take to resolve issues identified earlier by the Commission, through public comment, or raised during the technical panel meetings.

The results of these technical panel meetings are summarized in the *Plan Review Workshops Report*, July 1992. The report identifies 227 possible recommendations. Of this total, 114 could be completed in the short-term without substantial commitment of Commission resources and were forwarded to the Commission for immediate consideration. The remaining 113 were considered as longer term study and administrative action recommendations that would require a more substantial commitment of Commission resources.

At a meeting on August 20, 1992, members of the Commission offered 38 additional short-term and 30 additional longer range recommendations for consideration. Of these 68 recommendations, 41 represented alternatives to panel recommendations and most of the remainder were offered by Commission members on the basis of public suggestions.

The Commission evaluated all the short-term recommendations (which totaled 152) at three meetings held on August 21, September 11, and November 6, 1992. To assist the Commission in its review, staff provided an assessment of resources and time needed to pursue each recommended approach, and general estimates of available staff resources. Fifty recommendations were selected for immediate action, with the remainder to be considered at a later time as potential studies or as administrative actions. On December 4, 1992, the Commission approved a fifty-first recommendation, relating to public hearings for waivers of strict compliance being requested because of compelling public need. Of this total, 32 represented preliminary policy recommendations to amend the Comprehensive Management Plan rules.

The Commission evaluated all of the study and longer range administrative recommendations at its December 4, 1992 meeting. Twenty-five of the most important of these recommendations were identified and listed in terms of priority. Many of these will be conducted over the next several years and may result in further rule proposals in the future.

The fifth major task was the preparation and adoption by the Commission of proposed regulatory amendments. This task involved translating the 32 policy recommendations preliminarily adopted by the Commission into regulatory language. The task also involved incorporating clarifying and other changes to the Comprehensive Management Plan that had been previously identified by staff. The purpose and effect of these latter changes is to better explain existing provisions of the Comprehensive Management Plan; ensure that the rules fully reflect Commission policies of general applicability; correct typographical or other errors in the rules; or to reflect land use decisions made by other public agencies.

The first draft of the proposed regulatory amendments was introduced to the Plan Review Committee at a February 10, 1993 meeting at which staff provided a briefing of the major changes proposed. Additional Plan Review Committee and Pinelands Commission meetings were held on March 9, 1993, March 19, 1993, April 17, 1993, May 7, 1993, May 27, 1993, and June 16, 1993 and November 15, 1993 during which the Committee and the Commission discussed, reviewed, and heard public comment on the proposed changes, including a second draft dated June 8, 1993.

The Commission, at its May 7, 1993 meeting, approved a modification to its preliminary policy regarding sand and gravel mining in various parts of the Pinelands due, in part, to public comments received.

During the previously described plan review process, the Commission's staff was holding discussions with the New Jersey Outdoor Advertising Association concerning N.J.A.C. 7:50 6.107(d) which required the removal of off-site commercial advertising signs by January 14, 1991. Applications for Waivers of Strict Compliance to allow the signs to remain after that date had been submitted by the sign owners. Action on those applications was deferred during the negotiations. After re-examining the compatibility of such signs with each of the Pinelands land use management areas, an alternative sign proposal that had the endorsement of the New Jersey Outdoor Advertising Association was considered by the Commission at its November 15, 1993 meeting and was approved for incorporation into this rule proposal. Twelve other changes were made to the June 8, 1993 draft at that meeting and the Commission then authorized publication of a formal rule proposal on November 15, 1993.

The proposed amendments can be generally categorized into 10 subject areas. These are: Forestry, Growth and Community Design, Resource Extraction, Waste Management, Agriculture, Development Review, Stormwater Management, Water Supply, Off-site Advertising Signs and Regulatory Clarifications.

The purpose and intent of the proposed amendments, in general, is to better protect the Pinelands environment, simplify and improve the administration of the Plan or to provide regulatory clarity. More information on many of the proposed rules can be found in the following discussions, and the numerous background documents cited herein.

Forestry

Amendments proposed on Forestry seek to:

- Assist in the re-establishment of harvested cedar stands and existing non-native forest stands (N.J.A.C. 7:50-6.44(a)8 and 9); and
- Clarify access requirements to harvesting sites (N.J.A.C. 7:50-6.44(a)3) and the circumstances under which consent from property owners whose properties adjoin a harvesting site are necessary (N.J.A.C. 7:50-4.2(b)6viii).

A relatively minor change to the definition of "forestry" (N.J.A.C. 7:50-2.11) is being proposed so that it is clear that the growing and harvesting of trees for sale is a commercial purpose. It is not intended to require a forestry application pursuant to Pinelands rules if the sale of trees is otherwise governed by one of the existing six exceptions, including, for example, trees which may be harvested to prepare a site for an otherwise approved development (for example, construction of a home) or trees harvested for the personal use of the property owner if any sale to others is clearly incidental to the property owners' personal use.

Growth/Design

Amendments proposed on Growth/Design seek to:

- Increase municipal flexibility when designing zoning plans for Pinelands Regional Growth Areas by permitting residential density requirements of the Comprehensive Management Plan to be increased or decreased by 10 percent or less (N.J.A.C. 7:50-3.1(d) and 5.28(a)7);
- Provide greater opportunities for the phasing of development in Regional Growth Areas by allowing municipalities to establish "reserves" which would be zoned for lower residential densities until infrastructure is provided and other requirements are met (N.J.A.C. 7:50-5.51 through 5.53); and
- Encourage municipalities to adopt more appropriate zoning standards for commercial uses along highways so as to reduce the amount of so-called "strip" development (N.J.A.C. 7:50-3.39(a)2v).

Resource Extraction

Amendments proposed on Resource Extraction seek to:

- Clarify existing mining regulations by establishing defined shorelines (N.J.A.C. 7:50-6.69(a)6), clarify the ability to mine multiple 20 acre cells if needed (N.J.A.C. 7:50-6.8(a)9), and provide flexibility in revegetating mined areas (N.J.A.C. 7:50-6.69(a)8);
- Limit new mining operations in the areas known as Pinelands Forest Areas, which display the essential character of the Pinelands (N.J.A.C. 7:50-5.23(b)2 and 7, 6.65 and 6.66);
- Streamline the resource extraction permit process by allowing longer permit renewal periods (N.J.A.C. 7:50-6.64(a) and (b)) and by permitting certain activities to occur without individual permits (N.J.A.C. 7:50-6.64(c)); and
- Permit topsoil that is removed prior to mining to be re-used for mine restoration more quickly so that its qualities as a seed bank can be retained (N.J.A.C. 7:50-6.69(a)4).

Solid Waste Management

Amendments proposed on Solid Waste Management seek to:

- Prohibit mass burn incinerators (N.J.A.C. 7:50-2.11 and 6.77(a)), and continue the existing prohibition on siting hazardous waste processing facilities (N.J.A.C. 7:50-2.11, 6.71 and 6.73(b)) and solid waste landfills (N.J.A.C. 7:50-2.11 and 6.73) anywhere in the Pinelands;

- Establish a siting policy for other specified types of waste management facilities in the Pinelands by locating most intensive waste management facilities in or near where the wastes are generated and by permitting lower intensity transfer type facilities in small traditional communities (N.J.A.C. 7:50-4.52(c), 4.81(b), 5.23(b), 5.24(b)8, 5.25(b)7, 5.26(b)9, 5.27(a), 5.28(a), 6.71, 6.73 through 6.77 and 6.79);
- Control the land application of various types of waste derived materials in the Pinelands (N.J.A.C. 7:50-6.74(c), 6.78 and 6.79(b) and (c);
- Increase flexibility in the application of regulations relative to the closure of vegetative and construction debris landfills (N.J.A.C. 7:50-2.11 and 6.74(d)) or where necessary to remediate hazardous waste sites (N.J.A.C. 7:50-2.11 and 6.73(d) and (e));
- Treat source separated metals, glass, paper, plastic and cardboard as raw materials by exempting them from waste importation limits (N.J.A.C 7:50-2.11 and 6.73(c)); and
- Outline situations where deviations from the siting or source limitation requirements may be permitted under conditions that ensure protection of Pinelands resources (N.J.A.C. 7:50-6.79(a) and (b)).

Agriculture

Amendments proposed on Agriculture seek to:

- Clarify that clearing for agricultural purposes is exempt from application (N.J.A.C. 7:50-4.1(a)12);
- Streamline the review process for farm labor housing by treating this use in the expedited waiver process (N.J.A.C. 7:50-4.63(a)1xii); and
- Provide flexibility in the handling of vegetative and other farm waste (N.J.A.C. 7:50-6.74(c) and 6.78(b) and (c)).

Development Review

Amendments proposed on Development Review seek to:

- Further streamline Pinelands permitting procedures by exempting from Commission review development activities with little potential for significantly impairing the Pinelands ecology (N.J.A.C. 7:50-2.11, 3.39(a)3 and 4.1(a)5 through 14));
- Provide early notice to applicants of anticipated problems in meeting Comprehensive Management Plan standards (N.J.A.C. 7:50-4.34(a));
- Encourage further delegation of permitting authorities to municipalities to expedite the review process (N.J.A.C. 7:50-2.11, 3.39(a)3 and 4.34(b)); and
- Increase public involvement in the process of adopting memoranda of agreement between governmental agencies (N.J.A.C. 7:50-4.3(b)7, 4.52(c)3 and 6.79(d)), and in the review process for public agencies which seek waivers (N.J.A.C. 7:50-4.66(i)).

Stormwater Management

Amendments proposed on Stormwater Management seek to:

- Focus stormwater recharge requirements on 10-year storm events, rather than 50 year storms, and require that the rate of run-off from larger storms be controlled (N.J.A.C. 7:50-6.84(a)6ii);
- Only require retention of stormwater from impervious surfaces (N.J.A.C. 7:50-6.84(a)6i);
- Ensure adequate construction and maintenance of stormwater retention basins (N.J.A.C. 7:50-6.84(a)6v and vi); and
- Require that landscaping improvements minimize the non-point pollution effects of stormwater (N.J.A.C. 7:50-6.23).

Water Supply

The amendment proposed on Water Supply seeks to promote greater consideration of water conservation by requiring both purveyors and users of water supply systems to address conservation (N.J.A.C. 7:50-6.86(d)).

Off-site Advertising Signs

Amendments proposed on Off-site Advertising Signs seek to:

- Permit existing lawful signs to continue in Regional Growth Areas, Pinelands Towns, and non-residential zones in Rural Development Areas and Pinelands Villages if located within 1,000 feet of a Regional Growth Area or Pinelands Town and on a U.S. highway (N.J.A.C. 7:50-6.107(d));
- Provide for the removal of all other signs (N.J.A.C. 7:50-6.107(e)); and
- Allow municipalities to permit new signs in Regional Growth Areas and Pinelands Towns as replacements for existing signs which are removed from other management areas (N.J.A.C. 7:50-6.109(a)9).

Regulatory Clarifications

During the plan review process outlined above, existing rules were analyzed to determine where clarification or amplification would be useful. These are generally areas where better explanation of existing rules will reduce misunderstandings; areas where typographical errors, word usage, consistency, ordering, and citations need correction; areas where relatively unusual situations need to be expressly addressed; areas where existing practice and policy need to be more explicitly referenced in the rules; and areas that need to be updated due to changed State and local policies or regulations.

Among the more notable changes involving clarifications or unusual situations are provisions which: standardize and clarify public hearing notice requirements (N.J.A.C. 7:50-4.3(b)2i6); eliminate the need for Pinelands Development Credit purchases for waivers on State projects involving State conservation lands (N.J.A.C. 7:50-4.62(d)1iii); clarify that general as well as site specific Letters of Interpretation (LOIs) require public notice (N.J.A.C. 7:50-4.73(c)); extend the validity of LOIs from one to two years (N.J.A.C. 7:50-4.76(b)); clarify that temporary housing pursuant to a government program is exempt from Pinelands density standards (N.J.A.C. 7:50-5.1(d)); make it clear that a minimum lot of 1.0 acre is required for non-residential development in all Pinelands management areas (N.J.A.C. 7:50-5.22(d), 5.23(d), 5.24(d), 5.25(d) and 5.26(d)); recognize that open space created through clustering may be improved with limited recreational amenities (N.J.A.C. 7:50-5.23(c) and 5.26(c)); make it explicit that the Federal government does not have to be the sponsor of all uses in military and Federal installation areas (N.J.A.C. 7:50-5.29(b)); clarify the use of the two parts per million nitrate-nitrogen standard relative to non-point discharges (N.J.A.C. 7:50-6.84(a)1); expressly recognize municipal flexibility in permitting off-site directional signs (N.J.A.C. 7:50-6.107(c)2); align time periods for Certificates of Appropriateness with the New Jersey Municipal Land Use Law (N.J.A.C. 7:50-6.156(d)); ensure that municipal support is obtained for a petition for a proposed Comprehensive Management Plan amendment which affects certified zoning ordinances (N.J.A.C. 7:50-7.3(b)6); and establish clearer notice procedures for Comprehensive Management Plan amendment petitions (N.J.A.C. 7:50-7.3(c)).

Among the more notable changes to fully reflect existing policies and procedures in the rules are provisions which: note that the establishment of a nuisance by the proposed development is a factor to be considered in review of Pinelands waiver applications (N.J.A.C. 7:50-4.62(c)); clarify when municipalities may expressly permit more than one principal use per lot (N.J.A.C. 7:50-5.1(c)); address Pinelands Development Credit allocations for less than 0.1 acre lots when additional land is purchased (N.J.A.C. 7:50-5.43(b)5); clarify that smaller scale, scientifically based representatives of actual development impacts or "models" may be used to determine compliance with development standards (N.J.A.C. 7:50-6 Introduction); cite specific "models" currently in use (N.J.A.C. 7:50-6.3, 6.7, 6.86(c), 6.93, 6.155(a)1 and (c) and 6.15(c)2 and 3iii); specify nitrogen reducing septic systems currently permitted and incorporate the requirements for their use (N.J.A.C. 7:50-6.84(a)4); add standards used to evaluate other nitrogen reducing systems (N.J.A.C. 7:50-6.84(a)5); clarify where contiguous lands in different zoning districts or management areas may be considered for septic dilution (N.J.A.C. 7:50-6.84(a)4ii and iii and 6.84(a)5iv and v); make clear that cultural resource standards do not normally apply to building interiors (N.J.A.C. 7:50-6.156(a)1 and 2); clarify that construction treatment decisions for locally designated historic resources are generally the prerogative of municipalities (N.J.A.C. 7:50-6.156(a)3); and incorporate the existing, joint water supply policy of the Commission and the New Jersey Department of Environmental Protection and Energy into the Comprehensive Management Plan (N.J.A.C. 7:50-6.86(e)).

The land use updates related to other governmental actions include provisions to: include two newly established villages, Beckerville in Manchester Township and Collings Lake in Buena Vista Township (N.J.A.C. 7:50-5.13(f)1); incorporate the recent change to the Pinelands Protection Act concerning motorboats on Lake Lenape, Atlantic County (N.J.A.C. 7:50-6.143(a)1iii); and to redesignate the State-owned Atlantic City Airport (Egg Harbor Township, Block 300A, Lot 1A) from the Pinelands Military and Federal Installation Area to a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.3(a)24).

Social Impact

Because the proposed amendments, new rules and repeals clarify, streamline, and offer greater flexibility of existing procedures and standards, overall positive social impacts are expected.

Applicants who propose forestry (301 applications through June 6, 1993) anywhere throughout the Pinelands will find it clearer how to demonstrate access to a forestry site. Additionally, clarification of the site access standard may enhance compliance with the Comprehensive Management Plan.

The proposed amendments will make reforestation of both cedar and specified non-native tracts easier. Additionally, permitting limited herbicide applications to aid in the re-establishment of harvested cedar stands may have the effect of furthering both cedar production and natural resource protection goals.

The 23 municipalities throughout the Pinelands which contain Pinelands Regional Growth Areas will find it easier to adjust Pinelands density requirements to fit local circumstances and to plan for the phasing of such growth. Reaction from municipalities is likely to be positive, as some had requested such flexibility. Community residents will be afforded the opportunity to participate in these land use decisions through the normal local planning process.

All 53 municipalities within the Pinelands will now need to address commercial "strip" development in their planning process. This change arose from both aesthetic considerations and the new State Highway Access Code. Some concern by municipalities and developers for ensuring the immediate needs for access versus the need to comprehensively limit and address long term access resulting from the proposed amendment may arise, but this should be minimal as the proposed standard is flexible and provides the opportunity for local application.

Other positive social impacts anticipated for the proposed amendments on growth and community design include less congested traffic circulation patterns, and the potential for enhanced delivery of public services and infrastructure.

Applicants who propose resource extraction throughout the Pinelands (183 applications through June 30, 1993) will benefit from the clarifications, increased flexibility, and streamlining improvements in the standards. Many of these changes were requested by the industry.

The proposed amendments on wet mine grading and sloping may improve community safety; however, some industry representatives have expressed dissatisfaction regarding the adequacy of the underwater and shoreline sloping requirements, and a study may be undertaken to explore changes to the future sloping standards.

The proposed amendment to extend the mining permit renewal period from two years to up to five years as a municipal option should encourage better long-range planning, and since it will be folded into a yearly inspection program, will improve the monitoring of existing mine operations. Industry concerns over inappropriate enforcement actions associated with permit deviations have attempted to be addressed by including explicit procedural requirements.

The proposed amendment to permit municipalities to approve otherwise permitted structures associated with a mining operation within defined areas without Commission review will streamline permitting procedures and may encourage municipalities to more carefully review and monitor ongoing mining operations.

Expeditious use of previously stripped topsoil to revegetate mines provides a readily available source of both soil supplements and seeds. Since such use is optional, the proposed amendment retains flexibility for mine operators and municipalities.

Applicants who propose farm labor housing and other agricultural uses will benefit from both clarifications of what is exempt from Pinelands permit reviews, and from simpler procedures to obtain waiver approvals. The handling and re-use of vegetative and other agricultural wastes will be facilitated by the proposed amendments.

Applicants seeking approvals from the Commission will benefit from being notified early in the development review process of anticipated problems.

Those seeking to develop in the Pinelands will benefit from both the expanded list of activities exempt from Commission application and the program to delegate additional permit review responsibilities to municipalities. The Commission also proposes to further study this issue and future rule proposals may occur. Increasing the number of activities subject to direct municipal control may require both increased local review and greater technical assistance from Commission staff to ensure that Comprehensive Management Plan land use and environmental standards are followed.

The requirements for conducting hearings on certain types of development will increase public awareness and access to the development review process. Adoption of this proposed amendment is not expected to result in longer review periods for affected applications.

Use of a 10-year design storm for stormwater recharge of runoff from impermeable surfaces will benefit developers and residents, in many cases, by both decreasing retention basin size and improving water quality by capturing all first flush run-off from impervious surfaces. The proposed amendment will also make Commission calculations more consistent with New Jersey Department of Environmental Protection and Energy and State Soil Conservation Service storm detention calculation requirements.

With regard to the proposed amendment on water supply, water purveyors will be required to address "supply" side conservation measures, while local governments will be required to address "demand" side conservation measures. Therefore, the proposed amendment is expected to stimulate serious discussion about water conservation.

The elimination of the Pinelands Development Credit (PDC) requirement for waivers on State projects involving State conservation lands recognizes the substantial number of Pinelands Development Credits that are retired when the State purchases conservation lands in its acquisition program. Thus, the elimination does no harm to the Pinelands Development Credit Program and encourages public management of conservation lands by removing a possible impediment.

The proposed amendments on regulatory clarifications should enable the public and governmental officials to more clearly understand the procedures and standards that govern development in the Pinelands Area.

The ability to retain certain off-site commercial advertising signs should provide better opportunities for the use of some small sites and may provide the public with additional sources of roadside information.

The social impacts of other proposed amendments may be more difficult to assess in cases where the directives of the Pinelands Protection Act prevent full accommodation of private economic interests or other special interest policies and goals.

For example, the prohibition of new mines in the Pinelands Forest Areas will affect certain landowners, the mining industry, and residents. Landowners of currently vacant tracts of land may object to the loss of one of their development options. The mining industry has objected to any additional restrictions that limit the opportunity to purchase and mine areas outside their property limits. However, some residents will be supportive as there have been land use conflicts and objections to new mining proposals based on anticipated environmental impacts.

A second example is the proposed amendments on waste management which restructure the Commission's entire approach to this topic. These amendments are necessary to address evolving policies and technological advances in waste management and to provide a foundation to deal with further changes. The proposed amendments are more comprehensive, inclusive and unifying as compared with the existing rules.

The solid waste industry, local governments and residents will benefit from the siting policy as it clarifies where facilities are permitted, expressly permits specific types of facilities in appropriate sites, and generally requires facilities to be located in close proximity to where the wastes are generated. Moreover, the proposed amendments, which classify "Class A" recyclables as raw materials, may help further the State's recycling goals because they would be exempt in most cases from the Pinelands waste importation limits. However, some may argue that all wastes which can be recycled in some form or manner should be exempted from Pinelands waste importation limits.

The Pinelands waste importation limits (waste from Pinelands municipalities and from non-Pinelands municipalities in the four Pinelands counties with more than half of their land area in the Pinelands) has been in existence since 1981. The Commission intends to retain this rule because it has been effective in limiting the size, scope and number of waste management facilities in a particularly fragile and sensitive region of the State. However, the Commission is proposing an amendment which would permit waste from non-qualifying municipalities in the three remaining Pinelands counties of Camden, Gloucester and Cumberland to be managed in the Pinelands if part of a comprehensive waste management strategy which, on an overall basis, benefits Pinelands protection. This affords government agencies greater flexibility in developing waste management strategies but ensures that Pinelands protection objectives will not be compromised as a result.

An additional amendment would permit certain existing solid waste facilities in Rural Development Areas, where most new facilities would not be permitted, to convert to other solid waste uses of similar intensity. This change also affords government agencies flexibility in managing solid waste.

The proposed amendments also specify the conditions under which wastes can be applied to land for farming and other purposes. Farmers and applicants seeking soil supplements will thus benefit as will society at large as wastes will be re-used.

In each of these examples on waste management, some may argue that the Commission's proposed amendments are too restrictive based on State recycling and waste management goals. Conversely, others may argue that the proposed amendments are too permissive in siting larger facilities in or introducing certain materials into the ecologically sensitive Pinelands.

A third example is the proposed amendments on stormwater management. The maintenance requirements for stormwater facilities will benefit municipalities by providing the choice of a mechanism to ensure that adequate maintenance of these facilities has been planned for and will be implemented. However, some in the development community, while supporting the need for maintenance, may oppose any prepayment of long term maintenance costs (which is one way maintenance can be ensured) because of concerns about housing affordability, unequal tax burden to homeowners, and legality. The Commission has struggled with balancing the needs of providing stormwater maintenance, municipal flexibility, and fairness to affected parties in the proposed amendment. It intends to continue to seek improvements to the proposed approach in this rulemaking process.

Additional landscaping requirements that minimize non-point source pollution will benefit future homeowners and other users of developed parcels who might otherwise encounter water quality problems in surrounding areas. However, although these requirements are supported by engineers and scientists, there may be some concern that project design or landscape materials are too limited.

Economic Impact

Overall, the clarifications, streamlining changes, and increased flexibility of existing procedures and standards are expected to result in positive economic impacts (although in some cases the economic benefits may be of a limited nature). Most of the proposed amendments will have no adverse economic impacts. For those that have adverse economic impacts, the consequences are expected to be limited.

The elimination of the Pinelands Development Credit requirement for waivers on State projects involving State conservation lands will save public funds, perhaps for further acquisition of targeted lands.

The ability to re-forest cedar more expeditiously may result in enhanced revenue in the future; however, some foresters have expressed the opinion that the proposed amendment concerning the replanting of non-native species would not result in a significant positive economic impact to the forestry industry in the Pinelands because of its limited applicability. There are no foreseen negative economic impacts.

The enhanced ability of municipalities to plan for growth should result in more efficient and effective capital investments. The need to better plan for commercial development along highways may result in higher costs to commercial developers in the short run but will result in societal savings in the long run from increased traffic safety, decreased air pollution, improved access to retail services, and managed growth patterns.

The streamlined permit process and the clarified mining regulations will result in administrative cost savings to owners of the 79 mines located in the Pinelands Area and to the municipalities that must administer the permits. The proposed amendment to extend the mining permit renewal period should reduce expenses for both operators and regulators alike.

Cost efficiencies, both in terms of grouping similar facilities and in scale, will accrue through locating waste management facilities in proximity to population centers. The enhanced ability to regionalize certain facilities should also result in cost efficiencies. The various flexibility provisions that permit deviations in certain cases should reduce the costs of solid waste management.

Negative economic impacts are expected to be minimal, although some will argue that the proposed amendments should go further in permitting waste importation, since the Pinelands may not generate sufficient waste to make certain waste management facilities feasible.

Farmers and municipalities will save costs due to improvements in the processing requirements for farm labor housing permits. The enhancements made to the handling of vegetative and other farm wastes may save disposal and fertilizing costs, and will provide for the re-use of valuable recyclables. No negative economic impacts are anticipated from the proposed amendments on agriculture.

Increasing both the number of activities exempt from Commission review and municipal delegation will result in time and cost savings to applicants. While the administrative responsibilities of municipalities might increase initially, there are likely to be long-term cost efficiencies due to a simplified review process. Providing early notice of potential problems to applicants may also reduce costs associated with lengthy reviews and multiple redesigns of projects.

The requirements for public hearings in certain cases will require more Commission staff time to implement, but since all such hearings will occur within prescribed time lines pursuant to the Comprehensive Management Plan, only incidental increases in costs related to the hearings are likely. Applicants, review agencies, and other interested parties will benefit from the opportunity to become better informed of pending applications early in the development process and avoid the need for costly plan modifications or litigation at a later date.

Smaller retention basins will cost less to build and maintain, and will usually be less obtrusive to residents. Since the provision encourages less use of impervious surfaces, there may be construction cost savings as well.

The proposed amendment on landscaping will reduce pollution from non-point sources, hence saving society the long-term costs of treating contaminated water supplies. It is unknown at this time how the initial costs to landscape sites under the proposed amendment will compare with those under the existing rules; however, the proposed landscaping standards are expected to result in lower maintenance costs.

Reduced administrative costs are expected to result for both applicants and municipalities from the proposed clarifications, improved explanations, expanded coverage of unusual situations, fully referenced policies and procedures, and changes to reflect other governmental actions.

The retention of certain off-site commercial advertising signs and the opportunity to move others will provide opportunities for businesses to advertise, as well as provide revenues to the owners of the sign site. It will also increase business opportunities for the outdoor advertising industry.

Several other proposed amendments may have some negative economic impacts which are expected to be limited in extent or offset by other qualitative gains.

For example, the prohibition of new mines in the Pinelands Forest Areas (increasing from 43 percent to 69 percent those areas in the Pinelands where new mining is prohibited) might have impacts upon the supply of local sand and gravel reserves in the distant future. However, the 29 mines in the Pinelands Forest Areas probably contain reserves of between seven to nine times the amount mined at these sites between 1979 and 1986 (3,600 to 5,400 acres). Reserves of the other 35 mines in the Pinelands, the 52 mines in the seven county region outside the Pinelands, and any reserves on sites not yet identified, are unknown but are likely to be at least comparable to those in the Forest and Preservation Areas, that is, from 49 to 63 years of reserves potentially available.

Impacts to individual mines are expected to be negligible in the short run. Over the very long term, the inability to expand onto neighboring or other properties in Forest Areas may have negative consequences for mines where reserves exist and current environmental and land use regulations would otherwise permit mining. In addition, if resources become limited, long-term transportation cost increases to import sand and gravel from outside the Pinelands region may result. It should be noted that the Commission has received only a few applications to establish new resource extraction operations since the Plan was adopted.

Societal savings (which cannot be readily quantified) may result from the preservation of water quality and the maintenance of sensitive ecosystems in the Pinelands Forest Area.

A second example is the proposed amendments to ensure adequate construction and maintenance of stormwater retention basins. The proposed amendments should not increase stormwater maintenance costs, since maintaining these facilities is currently required. They merely require that the maintenance arrangements and resulting financial arrangements be determined in advance. However, some may argue that one of the possible financial arrangements, pre-payment by the applicant, is unfair, and will adversely impact housing affordability. It is possible that pre-payment may increase the initial costs of a house. One-time pre-payment costs in West Windsor Township, which has implemented a similar program, and from a consultant, who has studied the issue in Ocean County, were found to range from $839.00 to $2,989 per home, with average costs ranging from approximately $1,300 to $1,600.

Water conservation efforts may result in additional costs to purveyors and customers, but these are likely to be offset by long term savings

by reducing the need for new, and potentially costly, water supply facilities. Such measures may also reduce the need for additional wastewater treatment facilities by reducing per capita water use.

Finally, each of the 53 Pinelands Area municipalities and seven counties will be required to revise its master plan and land use ordinances to conform to these amendments. The costs of these revisions will likely be borne by those local governments, although the Commission may seek funding to assist in advertising these changes to the public as it has in the past.

Environmental Impact

Since the purpose of many of the proposed amendments include strengthening the level of environmental protection afforded under the Comprehensive Management Plan, overall environmental benefits should result. Negative impacts from these proposed amendments are expected to be be few in number and very limited in scope.

The prohibition of new mines in Pinelands Forest Areas will better preserve existing natural conditions within the second most important environmental area within the Pinelands. Pinelands Forest Areas represent ecologically critical areas, undisturbed subwatersheds, wetlands, berry cultivation areas and areas draining into them, areas of deep aquifer recharge, unique natural and cultural resources, and public lands managed for resource protection or recreation.

Mining removes the topsoil which contains dense vegetative root systems and seed banks, alters topography and surface drainage patterns, may expose the water table, decreases forest continuity, and requires restoration efforts whose impacts on water quality (due to fertilization), soil structure (due to soil amendments) and forest structure are not well understood. Species and structural diversity, vegetative patchiness and community resiliency of the original forest are virtually impossible to replicate. Moreover, habitats provided through restoration may be fundamentally different from those that existed before an area was mined. As such, extensive resource extraction within the Pinelands Forest Areas is felt to be incompatible with ecosystem maintenance. To more specifically evaluate impacts and to better judge how much land may be able to be mined without significantly impacting the ecosystem, the Commission hopes to undertake a more detailed study of resource extraction operations and their impacts in the coming years.

The proposed amendments to clarify the re-vegetation policy for reclamation are expected to promote less regimented and more natural restoration of mined sites.

The proposed amendment on shoreline sloping is expected to create shallow wetland habitat for certain Pinelands aquatic species.

Flexibility relative to the use of topsoil for mine restoration is likely to be more effective than current restoration efforts and result in a more diverse restored environment that more closely approximates undisturbed conditions.

The prohibition of certain waste facilities with potentially serious negative impacts will ensure that the unique characteristics of the Pinelands are preserved. Likewise, siting policies and source limitations on certain types of waste will also protect the essential character of the Pinelands by preventing the development of large scale waste management facilities in more rural, ecologically important regions of the Pinelands. The proposed amendments to locate permitted facilities in designated growth areas will also have positive environmental impacts by placing the facilities close to both the sources of waste and public infrastructure.

The provisions which afford limited flexibility for certain solid waste management initiatives have safeguards to avoid negative environmental impacts. For example, permitting land application of waste derived materials on a limited basis and in association with a monitoring program will ensure that full evaluation of these products is conducted before their widespread use is permitted in the Pinelands. If monitoring suggests that certain land applications may be appropriate, these limited activities can be continued until a specific rule change governing their use throughout the Pinelands is considered.

Better planning of commercial development will result in reduced air pollution, and enhance the scenic value of Pinelands roads. The public hearing requirements will help to ensure that the public can offer and request relevant information on environmental issues, and that these issues can be examined, explained or resolved during the review process.

Recharging run-off from impervious surfaces will create an incentive for property owners to minimize such surfaces, thereby decreasing non-point source water pollution, and improving groundwater quality and flood control. Under existing rules, on-site infiltration is limited to just the increase in runoff caused by development. Under the proposed amendment, the first flush of storm events from new impervious surfaces would be recharged, rather than just the increase in run-off from less frequent, larger storms.

The proposed amendments on stormwater maintenance will enhance stormwater retention and reduce the incidence of faulty basin structures.

The proposed amendments on landscaping will reduce the cumulative non-point pollution effects of stormwater over the long-term by reducing the need for fertilizers, herbicides, and pesticides that are typically used to maintain lawns. The use of low maintenance plants is expected to be less water consumptive than many other currently used plant materials. The proposed amendments will also encourage the re-establishment of native vegetation at these sites.

The proposed amendment on water supply will help to reduce water use demands, most notably from the Kirkwood-Cohansey aquifer—the surficial aquifer which supports the Pinelands ecosystem and affects coastal estuaries.

Other proposed amendments will improve conditions for development of various categories of users without adversely impacting the environment. For example, it is unknown how many of the 23 Pinelands municipalities with Regional Growth Areas might avail themselves of the density flexibility provision. However, several municipalities have expressed an interest in lower densities and several other municipalities have expressed an interest in higher densities. It is likely that the net change in density levels for the Pinelands as a whole will be small. Even if all towns request density increases, the addition of 10 percent to the build-out of the Pinelands Regional Growth Areas is 12,700 dwelling units on 80,436 acres in the Pinelands Regional Growth Areas, or an added density of 0.15 dwelling units per acre of land. Conversely, a density reduction of 0.15 dwelling units per acre of land will occur if all towns reduce their densities. Neither of these changes is likely to occur, nor are they considered significant from a regional perspective.

Providing opportunities for the phasing of municipal growth should not affect the ultimate growth levels in the Pinelands; thus, this change should not have a material positive or negative environmental impact.

Still other proposed amendments may result in minimal adverse environmental impacts or be viewed by some to be less beneficial to the Pinelands environment than would be preferred. For example, some may argue that permitting reforestation of non-native forest stands is not in keeping with a naturally occurring Pinelands environment. However, these existing non-native forest stands are relatively insignificant in extent, and reflect part of the cultural history of the Pinelands. As such, their reforestation will not negatively impact upon the Pinelands ecosystem. The limited use of herbicides to enhance cedar reforestation may have a positive impact in enhancing an important Pinelands forest community species. The elimination of the Pinelands Development Credit requirement for waivers on State projects involving State conservation lands may slightly reduce land preserved through the Pinelands Development Credit program; however, ongoing State acquisition of targeted lands will more than compensate for any reduction.

Streamlining the review process for agricultural uses is expected to have minimal adverse environmental impacts. Proposed agricultural uses are still governed by land use and environmental standards of the Comprehensive Management Plan, or where waivers are involved, development proposals will only be approved where no substantial impairment to the Pinelands resources would result.

It has been suggested that use of the 10-year storm infiltration standard might require careful management since the run-off to be recharged would be generated from impervious surfaces which typically result in higher concentrations of water pollutants. In addition, some portions of larger, less frequent storms would not be recharged nor would any minor increases due to a change in pervious surfaces.

Finally, the retention of certain off-site signs may be viewed by some as detracting from the scenic qualities of the Pinelands; however, these types of signs will only be permitted where they are consistent with other permitted, similar non-residential uses, that is, in Regional Growth Areas, Pinelands Towns and in non-residential zones in Rural Development Areas and Pinelands Villages close to Regional Growth Areas and Pinelands Towns.

Regulatory Flexibility Analysis

Most businesses in the Pinelands may be characterized as small in size and employment compared to the remainder of New Jersey. Non-residential development approved in the Pinelands during the last 12 and 3/4 years (through June 30, 1993) comprises 2,715 approvals which includes commercial or industrial projects, forestry activities and resource extraction permits. This number does not include the numerous agricul-

tural developments which are exempt from Pinelands application requirements. The proposed amendments do not differentiate by size of the business and thus impact upon all businesses equally. Some of the proposed amendments will decrease the development compliance requirements for some of these businesses, while others will increase the flexibility afforded to some of these businesses in meeting Pinelands standards. New opportunities may occur in solid waste management, such as recycling, and for outdoor advertising companies who may now be able to relocate signs. None of the proposed amendments will result in changes in the kinds of professional services needed by small businesses.

There are only two known instances where the proposed amendments might impose increased costs on small business as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment to limit strip commercial development may result in additional costs to build service roads, provide reverse frontage, etc.; however, this will vary by site and may not be significant depending on the site design techniques which are employed. However, the impacts of this proposed amendment are not expected to be in addition to those associated with the new State Highway Access Code.

The proposed amendment to provide for water conservation by purveyors may also result in increased capital costs on small businesses. However, any such costs should be balanced by savings resulting from decreased demands for additional water supply sources.

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

7:50-2.11 Definitions

When used in this Plan, the following terms shall have the meanings herein ascribed to them.

"Accessory structure or use" means a structure or use which:

1.-2. (No change.)

3. Contributes **primarily** to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and

4. Is located on the same [lot] **parcel** as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Plan.

...

"Ancillary" means a structure or use which:

1. Is located on the same parcel but is not necessarily related to a principal structure or use; and

2. Is subordinate in area, extent and purpose to the principal structure or principal building.

...

"Certificate of [compliance] **Completeness**". See N.J.A.C. 7:50-4.11 through 4.27. [This document shall be entitled Certificate of Non-Compliance when the proposed development is not consistent with the requirements of this Plan.]

...

"Composting facility" means a waste management facility which utilizes a controlled biological process of degrading non-hazardous solid waste or sewage sludge. For purposes of this definition, composting facility shall include co-composting facility which utilizes a controlled biological process of degrading mixtures of non-hazardous solid waste, including sewage sludge.

...

"Construction debris" means non-hazardous solid waste building material and refuse resulting from construction, remodeling, and repair operations on residences, commercial buildings, pavements and other structures.

...

"Day" means, for purposes of computing time limits, a calendar day; **provided, however, that should the last day of a specified time limit be a Saturday, Sunday or holiday, then the time limit shall extend until the next working day following said Saturday, Sunday or holiday.**

...

"Fair market value" means the value of a parcel based on what a willing buyer will pay a willing seller in an arms length transaction for the parcel if no Waiver of Strict Compliance is approved. **For undersized lots,** [The] **the** determination of fair market value shall include consideration of the extent to which the parcel would contribute to the value of a developable parcel if combined with one or more parcels.

...

"Forestry" means the growing and harvesting of trees for **sale or other** commercial purposes except that the following activities shall not be defined as forestry:

1.-6. (No change.)

...

"Hazardous or toxic substances" means such elements, compounds and substances which pose a present or potential threat to human health, living organisms or the environment. They include, but are not necessarily limited to, petroleum and petroleum products, and hazardous and toxic substances defined as such by the New Jersey Department of Environmental Protection and Energy.

"Hazardous waste" means any waste or combination of wastes which are toxic, carcinogenic, corrosive, radioactive, irritating, sensitizing, biologically infectious, explosive or flammable. They include, but are not necessarily limited to, hazardous waste defined as such by the New Jersey Department of Environmental Protection and Energy.

...

["Historic, Archaeological and Cultural Preservation Board". See N.J.A.C. 7:50-6.143.]

...

"Historic resource" means any site, building, area, **district,** structure or object important in American history or prehistory, architecture, archaeology and culture at the national, state, county, local or regional level.

"Home occupations" means an activity for economic gain, carried out in a residential dwelling or accessory structure thereto, in which an occupant of the residence and no more than two other individuals are employed and which is clearly secondary to the use of the dwelling as a residence. **Home occupations operating as retail sales or service establishments shall be primarily devoted to the sale of those products or services which are produced within the residence, or an accessory structure thereto, in which the home occupation is located.**

...

"Immediate family" means those persons related by blood or legal relationship in the following manner: **husbands and wives, great-grandparents,** grandparents, **greatgrandchildren,** grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.

...

"Incinerator" means a thermal device in which waste is burned and results in volume reduction. For purposes of this definition, it shall include an incinerator used to obtain energy and an incinerator for burning hazardous or toxic waste.

...

["Landfill" means sites, including open dumps, where solid waste, liquid and dry sewage sludge, and liquid and dry chemical waste are disposed of by land application with or without the use of management practices or soil covering. For the purposes of this Plan solid waste transfer stations shall not be considered landfills.]

"Landfill" means a site where any waste is disposed of by application on or into the land, with or without the use of management practices or soil covering.

...

"Local review officer" means an individual with experience in municipal land use and environmental permitting procedures and the Pinelands development review process who is designated by a certified municipality to administer the review procedures set forth in N.J.A.C. 7:50-4.34(b).

...

"Recreational facility, low intensive" means a facility or area which complies with the standards in N.J.A.C. 7:50-5, Part III, **utilizes and depends on the natural environment of the Pinelands and requires no significant modifications of that environment,** and which has an insignificant impact on surrounding uses or on the environmental integrity of the area. It permits such low intensity uses as hiking,

hunting, trapping, fishing, canoeing, nature study, **orienteering, horseback riding,** and bicycling.

"Regulated medical waste" means any waste regulated pursuant to the New Jersey Comprehensive Regulated Medical Waste Management Act, N.J.S.A. 13:1E-48.1 et seq.

"Remediation" means a process to remove or treat a waste or hazardous or toxic substance from soil or water but does not include any subsequent burial or land application of contaminated soil or other solids.

...

["Solid waste transfer station" means a facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a landfill.]

...

["Standard subsurface sewage disposal system" means a system for disposal of sanitary sewage into the ground, which meets the standards of N.J.A.C. 7:9-2.1 et seq. and which is designed and constructed to treat sewage in a manner that will retain most of the settleable solids in a septic tank and to discharge the liquid effluent to an adequate disposal field; excluding those systems which utilize a dosing tank or other comparable system to store and deliver doses of septic tank effluent to the disposal field and those systems that utilize sand filtration.]

"Structural alteration" means any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

"Structure" means a combination of materials to form a construction for occupancy, use or ornamentation having a fixed location on, above or below the surface of land or attached to something having a fixed location on, above or below the surface of land.

...

"Submerged land" means those lands which are inundated with water throughout the year.

["Structural alteration" means any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.]

"Transfer station or facility" means either a facility at which waste is transferred from one waste vehicle to another waste vehicle for transportation to a waste management facility or a facility where source separated non-putrescible recyclable materials are dropped off for collection before transportation to a waste management facility.

...

"Utility distribution lines" means lines, conduits or pipes located in a street, road, alley or easement through which natural gas, electricity, telephone, cable television, water, sewage or storm water discharge is distributed to or from service lines extending from the main line to the distribution system of the building or premises served. **Utility distribution lines do not include electric transmission lines.**

...

"Vegetative waste" means leaves, grass clippings, twigs, shrubbery and residue from the raising of plants, such as stalks, hulls and leaves. It includes vegetative processing wastes which do not contain additives; whole trees, branches, tree trunks and stumps processed through a wood chipper.

"Waste" means any hazardous waste, regulated medical waste, garbage, refuse, septage, sludge, discarded materials, and other by-products and substances which become unsuitable for their original purpose, resulting from industrial, commercial and agricultural operations and from domestic and community activities. They shall include solid and liquid waste materials. For purposes of this definition, liquids which are released from a sewage treatment plant or on-site septic waste water treatment system and solid animal and vegetable wastes collected by swine producers licensed by the New Jersey Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms shall not be considered waste.

"Waste derived material" means a waste which has been separated, collected or processed such that it is converted into an economically valuable raw material or product which is not hazardous.

"Waste management facility" means any property, site, system, equipment or structure which is utilized for the storage, collection, processing, transfer, transportation, separation, recycling, reclamation, recovery, reuse or disposal of waste. It includes, but is not necessarily limited to, landfills, composting facilities, recycling facilities and centers, incinerators, materials recovery facilities, reclamation facilities, resource recovery facilities, waste reuse facilities and transfer facilities.

"Waste water collection facility" means any part of a system used to carry waste water and includes laterals, mains, trunks, interceptors and other similar facilities.

...

7:50-3.1 Purpose

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

(d) A local authority that incorporates all of the elements of this Plan in its local plan and ordinances will be assured of certification. In contrast, municipal plans and ordinances that deviate from the essential nature of this Plan are unlikely to be certified. However, it is a policy of this Plan to allow municipalities the greatest degree of flexibility and discretion in the preparation of local plans and ordinances so long as the plans and ordinances do not conflict with the ultimate objectives and minimum requirements of this Plan. There are some elements of this Plan which must be strictly followed. For example, [the minimum density provisions in the designated growth areas and] the **maximum** density limitations in the [other] **designated forest and rural development areas** are critical to the overall objectives of the Plan for the distribution and intensity of land uses, as is the requirement that lands in designated growth areas be eligible for density bonuses in the form of transferred Pinelands Development Credits. Conversely, the distribution of densities and many of the uses authorized in the various areas are left to [the] **local** discretion [of the local prerogative]. This subchapter permits the Commission to [access] **assess** local decisions on an individualized basis and will preserve local discretion to the maximum extent practical, provided that local preferences are in fundamental harmony with the overall objectives of this Plan.

7:50-3.15 Certification of county master plans and ordinances

Upon receipt of the report of the Executive Director, the Commission shall review the findings, conclusions and recommendations of the Executive Director and shall, within 60 days following the receipt of the plan and ordinances, issue an order certifying, certifying with conditions or disapproving the county master plan and ordinances. If the county master plan or ordinances are **conditionally certified or** disapproved, the Commission shall specify the changes necessary in order to secure Commission certification.

7:50-3.17 Effect of failure of county to obtain [commission] **Commission** approval of master plan and ordinances

No person shall initiate any development which requires county approval or receive any county approval for development of land in the Preservation Area or, subsequent to one year following the adoption of this Plan, of any land in the Pinelands Area located within any county whose master plan or ordinances have not been certified by the Commission pursuant to N.J.A.C. 7:50-3.15 without first obtaining [pinelands development] approval **by the Commission** pursuant to N.J.A.C. 7:50-4, Part II. **If the Commission conditionally certifies or disapproves an amendment to a county master plan or ordinance pursuant to N.J.A.C. 7:50-3.15 and the county does not comply with the requirements of N.J.A.C. 7:50-3.16, the amendment shall be deemed to be disapproved. The county's previously certified master plan and ordinances shall remain in effect unless the amendment constituted the required response to an order issued pursuant to Part VI of this subchapter or to an amendment adopted by the Commission pursuant to N.J.A.C. 7:50-7. In that case, the county's master plan and ordinances shall be deemed to be uncertified.**

7:50-3.35 Certification of municipal master plans and land use ordinances

Upon receipt of the report of the Executive Director, the Commission shall review the findings, conclusions and recommendation

of the Executive Director and shall, within 120 days following receipt of the plan and land use ordinances, issue an order certifying, certifying with conditions or disapproving the municipal master plan and land use ordinances. If the municipal master plan and land use ordinances are **certified with conditions or** disapproved, the Commission shall specify the changes necessary in order to secure Commission certification of the municipal master plan and land use ordinance.

7:50-3.37 Effect of municipality's failure to obtain Commission certification of master plan and land use ordinances

In the [preservation area] **Preservation Area**, and after one year from the effective date of this Plan, in the Pinelands Area, no person shall carry out any development in an uncertified municipality unless such development has been approved by the Commission pursuant to N.J.A.C. 7:50-4, Part II. [A Pinelands development] **Such** approval shall supersede any local decision if a municipality has not received certification of its master plan and land use ordinances. **If the Commission conditionally certifies or disapproves an amendment to a municipal master plan or land use ordinance pursuant to N.J.A.C. 7:50-3.35 and the municipality does not comply with the requirements of N.J.A.C. 7:50-3.36, the amendment shall be deemed to be disapproved. The municipality's previously certified master plan and land use ordinances shall remain in effect unless the amendment constituted the required response to an order issued pursuant to Part VI of this subchapter or to an amendment adopted by the Commission pursuant to N.J.A.C. 7:50-7. In that case, the municipality's master plan and land use ordinances shall be deemed to be uncertified and the provisions of N.J.A.C. 7:50-4, Part II shall apply to all development requiring municipal approval.**

7:50-3.39 Standards for certification of municipal master plans and land use ordinances

(a) Municipal master plans and land use ordinances, and any parts thereof, shall be certified only if:

1. (No change.)

2. They include provisions which:

i.-ii. (No change.)

iii. Implement the overall development intensity standards contained in this Plan through minimum lot specifications or other appropriate means; [and]

iv. Are adequate to ensure that all development of land in the Pinelands Area is in conformance with the development standards established by N.J.A.C. 7:50-5 and 6[.]; **and**

v. Encourage coordinated development along roadways by concentrating commercial development at transportation nodes, providing shared access points, encouraging comprehensive commercial planning and design and use of other appropriate techniques.

3. They provide that no application for development within the Pinelands Area, **except for those types of development enumerated in N.J.A.C. 7:50-4.1,** shall be determined to be complete by any municipal department, body or agency unless[:

i. I]**it** is accompanied by a Certificate of Filing issued by the Commission pursuant to N.J.A.C. 7:50-[4.24]**4.34**[;] and

[ii. It] contains at least the information required by the Commission pursuant to N.J.A.C. 7:50-4.2(b). **Certain types of applications for development may be exempted from the certificate of filing requirement if a municipality assigns review responsibility to a local review officer pursuant to N.J.A.C. 7:50-4.34(b) and the Commission finds that the municipal review system is adequate to ensure that the local review officer's responsibilities will be fulfilled;**

4. They provide that municipal review and approval or denial are required for all development in the Pinelands except where preempted by State or Federal laws or regulations;

Recodify existing 4.-11. as **5.-12.** (No change in text.)

7:50-4.1 Applicability

(a) For the purposes of this subchapter only, the following shall not be considered development except for development of any historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154:

1.-4. (No change.)

[5. The repair of existing utility distribution lines and the installation of utility distribution lines to serve existing development or development which has received all necessary approvals and permits;]

5. The repair of existing utility distribution lines;

6. The installation of utility distribution lines, except for sewage lines, to serve areas which are effectively developed or development which has received all necessary approvals and permits;

[6.]**7.** The clearing of less than 1,500 square feet of land;

[7.]**8.** The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided said addition or structure will be located on or below an existing impermeable surface and the existing use is served by public sewers and said addition or structure will cover an area of no more than 1,000 square feet; [or]

[8.]**9.** The demolition of any structure less than 50 years old[.];

10. The repair or replacement of any existing on-site waste water disposal system;

11. The repaving of existing paved roads, provided no increase in the paved width of said roads will occur;

12. The clearing of land solely for agricultural purposes;

13. Fences, provided no more than 1,500 square feet of land is to be cleared; or

14. Above-ground telephone equipment cabinets.

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

7:50-4.2 Pre-application conference; application requirements

(a) (No change.)

(b) Application requirements.

1.-4. (No change.)

5. Application for approval of major development: Unless the submission requirements are modified or waived pursuant to (b)3 above, an application filed pursuant to N.J.A.C. 7:50-4.13 or 4.33 for approval of major development, except for forestry and resource extraction operations, shall include at least the following information:

i. (No change.)

ii. A brief written statement generally describing the proposed development [and the market it is intended to serve]; the number of total units; **and** the floor area of all units [and the anticipated market value of all units] to be included in the proposed development;

iii.-xv. (No change.)

6. Application for forestry: Unless the submission requirements are modified or waived pursuant to (b)3 above, an application filed pursuant to N.J.A.C. 7:50-4.13 or 4.33 for a forestry operation shall include at least the following information:

i.-v. (No change.)

vi. Demonstration that the cutting boundaries and property boundaries have been adequately marked and that all adjacent property owners have been notified in writing of the proposed forestry operation; [and]

vii. Demonstration that for any proposed selective cut, that all trees to be harvested have been marked unless the State Bureau of Forest Management is the applicant[.]; **and**

viii. Demonstration that consent has been obtained from those property owners whose lands are to be used for access purposes, unless a written professional opinion from an attorney licensed to practice in the State of New Jersey is submitted which demonstrates that the applicant has established a legal right to use the proposed access route.

7. Application for resource extraction: Unless the submission requirements are modified or waived pursuant to (b)3 above, an application filed pursuant to N.J.A.C. 7:50-4.13 or 4.33 for resource extraction shall include at least the following information:

i.-ix. (No change.)

x. financial surety, guaranteeing performance of the requirements of N.J.A.C. 7:50-[6.66]**6.68** and 7:50-[6.67]**6.69** in the form of a letter of credit, certified check, surety bond or other recognized form of financial surety acceptable to the Commission. The financial surety shall be equal to the cost of restoration of the area to be excavated during the two year duration of any approval which is granted. The financial surety, which shall name the Commission and the certified

municipality, if applicable, as the obligee, shall be posted by the property owner or his agent with the municipality if the municipality has had its master plan and ordinances certified pursuant to N.J.A.C. 7:50-3 or with the Pinelands Commission if the municipality has not had its master plan and ordinances so certified[:].

8.-10. (No change.)

(c) Determination of whether application is complete.

1. Determination by Executive Director:

i.-ii. (No change.)

iii. Any applicant who is aggrieved by any determination by the Executive Director pursuant to (c)1ii above may, within 15 days of that determination, **appeal** [seek reconsideration of] the Executive Director's determination [by] **to** the Commission as provided by N.J.A.C. 7:50-4.91.

2.-3. (No change.)

7:50-4.3 Commission hearing procedures

(a) (No change.)

(b) Notice of public hearing.

1. (No change.)

2. Persons entitled to notice:

i. Notice of public hearings shall be given by the Commission:

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

(6) If the public hearing involves an amendment proposed by the Commission pursuant to N.J.A.C. 7:50-7, by sending a copy of the notice, by mail, to the mayor of each Pinelands municipality and to the freeholder director and county executive of each Pinelands county. In addition, a copy of the notice shall be published in all the official newspapers of the Pinelands Commission.

(7) If the public hearing involves an inter-governmental agreement pursuant to N.J.A.C. 7:50-4.52, by sending a copy of the notice, by mail, to the mayor of each Pinelands municipality and the freeholder director and county executive of each Pinelands county that may be directly affected by the memorandum of agreement under consideration. In addition, a copy of the notice shall be published in those official newspapers of the Pinelands Commission having general circulation in the area that may be directly affected by the memorandum of agreement.

(8) If the public hearing involves a resource extraction issue arising pursuant to N.J.A.C. 7:50-6.64(a), by sending a copy of the notice, by mail, to the local approval agency and the resource extraction operator.

ii. Notice of public hearings shall be given by the applicant:

(1) (No change.)

(2) If the public hearing relates to an application for development approval **or an application for a Waiver of Strict Compliance submitted pursuant to N.J.A.C. 7:50-4.64(a)1,** by sending a copy of the notice, by mail, to:

(A) The secretary of the county and municipal planning board and environmental commission, if any, with jurisdiction over the property on which development has been proposed [or which would be directly affected by a map amendment proposed pursuant to N.J.A.C. 7:50-7 which is the subject of the hearing];

(B) Any landowners within 200 feet of any border of **the** property proposed for development, **except as otherwise provided in N.J.A.C. 7:50-4.66(c).**

(3)-(4) (No change.)

3.-4. (No change.)

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

7:50-4.14 Application for development approval in uncertified municipalities

(a) (No change.)

(b) In addition to the requirements of N.J.A.C. 7:50-4.2(b), an applicant for major development, as defined in N.J.A.C. 7:50-2.11 of [the] **this** Plan, which will be located on a specific parcel, shall provide notice of the application for development as follows:

1. Notice shall be given to owners of all real property within 200 feet of the subject property as provided for in N.J.S.A. 40:55D-12(b). The administrative officer of the municipality shall provide a certified list of said property owners as provided for in N.J.S.A. 40:55D-12(c). **The applicant shall be entitled to rely upon the information contained in said certified list as provided in N.J.S.A. 40:55D-12(c);** and

2. (No change.)

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

(g) The Executive Director shall not issue a Certificate of [Compliance] **Completeness** for any application for which the above notice is required until five days after the 10 day comment period set forth herein has expired. If any public comments have been received concerning the application, the Executive Director shall inform the applicant that the public comments have been received prior to issuing a Certificate of [Compliance] **Completeness.**

7:50-4.15 Action by Executive Director on application

Within 90 days following the receipt of a complete application for development, the Executive Director shall review the application and all information submitted by the [application] **applicant** or any other person relating to the application and upon completion of such review issue a Certificate of [Compliance] **Completeness** stating whether the application should be approved, approved with conditions or disapproved. The application may be approved or approved with conditions only if the development as proposed, or subject to any conditions which may be imposed, conforms to each of the minimum standards for development approval established by N.J.A.C. 7:50-4.16. The Executive Director may propose in said Certificate of [Compliance] **Completeness** any reasonable condition which he finds is necessary to achieve the objectives of this Plan. The Executive Director shall provide a copy of the Certificate of [Compliance] **Completeness** to the applicant, the Commission, interested persons, including all persons who have submitted information concerning the application, as well as all persons who have requested a copy of said decision, and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2).

7:50-4.16 Standards for uncertified areas

(a) No local approval may be granted by an uncertified municipality and no approval may be granted pursuant to this Part unless the proposed development:

1. Satisfies all of the criteria and standards established in N.J.A.C. 7:50-5 and 6 of this Plan, provided, however, that the optional land uses contained in N.J.A.C. 7:50-5 shall be permitted, **that N.J.A.C. 7:50-5.28(a) shall not apply to exclusive non-residential uses,** and that in N.J.A.C. 7:50-6 only the optional elements of N.J.A.C. 7:50-6.144 shall be mandatory for any jurisdiction which is uncertified: and

2. (No change.)

7:50-4.17 Certificate of [compliance] **Completeness** required for determination of completeness and action

No local permitting agency shall determine that any application for development is complete or take any action of any application for development unless the application is accompanied by a Certificate of [Compliance] **Completeness** issued pursuant to N.J.A.C. 7:50-4.15.

7:50-4.18 Report requirements of local permitting agency with respect to applications for development

(a) (No change.)

(b) Notice of application: Within seven days following a determination of completeness of an application for development, or any change to any application for development which was previously filed, notice of such application shall be given by the local agency, in writing, to the Commission. The notice shall be in such form as the Executive Director shall from time to time specify; but each such notice shall contain at least the following information:

1.-3. (No change.)

4. The [docket] **application** number of the Certificate of [Compliance] **Completeness** issued by the Executive Director and the date on which it was issued;

5. The date on which the application, or change thereto, was filed and any [docket] **application** or other identifying number assigned to such application by the local permitting agency;

6.-8. (No change.)

(c) Notice of hearings and meetings: Notice of any hearing, public meeting or other formal proceeding at which an application for development is to be considered shall be given to the Commission by the local agency in writing not less than five days prior to such meeting, hearing or proceeding and shall be in such form as the Executive Director shall from time to time specify. Each notice shall contain at least the following information:

1. (No change.)

2. The [docket] **application** number of the Certificate of [Compliance] **Completeness** issued by the Executive Director and the date on which it was issued;

3.-6. (No change.)

(d) Notice of preliminary approval: Notice of any grant of preliminary site plan or subdivision approval or any other preliminary approval of any application for development provided for by the Municipal Land Use Law or any county or municipal ordinance shall be given to the Commission by the local agency, by certified mail, within five days following such grant or approval. Such notice shall be in such form as the Executive Director shall from time to time specify, but shall contain at least the following information:

1.-2. (No change.)

3. The [docket] **application** number of the Certificate of [Compliance] **Completeness** issued by the Executive Director and the date on which it was issued;

4.-7. (No change.)

(e) Notice of final determination: Notice of any final determination approving or denying any application for development shall be given to the Commission by the local agency, by certified mail, within five days following such determination and shall be in such form as the Executive Director shall from time to time specify; but such notice shall contain at least the following information:

1.-2. (No change.)

3. The [docket] **application** number of the Certificate of [Compliance] **Completeness** issued by the Executive Director and the date on which it was issued; and

4. (No change.)

(f) Nothing in this section shall provide for a tolling of time pursuant to N.J.S.A. 40:55D-21 due to the failure of the applicant or local permitting agency to meet the notice requirements of (a) through (e) above. No person shall carry out any development in the Pinelands Area prior to satisfying the notice requirements of (a) through (e) above.

7:50-4.19 Commission review following preliminary approval

(a) Decision to review local approval: Upon receipt of any notice of preliminary local approval given pursuant to N.J.A.C. 7:50-4.18(d), the Executive Director shall review the application for development and all other information in the file, the Certificate of [Compliance] **Completeness** and the local action and determine whether the local action conforms to the requirements of this Plan. If the Executive Director determines that the proposed development, as approved by the local agency, may not conform to the minimum standards set forth in N.J.A.C. 7:50-4.16, he shall initiate the review procedures set forth in this section. The preliminary approval shall also be reviewed pursuant to this section if the Executive Director determines that there is insufficient information to evaluate whether the proposed development conforms to the minimum standards set forth in N.J.A.C. 7:50-4.16. If the Executive Director determines that the proposed development, as approved by the local agency, conforms to the minimum standards set forth in N.J.A.C. 7:50-4.16 the preliminary approval will not be reviewed by the Commission.

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

7:50-4.20 Decision on review

(a) If no hearing is requested pursuant to N.J.A.C. 7:50-4.19(b), the Executive Director shall, within 60 days after the time to request [reconsideration] **an appeal** has expired, review the application, all other information in the file, the Certificate of [Compliance] **Completeness** and the local approval and determine whether the preliminary approval is in conformance with the minimum standards of this Plan. The Executive Director may recommend the Commission approve the preliminary approval, approve the preliminary approval with conditions or disapprove the preliminary approval. The Executive Director shall give written notification of his findings and conclusions to the applicant, the Commission, the local approving agency, interested persons, including all persons who have individually submitted information concerning the application or who participated in the local approval process, as well as all persons who have requested a copy of said determination, and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2).

(b) Review by the Commission: If a hearing is requested pursuant to N.J.A.C. 7:50-4.19(b), the Commission shall, upon receipt of the initial decision of the Administrative Law Judge, review the initial decision, the application, and the record of the hearing only, and approve, approve with conditions, or disapprove the preliminary approval. If no hearing is requested pursuant to N.J.A.C. 7:50-4.19(b), the Commission shall, after receipt of the Executive Director's recommendation, review said recommendation, the application, other material in the file, the Certificate of [Compliance] **Completeness** and the local approval only and approve, approve with conditions or disapprove the preliminary approval.

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

7:50-4.21 Notice of changes made subsequent to local preliminary approval

(a) Each local permitting agency shall give notice to the Commission of any design, engineering or other changes made to any application for development by an applicant subsequent to any local preliminary approval reported to the Commission pursuant to N.J.A.C. 7:50-4.18(d), including changes made in response to conditions imposed by the Commission pursuant to N.J.A.C. 7:50-4.20, to the Executive Director, within five days of receipt of such changes. Such notice shall be in such form as the Executive Director shall from time to time specify but shall contain at least the following information:

1.-2. (No change.)

3. The [docket] **application** number of the Certificate of [Compliance] **Completeness** issued by the Executive Director and the date on which it was issued;

4.-5. (No change.)

(b) (No change.)

7:50-4.22 Commission review following final local approval

(a) Decision to review local approval: Upon receipt of any notice of final local approval given pursuant to N.J.A.C. 7:50-4.18(e), the Executive Director shall review the application for development, all other information in the file, the Certificate of [Compliance] **Completeness** and the local action and determine whether the local action conforms to the requirements of this Plan. If the Executive Director determines that the proposed development, as approved by the local agency, may not conform to the minimum standards set forth in N.J.A.C. 7:50-4.16, he shall initiate the review procedures set forth in this section. The Executive Director shall also initiate the review procedures set forth in this section if it is determined there is insufficient information to evaluate whether the proposed development conforms to the minimum standards set forth in N.J.A.C. 7:50-4.16. If the Executive Director determines that sufficient information is available and that the proposed development, as approved by the local agency, conforms to the minimum standards set forth in N.J.A.C. 7:50-4.16 the final approval will not be reviewed by the Commission.

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

7:50-4.25 Commission review following local denial

(a) Decision to review local denial: Upon receipt of a notice of a local denial given pursuant to N.J.A.C. 7:50-4.18(e), the Executive Director shall review the application for development, all other information in the file, the Certificate of [Compliance] **Completeness** and the local action and determine whether the local action conforms to the requirements of this Plan. If the Executive Director determines that the proposed development may conform to the minimum standards set forth in N.J.A.C. 7:50-4.16 and that the local denial may be contrary to the standards of the Plan, he shall initiate the review procedures set forth in this section. If the Executive

Director determines that the proposed development does not conform to the minimum standards set forth in N.J.A.C. 7:50-4.16 or that the local denial is based on matters not regulated by the Plan and is not contrary to any such standards, the local denial will not be reviewed by the Commission.

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

7:50-4.26 Decision on review

(a) If no hearing is requested pursuant to N.J.A.C. 7:50 4.25(b), the Executive Director shall, within 60 days after the time to request [reconsideration] **an appeal** has expired, review the application and all other information in the file, the Certificate of [Compliance] **Completeness** and the local denial and determine whether the denial is in conformance with the minimum standards of this Plan. The Executive Director may recommend the Commission approve the application, approve the application with conditions, disapprove the application or allow the local denial to stand. The Executive Director shall give written notification of his findings and conclusions to the applicant, the Commission, the local approving agency, interested persons, including all persons who have individually submitted information concerning the application or who participated in the local approval process, as well as all persons who have requested a copy of said determination, and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2).

(b) Review by the Commission: If a hearing is requested pursuant to N.J.A.C. 7:50-4.25(b), the Commission shall, upon receipt of the initial decision of the Administrative Law Judge, review the initial decision, the application, and the record of the hearing only, and approve, approve with conditions, or disapprove the proposed development or let the local denial stand. If no hearing is requested pursuant to N.J.A.C. 7:50-4.25(b), the Commission shall after receipt of the Executive Director's recommendation, review said recommendation, the application, the Certificate of [Compliance] **Completeness,** other material in the file and the local denial only, and approve, approve with conditions or disapprove the proposed development or allow the local denial to stand.

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

7:50-4.27 Effect of Pinelands Development Approval

A Pinelands Development Approval issued pursuant to the provisions of this [part] **Part** in effect prior to July 15, 1985 shall have the same effect as a Certificate of [Compliance] **Completeness** issued pursuant to N.J.A.C. 7:50-4.15 unless the applicant received a valid local approval prior to July 15, 1985. If such a valid local approval was granted, the Pinelands Development Approval shall continue to have the same force and effect as if this Part had not been amended effective July 15, 1985.

7:50-4.31 Purpose

(a) (No change.)

(b) The procedures established in this Part provide for Commission review of all permits issued by local permitting agencies in certified municipalities except for activities specifically exempted by the Pinelands Protection Act or this Plan. **Except where municipal review is pre-empted by State or Federal laws or regulations, municipal review and approval or denial shall occur for all development in the Pinelands. If development is proposed, but a permit from a local permitting agency is pre-empted by State or Federal laws or regulations, the provisions of Part VII of this subchapter shall apply.** The standards of this Part are minimum standards to be met by all development in the Pinelands and are designed to assure that all such development will be adequately planned, designed and served to protect the unique environment of the Pinelands Area.

(c) (No change.)

7:50-4.32 Applicability

The provisions of this Part shall be applicable to development of land located within a certified municipality, except for those activities specifically excepted in N.J.A.C. 7:50-4.1. No person shall carry out any development in any portion of the Pinelands Area located within the jurisdiction of a municipality with a certified plan and land use ordinances without first complying with all applicable procedures set forth in this Part and the provisions of said certified ordinances. **Any decision made pursuant to this Part shall supersede any local decision. No local decision shall impose any requirements which in any way contravene any standard contained in this Plan or the applicable certified land use ordinance.**

7:50-4.34 Certificate of Filing; required for determination of completeness

(a) Except as provided in (b) below, upon determining that an application is complete, the Executive Director shall issue a Certificate of Filing. No local permitting agency shall determine that any application for development is complete unless it is accompanied by a Certificate of Filing issued pursuant to this section or a determination of completeness issued by the designated municipal [administrative] **local review** officer as provided in (b) below. **Such certificate may identify any inconsistencies of the proposed development with the standards of this Plan or the local certified land use ordinances and may indicate that if such inconsistencies are not resolved by a local approval, that local approval will be subject to review by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.37 and 4.40. Any such information contained in the Certificate of Filing is for the guidance of the applicant and the local permitting agency only. Such information in no way shall be considered a final determination by either the Executive Director or the Pinelands Commission.**

(b) A certified municipality may provide in its certified land use ordinances that a completed application for **specified minor** development [of an individual single family dwelling] may be filed initially with the designated [administrative] **local review** officer of the municipality. The [administrative] **local review** officer shall be responsible for determining whether said application contains all the information required by the municipality's certified ordinances. Upon determining the application to be complete, the [administrative] **local review** officer shall submit a duplicate copy of the application to the Executive Director along with a statement that the application has been determined to be complete. Within 15 days of receiving a duplicate copy of the application, the Executive Director shall issue a Notice of Filing stating that the Commission has received the duplicate application. The Executive Director may state in the Notice of Filing any potential deficiencies in the completeness of the application. The [administrative] **local review** officer shall also be responsible for determining whether the application for development complies with the applicable provisions of N.J.A.C. 7:50-5 and 6 as incorporated in the certified municipal master plan and ordinances. A copy of said determination shall be submitted to the applicant and the Executive Director. **The determination by the local review officer shall be subject to review by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.37 and 4.40.** If the Executive Director determines that the designated municipal [administrative] **local review** officer may be willfully or negligently failing to implement the responsibilities specified above or if no [administrative] **local review** officer has been designated by the municipality, then the procedures specified in Part VI of [subchapter 3] **N.J.A.C. 7:50-3** shall be implemented by the Executive Director **and the procedures specified in Part II of this subchapter shall apply for all applications for development.**

7:50-4.35 Report requirements of local permitting agency with respect to applications for development

(a) (No change.)

(b) Notice of application: Within seven days following a determination of completeness of an application for development, or any change to any application for development which was previously filed, notice of such application shall be given by the local agency, by mail, to the Commission. The notice shall be in such form as the Executive Director shall from time to time specify; but each such notice shall contain at least the following information:

1.-3. (No change.)

4. The [docket] **application** number of the Certificate of Filing or Notice of Filing [issues] **issued** by the Executive Director and the date on which it was issued;

5. The date on which the application, or change thereto, was filed and any [docket] **application** or other identifying number assigned to such application by the local permitting agency;

6.-8. (No change.)

(c) Notice of hearings and meetings: Notice of any hearing, public meeting or other formal proceeding at which an application for development is to be considered shall be given to the Commission by mail or delivery of the same to the principal office of the Commission not less than five days prior to such meeting, hearing or proceeding and shall be in such form as the Executive Director shall from time to time specify. Each notice shall contain at least the following information:

1. (No change.)

2. The [docket] **application** number of the Certificate of Filing or Notice of Filing issued by the Executive Director and the date on which it was issued;

3.-6. (No change.)

(d) Notice of preliminary approval: Notice of any grant of preliminary site plan or subdivision approval or any other preliminary approval of any application for development provided for by the Municipal Land Use Law or any county or municipal ordinance shall be given to the Commission, by certified mail, within five days following such grant or approval. Such notice shall be in such form as the Executive Director shall from time to time specify, but shall contain at least the following information:

1.-2. (No change.)

3. The [docket] **application** number of the Certificate of Filing or Notice of Filing issued by the Executive Director and the date on which it was issued;

4.-7. (No change.)

(e) Notice of final determination: Notice of any final determination with respect to any application for development shall be given to the Commission by certified mail within five days following such determination and shall be in such form as the Executive Director shall from time to time specify; but such notice shall contain at least the following information:

1.-2. (No change.)

3. The [docket] **application** number of the Certificate of Filing or Notice of Filing issued by the Executive Director and the date on which it was issued; and

4. (No change.)

(f) Nothing in this section shall provide for a tolling of time pursuant to N.J.S.A. 40:55D-21 due to the failure of the applicant or local permitting agency to meet the notice requirements of (a) through (e) above. No person shall carry out any development in the Pinelands Area prior to satisfying the notice requirements of (a) through (e) above.

7:50-4.38 Decision on review

(a) Determination by Executive Director: If no hearing is requested by the applicant, [or] the local permitting agency **or any interested person** pursuant to N.J.A.C. 7:50-4.37(b), the Executive Director shall, within 60 days after the time to request [reconsideration] **a hearing** has expired, review the application, all other information in the file including any staff reports and the local approval and determine whether the preliminary approval is in conformance with the minimum standards of this Plan and the provisions of the relevant certified local ordinance. The Executive Director may recommend the Commission approve the preliminary approval, approve the preliminary approval with conditions or disapprove the preliminary approval. The Executive Director shall give written notification of his findings and conclusions to the applicant, the Commission, the local approving agency, interested persons, including all persons who have individually submitted information concerning the application, as well as all persons who have requested a copy of said determination, and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2).

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

7:50-4.39 Notice of changes made subsequent to local preliminary approval

(a) Each local permitting agency shall give notice to the Commission of any design, engineering or other changes made to any application for development by an applicant subsequent to any local preliminary approval reported to the [commission] **Commission** pursuant to N.J.A.C. 7:50-4.35(d), including changes made in response to conditions imposed by the Commission pursuant to N.J.A.C. 7:50-4.38, to the Executive Director, by mail, within five days of receipt of such changes. Such notice shall be in such form as the Executive Director shall from time to time specify but shall contain at least the following information:

1.-2. (No change.)

3. The [docket] **application** number of the Certificate of Filing or Notice of Filing issued by the Executive Director and the date on which it was issued;

4.-5. (No change.)

(b) (No change.)

7:50-4.40 Commission review following final local approval

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

(c) No action by applicant prior to receipt of notice: No person shall carry out any development pursuant to an approval of an application for development which has been granted by any local permitting agency until he has received the notice provided for in (b) above. If such notice provides that the Commission intends to review such approval pursuant to N.J.A.C. 7:50-[4.42]**4.41** and 4.42 of this Part, no development shall be carried out unless such review has been completed and the Commission has approved or approved with conditions the proposed development and the provisions of N.J.A.C. 7:50-4.42(c) have been fulfilled.

(d) (No change.)

7:50-4.41 Public hearing

If the Executive Director determines that the approval should be reviewed by the Commission, he shall, within 45 days following receipt of a completed notice of final determination given pursuant to N.J.A.C. 7:50-4.35(c), conduct a public hearing to be held pursuant to the procedures set out in N.J.A.C. 7:50-4.3. The applicant shall have the burden of going forward and the burden of proof at the public hearing. **Applications from applicants who do not provide notice for any hearing and do not make a timely request for adjournment shall be recommended for denial. For applicants who do not appear at more than one scheduled public hearing, the Executive Director may determine that no further adjournment of the public hearing will be provided.** Following conclusion of the public hearing, the Executive Director shall review the record of the public hearing and issue a report [in] **on** the public hearing to the Commission. The Executive Director may recommend that the Commission approve the application, approve the application with conditions or disapprove the application. The Executive Director shall give written notification of his findings and conclusions to the applicant, the Commission, the local approval agency, interested persons, including all persons who have individually submitted information concerning the application or who participated in the local review process, as well as all persons who have requested a copy of said determination, and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2). However, an applicant may, at his option, waive all time limits for review imposed by the Pinelands Protection Act or this Plan and request that the hearing be held by an Administrative Law Judge pursuant to the procedures established in N.J.A.C. 7:50-4.91.

7:50-4.42 Decision on review

(a) Determination by Commission: If a hearing is held pursuant to N.J.A.C. 7:50-4.3, the Commission shall, within 45 days following the notice given pursuant to N.J.A.C. 7:50-4.40(b) **unless extended pursuant to N.J.A.C. 7:50-4.4**, review the record of the hearing and the Executive Director's report only and make a determination as to whether the proposed development should be approved, approved with conditions or disapproved. If a hearing is held before an Administrative Law Judge pursuant to N.J.A.C. 7:50-4.91, the Commission shall, within 45 days of receipt of the initial decision of the Administrative Law Judge, review the initial decision, the record of the hearing and the application only and approve, approve with conditions or disapprove the proposed development. **If no hearing is held because of the failure of the applicant to appear, the Com-**

mission shall, within 45 days following the notice given pursuant to N.J.A.C. 7:50-4.40(b) unless extended pursuant to N.J.A.C. 7:50-4.4, review the Executive Director's recommendation, the application, other material in the file including any staff reports and the local approval only and approve, approve with conditions or disapprove the proposed development. If no hearing is held because of the failure of the applicant to provide notice, the Commission shall deny the proposed development without prejudice.

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

7:50-4.52 General requirements

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

(c) Intergovernmental agreements:

1. The Commission may enter into intergovernmental memoranda of agreement with any agency of the [federal, state] **Federal, State** or local government which authorize such agency to carry out specified development activities without securing individual development approval from the Commission under this Part, **provided the specified development activities are consistent with the provisions of N.J.A.C. 7:50-5 and 6.**

2. The Commission may enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorize such agency to carry out specified development activities that may not be fully consistent with the provisions of N.J.A.C. 7:50-5 and 6, provided such agency demonstrates and the Commission finds that variation from the standards of this Plan is accompanied by measures that will, at a minimum, afford an equivalent level of protection of the resources of the Pinelands than would be provided through a strict application of the standards of this Plan. Any intergovernmental memorandum of agreement relating to waste management shall be consistent with the standards and provisions of N.J.A.C. 7:50-6.79.

3. Prior to the execution of any intergovernmental memorandum of agreement by the Commission, the Executive Director shall set the date, time and place of a public hearing for consideration of the agreement. The public hearing shall be noticed and held by the Executive Director in accordance with the provisions of N.J.A.C. 7:50-4.3.

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

7:50-4.53 Pre-application conference and submission requirements

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

(c) In addition to the requirements of (a) and (b) above, a public agency seeking approval for major development, as defined in N.J.A.C. 7:50-2.11, which will be located on a specific parcel, shall provide notice of the application for public development as follows:

1. Notice will be given to owners of all real property within 200 feet of the subject property as provided for in N.J.S.A. 40:55D-12(b). The administrative officer of the municipality shall provide a certified list of said property owners as provided for in N.J.S.A. 40:553-12(c). **The applicant shall be entitled to rely upon the information contained in said certified list as provided in N.J.S.A. 40:55D-12(c);** and

2. (No change.)

(d) (No change.)

(e) The notice in (c) and (d) above shall state:

1.-5. (No change.)

6. That any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion and that any interested person who is aggrieved by said determination is entitled to a hearing by [requesting a reconsideration of] **appealing** the determination.

(f)-(h) (No change.)

7:50-4.55 [Reconsideration rights] **Rights of appeal**

Any interested person who is aggrieved by any determination made by the Executive Director pursuant to this Part may within 15 days [seek reconsideration of] **appeal** the Executive Director's determination [by] **to** the Commission as provided by N.J.A.C. 7:50-4.91. Additional information not included in the Executive Director's determination may only be presented to the Pinelands Commission by requesting a hearing pursuant to N.J.A.C. 7:50-4.91.

7:50-4.56 Action by Commission

At the next regular Commission meeting after the time for [reconsideration] **appeal** under N.J.A.C. 7:50-4.91 has expired and no interested person has requested a hearing, the Commission may approve the determination of the Executive Director or refer the determination of the Executive Director to the Office of Administrative Law. If the Pinelands Commission fails to take any action at said meeting, the determination of the Executive Director shall be referred to the Office of Administrative Law unless an extension of time for the Commission to act is approved pursuant to N.J.A.C. 7:50-4.4. If the Executive Director's determination is referred to the Office of Administrative Law, the referral shall be treated as a petition for [reconsideration] **appeal** in accordance with the provisions of N.J.A.C. 7:50-4.91.

7:50-4.57 Standards for public development

(a) The Commission shall approve or conditionally approve an application filed pursuant to this Part only if the development as proposed, or with any conditions which are imposed:

1. (No change.)

2. If the proposed development includes any public roads, the applicant demonstrates that: alternative **locations or** transportation modes including mass transit and non-motorized methods cannot be employed to satisfy transportation needs; and public fishing, crabbing or canoe access facilities in association with bridge crossings will be provided as appropriate.

7:50-4.62 General standards

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

(c) Notwithstanding (a) and (b) above, the requested relief may not be granted if it will involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the subject property is located, increase the danger of fire or endanger public safety.

[(c)]**(d)** When approved, the waiver may only grant the minimum relief necessary to relieve the extraordinary hardship or satisfy the compelling public need.

1. Any waiver which grants relief from the standards of this Plan to permit development of the property in question shall require:

i.-ii. (No change.)

iii. **Except for State projects located on and directly related to the management and use of State conservation lands,** [The] **the** acquisition and redemption of 0.25 Pinelands Development Credits whenever the waiver provides relief from one or more of the standards of N.J.A.C. 750-6 and the acquisition and redemption of an additional 0.25 Pinelands Development Credits whenever the waiver provides relief from one or more of the wetlands protection standards contained in N.J.A.C. 7:50-6, Part I; and

iv. (No change.)

2. Any parcel for which an extraordinary hardship **otherwise** exists pursuant to N.J.A.C. 7:50-4.63**(b)** but which is precluded from on-site development pursuant to N.J.A.C. 7:50-**4.63(b)4 and** 4.65(b) shall receive an additional use right of an allocation of Pinelands Development Credits based on the fair market value of the parcel. The allocation shall be based on the market value of the Pinelands Development Credits at the time the application for a waiver is completed, provided that the applicant shall be entitled to a minimum allocation of 0.25 Pinelands Development Credits. Unless severed from the parcel pursuant to N.J.A.C. 7:50-5.47, any conveyance, sale or transfer of the parcel shall include the Pinelands Development Credits allocated herein. The applicant shall be entitled to demonstrate that the allocation of Pinelands Development Credits based on fair market value in conjunction with the permitted uses on the parcel does not give the parcel a beneficial use. If the applicant believes that even considering this allocation of Credits the parcel does not have a beneficial use, the applicant is entitled to [request reconsideration] **appeal the allocation** pursuant to N.J.A.C. 7:50-4.68.

7:50-4.63 Standards for establishing extraordinary hardship

(a) An extraordinary hardship is deemed to exist when the applicant demonstrates based on specific facts and the Pinelands Commission verifies that all of the following conditions exist:

1. The only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for one of the following:

i.-ix. (No change.)

x. A single family dwelling accessory to an active agricultural operation in a Special Agricultural Production Area pursuant to the criteria contained in N.J.A.C. 7:50-5.25(b)1; [or]

xi. An agricultural commercial establishment with a gross floor area no greater than 500 square feet which is located on a property which otherwise qualifies for a single family dwelling accessory to an active agricultural operation pursuant to either N.J.A.C. 7:50-5.24(a)2 or 5.25(b)1; **or**

xii. Agricultural employee housing which is located on a property which otherwise qualifies for a single family dwelling accessory to an active agricultural operation pursuant to either N.J.A.C. 7:50-5.24(a)2 or 5.25(b)1;

2. (No change.)

3. **Except as expressly provided in N.J.A.C. 7:50-5.1(c),** [The] **the** proposed use will be **either** the sole principal use **or an accessory use to the sole principal use as permitted in (a)1ix, (a)1x, (a)1xi or (a)1xii above** on the entire contiguous parcel, [except as expressly provided in N.J.A.C. 7:50-5.1(c)] **as established in (a)2 above;**

4.-5. (No change.)

(b) An extraordinary hardship as distinguished from a mere inconvenience also exists when the applicant demonstrates and the Pinelands Commission verifies that all of the following conditions exist:

1.-2. (No change.)

3. The parcel, including all contiguous lands which are available pursuant to (b)1 and 2 above, may not have a beneficial use considering the following factors:

i.-iv. (No change.)

v. Any inability to have a beneficial use relates to or arises out of the characteristics of **the** subject parcel and results from unique circumstances peculiar to the subject property which:

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

4. (No change.)

7:50-4.64 Standards for establishing compelling public need

(a) An applicant shall be deemed to have established compelling public need if the applicant demonstrates based on specific facts and the Pinelands Commission verifies that one of the following conditions exist:

1. (No change.)

2. The proposed development constitutes an adaptive reuse of a historic resource designated [by the Pinelands Commission] pursuant to N.J.A.C. 7:50-6.154, and:

i.-ii. (No change.)

(b) (No change.)

7:50-4.65 Substantial impairment and consistency

(a) (No change.)

(b) Unless alleviating measures are taken pursuant to (c) below for waivers based on compelling public need, the following circumstances do not comply with (a) above:

1.-3. (No change.)

4. Any non-residential use[d] to be served by an on-site sewage disposal system where the nitrate-nitrogen level exceeds five [mg/l] **parts per million** at the property line;

5.-10. (No change.)

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

7:50-4.66 Application

(a) (No change.)

(b) In addition to the requirements in (a) above, an applicant requesting a Waiver of Strict Compliance which involves a specific parcel shall provide notice of the application for a Waiver of Strict Compliance as follows:

1. Notice shall be given to owners of real property within 200 feet of the subject property as provided for in N.J.S.A. [40:44D-12(b)] **40:55D-12(b)**. The administrative officer of the municipality shall provide a certified list of said property owners as provided for in N.J.S.A. 40:55D-12(c). **The applicant shall be entitled to rely upon the information contained in said certified list as provided in N.J.S.A. 40:55D-12(c).**

2. (No change.)

(c) (No change.)

(d) The notice in (b) and (c) above shall state:

1.-5. (No change.)

6. That any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion and that any interested person who is aggrieved by said determination is entitled to a hearing by [requesting reconsideration of] **appealing** the determination.

(e)-(h) (No change.)

(i) For an application submitted pursuant to N.J.A.C. 7:50-4.64(a)1, the Executive Director shall set the date, time and place for a public hearing for consideration of the application. The public hearing shall be noticed and held by the Executive Director in accordance with the provisions of N.J.A.C. 7:50-4.3. The applicant shall give notice of the hearing in accordance with N.J.A.C. 7:50-4.3(b)2ii and the notice required pursuant to (b) or (c) above may be incorporated therein.

7:50-4.68 [Reconsideration rights] **Rights of appeal**

Any interested person who is aggrieved by any determination made by the Executive Director pursuant to this Part may within 15 days [seek reconsideration by the Commission of] **appeal** the Executive Director's determination **to the Commission** as provided by N.J.A.C. 7:50-4.91. Additional information not included in the Executive Director's determination may be presented to the Pinelands Commission only by requesting a hearing pursuant to N.J.A.C. 7:50-4.91. If the [consideration] **appeal** is based on an allegation that the parcel does not have a beneficial use even considering the allocation of Pinelands Development Credits pursuant to N.J.A.C. 7:50-4.62(c)2, the applicant must include specific documentation concerning the economic value of each of the permitted uses of the parcel once the Pinelands Development Credits are transferred and documentation of the value necessary to give the property a beneficial use as part of the [reconsideration] **appeal** process. If the applicant demonstrates that the allocation of the Pinelands Development Credits based on fair market value along with the other permitted uses of the parcel does not result in the parcel having a beneficial use, the allocation of Pinelands Development Credits shall be increased to the number necessary to provide the parcel with a beneficial use.

7:50-4.69 Action by Commission

If at the next regular Commission meeting after the time for [reconsideration] **appeal** under N.J.A.C. 7:50-4.91 has expired and no request for [reconsideration] **an appeal** has been received, the Commission may approve the determination of the Executive Director or refer the determination of the Executive Director to the Office of Administrative Law. If the Commission fails to take any action at said meeting, the determination of the Executive Director shall be referred to the Office of Administrative Law unless an extension of time for the Commission to act is approved pursuant to N.J.A.C. 7:50-4.4. If the Executive Director's determination is referred to the Office of Administrative Law, the referral shall be treated as a petition for [reconsideration] **appeal** in accordance with the provisions of N.J.A.C. 7:50-4.91.

7:50-4.70 Effect of grant of waiver, expiration; recordation; effective date

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

(c) Any waiver approved pursuant to N.J.A.C. 7:50-4.63 which authorizes development of the parcel shall expire five years after the Waiver is approved unless all necessary construction permits have been issued within said five year period, **the authorized work was commenced within 12 months after issuance of the permits and no such permit becomes invalid pursuant to N.J.A.C. 5:23-2.16(b) after said five year period.** [The waiver shall expire if any such permit is allowed to expire or lapse after the end of the five year period or if any renewal or extension of any such permit or issuance of a new construction permit is necessary after the five year period.]

(d) (No change.)

(e) The N.J.A.C. 7:50-2.11 definitions of "contiguous lands," "fair market value" and "impaired wetlands," and N.J.A.C. 7:50-4.2(b)8 and 4.61 through this section, as amended or adopted effective March 2, 1992, shall apply to all applications except for those applications on which an Executive Director's determination was issued prior to March 2, 1992. For those applications, the above-referenced provisions in effect prior to March 2, 1992 shall govern, provided that:

1.-2. (No change.)

3. The Pinelands Commission acts on the application at its next regularly scheduled meeting after the time to [request reconsideration] **appeal** under N.J.A.C. 7:50-4.91 has expired and no request for [reconsideration] **appeal** has been received; or

4. A timely request for [reconsideration] **an appeal** is received under N.J.A.C. 7:50-4.91 or the Executive Director's determination is referred to the Office of Administrative Law by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.69 (formerly N.J.A.C. 7:50-4.65).

7:50-4.73 Request for interpretation

(a) (No change.)

(b) An applicant for a letter of clarification or interpretation involving a specific parcel, except where the letter of interpretation involves solely the question of the number of Pinelands Development Credits which are attributed to a specific parcel, shall provide notice of the application as follows:

1. Notice shall be given to owners of all real property within 200 feet of the subject property as provided for in N.J.S.A. 40:553-12(b). The administrative officer of the municipality shall provide a certified list of said property owners as provided for in N.J.S.A. 40:55D-12(c). **The applicant shall be entitled to rely upon the information contained in said certified list as provided in N.J.S.A. 40:55D-12(c)**; and

2. (No change.)

(c) An applicant for a letter of clarification or interpretation **not** involving **a** specific [property consisting of more than one parcel in a linear layout] **parcel, including a proposed development located within a right-of-way or easement,** shall provide notice of the application as follows:

1. Notice shall be given by publication in any official newspaper of the Pinelands Commission having general circulation in any municipality in which the property that is the subject of the proposed interpretation or clarification is located **or in all the official newspapers of the Pinelands Commission if the requested clarification or interpretation does not apply to a specific development proposal**; and

2. (No change.)

(d) The notice in (b) and (c) above shall state:

1.-5. (No change.)

6. That any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion and that any interested person who is aggrieved by said determination is entitled to a hearing by [requesting a reconsideration of] **appealing** the determination.

(e)-(g) (No change.)

7:50-4.76 Effect of and limitation on favorable interpretation

(a) No letter of clarification [of] **or** interpretation shall authorize the establishment of a use or the carrying out of any development, but shall merely authorize the preparation, filing and processing of applications for any permits and approvals which may be required by the codes and ordinances of any local permitting agency with jurisdiction over the subject property or this Plan.

(b) No letter of clarification or interpretation shall be valid for a period longer than [one] **two** years from the date of issuance, unless a final approval pursuant to this Plan has been granted within that period, and development is thereafter diligently pursued to completion, or the use is legally commenced within that period.

7:50-4.79 [Reconsideration] **Appeal**

Any interested person who is aggrieved by any clarification or interpretation given by the Executive Director pursuant to this Part may within 15 days [seek reconsideration by] **appeal the Executive Director's clarification or interpretation to** the [full] Commission [of such clarification or interpretation] as provided in N.J.A.C. 7:50-4.91.

7:50-4.81 **General requirements;** [Applicant] **applicant** to submit application to Executive Director

(a) No department, board, bureau, official or other agency of the State of New Jersey shall issue any approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land in the Pinelands unless such approval or grant is consistent with the minimum standards of this Plan.

(b) Prior to filing any application for development in the Pinelands Area with any department, board, bureau, official or other agency of the State of New Jersey, the applicant shall file with the Commission a duplicate copy of the application. The Executive Director may within 30 days require the applicant to submit any additional information which he determines is necessary in order to evaluate the interest of the Commission in such application. No [state] **State** department, board, bureau, official or other agency shall deem an application for development complete unless it is accompanied by a Certificate of Filing, a Notice of Filing, a Certificate of [Compliance] **Completeness** or a resolution of the Pinelands Commission approving, pursuant to the provisions of Part IV of this subchapter, an application for public development. **Notwithstanding these requirements, the Pinelands Commission may enter into an intergovernmental memorandum of agreement with any State department, board, bureau, official or other agency for the purpose of eliminating or altering any of the procedural requirements set forth in this subsection concerning the review by a State agency of third party development.**

7:50-4.83 Notice from [state] **State** agencies with respect to applications for development

(a) (No change.)

(b) Notice of application: Notice of submission of any application for development shall be given by mail within seven days following such filing and shall contain the following information:

1.-3. (No change.)

4. The Pinelands Commission [docket number for the] application **number**;

5. The date on which the application was filed and any [docket] **application** or other identifying number assigned to such application by the [state] **State** agency;

6.-7. (No change.)

(c) Notice of hearings and meetings: Notice of any hearing, public meeting or other formal proceeding at which the filing or disposition of any application for development in the Pinelands Area is to be considered shall be given by mail no less than five days prior to such meeting or hearing and shall contain the following information:

1. (No change.)

2. The Pinelands Commission [docket number for the] application **number**;

3.-6. (No change.)

(d) Notice of grant of final determination: Notice of any final determination by any department, board, bureau, official or other agency of the [state] **State** with respect to any application for development in the Pinelands Area shall be given by mail within five days of the grant or denial of such approval and shall contain the following information:

1.-2. (No change.)

3. The Pinelands Commission [docket number for the] application **number**;

4.-5. (No change.)

7:50-4.91 [Reconsideration] **Appeal**

(a) Notice: Any person who is granted, by any provision of this Plan, a right to [seek reconsideration by the full Commission of] **appeal** any determination made by the Executive Director **to the Commission** shall, within 15 days after the decision is rendered, perfect such right by giving notice by mail of his intent to [seek reconsideration by] **appeal to** the Commission. Such notice shall include:

1. The name and address of the person requesting the [reconsideration] **appeal**;

2. The [docket] number of the application which is the subject of the [reconsideration request] **appeal**;

3. The date on which the determination [is] to be [reconsidered] **appealed** was made;

4. A statement detailing the basis for the [reconsideration request] **appeal; and**

5. (No change.)

(b) Any person who is granted, by any provision of this Plan, a right to request a hearing conducted by the Office of Administrative Law concerning a local approval which the Executive Director has determined should be reviewed by the Pinelands Commission shall, within 15 days after the Executive Director's determination, perfect such right by giving notice by mail of his intent to request a hearing to the Commission. Such notice shall include the information specified in (a)1 through 5 above.

[(b)](c) Hearing: Within 15 days following receipt of a notice filed pursuant to (a) **or (b)** above, or of any demand for a hearing at which an Administrative Law Judge is to preside which is provided for in this Plan, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.

[(c)](d) Burden: The person [seeking reconsideration] **requesting the appeal or hearing** shall have the burden of going forward and the burden of proof on all issues.

[(d)](e) Commission review of record: Within 45 days following receipt of the initial decision of the Administrative Law Judge, **unless an extension has been approved pursuant to the Administrative Procedures Act, N.J.S.A. 52:15B-1 et seq. and the procedures adopted by the Office of Administrative Law,** the Commission shall consider the hearing record and the initial decision only and issue a final order with respect to the matter in controversy.

7:50-4.92 Judicial review

Judicial review may be had of any **final** determination or order of the Commission as provided by Section 19 of the Pinelands Protection Act or any other provision of [state] **State** law. **All appeals of determinations of the Executive Director shall be made to the Office of Administrative Law pursuant to N.J.A.C. 7:50-4.91.** If [reconsideration] **an appeal** of a determination of the Executive Director is sought by any person pursuant to N.J.A.C. 7:50-4.91, all limitation periods provided by [state] **State** law for seeking judicial review of any decision of the Commission shall be deemed to commence upon entry of the Commission's order on [reconsideration] **the appeal or hearing** pursuant to N.J.A.C. 7:50-4.91(d).

SUBCHAPTER 5. MINIMUM STANDARDS FOR LAND USES AND INTENSITIES

INTRODUCTION

The Pinelands Protection Act provides in part that the Comprehensive Management Plan is to "encourage appropriate patterns of compatible residential, commercial and industrial development in or adjacent to areas already utilized for such purposes, in order to accommodate regional growth influences in an orderly way while protecting the Pinelands environment from the individual and cumulative adverse impacts thereof" and to "discourage piecemeal and scattered development" while protecting the Pinelands environment. Subchapter 5 contains minimum standards for the development and use of land which the Pinelands Commission has determined are necessary to protect and maintain the essential character of the Pinelands environment and to accomplish the purposes of the Pinelands Protection Act and the Federal Act.

The provisions of this subchapter are intended to serve as minimum standards for the preparation and adoption of county and municipal master plans and land use ordinances and [state] **State** agency plans. The provisions of this subchapter are also intended to serve as guidelines for the preparation of [federal] **Federal** installation plans. It is recognized that specific provisions of this subchapter, including the management area delineations, can be refined by local agencies provided that the objectives and goals the minimum standards represent will be achieved. In determining whether to certify a municipal or county master plan or land use ordinance under the provisions of N.J.A.C. 7:50-3 of this Plan, approve a [state] **State** agency plan under the provisions of N.J.A.C. 7:50-[42(e)]**4.52(e)** of this Plan, or find a [federal] **Federal** installation master plan in substantial conformance under the provisions of N.J.A.C. 7:50-3, Part V, the Pinelands Commission will consider the extent to which the plan or land use ordinance ensures that all development of land will be in conformance with the minimum standards of this subchapter.

It is also recognized that [state and local agencies] **a municipality, county, State, or Federal agency** may adopt more restrictive regulations, provided that such regulations are compatible with the goals and objectives of this Plan. **In such cases, all development must adhere to the more restrictive regulations.**

7:50-5.1 Development in accordance with this plan

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

(c) **Unless expressly permitted in a certified municipal land use ordinance,** [No] **no** more than one principal use shall be located on one lot, except for forestry, agriculture, horticulture, fish and wildlife management, and, on agricultural lands, recreation development.

(d) A municipality may include in its master plan and land use ordinance provisions which permit mobile homes or other similarly manufactured dwelling units as part of a government-sponsored program which provides housing for the elderly. Such mobile homes or manufactured dwelling units shall be exempt from the density limitations of this Part, provided that:

1. They are associated with existing single family dwellings; and

2. They are intended only for temporary housing and occupancy for no longer than three years.

7:50-5.2 Expansion **and changes** of existing uses

(a) Notwithstanding the use restrictions contained in Part III of this subchapter, a municipality may permit the expansion **or alteration** of any lawful use existing on January 14, 1981 **or which was constructed based upon an approval granted pursuant to this Plan**, other than intensive recreation facilities and those uses which are expressly limited in N.J.A.C. 7:50-6, provided that:

1. The use was not abandoned or terminated subsequent to January 14, 1981;

[1.]**2.** The expansion **or alteration** of the use [meets] **is in accordance with** all of the minimum standards of N.J.A.C. 7:50-6; **and**

[2.]**3.** The area of expansion does not exceed 50 percent of the floor area, the area of the use or the capacity of the use, whichever is applicable, on January 14, 1981 **or which was approved pursuant to this Plan.**

(b) A municipality may include in its ordinance a provision which, notwithstanding the use restrictions contained in Part III of this subchapter, permits a change in any lawful use existing on January 14, 1981[, and not subsequently abandoned] **or which was constructed based upon an approval granted pursuant to this Plan,** other than those uses which are expressly limited in N.J.A.C. 7:50-6, provided that:

1. The use was not abandoned or terminated subsequent to January 14, 1981;

[1.]**2.** The new use [meets] **is in accordance with** all of the minimum standards of N.J.A.C. 7:50-6 **including N.J.A.C. 7:50-6.84(a)4, unless a new septic system permit will not be required as a result of the change in use, in which case the standards of N.J.A.C. 7:50-6.83(b) and (c) must be met**; and

[2.]**3.** The area, capacity, and intensity of the new use is comparable to that of the existing use.

(c) (No change.)

7:50-5.3 Map status

(a) The following maps, the originals of which are maintained at the offices of the Commission, are hereby designated and established as a part of this Plan and shall be as much a part of this plan as if they were set out in full in this Plan:

1.-23. (No change.)
24. Land Capability, [Plate 28] **as amended**;
25.-26. (No change.)

7:50-5.4 Height limitations

(a) In all Pinelands Management Areas other than Regional Growth Areas and Pinelands Towns, no structure, **including radio and television transmission and other communication facilities which are not accessory to an otherwise permitted use,** shall exceed a height of 35 feet, except as provided in (b) below.

(b) The height limitation in (a) above shall not apply to any of the following structures, provided that such structures are compatible with uses in the immediate vicinity and conform to the objectives of N.J.A.C. 7:50-6, Part X: **antennas which do not exceed a height of 200 feet and which are accessory to an otherwise permitted use,** silos, barns and other agricultural structures, church spires, cupolas, domes, monuments, water towers, fire observation towers, electric transmission [facilities] **lines** and supporting structures, windmills, [chimneys,] smokestacks, derricks, conveyors, flag poles **and** [,] masts, **or** aerials, solar energy facilities, **chimneys** and similar structures required to be placed above the roof level and not intended for human occupancy.

7:50-5.5 Setback standards

(a) All buildings within the Preservation Area District, Rural Development Area [Districts], and Forest Area [Districts] shall be set back from public, paved roads in accordance with N.J.A.C. 7:50-6.103 and 104.

(b) (No change.)

7:50-5.13 Goals and objectives of Pinelands Management Areas

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

(f) Pinelands Villages and Towns are existing spatially discrete settlements in the Pinelands. These traditional communities are appropriate for infill residential, commercial and industrial development that is compatible with their existing character.

1. Pinelands Area Villages are:
i. Bamber Lake;
ii. Beckerville;
Recodify existing ii.-vii. as **iii.-viii.** (No change in text.)
ix. Collings Lake;
Recodify existing viii.-xlix. as **x.-li.** (No change in text.)
2.-4. (No change.)

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

7:50-5.16 Guidelines for delineation of boundaries of Pinelands Villages

(a) In the preparation of municipal master plans and land use ordinances, municipalities shall designate the boundaries of Pinelands Villages; provided that the designated village area shall maintain its existing character and does not contain more vacant land than built land, nor provide for an additional increment of development which is greater than the number of nonaccessory structures that currently exist in the village. For the purposes of this requirement, built land for residential structures shall be calculated as the existing lot size or 3.2 acres, whichever is less, and built land for non-residential structures shall be calculated as the lot size required by existing zoning at the time of adoption of this Plan. Municipalities should also consider the following guidelines in designating village boundaries to the greatest extent practicable:

1.-5. (No change.)

6. Villages should include areas of high septic suitability [(Hydrologic Soil Group B)] contiguous to developed lands.

7:50-5.18 Minimum residential allocation of density in wetlands

[(a)] Each municipality shall allocate a minimum residential density to all wetlands that is at least one-fifth of the average gross residential density of uplands located in the same management area as the wetlands.

[(b) Clustering of residential development on properties located within the Regional Growth Areas and Rural Development Areas is encouraged provided that the densities established in the certified municipal ordinance are not exceeded and that the development otherwise conforms to the standards of this Plan.]

7:50-5.19 Cluster development

(a) Clustering of residential development on properties located within the Regional Growth Areas and Rural Development Areas is encouraged, provided that the densities established in the certified municipal ordinance are not exceeded and that the development otherwise conforms to the standards of this Plan.

(b) Clustering of residential development on properties located within more than one Pinelands management area may be permitted, provided that the property in question is contiguous, the portion of the property to be developed is located within the management area with the highest assigned residential density, the amount of the development proposed does not exceed that which would be permitted separately in each management area as determined by application of the standards contained in this subchapter and in N.J.A.C. 7:50-6.84, and the minimum lot area requirements of the management area in which the portion of the property to be developed is located are met.

[7:50-5.19 through] 7:50-5.20 (Reserved)

7:50-5.22 Minimum standards governing the distribution and intensity of development and land use in the Preservation Area District

(a) The following uses shall be permitted in the [preservation area district] **Preservation Area District**:

1. Residential dwelling[s on lots of 3.2 acres] **units** in accordance with **the cultural housing provisions of** N.J.A.C. 7:50-5.32.

2.-7. (No change.)

(b) In addition to the uses permitted under (a) above, a municipality may, at its option, permit the following uses in the Preservation Area District:

1. (No change.)

2. Expansion of intensive recreational uses, provided **that**:

i. The intensive recreational use was in existence on February 7, 1979 and the capacity of the use will not exceed two times the capacity of the use on February 7, 1979;

ii. The use is necessary to achieve recreational use of a particular element of the **existing** Pinelands environment; and

iii. The use is environmentally and aesthetically compatible with the [essential] character of the [Pinelands] **Preservation Area District and the characteristics of the particular basin in which the use is to be located, taking into consideration the proportion of cleared and developed land, ambient water quality, ecologically sensitive areas and unique resources,** and will not unduly burden available public services.

3. (No change.)

4. Public service infrastructure which is necessary to serve only the needs of the Preservation Area District uses. [Sewer] **Centralized waste water** treatment and collection facilities shall be permitted to service the Preservation Area District only in accordance with N.J.A.C. 7:50-6.84(a)2. Communication cables not primarily intended to serve the needs of the Preservation Area District may be permitted provided that they are installed within existing developed rights of way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.

5. Continuation of existing resource extraction operations in accordance with the standards of N.J.A.C. 7:50-[6.63]**6, Part VI.**

6. (No change.)

7. **Infill areas:** Residential dwellings and commercial uses on lots existing as of January 14, 1981 of at least one acre in size within an area designated by a municipality in its ordinance in [accord] **accordance** with the following criteria:

i.-ii. (No change.)

iii. The area must contain vacant lots of at least one acre in size or smaller lots which could reasonably be assembled into one acre or greater lots; **and**

[iv. The area contains vacant lots which, by virtue of their size and the existence of surrounding development within the area, would likely qualify for waivers of strict compliance under N.J.A.C. 7:50-4, Part V; and]

[v.]**iv.** Commercial uses shall be limited to those specific portions of the area which are predominantly occupied by existing commercial uses.

8. (No change.)

9. Home occupations[.]; **and**

10. Waste management facilities in accordance with N.J.A.C. 7:50-6, Part VII.

(c) No residential dwelling shall be located on a lot of less than 3.2 acres, **except as provided in N.J.A.C. 7:50-5.32.**

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized [sewer] **waste water** treatment or collection [system] **facility** pursuant to (b)4 above, **provided, however, that no such structure shall be located on a parcel of less than one acre.**

7:50-5.23 Minimum standards governing the distribution and intensity of development and land use in Forest Areas

(a) The following uses shall be permitted in a Forest Area:

1. Residential dwelling units [on lots of 3.2 acres] in [accord] **accordance** with **the cultural housing provisions of** N.J.A.C. 7:50-5.32.

2.-5. (No change.)

(b) In addition to uses permitted under (a) above, a municipality may, at its option, permit the following uses in a Forest Area:

1. (No change.)

2. Pinelands resource-related industrial or manufacturing uses, **excluding resource extraction and uses that rely on sand or gravel as raw products,** provided that:

i.-iii. (No change.)

3. Light industrial uses within an area designated by a municipality in accordance with the following criteria:

i. The area adjoins an existing airport [which is]**, and the airport is either** publicly owned or serves a Pinelands Town;

ii.-iii. (No change.)

4. Campgrounds, not to exceed [six] **one** campsite[s] per gross acre, provided that the campsites may be clustered at a net density not to exceed 10 campsites per acre.

5.-6. (No change.)

7. [Resource] **Continuation of existing resource** extraction operations **in accordance with the standards of N.J.A.C. 7:50-6, Part VI.**

8. [Landfills] **Waste management facilities in accordance with N.J.A.C. 7:50-6, Part VII.**

9.-10. (No change.)

11. Expansion of intensive recreational uses, provided that:

i. The intensive recreational use was in existence on February 7, 1979 and the capacity of the use will not exceed two times the capacity of the use on February 7, 1979;

ii. The use is necessary to achieve recreational use of a particular element of the **existing** Pinelands environment; and

iii. The use is environmentally and aesthetically compatible with the [essential] character of the [Pinelands] **Forest Area and the characteristics of the particular basin in which the use is to be located, taking into consideration the proportion of cleared and developed land, ambient water quality, ecologically sensitive areas and unique resources,** and will not unduly burden available public services.

12. Public service infrastructure intended to primarily serve only the needs of the Pinelands. [Sewer] **Centralized waste water** treatment and collection facilities shall be permitted to service the Forest Area [District] only in accordance with N.J.A.C. 7:50-6.84(a)2. Communication cables not primarily intended to serve the needs of the Forest Area may be permitted provided that they are installed within existing developed rights of way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.

13.-16. (No change.)

(c) No residential dwelling unit shall be located on a lot of less than 3.2 acres, except as provided in N.J.A.C. 7:50-5.30, **5.31 and 5.32. When the residential density otherwise permitted on a particular parcel of land is clustered on 3.2 acre lots, the remainder of the parcel not assigned to individual residential lots shall be permanently dedicated through recordation of a restriction on the deed to the property as open space with no further development permitted. Recreational amenities may be permitted on the deed restricted lands insofar as they are consistent with the types of recreational amenities which could have been developed as accessory uses on the residential lots, absent clustering.**

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized [sewer] **waste water** treatment or collection [system] **facility** pursuant to (b)12 above, **provided, however, that no such structure shall be located on a parcel of less than one acre.**

7:50-5.24 Minimum standards governing the distribution and intensity of development and land use in Agricultural Production Areas

(a) The following uses shall be permitted in an Agricultural Production Area:

1. Residential dwelling[s on lots of 3.2 acres] **units** in [accord] **accordance** with **the cultural housing provisions of** N.J.A.C. 7:50-5.32.

2. (No change.)

3. Residential dwelling units at a gross density of one unit per 40 acres, provided that: [the units shall be clustered in accordance with (c) below.]

i. The unit(s) shall be clustered on one acre lots, unless the municipality determines that residential development is not compatible and interferes with the use of the remaining property and adjoining lands for agricultural use;

ii. The remainder of the parcel, including all contiguous lands in common ownership, which is not assigned to individual residential lots shall be permanently dedicated for agricultural uses through recordation of a restriction on the deed to the property; and

iii. The restriction on the deed to the property, including any rights to be redeemed for future residential development, shall be done in accordance with N.J.A.C. 7:50-5, Part IV, so as to sever any Pinelands Development Credits allocated to the property.

4.-9. (No change.)

(b) In addition to the uses permitted under (a) above, a municipality may, at its option, permit the following uses in an Agricultural Production Area:

1. (No change.)

2. Pinelands resource-related industries, **excluding resource extraction and uses that rely on sand or gravel as raw products,** provided that:

i.-iii. (No change.)

3. (No change.)

4. Light industrial uses within an area designated by a municipality in [accord] **accordance** with the following criteria:

i. The area adjoins a publicly owned airport [or serves a Pinelands Town];

ii.-iii. (No change.)

5.-6. (No change.)

7. Expansion of intensive recreational uses, provided that:

i. The intensive recreational use was in existence on February 7, 1979 and the capacity of the use will not exceed two times the capacity of the use on February 7, 1979;

ii. The use is necessary to achieve recreational use of a particular element of the **existing** Pinelands environment; and

iii. The use is environmentally and aesthetically compatible with the [essential] character of the [Pinelands] **Agricultural Production Area and the characteristics of the particular basin in which the use is to be located, taking into consideration the proportion of cleared and developed land, ambient water quality, ecologically sensitive areas and unique resources,** and will not unduly burden available public services.

8. [Landfills] **Waste management facilities in accordance with N.J.A.C. 7:50-6, Part VII.**

9. Public service infrastructure[. Sewer] **except that centralized waste water** treatment and collection facilities shall be permitted to

service the Agricultural Production Area [District] only in accordance with N.J.A.C. 7:50-6.84(a)2. Communication cables not primarily intended to serve the needs of Agricultural Production Areas may be permitted provided that they are installed within existing developed rights of way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.

10.-13. (No change.)

(c) No residential dwelling unit shall be located on a lot of less than **1.0 acre.** [3.2 acres; provided, however, that a municipality shall require the residential density assigned pursuant to N.J.A.C. 7:50-5.24(a)3 to be clustered on one acre lots unless the municipality determines that the residential development is not compatible or interferes with the use of the remaining property and adjoining lands for agricultural use. The remainder of the parcel not assigned to individual residential lots shall be permanently dedicated for agricultural uses through recordation of a restriction on the deed to the property.]

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized [sewer] **waste water** treatment or collection [system] **facility** pursuant to (b)9 above, **provided, however, that no such structure shall be located on a parcel of less than one acre.**

7:50-5.25 Minimum standards governing the distribution and intensity of development and land use in Special Agricultural Production Areas

(a) The following uses shall be permitted in a Special Agricultural Production Area:

1. Residential dwelling[s on lots of 3.2 acres] **units** in [accord] **accordance** with **the cultural housing provisions of** N.J.A.C. 7:50-5.32.

2.-6. (No change.)

(b) In addition to the uses permitted under (a) above, a municipality may permit, at its option, the following uses in a Special Agricultural Production Area:

1.-2. (No change.)

3. Public service infrastructure which is necessary to serve only the needs of the Special Agricultural Production Area [District] uses. [Sewer] **Centralized waste water** treatment and collection facilities shall be permitted to service the Special Agricultural Production Area [District] only in accordance with N.J.A.C. 7:50-6.84(a)2. Communication cables not primarily intended to serve the needs of Special Agricultural Production Areas may be permitted provided that they are installed within existing developed rights of way and are installed underground or are attached to road bridges, where available, for the purpose of crossing water bodies or wetlands.

4.-5. (No change.)

6. Signs[.]; **and**

7. Waste management facilities in accordance with N.J.A.C. 7:50-6, Part VII.

(c) No residential dwelling unit shall be located on a lot of less than 3.2 acres, **except as provided in N.J.A.C. 7:50-5.32.**

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized [sewer] **waste water** treatment or collection [system] **facility** pursuant to (b)3 above, **provided, however, that no such structure shall be located on a parcel of less than one acre.**

7:50-5.26 Minimum standards governing the distribution and intensity of development and land use in Rural Development Areas

(a) (No change.)

(b) In addition to the residential uses permitted under (a) above, a municipality may permit any use which is compatible with the essential character of the Pinelands environment and is similar in character, intensity and impact to the following uses:

1.-8. (No change.)

9. [Landfills] **Waste management facilities in accordance with N.J.A.C. 7:50-6, Part VII;**

10. Public service infrastructure except that [sewer] **centralized waste water** treatment and collection facilities shall be permitted to service the Rural Development Area [District] only in accordance with N.J.A.C. 7:50-6.84(a)2;

11-14. (No change.)

(c) No residential dwelling unit shall be located on a lot of less than 3.2 acres, **except as provided in N.J.A.C. 7:50-5.30, 5.31 and 5.32.** [; provided, however, that a] **A** municipality may **also** permit the residential density otherwise permitted on a particular parcel of land to be clustered on one acre lots if the remainder of the parcel not assigned to individual residential lots is permanently dedicated through recordation of a restriction on the deed to the property as open space with no further development permitted. **Recreational amenities may be permitted on the deed restricted lands insofar as they are consistent with the types of recreational amenities which could have been developed as accessory uses on the residential lots, absent clustering.**

(d) Minimum lot areas for non-residential structures shall be determined by application of the standards contained in N.J.A.C. 7:50-6.84(a)4 whether or not the lot is to be served by a centralized [sewer] **waste water** treatment or collection [system] **facility** pursuant to (b)10 above, provided, however, that no such structure shall be located on a parcel of less than one acre.

7:50-5.27 Minimum standards governing the distribution and intensity of development and land use in Pinelands Villages and Towns

(a) Any use **not otherwise limited pursuant to N.J.A.C. 7:50-6** may be authorized in a Pinelands Village or Town, provided that:

1-3. (No change.)

(b) No residential dwelling units or nonresidential use shall be located [in] **on** a parcel of less than one acre unless served by a centralized waste water treatment plant.

(c) Any municipal variance approval which grants relief from density or lot area requirements **for a residential or principal non-residential use** shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of that permitted without the variance. **This requirement shall not apply to use variances which authorize development on lots which conform to the area requirements for the principal uses normally permitted in the zone.**

7:50-5.28 Minimum standards governing the distribution and intensity of development and land use in Regional Growth Areas

(a) Any use **not otherwise limited pursuant to N.J.A.C. 7:50-6** may be permitted in a Regional Growth Area, provided that:

1. Except as provided in (a)2, 3, 4, 5 [and], 6 **and 7** below and Part IV of this subchapter, the total number of dwelling units authorized by a municipality for a Regional Growth Area shall be equal to and not exceed the following density per acre of developable land:

i.-xxx. (No change.)

2. (No change.)

3. The land use element of a municipal master plan and land use ordinance shall reasonably permit development to occur within a range of densities, provided that the total amount of residential development permitted in (a)1 above[,] is exceeded by at least 50 percent **through the use of Pinelands Development Credits**; that a reasonable proportion of the density increase permits the development of single family detached residences; and that the residentially zoned districts in which the ranges are established are reasonably expected to be developed within the assigned density ranges.

i.-ii. (No change.)

4.-5. (No change.)

6. Any municipal variance for an approval of nonresidential development in a zone in which the approved nonresidential development is not otherwise permitted, and in which density may be increased through the use of Pinelands Development Credits pursuant to (a)3ii above, shall require that Pinelands Development Credits be used at the maximum rate permitted for **Pinelands Development Credit use in** the zone in which the development is located.

7. Nothing in (a) above is intended to prevent a municipality, as a part of a certified master plan or land use ordinance, from:

i. [employing] **Employing** additional density bonus or incentive programs, provided that such programs do not interfere with nor otherwise impair in any way the required municipal program for use of Pinelands Development Credits[.]**; or**

ii. Increasing or decreasing by as much as ten percent the total number of dwelling units assigned pursuant to (a)1 above, provided that the Pinelands Development Credit program requirements set forth in (a)3 above are met relative to the adjusted dwelling unit total and provided further that the adjustment is consistent with land tenure patterns, the character of portions of the regional growth area, the provision of infrastructure and community services, and the natural resource characteristics of the area.

(b) (No change.)

7:50-5.29 Minimum standards governing the distribution and intensity of development and land use in Military and Federal Installation Areas

(a) Any use associated with the function of the [federal] **Federal** installation [or another essential public service which is located outside of the Preservation Area and sanctioned by the installation] may be permitted in a Military and Federal Installation Area, provided that:

1. Where feasible, development shall be located in that portion of the installation located within the Pinelands Protection Area;

[1.]**2.** The use shall not require any development, including public service infrastructure, in the Preservation Area District or in a Forest Area; **and**

[2]**3.** All development undertaken by the [federal] **Federal** government substantially meets the standards of N.J.A.C. 7:50-6 of this Plan or an intergovernmental agreement entered into pursuant to N.J.A.C. 7:50-4, Part IV[; and].

[3. All development undertaken by another level of government meets the standards of N.J.A.C. 7:50-6 or an intergovernmental agreement entered into pursuant to N.J.A.C. 7:50-4, Part IV.]

(b) Any other public purpose use undertaken by or on behalf of another level of government may be permitted in a Military and Federal Installation Area, provided that:

1. The use is sanctioned by the installation;

2. The use is located within a substantially developed area which is served by a centralized sewer treatment and collection system; and

3. All development meets the standards of N.J.A.C. 7:50-6 or an intergovernmental agreement entered into pursuant to N.J.A.C. 7:50-4, Part IV.

7:50-5.30 Development transfer programs in Forest Areas and Rural Development Areas

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

(c) A municipality may adapt the program to its particular circumstances [by either] **and vary the standards in (b) above provided that the program is otherwise consistent with the land use and density provisions of this subchapter. This may include, but is not limited to,** identifying specific areas to receive the development transfers or excluding certain areas from the program considering:

1.-4. (No change.)

(d) (No change.)

7:50-5.31 Minimum standards for substandard lots

(a) A municipality may, as a part of its master plan and land use ordinance prepared and certified under the provisions of N.J.A.C. 7:50-3, exempt the owners of parcels of land within the Protection Area from the density limitations of this Part, provided that:

1. (No change.)

2. The dwelling unit will be the [primary] **principal** residence of the applicant;

3. The parcel [was owned by] **has been in the continuous ownership of** the applicant, [or] a member of his immediate family**, or a partnership or corporation made up of members of a qualifying immediate family who collectively own more than a majority interest in such partnership or corporation since** [on] February 7, 1979;

4. No lot that was in common ownership with any contiguous land on **or after** February 7, 1979 is exempt from the density provisions of this Part;

5.-6. (No change.)

(b) (No change.)

7:50-5.32 Special provisions for cultural housing

(a) Residential dwellings on 3.2 acre lots may be permitted within any management area provided that:

1.-2. (No change.)

3. The applicant can demonstrate a cultural, social or economic link to the essential character of the Pinelands under the following tests:

i. The parcel of land on which the dwelling is to be located [was owned by] **has been in the continuous ownership of** the applicant, [or] a member of his immediate family**, or a partnership or corporation made up of members of a qualifying immediate family who collectively own more than a majority interest in such partnership or corporation since** [on] February 7, 1979; and either

ii.-iii. (No change.)

(b) (No change.)

7:50-5.43 Pinelands Development Credits established

(a) Except for land which is owned by a public agency on January 14, 1981, land which is thereafter purchased by the [state] **State** for conservation purposes, land which is subject to an easement limiting the use of land to nonresidential uses or land otherwise excluded from entitlement pursuant to (b) below, every parcel of land in the Preservation Area District, an Agricultural Production Area or a Special Agricultural Production Area shall have a use right known as "Pinelands Development Credits" that can be used to secure a density bonus for lands located in Regional Growth Areas.

(b) Pinelands Development Credits are hereby established at the following ratios:

1. In the Preservation Area District**, including those areas designated pursuant to N.J.A.C. 7:50-5.22(b)7**:

i. Uplands which are undisturbed but **currently or previously** approved for resource extraction pursuant to this Plan: two Pinelands Development Credits per 39 acres;

ii.-iv. (No change.)

2.-3. (No change.)

4. If the allocations established in (b)1 and 2 above are less than one-quarter of a Pinelands Development Credit, the allocation shall be increased to one-quarter of a Pinelands Development Credit if the owner of record of one-tenth or greater acres of land in the Preservation Area District, Agricultural Production Areas and Special Agricultural Production Areas, as of February 7, 1979 owns a vacant parcel of land that was not in common ownership with any contiguous land on **or after** February 7, 1979**, and the parcel has not been sold or transferred except to a member of the owner's immediate family.**

5. The provisions of (b)4 above shall also apply to owners of record of less than one-tenth acres of land in the Preservation Area District, Agricultural Production Areas and Special Agricultural Production Areas, as of February 7, 1979, provided that said owners acquire vacant, contiguous lands which, when combined with the acreage of the original parcel, total at least one-tenth of an acre.

(c) (No change.)

7:50-5.44 Limitations on use of Pinelands Development Credits

(a) No Pinelands Development Credit may be conveyed, sold, **encumbered** or transferred unless the owner of the land from which the credit has been obtained has **received a Pinelands Development Credit Certificate from the New Jersey Pinelands Development Credit Bank pursuant to N.J.A.C. 3:42-3, and has** deed restricted the use of the land in perpetuity to those uses set forth in N.J.A.C. 7:50-5.47(b) by recorded deed restriction which is in favor of a public agency or not for profit incorporated organization and specifically and expressly enforceable by the Commission.

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

7:50-5.47 Recordation of deed restriction

(a) (No change.)

(b) Such deed restriction shall specify the number of Pinelands Development Credits sold and that the property may only be used in perpetuity for the following uses:

1.-2. (No change.)

3. In Agricultural Production Areas:

i. Agriculture; forestry; low intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five percent of the parcel, and no more than one percent of the parcel will be covered with impermeable surfaces; agricultural [sales] **commercial** establishments, excluding supermarkets and restaurants and convenience stores, where the principal goods or products available for sale were produced in the Pinelands and the sales area does not exceed 5,000 square feet; and agricultural products processing facilities.

ii. (No change.)

4. In all other Pinelands management areas where Pinelands Development Credits have been allocated pursuant to N.J.A.C. 7:50-4.62(d)2:

i. Agriculture; forestry; and low intensity recreational uses.

(c) No development involving the use of Pinelands Development Credits shall be approved **by a local permitting agency** until the developer has provided the Commission and the municipality in which the parcel of land to be developed is located with evidence of his ownership of the requisite Pinelands Development Credits; provided, however, that a municipality may grant preliminary subdivision or site plan approval conditioned upon such evidence being presented as a prerequisite to final subdivision or site plan approval. For such a final subdivision or site plan, the developer shall provide evidence of Pinelands Development Credit ownership to secure the same proportion of lots or residential units as was approved for Pinelands Development Credit use in the preliminary approval. **Notification of a local permitting agency development approval shall be made to the Pinelands Commission pursuant to N.J.A.C. 7:50-4, and to the New Jersey Pinelands Development Credit Bank in accordance with N.J.A.C. 3:42-3. Redemption of Pinelands Development Credits shall thereafter be accomplished in accordance with N.J.A.C. 3:42-3.6.**

7:50-5.51 Purpose

In order to enable counties and municipalities with jurisdiction over land in Rural Development Areas and Regional Growth Areas to plan for an orderly rate and pattern of growth within both areas, the Pinelands Commission hereby establishes a municipal option that may be incorporated in a municipal master plan or land use ordinance which allows a municipality to designate areas in a Rural Development Area **or Regional Growth Area** as Municipal Reserve Areas. These areas would be eligible for development under the minimum standards established for development and land use in Regional Growth Areas, including use of Pinelands Development Credits **at a future date.**

7:50-5.52 Designation of Municipal Reserve Areas

(a) (No change.)

(b) A municipality may, in its master plan and land use ordinance, designate lands in a Regional Growth Area as Municipal Reserve Areas, provided that sufficient vacant, developable land remains in the municipality's Regional Growth Area to meet the growth needs of the county and the municipality projected for the next five years as determined or approved by the county in which the municipality is located, as well as by the Pinelands Commission, and the area designated:

1. Does not have available and is not planned for sewer service and other essential public services in the next five years;

2. Has a relatively uniform boundary which conforms to physical or environmental features;

3. Is contiguous to areas designated for less intense development or is not in close proximity to currently developing areas; and

4. Is designated as, and zoned in accordance with the requirements for, Rural Development Areas.

7:50-5.53 Development in Municipal Reserve Areas

(a) A municipal master plan or land use ordinance that designates **areas in a Rural Development Area as** a Municipal Reserve Area shall include provisions ensuring that development of the reserve area at Regional Growth Area densities will occur only when all of the following conditions are met:

1.-3. (No change.)

(b) A municipal master plan and land use ordinance that designate areas in a Regional Growth Area as a Municipal Reserve Area shall include provisions ensuring that development of the reserve area at Regional Growth Area densities will automatically be permitted within a period of five years. A municipality may demonstrate that such development should be further delayed because one of the following conditions is met:

1. Adjacent developable land in the Regional Growth Area has not yet been substantially developed in accordance with the land use and management programs provided in this Plan;

2. All sewer service and other essential public services are not yet reasonably available; or

3. The amount of vacant developable land in all other Regional Growth Areas in the municipality is sufficient to meet the growth needs of the county and the municipality projected for the next five years as determined or approved by the county in which the reserve area is located, as well as by the Pinelands Commission.

SUBCHAPTER 6. MANAGEMENT PROGRAMS AND MINIMUM STANDARDS

INTRODUCTION

This subchapter establishes management programs and minimum standards governing development and land use in the Pinelands. In addition, guidelines for county and municipality preparation of management programs for scenic resources and recreation are provided. All the programs are intended to be implemented by the administration of municipal and county master plans and land use ordinances and by [state and federal] **State and Federal** agencies through the development review procedures established in N.J.A.C. 7:50-4. Prior to certification of county or municipal master plans and land use ordinances, the standards of this subchapter except for those guidelines or optional programs, will be implemented and enforced by the Pinelands Commission. The standards set forth in this subchapter are minimum requirements and a municipality, county, [state, or federal] **State, or Federal** agency may adopt more restrictive regulations, provided that such regulations are compatible with the goals and objectives of this Plan. **In such cases, all development must adhere to the more restrictive regulations. In addition to the models specified herein, the Pinelands Commission may utilize other scientifically based models, on a case by case basis, in determining compliance with the standards contained in this subchapter.**

7:50-6.3 Wetlands

Wetlands are lands which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture. Wetlands include coastal wetlands and inland wetlands, including submerged lands. **The "New Jersey Pinelands Commission Manual for Identifying and Delineating Pinelands Area Wetlands—a Pinelands Supplement to the Federal Manual for Identifying and Delineating Jurisdictional Wetlands," dated January, 1991, as amended, may be utilized in delineating the extent of wetlands based on the definitions of wetlands and wetlands soils contained in this section, N.J.A.C. 7:50-2.11, 6.4 and 6.5.**

7:50-6.4 Coastal wetlands

(a) Coastal wetlands are banks, low-lying marshes, swamps, meadows, flats, and other lowlands subject to tidal inundation which support or are capable of supporting one or more of the following plants:

1.-25. (No change.)

26. Atlantic white cedar ([Chamaceyparis] **Chamaecyparis** thyoides).

(b) Coastal wetlands include those lands which are delineated by the New Jersey Department of Environmental Protection **and Energy** on official maps at a scale of 1:2, 400 listed in N.J.A.C. 7:7A-1.13.

7:50-6.5 Inland wetlands

(a) Inland wetlands include, but are not limited to:

1. Atlantic white cedar swamps which are areas dominated by Atlantic white cedars (Chamaecyparis thyoides) and supporting one or more of the following hydrophytic plants:

i.-viii. (No change.)

ix. Inkberry ([Ile] **Ilex** glabra);

x.-xiv. (No change.)

2. (No change.)

3. Pitch pine lowlands **which** are areas dominated by pitch pine (Pinus rigida) and supporting one or more of the following hydrophytic plants:

i.-ix. (No change.)

4.-7. (No change.)

7:50-6.7 Significant adverse impact

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

(c) The "Buffer Delineation Model for New Jersey Pinelands Wetlands" dated May, 1985, as amended, (Division of Pinelands Research, Center for Coastal and Environmental Studies, Rutgers—The State University of New Jersey, New Brunswick, New Jersey 08903) may be utilized as a guide in determining the extent of the wetlands transition area necessary so that no significant adverse impact will be deemed to exist pursuant to (a) above.

7:50-6.12 Water-dependent recreational facilities

(a) Docks, piers, moorings, and boat launches for the use of a landowner shall be permitted in all wetlands, provided that the use will not result in a significant adverse impact, as set forth in N.J.A.C. 7:50-6.7, and conforms to all [state and federal] **State and Federal** regulations.

(b) (No change.)

7:50-6.23 Vegetation removal **and landscaping** standards

(a) The clearing of more than 1,500 square feet of vegetation from any parcel of land, other than clearing for agricultural activities, **and the development of previously cleared lands** shall be authorized only if the applicant can demonstrate:

1-5. (No change.)

6. That the **cleared** area [to be cleared] will be landscaped in accordance with the following requirements:

i.-ii. (No change.)

iii. All landscaping shall be conducted with the objective of maximizing native tree and shrub cover and minimizing the need for supplemental water and applications of soil amendments, such as fertilizers and lime, herbicides, fungicides, and pesticides.

[iii.]**iv.** Native Pinelands trees and shrubs [are] **shall be** utilized for landscaping; provided, however, that non-native tree and shrub species may be used for foundation plantings provided that **the** species [not of the Heath family (Ericaceae) comprise no more than 20 percent of the plantings] **are adapted to sandy, acid and nutrient poor conditions characteristic of uncultivated Pinelands soils.** Native plants include:

(1)-(11) (No change.)

(12) [Danglebrry] **Dangleberry**;

(13)-(45) (No change.)

[iv. Other than in association with areas dedicated for public recreational purposes, native Pinelands grasses (such as little bluestem, deertongue, red top and switch grass), species adapted to droughty, nutrient poor soils (such as tall fescue, sheep fescue, chewings fescue, red fescue and smooth bromegrass) and species used for temporary cover (such as ryegrass and oats) shall be utilized unless mulch is used to stabilize soil; provided, however, an area not to exceed 2,000 square feet per building may be planted with other grasses.]

v. Native Pinelands grasses and species adapted to sandy, acid and nutrient poor conditions characteristic of uncultivated Pinelands soils shall be utilized. In addition, annual species used for temporary cover shall be utilized unless mulch is used to stabilize soil. Appropriate species include, but are not necessarily limited to:

(1) Little bluestem;

(2) Deertongue;

(3) Red top;

(4) Switch grass;

(5) Tall fescue;

(6) Sheep fescue;

(7) Chewings fescue;

(8) Red fescue;

(9) Smooth bromegrass;

(10) Annual ryegrass; and

(11) Oats.

vi. Notwithstanding the requirements of (a)6v above, other grasses may be used:

(1) In areas not exceeding 2,000 square feet per building; and

(2) In areas dedicated for public recreational use, including commercial recreation facilities that are open to the public, when it is demonstrated that alternative grasses are required due to the type and intensity of recreational use.

vii. For residential uses, managed turfed areas which require supplemental water and applications of soil amendments, herbicides, fungicides, and pesticides shall not exceed 10,000 square feet, whether or not the species listed in (a)6v above are used. For non-residential uses, such managed turfed areas shall not exceed 25 percent of the parcel being landscaped or replanted. These requirements shall not apply to recreational uses.

(b) A municipality may, as part of its certified land use ordinance, exempt certain areas from the requirements of [(a)6iii] **(a)6iv** above provided that these areas contain a predominance of non-Pinelands plant species and are clearly delineated in the land use ordinance.

7:50-6.33 Protection of threatened or endangered wildlife required

[(a)] No development shall be carried out unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered animal species designated by the Department of Environmental Protection **and Energy** pursuant to N.J.S.A. 23:2A-1 et seq.

7:50-6.44 Forestry standards

(a) Forestry shall be authorized throughout the Pinelands provided:

1.-2. (No change.)

3. That access to land proposed for harvesting **is the most direct route that will avoid or minimize adverse environmental impacts, considering the following factors:**

[i. Is direct;]

[ii.]**i.** [Follows] **Following** previously established roads and trails to the maximum extent practical:

[iii.]**ii.** [Avoids] **Avoiding** wetland areas except as are absolutely necessary to harvest wetland species or to gain access to the harvesting site; and

[iv.]**iii.** [Avoids] **Avoiding** crossing streams with high and unstable banks and those with approaching slopes exceeding 10 percent where alternative crossings exist.

4.-7. (No change.)

8. That harvesting and reforestation activities shall ensure the regeneration of Atlantic White Cedar in harvested cedar and mixed hardwood/cedar swamps, [or] any other native forest [type] **species** in other harvested areas**, or any non-native species in areas where that species is harvested**; and

9. That harvesting and reforestation in Atlantic White Cedar and hardwood swamps is conducted in the following manner:

i. (No change.)

ii. Reforestation to ensure Atlantic White Cedar regeneration will involve control of competitive hardwood species **and may include the application of herbicides permitted by the Environmental**

Protection Agency to be used in Atlantic white cedar wetlands when it has been demonstrated that hardwood control is necessary on the site, that other steps necessary for the regeneration of cedar have been taken, that no other feasible alternative to the use of herbicides exists, that no adverse off-site impact will occur, and that no threatened or endangered plant or animal species will be adversely affected;

iii.-v. (No change.)

10. (No change.)

7:50-6.63 **General** [Limitation] **limitations** [on resource extraction]

(a) (No change.)

[(b) No resource extraction operations shall be permitted in the Preservation Area District or Special Agricultural Production Areas other than those operations which were registered with the Pinelands Commission on or before January 21, 1981 and received all necessary development permits for resource extraction on or before December 31, 1985. In such cases, the area of extraction is limited to the value given under the category "acreage to be mined" on the mine registration application submitted to the Department of Labor and Industry as of February 7, 1979, or that area approved by a valid municipal permit as of February 7, 1979 in the case of an operation exempted from registration with the Department of Labor and Industry.]

(b) Nothing in this Part shall be construed to authorize resource extraction activities without receiving permits pursuant to this Plan or from complying with the standards of this subchapter.

7:50-6.64 Time limit [on] **and scope of** resource extraction permits

(a) No permit authorizing resource extraction shall be issued for any period exceeding two years **unless a program extending the duration of such permits has been established and certified by the Commission pursuant to N.J.A.C. 7:50-3.39. Such a program may allow permits authorizing resource extraction to be issued for periods exceeding two years, provided that:**

1. No permit authorizing resource extraction shall be issued for any period exceeding five years;

2. Every such permit shall be issued subject to the following conditions to ensure conformance with the approved permit:

i. Operators shall be required to certify, in writing and on an annual basis, to the satisfaction of the local approval agency and the Commission that all mining, restoration and other activities have been and continue to be conducted in accordance with the approved permit;

ii. If the local approval agency or the Executive Director determines that any activity deviates from an approved permit, the operator shall be immediately notified of the deviation;

iii. The notice shall state the nature of the deviation, order the action necessary to correct it, and set forth the date, time and location of a meeting to be held within 10 days of the notice at which the operator shall present all relevant information concerning the deviation and the action taken or to be taken to correct it;

iv. The order to take corrective action shall specify any activity which must be immediately ceased to prevent direct or indirect aggravation of the deviation or to avoid a danger to the public health, safety or welfare. Such cessation shall continue until the deviation has been resolved to the satisfaction of the local approval agency and the Executive Director or until an agreement to resolve the deviation has been reached;

v. Any interested person who is aggrieved by any determination of the Executive Director pursuant to (a)2iii or iv above may, within 15 days, appeal the Executive Director's determination to the Pinelands Commission as provided in N.J.A.C. 7:50-4.91(a). The Executive Director shall thereafter conduct a hearing pursuant to N.J.A.C. 7:50-4.3, unless the applicant requests a hearing before an Administrative Law Judge in which case the matter shall be referred to the Office of Administrative Law pursuant to N.J.A.C. 7:50-4.91(b), and submit a hearing report to the Pinelands Commission for a final determination;

vi. Failure to resolve a deviation or to adhere to the terms and conditions of any agreement to resolve a deviation shall constitute sufficient cause for revocation of the permit. Either the local approval agency or the Executive Director may institute such proceedings. The local approval agency shall institute such proceedings in accordance with its procedures relative to resource extraction permit approvals. The Executive Director shall institute revocation proceedings in accordance with the procedures of N.J.A.C. 7:50-4.41 and 4.42.

vii. Notwithstanding the (a)2i through vi above, permit provisions may also be enforced either by the Pinelands Commission pursuant to the provisions of N.J.A.C. 7:50-8 or by the local approval agency instituting appropriate enforcement proceedings.

(b) Nothing in [this Section] **(a) above** shall be construed to prohibit any person from securing additional permits provided that the requirements of [N.J.A.C. 7:50-6.66] **this Part** are **otherwise** met.

(c) Municipalities may approve otherwise permitted structures and uses that are clearly accessory to a resource extraction operation and necessary for on-going operations without the need for a certificate of filing issued pursuant to N.J.A.C. 7:50-4.34, provided that all such structures or uses will be located in a discrete, disturbed area that is encompassed within or in close proximity to the processing area that supports the resource extraction operation. The area must be delineated as part of a resource extraction application that has been submitted to and approved by the local approval agency and reviewed pursuant to N.J.A.C. 7:50-4.37 or 4.40.

7:50-6.65 Specific limitations in the Preservation Area

(a) No resource extraction operations shall be permitted in the Preservation Area District or Special Agricultural Production Areas other than those operations which were registered with the Pinelands Commission on or before January 21, 1981 and received all necessary development permits for resource extraction on or before December 31, 1985.

(b) In no case shall the area of extraction exceed the value given under the category "acreage to be mined" on the mine registration application submitted to the Department of Labor and Industry as of February 7, 1979, or that area approved by a valid municipal permit as of February 7, 1979 in the case of an operation exempted from registration with the Department of Labor and Industry.

7:50-6.66 Specific limitations in the Forest Area

(a) No development permit or other approval for resource extraction in the Forest Area shall be approved or issued after the effective date of these rules except as expressly authorized in (b) and (c) below.

(b) An operation which received a valid development approval pursuant to the provisions of this Plan for resource extraction on or after January 14, 1981 but prior to January 1, 1993 may continue to operate, subject to the terms and conditions of the approval. Upon expiration of the approval, extraction operations may be authorized to continue within the limits of the parcel or parcels which were identified in the resource extraction application which was approved pursuant to this Plan.

(c) Any land for which a valid development approval pursuant to the provisions of this Plan for resource extraction has not been issued between January 14, 1981 and December 31, 1992 may be authorized to undertake extraction operations only if a development permit is approved prior to (the effective date of these rules). In such cases, extraction operations may operate subject to the terms and conditions of the approval. Upon expiration of the approval, extraction operations may continue only within the areas mined and not restored as of the expiration date of the approval.

7:50-6.67 Specific limitations in the Agricultural Production Area

No development permit or other approval for resource extraction in the Agricultural Production Area shall be approved or issued after November 2, 1987.

7:50-[6.66]**6.68** Resource extraction standards

(a) Resource extraction operations shall be approved only if the applicant can demonstrate that the proposed resource extraction operation:

1.-8. (No change.)

9. Will be carried out in accordance with an extraction schedule which depicts the anticipated sequence, as well as anticipated length of time that each **of the** 20 acre units of the parcel proposed for

extraction will be worked. **This shall not preclude more than one 20 acre unit from being worked at any one time, provided that there is a demonstrated need for additional units, restoration is proceeding on previously mined units and the area of clearing does not exceed that specified in (a)11 below;**

10-11. (No change.)

7:50-[6.67]**6.69** Restoration standards

(a) All parcels of land which are used for resource extraction operations shall be restored as follows:

1.-2. (No change.)

3. All restored areas shall be graded so as to conform to the natural contours of the parcel to the maximum extent practical[;]. **Grading techniques that help to control erosion and foster revegetation shall be utilized.** [the] **The** slope of surface of restored surfaces shall not exceed one foot vertical to three feet horizontal except as provided in (a)6 below;

4. Topsoil shall be restored in approximately the same quality and quantity as existed at the time the resource extraction operation was initiated. **All topsoil removed shall be stockpiled and used for the next area to be restored unless it is immediately reused for reclamation that is currently underway;**

5. (No change.)

6. Any body of water created by the resource extraction operation shall have a [graded] shoreline [with a slope not to exceed one foot vertical to five feet horizontal] **not less than three feet above and three feet below the projected average water table elevation. The shoreline both above and below the surface water elevation shall have a slope of not less than five feet horizontal to one foot vertical. This requirement shall apply to any water body or portion of a water body created after (the effective date of these regulations). For any water body or portion of a water body created prior to (the effective date of these regulations), this requirement shall apply to the extent that it does not require grading of areas which have not been disturbed by mining activities. Where grading would require such disturbance, a reduction in the distance of the graded shoreline above and below the average water table elevation shall be permitted;**

7. Slopes beyond a water body's shoreline shall be permitted at the natural angle of repose to the bottom of the pond;

[7]**8.** All equipment, machinery and structures, except for structures that are useable for recreational purposes or any other use authorized in the area, shall be removed within six months after the resource extraction operation is terminated and restoration is completed;

[8]**9.** Reclamation shall to the maximum extent practical result in the re-establishment of the vegetation association which existed prior to the extraction activity and shall include:

[i. The planting of a minimum of 1,000 one-year old pitch pine seedlings or other native Pinelands tree species per acre;]

[ii.]**i.** Stabilization of exposed areas by establishing ground cover vegetation; **and**

ii. Re-establishment of the composition of the natural forest and shrub types that existed prior to the extraction activity through one of the following:

(1) The planting of a minimum of 1,000 one-year-old pitch pine seedlings or other native Pinelands tree species per acre in a random pattern;

(2) Cluster planting of characteristic Pinelands oak species, such as blackjack oak, bear oak, chestnut oak and black oak, and shrubs such as black huckleberry, sheep laurel and mountain laurel, at a spacing sufficient to ensure establishment of these species;

3. A combination of the planting techniques set forth in (a)9ii(1) and (2) above; or

(4) The use of other planting techniques or native Pinelands species as may be necessary to restore the vegetation association which existed prior to the extraction activity.

[iii. Cluster planting, in lieu of (a)8i above, of characteristic Pinelands oak species, such as blackjack oak, bear oak, chestnut oak and black oak, and shrubs such as black huckleberry, sheep laurel and mountain laurel, at a spacing sufficient to ensure establishment of these species; and]

[9]**10.** The letter of credit, surety bond, or other guarantee of performance which secures restoration for each section shall be released after the requirements of (a)1 through [8]**9** above are determined by a certified municipality or the Commission, as appropriate, as being met and is replaced with a maintenance guarantee for a period of two years thereafter.

[7:50-6.68 through] 7:50-6.70 (Reserved)

7:50-6.71 Purpose

[The disposal of solid and liquid waste by application to land in the Pinelands represents a substantial threat to surface and ground water quality. It is the purpose of this Part to provide standards to protect the Pinelands from degradation resulting from waste disposal activities.] **Federal and State efforts to manage the use of hazardous and toxic substances and the disposition of wastes are recognized but the water and other natural resources of the Pinelands are particularly vulnerable to impacts from these substances and wastes. It is the purpose of this Part to protect the Pinelands from degradation by supplementing Federal and State requirements relative to the use and management of these substances and wastes.**

7:50-6.73 General prohibitions

(a) Except as expressly authorized in this Part or in a valid development approval issued pursuant to the provisions of this Plan, no waste management facility shall be developed within the Pinelands.

(b) Except as expressly authorized in this Part, no hazardous or toxic substances shall be stored, transferred, processed, discharged, disposed or otherwise used within the Pinelands. This prohibition does not apply to the lawful use of a hazardous or toxic substance in a commercial, industrial, agricultural, domestic, community or other lawful property use.

(c) Except as expressly authorized in this Part, no waste shall be accepted for disposal, stored, collected, processed, transferred, separated, recycled, reclaimed, recovered or reused unless it originates from one or more Pinelands municipalities or from one or more non-Pinelands municipalities located within Atlantic, Burlington, Cape May or Ocean counties. Except for disposal, this limitation shall not apply to source-separated non-putrescible metal, glass, paper, plastic containers and corrugated and other cardboard.

(d) Nothing in this Part shall be construed to prohibit the development and operation of a waste management facility essential for the remediation of a site contaminated with wastes or hazardous or toxic substances and located within the Pinelands.

(e) Nothing in this Part shall be construed to prohibit activities essential to comply with the NJPDES requirements of N.J.A.C. 7:14A for wastes generated as by-products of an otherwise lawful use of a property.

7:50-6.74 Authorized landfills

(a) Any landfill which is lawfully operating as of (the effective date of these rules) pursuant to a Waiver of Strict Compliance from the standards in the now repealed N.J.A.C. 7:50-6.75 may continue to operate and shall be closed in accordance with such waiver or court approved settlement agreement.

(b) Landfills which accept only vegetative waste, are located within an Agricultural Production Area, Regional Growth Area or Pinelands Town and which are clearly ancillary to an agricultural use of the parcel on which they are located shall be permitted.

(c) Nothing in this Part shall be construed to prohibit the disposal of vegetative waste on the property on which it was generated, provided that the vegetative clearing or harvesting is otherwise authorized by this Plan.

(d) All landfills which ceased operation on or after September 23, 1980 if located in the Preservation Area or on or after January 14, 1981 if located in the Protection Area shall be capped with an impermeable material (within one year of the effective date of these rules) unless it can be clearly demonstrated that the landfill accepted only vegetative waste or construction debris for disposal.

7:50-6.75 Authorized collection and transfer facilities

(a) Transfer stations and collection facilities shall be permitted in Regional Growth and Town management areas.

(b) Transfer stations shall also be permitted in Pinelands Villages and at properly closed landfills if the waste accepted for transfer is from the municipality in which the transfer station is located. Waste from other municipalities qualifying under N.J.A.C. 7:50-6.73(c) may be accepted if the size and scale of the transfer station is not materially increased.

(c) Petroleum waste collection, storage and transfer facilities shall be permitted in any Pinelands management area provided that the wastes are not stored for more than six months and that the facilities are ancillary to an otherwise lawful use of the property on which they are located.

(d) Nothing in this Part shall be construed to prohibit the use of containers or the development of facilities which are intended solely for the collection and storage of waste generated from the lawful use of the property on which the containers or facilities are located. Wastes shall not be stored for more than six months.

7:50-6.76 Authorized composting facilities

(a) Composting facilities shall be permitted in Regional Growth and Town management areas.

(b) Composting facilities which accept only vegetative waste, are located within an Agricultural Production Area, and which are clearly ancillary to an agricultural use of the parcel on which they are located shall also be permitted.

(c) Composting facilities which accept only vegetative waste shall also be permitted in Pinelands Villages and at properly closed landfills if the vegetative waste accepted for composting is from the municipality in which the composting facility is located. Vegetative waste from other municipalities qualifying under N.J.A.C. 7:50-6.73(c) may be accepted if the size and scale of the composting facility is not materially increased.

7:50-6.77 Other authorized waste management facilities

(a) In addition to those authorized in N.J.A.C. 7:50-6.74 through 6.76, other waste management facilities, excluding incinerators and hazardous waste facilities, shall be permitted in Regional Growth and Town management areas.

(b) Notwithstanding (a) above, generators of regulated medical waste may, as an accessory use, collect, store, treat and destroy such waste on-site or at another generator's facility. Notwithstanding N.J.A.C. 7:50-6.73(c), a generator's facility may accept regulated medical waste from outside the Pinelands if the nature and volume of such waste is incidental to that which the facility handles from within the Pinelands.

7:50-6.78 Land application of waste or waste derived materials

(a) Except as expressly authorized in this Part, the application of waste or waste derived material to any parcel of land is prohibited. Notwithstanding this prohibition, the lawful application to any parcel of land of not more than 100 cubic yards of waste or waste derived material in support of an otherwise lawful use of the property shall be permitted.

(b) The land application of liquid or dewatered sludge, composted sludge and other sludge derived products, and composted vegetative waste shall be exempt from the limitations of N.J.A.C. 7:50-6.73(c) and may be permitted, provided that:

1. The property is an active agricultural operation;

2. The material is applied to benefit the agricultural operation;

3. The material is applied according to the agronomic rate of application for its intended purpose;

4. The property is located in the Pinelands Protection Area or that portion of the Pinelands Preservation Area designated as an Agricultural Production Area; and

5. No treatment or processing occurs at the site of land application.

(c) Vegetative waste or animal manure from agricultural operations within the Pinelands Area may be applied to land for agricultural purposes, provided the application of animal manure is managed in accordance with all relevant criteria and standards developed by the Department of Agriculture.

7:50-6.79 Memoranda of agreement may permit deviations

(a) Exemptions to the waste importation limitations prescribed in N.J.A.C. 7:50-6.73(c) may be permitted through an intergovernmental agreement between the Pinelands Commission and another governmental agency provided that the Commission determines that:

1. Such agreement serves to implement a comprehensive district or region-wide waste management plan;

2. Such agreement provides that certain waste management facilities and activities which could otherwise occur within the Pinelands will occur outside of the Pinelands;

3. The net effect of the plan, when viewed in its entirety, is that the resources of the Pinelands are afforded a greater level of protection than would be provided through a strict application of the requirements of this Part; and

4. The exemption will not in any way authorize the importation of waste which originates from other than Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester or Ocean counties.

(b) Exceptions to the management area limitations prescribed in N.J.A.C. 7:50-6.75, 6.76 and 6.77 for otherwise permitted facilities may be allowed through an intergovernmental agreement between the Pinelands Commission, the municipality where the facility is located, and any other relevant governmental agency provided that the Commission determines that:

1. The exception involves a new use of an existing waste management facility which is located in a Rural Development Area and which was originally developed in accordance with the provisions of this Plan;

2. The existing facility is uniquely suited for conversion to the proposed new use;

3. The proposed new use will not materially increase the area, intensity or capacity of the existing facility;

4. The type of waste to be managed is either the same as is currently permitted at the facility, or is a Class A or Class B recyclable material as classified in N.J.A.C. 7:26A; and

5. A deviation from N.J.A.C. 7:50-6.73(c) is not proposed.

(c) Waste or waste derived materials permitted to be land applied pursuant to N.J.A.C. 7:50-6.78(b) may be exempted from the limitations of N.J.A.C. 7:50-6.78(b)1 and 2 through an intergovernmental agreement between the Pinelands Commission and another governmental agency provided that the Pinelands Commission determines that:

1. The land application activities are intended to support otherwise permitted land uses or to support reclamation of disturbed areas;

2. Reasonable safeguards are established to limit the type and total amount of material to be land applied;

3. Such agreement serves to implement a monitoring program to determine the effects of the land application activities on Pinelands resources; and

4. The duration of the agreement is limited to that necessary to complete the monitoring program.

(d) Land application of compost derived from source separated municipal waste may also be permitted, subject to the provisions of (b) above.

(e) Prior to the execution of any intergovernmental memorandum of agreement pursuant to this section, a public hearing shall be held by the Executive Director in accordance with the provisions of N.J.A.C. 7:50-4.52(c)3.

[7:50-6.73 Landfills prohibited

Except as otherwise provided in this Part, no person shall operate any Landfill within the Pinelands.

7:50-6.74 Existing landfills

(a) Landfill operations that were in lawful use on August 8, 1980 may be continued provided that:

1. No landfill shall be operated within the Preservation Area;

2. Landfills in Regional Growth Areas, Pinelands Towns and Villages, or Rural Development Areas are terminated on August 8, 1990;

3. Landfills in Agricultural Production Areas or Forest Areas are terminated on August 8, 1990, or when the disposal capacity

authorized as of January 14, 1981 is exceeded by 25 percent, whichever occurs first.

4. All waste accepted from outside the Pinelands is from Pinelands municipalities or from counties with at least 50 percent of their land area within the Pinelands;

5. The operation of the landfill will meet the requirements of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and all adopted and certified district waste management plans;

6. All areas filled to final design elevations shall be capped with an impervious material within one year. Prior to the establishment and filling of new areas, all existing areas shall be filled to final elevation and capped with an impervious material. The type and nature of capping shall be in accordance with the standards of the New Jersey Solid Waste Administration; and

7. Expansion of any existing landfill operation shall only occur if:

i. There are no practical alternative disposal sites outside of the Pinelands;

ii. No feasible alternative disposal techniques are available;

iii. The expansion does not involve the disposal of waste within 2,500 feet of an existing residential use;

iv. The expansion area is lined and includes a leachate collection and treatment system and a methane collection and removal system; and either

v. The expansion will occur only on lands containing adequate clay aquicludes as determined by the Commission in consultation with the New Jersey Solid Waste Administration; or

vi. When there are no lands containing adequate clay aquicludes, all measures necessary to prevent the degradation of ground water shall be reviewed and analyzed. Those measures determined to be most effective to prevent the degradation of ground water shall be implemented.

7:50-6.75 New landfills

(a) Landfills not existing on August 8, 1980 shall be permitted in the Protection Area only if a solid waste management district demonstrates to the Commission that:

1. A new landfill is significantly preferable from an environmental perspective to continuation of an existing landfill;

2. There are no practical alternative disposal techniques available, as demonstrated in a certified solid waste management plan;

3. There are no feasible alternative land sites available outside of the Pinelands;

4. All waste to be accepted is from Pinelands municipalities or from counties with at least 50 percent of their land area within the Pinelands; and

5. The new landfill shall be operated in accordance with N.J.A.C. 7:50-6.74(a)5-7. Use of the landfill shall be terminated on August 8, 1990.

(b) Notwithstanding (a) above, landfills designed and operated exclusively to accept vegetative wastes may be permitted in Rural Development Areas, Regional Growth Areas, Agricultural Production Areas, and Pinelands Towns and Villages.

7:50-6.76 Solid waste transfer stations

(a) Solid waste transfer stations may be permitted provided that:

1. The facility meets all standards and requirements of the Department of Environmental Protection;

2. All waste accepted from outside the Pinelands is from Pinelands municipalities or from counties with at least 50 percent of their land area within the Pinelands; and

3. The facility is located in a Regional Growth Area, Pinelands Town, or Rural Development Area.

(b) Notwithstanding the requirements of (a)2 and 3 above, a facility may be permitted in a Pinelands Village provided that all waste accepted is from the municipality in which the facility is located; or in any other Pinelands management area if the facility is located on the site of an existing landfill which is no longer active when the transfer station is built, and all waste accepted is from the municipality in which the facility is to be located.

7:50-6.77 Categories of wastes prohibited

(a) No hazardous, toxic, chemical, petroleum (including oil spill pollutants), septic or nuclear waste shall be stored, discharged or disposed of on any land within the Pinelands. Liquid or dewatered sludge may only be applied as part of a land application program for agricultural purposes when also approved by the New Jersey Department of Environmental Protection.

(b) Notwithstanding (a) above:

1. Petroleum wastes collected and temporarily stored for delivery to another facility for processing may be permitted in the Pinelands provided that the storage facility is designed and operated in accord with state and federal regulations.

2. Other wastes and byproducts may be temporarily stored at the facility where generated provided that the storage facility is designed and operated in accord with state and federal regulations.

7:50-6.78 Compliance with county, state and federal requirements

No provision of this Plan shall be construed as authorizing any landfill operation in violation of any local, state or federal regulation or plan governing the disposal of waste material, including the Resource Conservation and Recovery Act, 42 U.S.C. section 6901 et seq., and associated implementing rules and regulations.]

[7:50-6.79 and] 7:50-6.80 (Reserved)

7:50-6.84 Minimum standards for point and non-point source discharges

(a) The following point and non-point sources may be permitted in the Pinelands:

1. Development of new or **the** expansion of existing commercial, industrial, and waste water treatment facilities, **or the development of new or the expansion of existing non-point sources otherwise permitted in N.J.A.C. 7:50-5, except those specifically regulated in (a)2 through 6 below,** provided that:

i. There will be no direct discharge into any surface water body;

ii. All discharges from the facility **or use** are of a quality and quantity such that ground water exiting from the parcel of land or entering a surface body of water will not exceed two parts per million nitrate/nitrogen;

iii. All public waste water treatment facilities are designed to accept and treat septage; and

iv. All storage facilities, including ponds or lagoons, are lined to prevent leakage into ground water.

2. Development of new waste water treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one existing on-site waste water treatment system where a public health problem has been identified may be exempted from the standards of (a)1ii above provided that:

i.-ii. (No change.)

iii. Adherence to (a)1ii above cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees [as judged against relevant federal Environmental Protection Agency guidelines]; and

iv. The design level of nitrate/nitrogen attenuation is the maximum possible within the cost limitations imposed by such user fee guidelines but in no case shall ground water exiting from the parcel or entering a surface body of water exceed [10] **five** parts per million nitrate/nitrogen.

3. Improvements to existing commercial, industrial, and waste water treatment facilities which discharge directly into surface waters provided that:

i. There is no practical alternative available that would adhere to the standards of N.J.A.C. 7:50-6.84(a)1**i**.

ii.-iii. (No change.)

4. Individual on-site septic waste water treatment systems **which are not intended to reduce the level of nitrate/nitrogen in the waste water**, provided that **the following standards are met**:

i. (No change.)

[ii. Non-residential development within the Preservation Area District except in areas designated pursuant to N.J.A.C. 7:50-5.22(b)7, Forest Area, Agricultural Production Area, Rural Development Area and Special Agricultural Production Area District is served by a standard subsurface sewage disposal system;]

[iii.]**ii.** The design of the system and its discharge point, and the size of the **entire contiguous** parcel on which the system **or systems** is located will ensure that ground water exiting from the **entire**

contiguous parcel or entering a surface body of water will not exceed two parts per million [nitrage] **nitrate**/nitrogen **calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, incorporated herein by reference as subchapter Appendix A, subject to the provisions of (a)4iii below. For purposes of this section, the entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to N.J.A.C. 7:50-5.30 or 5.47;**

iii. Only contiguous land located within the same municipal zoning district and Pinelands management area as the proposed septic waste water treatment system or systems may be utilized for septic dilution purposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, non-residential development on a lot of five acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;

iv. The depth to seasonal high water table is at least five feet;

v. Any potable water well will be drilled and cased to a depth of at least 100 feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least 50 feet; [and]

vi. The system will be maintained and inspected in accordance with the requirements of N.J.A.C. 7:50-6.85[.];

vii. The technology has been approved for use by the New Jersey Department of Environmental Protection **and Energy; and**

viii. Flow values for non-residential development shall be determined based on the values contained in N.J.A.C. 7:9A-7.4, as amended, except that number of employees may not be utilized in calculating flow values for office uses.

[viii. Any effluent from other than standard subsurface sewage disposal systems will be monitored by the owner in accordance with requirements periodically established by the Pinelands Commission.]

5. Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the waste water, provided that the following standards are met:

i. The technology has been approved for use by the New Jersey Department of Environmental Protection and Energy;

ii. The proposed development to be served by the system is otherwise permitted pursuant to N.J.A.C. 7:50-4 and 5;

iii. The proposed development is either residential or, if non-residential, is located in a Regional Growth Area, a Pinelands Village, a Pinelands Town or in an area within the Preservation Area District designated pursuant to N.J.A.C. 7:50-5.22(b)7;

iv. The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located, will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, (Appendix A) subject to the provisions of (a)5v below and based on the following assumptions and requirements. For purposes of this section, the entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to N.J.A.C. 7:50-5.30 or 5.47:

(1) For RUCK septic systems:

(A) For residential development, the system will reduce total nitrogen concentration in the waste water entering the disposal field to 20 parts per million; or

(B) For non-residential development, no reduction in total nitrogen concentration will be assumed, except that a reduction in total nitrogen concentration in the waste water entering the disposal field to 20 parts per million will be assumed if either:

(I) The use is comparable to a single family residential use and it can be demonstrated that the waste water quality is similar to residential waste water; or

(II) The applicant demonstrates that the nitrate/nitrogen concentration of the waste water flow is similar to that of a residential use and the ratio of greywater to blackwater is similar to that of a residential use.

(2) For pressure dosed septic systems:

(A) For residential development, either the system will be located on a lot of at least one acre for each individual single family residential dwelling unit or the system or systems for multi-family developments will be located on a parcel with an overall density equal to or less than one residential dwelling unit per acre of land and each system shall comply with the following monitoring program either by contributing $855.00 to the Commission monitoring program and agreeing to have each system monitored by the Commission or by having the system monitored in accordance with the following requirements:

(I) Within each system effluent samples shall be collected from the septic tank, the pump tank, and from each of the following depths at three randomly located points within the disposal area: six inches below the disposal bed; three feet below the disposal bed; and one foot below the select fill-native soil interface. Porous alundum cup tension lysimeters shall be used to collect wastewater samples from the disposal area. Dose counters shall be installed in all pressure dosed systems and monitored to estimate wastewater flows. All sampling equipment designs shall be approved by the Pinelands Commission and all sampling equipment shall be installed under the supervision of the Pinelands Commission during construction of each system; and

(II) For a three year period, duplicate samples shall be collected on a quarterly basis from the septic tank and pump tank and individual samples shall be collected on a quarterly basis from each of the nine disposal area lysimeters. Parameters to be measured during each sampling event shall include temperature, pH, alkalinity, dissolved oxygen, Kjeldhal-nitrogen, nitrite-nitrogen, nitrate-nitrogen, ammonia-nitrogen, total phosphorus, total organic carbon, dissolved organic carbon, and chloride. Chemical analysis shall follow methods required of New Jersey state certified laboratories; or

(B) For non-residential development, no reduction in total nitrogen concentration will be assumed, except that a reduction in total nitrogen concentration in the waste water entering the system by 40 percent will be assumed if either:

(I) The use is comparable to a single family residential use and it can be demonstrated that the waste water quality is similar to residential waste water; or

(II) The applicant demonstrates that the nitrogen concentration of the waste water flow is similar to that of a residential use.

(3) Other on-site septic waste water treatment systems shall only be credited with reducing total nitrogen concentration to the extent authorized by an experimental monitoring program approved by the Pinelands Commission. Such an experimental monitoring program shall only be approved if:

(A) The specific theoretical basis for the nitrogen removal process to be utilized is sound and has been satisfactorily documented in the scientific literature;

(B) The nitrogen removal efficiency of operating systems using the design concept to service one or more types of development has been satisfactorily demonstrated and adequately documented in the scientific literature;

(C) The proposed application of the treatment process could be expected to meet the two parts per million nitrate/nitrogen ground water quality standard in the Pinelands Area and the ability to meet this requirement can be continuously achieved on a long-term basis;

(D) Systems utilizing the design concept can be expected not to require any maintenance beyond that required of conventional septic systems or, if additional maintenance is required, sufficient measures can feasibly be taken to insure that the system will be properly maintained and operated;

(E) A comprehensive monitoring program is feasible to fully evaluate the nitrogen removal efficiency of the application of the proposed design concept;

(F) The system contains components which will allow it to function as a standard system if the alternate experimental technology were to fail; and

(G) The design concept can be expected to meet those requirements of the New Jersey Department of Environmental Protection and Energy necessary to receive a Treatment Works Approval.

v. Only contiguous land located within the same municipal zoning district and Pinelands management area as the proposed septic waste water treatment system or systems may be utilized for septic dilution purposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, non-residential development on a lot of five acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;

vi. The depth to seasonal high water table is at least five feet;

vii. Any potable water well will be drilled and cased to a depth of at least 100 feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least 50 feet;

viii. The system will be maintained and inspected in accordance with the requirements of N.J.A.C. 7:50-6.85;

ix. Flow values for non-residential development shall be determined based on the values contained in N.J.A.C. 7:9A-7.4, as amended, except that number of employees may not be utilized in calculating flow values for office uses.

[5]**6.** Surface water run[-]off, provided that:

[i. The volume and rate of run-off generated from the parcel by a 50 year storm of a 24-hour duration as calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook section 4 will not in crease as a result of any development of the parcel;

ii. Surface water runoff from impervious surfaces will be retained to facilitate infiltration into the ground water;]

i. The total runoff generated from any net increase in impervious surfaces by a 10 year storm of a 24 hour duration shall be retained and infiltrated on-site. Runoff volumes shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, section 4;

ii. The rates of runoff generated from the parcel by a two year, 10 year and 100 year storm, each of a 24 hour duration, shall not increase as a result of the proposed development. Runoff rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, section 4;

[ii. Surface water runoff from impervious surfaces will be retained to facilitate infiltration into the ground water;]

iii. Surface water runoff shall not be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel;

[iv. Runoff shall not be recharged where depth to water table is more than 20 feet below the surface, wherever practical; and]

[v.]**iv.** Excessively and somewhat excessively drained soils, as defined by the Soil Conservation Service, should be avoided for recharge of runoff wherever practical[.]**;**

v. A minimum separation of at least two feet between the elevation of the lowest point of the bottom of the infiltration or detention facility and the seasonal high water table is met, or a lesser separation when it is demonstrated that the separation, either due to soil conditions or when considered in combination with other stormwater management techniques, is adequate to protect ground water quality; and

vi. A two year maintenance guarantee is provided for the entire stormwater management system by the applicant. In addition, the applicant or other interested party shall fund or otherwise guarantee an inspection and maintenance program. This may be accomplished by various mechanisms, including but not limited to, the assumption of the inspection and maintenance program obligation by a municipality, county, public utility or homeowners association or through escrow funding in an amount equal to the net present value of the cost of annual inspection, maintenance, and liability insurance for a period of 25 years. The municipality shall ensure that annual inspections are conducted and any necessary maintenance is completed.

7:50-6.85 Individual wastewater treatment facility and petroleum tank maintenance

(a) (No change.)

(b) The owners of commercial petroleum storage tanks shall comply with the requirements of [Chapter 102 of the Laws of 1986] **P.L. 1986, c.102 (N.J.S.A. 58:10A-29).**

7:50-6.86 Water management

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

(c) All wells and all increases in diversion from existing wells which require water allocation permits from the New Jersey Department of Environmental Protection and Energy shall be designed and located so as to minimize impacts on wetlands and surface waters. Hydrologic analyses shall be conducted in accordance with the New Jersey Department of Environmental Protection and Energy Guidelines for Water Allocation Permits, with an Appendix on Aquifer-Test Analysis Procedures, New Jersey Geological Survey Report GSR 29, 1992, incorporated herein by reference, as contained in pages 53 through 91 of the Technical Manual for Water Supply Element, Bureau of Water Allocation, Water Allocation Permits dated May 19, 1993, as amended.

(d) All applications for the development of water supply wells or the expansion of existing water distribution systems shall address measures in place or to be taken to increase water conservation in all areas to be served by the proposed well or system. This shall include efforts by water purveyors and local governments to reduce water demands by users and to reduce losses in the supply and distribution system.

(e) Except for agricultural uses, all new potable and non-potable water supply diversions of more than 100,000 gallons per day that utilize the Kirkwood-Cohansey aquifer as a source of water supply and new increases in existing potable and non-potable water supply diversions of over 100,000 gallons per day that utilize the Kirkwood-Cohansey aquifer may be permitted only if it is demonstrated that:

1. No viable alternative water supply sources are available; or

2. The proposed use of the Kirkwood-Cohansey aquifer will not result in any adverse ecological impact on the Pinelands Area.

7:50-6.93 General standard

All development shall adhere to the relevant air quality standards of N.J.A.C. 7:27 [et seq.] **Adherence to the standards of this Part shall be determined by means of an air quality simulation model approved by the New Jersey Department of Environmental Protection and Energy pursuant to N.J.A.C. 7:27-18.3.**

7:50-6.104 Requirements for scenic corridors

(a) Except as provided in this section, no permit shall be issued for development other than for agricultural [product sales] **commercial** establishments unless the applicant demonstrates that all buildings are set back at least 200 feet from the center line of the scenic corridor.

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

7:50-6.107 Mandatory sign provisions

(a) (No change.)

(b) No sign, other than warning or safety signs, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation shall be permitted in any [state] **area.**

(c) No outdoor off-site commercial advertising sign, other than **those off-site** signs [advertising agricultural commercial establishments] **specifically authorized in N.J.A.C. 7:50-6.108 and 6.109**, shall be permitted in the Pinelands[.] **except as follows** [Offsite outdoor signs advertising agricultural commercial establishments shall be permitted provided that]:

1. Off-site outdoor signs advertising agricultural commercial establishments shall be permitted in Agricultural Production Areas and Special Agricultural Production Areas and may be permitted in any other management area. All such off-site signs shall be subject to the following conditions:

[1.]**i.** A maximum of two signs may be placed in any one direction along each road directly approaching the stand; and

[2.]**ii.** Each sign along four lane State or U.S. highways shall be limited to a maximum of 50 square feet in area; each sign along all other roads shall be limited to a maximum of 32 square feet in area.

2. Off-site outdoor directional signs may be permitted in any management area, provided that such signs do not contain advertising and are restricted to the name of the public or private use and any necessary directions, the number of signs per use is the minimum necessary to give adequate directions and the size of such signs does not exceed that necessary to convey directions.

3. Existing lawful off-site commercial advertising signs, in existence as of January 14, 1981, shall be permitted in:

i. Regional Growth Areas;

ii. Pinelands Towns; and

iii. Certified municipal non-residential zones in Rural Development Areas and Villages in existence as of the effective date of these amendments if the sign is located within 1000 feet of a Regional Growth Area or Pinelands Town and is located on a United States Highway.

(d) Any existing sign that violates (a) or (b) shall be removed immediately. Any existing off-site commercial advertising sign which does not conform to (c) shall be removed (within two years of the effective date of these amendments) [No existing sign which does not conform to (a), (b) and (c) above shall be permitted to continue beyond 10 years after the effective date of this Plan].

(e) (No change.)

7:50-6.109 Guidelines for sign provisions outside the Preservation Area District and Special Agricultural Production Areas

(a) The following guidelines may be used in formulating municipal sign ordinances:

1.-4. (No change.)

5. Temporary on- and off-site signs advertising [civil] **civic**, social or political gatherings and activities may be permitted, provided that the size of such signs does not exceed 12 square feet;

6.-8. (No change.)

9. New off-site commercial advertising signs may be permitted by certified municipalities in Regional Growth Areas and Pinelands Towns provided that:

i. The applicant can demonstrate that for each new sign an existing lawful off-site commercial advertising sign has been removed by the applicant pursuant to N.J.A.C. 7:50-6.107(c)3; and

ii. The sign complies with N.J.A.C. 16:41C.

7:50-6.111 Location of utilities

(a) New utility distribution lines [and telephone lines] to locations not presently served by utilities shall be placed underground, except for those lines which are located on or adjacent to active agricultural operations.

(b) All electric [utility] transmission lines shall be located on existing towers or underground to the maximum extent practical.

(c) (No change.)

7:50-6.143 General requirements

(a) All recreational facilities in the Pinelands shall comply with the following requirements:

1. No power vessel in excess of 10 horsepower shall operate on [state] waters **of the State** within the Pinelands Area except on:

i. (No change.)

ii. That portion of the Wading River downstream from its confluence with the Oswego River[.]; **and**

iii. That portion of the Great Egg Harbor River downstream from its confluence with Mare Run.

2. (No change.)

3. The Commission shall from time to time designate such areas which are inappropriate for use of motor vehicles. Such designation shall be based upon the following considerations and upon consultation with the New Jersey Department of Environmental Protection **and Energy** and other interested persons:

i.-ix. (No change.)

4.-6. (No change.)

7:50-6.144 Guidelines for recreational land and facilities

(a) In preparing the recreational program element of its master plan and ordinances, each municipality may consider the following requirements. In municipalities that have not received certification of their master plans and land use ordinances, all development shall meet the standards of (a)3i below **as long as the densities established pursuant to N.J.A.C. 7:50-5 can be met.**

1.-2. (No change.)

3. Each municipality shall have ordinances which provide for open space and recreational facilities in association with residential developments. The following guidelines may be utilized to develop these ordinances:

i. All residential development of 25 units or more shall provide:

(1) Eight acres of land to be used for recreational purposes for every 1,000 projected residents of the development, **or a prorated acreage if less than 1,000 projected residents**; provided, however, that such acreage shall not be required to exceed 10 percent of the total acreage of the proposed development;

(2)-(4) (No change.)

ii. (No change.)

7:50-6.154 Designation of historic resources and districts

(a) Those historic resources within the Pinelands which are from time to time listed in the State or National Registers of Historic Places, pursuant to N.J.S.A. 13:1B-15.128 et seq. and P.L. 89-665; 80 Stat. 915; 16 U.S.C. 470, respectively, are hereby designated **by the Pinelands Commission** as historic resources of significance to the Pinelands.

(b)-(g) (No change.)

7:50-6.155 Evaluation of development proposals

(a) Identification of Resources:

1. A cultural resource survey shall accompany all applications for development in a Pinelands Village or Town and applications for major development in other Pinelands Management Areas in order to determine whether any significant historic resources exist on the property. Guidelines for this survey [will be available at the principal offices of the Pinelands Commission] **are contained in Appendix B of the "Cultural Resource Management Plan," dated April 1991, as amended.** In general, the survey shall include: a statement as to the presence of any properties listed on the National and State Registers of Historic Places on the site or within the area of the project's potential environmental impacts; a thorough search of state, local and any other pertinent inventories to identify sites of potential significance; a review of the literature and consultation with professional and avocational archaeologists knowledgeable about the area; [a] thorough pedestrian **and natural resources** surveys; [and] archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance[,]; **adequate recording of the information gained and methodologies and sources used**; and a list of personnel involved and qualifications of the person(s) performing the survey.

(b) (No change.)

(c) Evaluation of Resources:

1. The [Pinelands Commission may from time to time organize cultural resources into broad groupings according to type, function or historical period to aid in their evaluation and treatment] **"Cultural Resource Management Plan," dated April 1991, as amended, may be utilized as a guide in the evaluation and treatment of cultural resources.**

2. Except for those resources designated pursuant to N.J.A.C. 7:50-6.154, each historic resource identified through the survey shall be evaluated to determine its significance according to the individual criteria set forth in N.J.A.C. 7:50-6.154(b). The [Pinelands Commission may from time to time establish evaluation questions] **evaluation questions contained within the "Cultural Resource Management Plan," dated April 1991, as amended, may be utilized as a guide** to assist in this determination of significance.

3. (No change.)

7:50-6.156 Treatment of resources

(a) A Certificate of Appropriateness is required and issued as follows:

1. No construction, or encroachment upon nor alteration, remodeling, removal, disturbance, or demolition of any resource, structure or area designated pursuant to N.J.A.C. 7:50-6.154 nor any action which shall render such a site inaccessible, shall be permitted without first obtaining a certificate of appropriateness. **A certificate of appropriateness shall not be required for routine repair or maintenance, nor interior renovations unless the interior has been expressly found to possess significance according to the designation criteria of N.J.A.C. 7:50-6.154.**

2. No application for development which involves a resource, structure or area found significant pursuant to N.J.A.C. 7:50-6.155 shall be approved without first obtaining a certificate of appropriateness **unless the cultural resource survey accomplishes the recording in accordance with (c) below, in which case no certificate of appropriateness shall be required. A certificate of appropriateness shall not be required for routine repair or maintenance, nor interior renovations unless the interior has been expressly found to possess significance according to the designation criteria of N.J.A.C. 7:50-6.154.**

3. The issuance of certificates of appropriateness by a certified municipality shall be subject to the Pinelands Commission notice and review procedures of N.J.A.C. 7:50-4 unless the proposed developments are exempted pursuant to N.J.A.C. 7:50-4.1(a). The exemptions of N.J.A.C. 7:50-4.1(a) shall not apply to activities set forth in (a)1 above which affect a resource listed in the State or National Registers of Historic Places or which is specifically designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154. In uncertified municipalities, certificates of appropriateness shall be issued by the Pinelands Commission except as provided above. **The Commission's review of a certificate of appropriateness for locally designated sites or areas shall accept the determination for treatment of the local approval agency, unless the Commission finds the resource meets the standards of N.J.A.C. 7:50-6.154(b), in which case the certificate of appropriateness must meet the standards of N.J.A.C. 7:50-6.156(c).**

4. (No change.)

(b) (No change.)

(c) The standards for Certificates of Appropriateness are as follows:

1. (No change.)

2. [The Pinelands Commission may from time to time establish guidelines to assist in] **In** determining the type of treatment required pursuant to (c)1 above[.], **the "Cultural Resource Management Plan," dated April 1991, as amended, may be utilized as a guide.** [These guidelines] **In general, the criteria** shall include, but not be limited to, consideration of the following:

i. Preservation in place:

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

(5) Whether the steps necessary to preserve the resource are **both technically and economically** feasible and practical; and

(6) (No change.)

ii. Preservation at another location:

(1)-(3) (No change.)

(4) Whether it is **both technically and economically** feasible and practical to relocate the resource; and

(5) (No change.)

iii. (No change.)

3. The following requirements shall apply to the treatments specified in (c)1 above:

i. Preservation in Place:

(1) Buildings, architectural features, and engineering features:

(A) Deed covenants, easements, or other appropriate mechanisms must be developed to provide that: any rehabilitation, **including additions,** of the building or feature must be performed in accordance with the Secretary of the Interior's Standards [for Rehabilitation (36 C.F.R. 67)] **and Guidelines for Archaeology and Historic Preservation (Federal Register/Vol. 48, No. 190/Thursday, September 29, 1983, as amended), incorporated herein by reference;** and the structure or feature must be protected sufficiently to preserve those qualities that make it significant.

(B) (No change.)

(2) (No change.)

ii. Preservation at Another Location:

(1) Deed [convenants] **covenants,** easements, or other appropriate mechanisms must be developed to provide that: any **new construction or** rehabilitation, **including additions,** of a building or feature must be performed in accordance with the Secretary of Interior's Standards [for Rehabilitation (36 C.F.R. 67)] **and Guidelines for Archaeology and Historic Preservation (Federal Register/Vol. 48, No. 190/Thursday, September 29, 1983, as amended);** and the structure or feature must be protected and maintained sufficiently to preserve those qualities that make it significant.

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

iii. Recordation: [The Pinelands Commission shall from time to time establish guidelines for recording resources in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.] **The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Federal Register/Vol. 48, No. 190/Thursday, September 29, 1983, as amended) shall be utilized when recording resources. In addition, the "Pinelands Cultural Resource Management Plan," dated April 1991, as amended, may be utilized as a further guide for recording resources.**

(d) Effect of Issuance of Certificate of Appropriateness[.]:

1. (No change.)

2. Notwithstanding (d)1 above, a certificate of appropriateness issued for a resource determined to be significant pursuant to N.J.A.C. 7:50-6.155 but not presently designated pursuant to N.J.A.C. 7:50-6.154 shall be valid for [one] **two** years. If the resource is not designated by the Pinelands Commission or by the municipal governing body in the zoning ordinance within [one] **two** years, the standards of this Part shall thereafter not apply to the cultural resource in question.

APPENDIX A

PINELANDS SEPTIC DILUTION MODEL
December 1993

The water quality standards of the Pinelands Comprehensive Management Plan allow the use of individual on-site septic systems provided that the design of the system and the size of the parcel on which the system is located will ensure that the concentration of nitrate-nitrogen in the groundwater exiting the parcel or entering a surface water body will not exceed 2 ppm (N.J.A.C. 7:50-6.84(a)4iii). The model used to calculate the minimum land area necessary to dilute nitrogen from septic systems to concentrations that will comply with the water quality standards was developed by K.W. Brown (An Assessment of the Impact of Septic Leach Fields, Home Lawn Fertilization and Agricultural Activities on Groundwater Quality, 1980). The following formula is used:

$$At = Af + \frac{\left(\frac{FLf}{C - Df}\right)Af}{Do}$$

Where:

At = total parcel area
Af = area of disposal field
F = unit conversion factor of 10
Lf = flux of nitrate-nitrogen below disposal field (kg/ha/yr)
C = concentration of nitrate-nitrogen (ppm)
Df = equivalent depth of percolate below disposal field (cm/yr)
Do = equivalent depth of percolate below open acres (cm/yr)

In using this model, it is necessary to assume values for factors such as wastewater flow into the system, the concentration of nitrogen in the wastewater and the amount of rainfall diluting the nitrogen. The standard assumptions required for use in the Pinelands Dilution Model are contained in Table 1.

The assumed wastewater flow for non-residential uses must be consistent with the values contained in N.J.A.C. 7:9A-7.4, as amended, except that the number of employees may not be utilized in calculating wastewater flow for office uses. Absent actual monitoring of nitrogen concentration in the wastewater, the residential nitrogen concentration of 39.45 ppm will be utilized. If the applicant establishes wastewater flow based on monitoring of flows pursuant to N.J.A.C. 7:9A-7.4, then water quality monitoring must also be done to establish actual nitrogen concentration in the wastewater. All structures are assumed to contribute to the generation of wastewater unless it is demonstrated that the nature of the building construction precludes human occupancy.

TABLE 1

	Parameter	Assumption
1.	Number of persons/dwelling	3.5
2.	Number of persons/age restricted dwelling	2.0
3.	Residential wastewater flow (gallons/capita/day)	75
4.	Plant Uptake of nitrogen	4.5% (A soils) 9.0% (B soils)
5.	Infiltrating rainfall	20 inches/year (50.8 cm/year)
6.	Nitrogen production (grams/capita/day)	11.2 gms
7.	Distribution of Nitrogen in wastewater	83% blackwater 17% greywater
8.	Nitrogen concentration in wastewater for residential uses	39.45 ppm

7:50-7.3 Petitions for amendment

(a) (No change.)

(b) Any other person desiring to petition the Commission for an amendment to this Plan[, in municipalities or counties with uncertified plans,] shall file a petition with the Executive Director in such form and number as the Executive Director shall from time to time establish and containing at least the following information:

1.-4. (No change.)

5. In the event that the proposed amendment would change the classification of any property as shown on the Land Capability Map:

i.-iii. (No change.)

iv. The names and addresses of all owners of property required to be notified pursuant to [N.J.A.C. 7:50-4.14(b)] **(c)1 below**;

v.-vi. (No change.)

6. In the event that the proposed amendment would affect zoning districts, permitted uses or intensity of permitted uses within one or more municipalities whose master plans and land use ordinances have been certified by the Pinelands Commission, duly adopted resolutions of the planning board and governing body of each municipality expressing their support for changes to the master plan and land use ordinances to effectuate the proposed amendment if approved by the Pinelands Commission.

(c) For petitions filed pursuant to (b) above, the petitioner shall be required to provide notice of the filing of the petition within 20 days after receiving notification from the Executive Director that a complete petition has been filed with the Commission as follows:

1. If the petition proposes to change the classification of any property as shown on the Land Capability Map or is intended to affect a specific property or an area less than 100 acres in size:

i. Notice shall be given to the secretary of the county and municipal planning board and environmental commission, if any, with jurisdiction over any property or area that would be directly affected by the proposed amendment;

ii. Notice shall be given to owners of all real property within 200 feet of any property or area that would be directly affected by the proposed amendment as provided for in N.J.S.A. 40:55D-12(b). The administrative officer of the municipality in which the subject property or area is located shall provide a certified list of said property owners as provided for in N.J.S.A. 40:55D-12(c). The petitioner shall be entitled to rely upon the information contained in said certified list as provided in N.J.S.A. 40:55D-12(c);

iii. Notice shall be given by publication in the official newspaper of the municipality in which the subject property or area is located, if there is one, or in a newspaper of general circulation in the municipality as provided for in N.J.S.A. 40:55D-12; and

iv. Notice shall be given by conspicuous posting on any parcel or parcels that would be directly affected by the proposed amendment.

2. For all other petitions, notice shall be given by publication in all the official newspapers of the Pinelands Commission.

3. The petitioner shall file with the Executive Director, no less than 25 days after receiving notification from the Executive Director that a complete petition has been filed with the Commission, an affidavit that the requirements of (c)1 or 2 above, whichever may be applicable, have been satisfied.

7:50-7.6 Submission to Pinelands Municipal Council

All proposed amendments shall, at least 60 days prior to any meeting at which the Commission will consider such amendment, be submitted by the Executive Director to the Pinelands Municipal Council, **by mailing such amendments to each municipality in the Pinelands,** for its review and recommendation.

RULE ADOPTIONS

BANKING

(a)

NEW JERSEY CEMETERY BOARD

Cemetery Company Price Lists

Adopted Amendment: N.J.A.C. 3:41-5.1

Proposed: November 1, 1993 at 25 N.J.R. 4819(b).
Adopted: December 8, 1993 by the New Jersey Cemetery Board, William B. Waits, Executive Director.
Filed: December 9, 1993 as R.1994 d.19, **without change.**

Authority: N.J.S.A. 8A:2-2.

Effective Date: January 3, 1994.
Expiration Date: October 11, 1995.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows:

3:41-5.1 Charges and services
(a)-(d) (No change.)
(e) The following paragraphs shall apply to cemetery price lists:
1. Only those charges posted by the cemetery company and filed with the Board pursuant to N.J.S.A. 8A:5-4 and 8:5-5 are lawful. The collection of any charge that has not been so posted and filed with the Board is declared to be in violation of the Cemetery Act.
2. Notwithstanding (e) above, a cemetery company may provide a unique or highly specialized good or service to a customer, or to a very small number of customers, and lawfully charge for that good or service, even if the price for the good or service is not listed on the price list. The following factors shall militate toward a determination by the Board that the good or service is unique or highly specialized:
i. The cemetery company has not provided the good or service in recent years, or has provided it only rarely;
ii. The cemetery company should reasonably expect not to provide the good or service in the future, or should reasonably expect to provide it only rarely;
iii. The good or service is only rarely provided by similar cemetery companies in this State; or
iv. The nature of the good or service makes it reasonable that it be priced individually, for example, removing a tree.
3. A cemetery company which has no office on the cemetery grounds and which sold fewer than 10 interment spaces during its immediately prior fiscal year, as reflected on its annual Maintenance and Preservation Trust Fund Report, may satisfy the requirement to post its price list at the cemetery office by having copies of the price list available at the off-premises office and giving each prospective customer a copy of the price list when it is reasonably anticipated that the prospective customer may purchase an interment space, good or service from the cemetery company.
4. A price list shall be on the letterhead of the cemetery company, or on a flyer, pamphlet, or other similar document. The price list may be either printed or typed, but may not be handwritten. The price list shall set forth the name of the cemetery company, the Certificate of Authority number of the cemetery company, and it shall be dated. However, the effective date of the price list shall be no earlier than the date on which the price list is filed with the Board.
5. A cemetery company shall submit a comprehensive price list to the Board with its annual Maintenance and Preservation Trust Fund Report and shall post the price list at its office. It shall contain the prices for all of the interment spaces, goods and services which the cemetery offers, except for the goods or services which are highly specialized or unique as provided in (e)2 above. The price list shall supersede all previous price lists of the cemetery company. This requirement shall not be deemed to prohibit a cemetery company from amending its charges for individual items on its price list at times other than when its annual Maintenance and Preservation Trust Fund Report is filed, provided that it properly files such amendments with the Board and posts the amendments at the office of the cemetery company.
(f)-(g) (No change.)

PERSONNEL

(b)

MERIT SYSTEM BOARD

Notice of Administrative Change
Disability Discrimination Grievance Procedure
ADA Coordinator Address
N.J.A.C. 4A:1-5.3 and 5.4

Take notice that the Department of Personnel has requested, and the Office of Administrative Law has agreed to permit, an administrative change to the ADA Coordinator's address in N.J.A.C. 4A:1-5.3 and 5.4(a), replacing "CN 312" with "CN 317."

This notice of administrative change is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the changed rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

4A:1-5.3 Required ADA Notice
In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the agency's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency.

AGENCY NOTICE OF ADA PROCEDURE

The agency has adopted an internal grievance procedure providing for prompt and equitable resolution of grievances alleging any action prohibited by the U.S. Department of Justice regulations implementing Title 11 of the Americans with Disability Act. Title 11 states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by a public entity.

Rules describing and governing the internal grievance procedure can be found in the New Jersey Administrative Code, N.J.A.C. 4A:1-5. As those rules indicated, grievances should be addressed to the agency's designated ADA Coordinator, who has been designated to coordinate ADA compliance efforts, at the following address:

ADA Coordinator
New Jersey Department of Personnel
CN [312] **317**
Trenton, New Jersey 08625

1.-7. (No change.)

4A:1-5.4 Designated ADA coordinator
(a) The designated coordinator of ADA compliance and complaint investigation for the agency is:

ADA Coordinator
New Jersey Department of Personnel
CN [312] **317**
Trenton, New Jersey 08625

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

(a)

MERIT SYSTEM BOARD

Notice of Administrative Correction
Appeals, Discipline and Separation
Interest
N.J.A.C. 4A:2-2.11

Take notice that the Office of Administrative Law has discovered an error in the current text of N.J.A.C. 4A:2-2.11(c). The reference in that subsection to N.J.A.C. 4A:2-2.10(a)2 and 3 needs to be revised as a reference to N.J.A.C. 4A:2-2.10(d)2 and 3 due to the recodification of those paragraphs effective October 19, 1992 (see 24 N.J.R. 2491(a) and 3716(a)). This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

4A:2-2.11 Interest

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

(c) Before interest is applied, an award of back pay shall be reduced in accordance with N.J.A.C. 4A:2-2.10[(a)2 and 3]**(d)2 and 3**.

EDUCATION

(b)

STATE BOARD OF EDUCATION

Appeals
Readoption with Amendments: N.J.A.C. 6:2

Proposed: October 4, 1993 at 25 N.J.R. 4548(b).

Adopted: December 1, 1993 by State Board of Education, Mary Lee Fitzgerald, Secretary, State Board of Education and Commissioner, Department of Education.

Filed: December 8, 1993 as R.1994 d.17, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 18A:4-1 through 18A:4-20, 18A:6-27 through 18A:6-29, 18A:6-39, 18A:7A-15 and 18A:12-29.

Effective Date: December 8, 1993, Readoption;
January 3, 1994, Amendments.

Expiration Date: December 8, 1998.

Summary of Public Comments and Agency Responses:

During the proposal comment period ending November 3, 1993 the Department received written comments from one individual, James H. Murphy, Executive Director of the New Jersey Association of School Administrators.

Public testimony sessions were held on August 18, 1993 and October 19, 1993 by the State Board of Education. No one spoke at either session on this proposal.

COMMENT: Neither N.J.A.C. 6:3-9.19(e) nor N.J.A.C. 6:2 sets out the procedure for appealing decisions regarding violations of the School Ethics Act and of the penalty imposed for such violation. This leaves questions with respect to when a penalty actually will be imposed in cases appealed to the State Board, as well as questions concerning when appeal from each of the two decisions involved must be taken. Commenter further feels guidelines are needed to govern this "dual" appeal approach.

RESPONSE: N.J.S.A. 18A:12-29(c) requires that the question of whether the School Ethics Act has been violated must be decided by the School Ethics Commission, but that the decision concerning any sanction must be made by the Commissioner of Education. While N.J.S.A. 18A:12-29(d) provides that these decisions are appealable to the State Board of Education, it does not specify any special procedures for such appeals. Consequently, N.J.A.C. 6:2 as now in effect applies to these appeals. Under those rules, if a party appealed an Ethics Commission's finding of a violation before the Commissioner had rendered the decision with respect to the sanction, the appeal would be placed in abeyance, thereby staying the briefing schedule, until the Commissioner had determined the penalty, if any. By specifying that appeal must be made only after the Commissioner determines the sanction, the revisions made in N.J.A.C. 6:2-1.1(a) and 1.4 clarify that briefing would not commence until after the question of the sanction to be imposed had been decided by the Commissioner. Thus, the revisions make it clear that the right of appeal is preserved until after a sanction has been imposed and that a party need not file an appeal solely to preserve the right to appeal. The revisions also make it clear that a party does not have the burden of filing two separate notices of appeal or separate briefs, one on the question of violation and another on that of sanction. Thus, while not substantively changing the rules, the revisions make it less confusing and less burdensome for parties to follow the current rules in cases involving violations of the School Ethics Act.

In response to the comments received on these rules from the New Jersey Association of School Administrators, the Department has reviewed N.J.A.C. 6:2-1.1(a)3 and 1.4 and has modified them on adoption. As adopted, N.J.A.C. 6:2-1.1(a)3 and 1.4 specify that the time limit for appeal to the State Board from decisions of the Ethics Commission finding a violation of the School Ethics Act begins to run only when the Commissioner renders his or her decision with respect to the sanction for that violation. In response to the commenters concerns regarding N.J.A.C. 6:3-9.19(e), although that rule was not part of the original proposal and therefore not before the State Board at this time, review of the procedures in N.J.A.C. 6:3-9 has been recommended.

Summary of Agency-Initiated Changes Upon Adoption:

The Department of Education has made several changes upon adoption to correct an omission error made during proposal.

Specifically, the Department is amending N.J.A.C. 6:2-1.13 to add a new N.J.A.C. 6:2-1.13(d) and recodify the proposed N.J.A.C. 6:2-1.13(d) through (h) to N.J.A.C. 6:2-1.13(e) through (i). In the proposal, the code text at N.J.A.C. 6:2-1.13(d) was omitted and in its place what should have been a new N.J.A.C. 6:2-1.13(e) appeared. The Department's intention to include a requirement that all briefs be dated and signed by the attorney of record is reflected in the proposal Summary (see 25 N.J.R. 4548(b), October 4, 1993). The changes made upon adoption correct this omission error, conforming the rule text changes to those described in the proposal Summary.

In addition, as a result of the inclusion of the previously omitted N.J.A.C. 6:2-1.13(d) and the recodification of the proposed N.J.A.C. 6:2-1.13(d) through (h), upon adoption the text of N.J.A.C. 6:2-1.13(f) through (i) has been revised to reflect the recodification of the proposed N.J.A.C. 6:2-1.13(e) through (h).

Full text of the readoption can be found in the New Jersey Administration Code at N.J.A.C. 6:2.

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]*):

6:2-1.1 Appealable decisions

(a) Final decisions of the Commissioner of the Department of Education, of the State Board of Examiners, and of the School Ethics Commission are appealable to the State Board of Education Final decisions include the following:

1. Any determination of the Commissioner, including, as to those separable issues upon which the Commissioner has rendered a final decision, a decision remanding all or part of a controverted case;

2. Any decision of the State Board of Examiners pertaining to the revocation or suspension of a certificate issued by the Board of Examiners; and

3. Any decision of the School Ethics Commission finding a violation of the School Ethics Act*[,]* ***(*N.J.S.A. 18A:12-29d*)** **at such time as the Commissioner's decision regarding the sanction has been rendered***.

(b) The State Board, upon application made pursuant to N.J.A.C. 6:2-2.3, may grant leave to appeal from an interlocutory order, decision or action of the Commissioner, or his or her representative, or of the Board of Examiners, or of the School Ethics Commission.

6:2-1.2 Who may appeal

(a) Any party aggrieved by a decision of the Commissioner, or a decision by the Board of Examiners to revoke or suspend certifica-

tion, or by the School Ethics Commission finding a violation of the School Ethics Act may appeal to the State Board of Education.
(b)-(c) (No change.)

6:2-1.3 Time for appeal
(a) Appeals from final decisions of the Commissioner, or of the Board of Examiners, or of the School Ethics Commission shall be taken within 30 days of the filing date of the decision from which appeal is taken.
(b)-(c) (No change.)

6:2-1.4 Computation of time
(a) A decision of the Commissioner or State Board of Examiners shall be deemed filed three days after the date of mailing to the parties.
(b) For purposes of appeal to the State Board, a decision of the School Ethics Commission finding a violation of the School Ethics Act shall be deemed filed upon the filing of the Commissioner's decision regarding the sanction.
*[(b)]****(c)*** In computing any period of time fixed by this chapter, the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday or legal holiday.

6:2-1.6 How to appeal
(a) An appeal or cross appeal shall be taken by serving a copy of the notice of appeal or cross appeal upon all other parties and by filing the original with the Legal Committee of the State Board of Education at 225 East State Street, CN 500, Trenton, New Jersey 08625, and a copy with the Commissioner of the Department of Education, State Board of Examiners or School Ethics Commission.
(b)-(c) (No change.)

6:2-1.8 Record on appeal
(a) The record on appeal shall include all papers, tape recordings, computer disks and exhibits on file with the Commissioner, Board of Examiners or School Ethics Commission, with all entries as to matters made on the record, any stenographic transcript, and all papers filed with or entries made on the records of the State Board.
(b)-(c) (No change.)

6:2-1.11 Time for serving and filing of briefs
(a) Except as otherwise provided by N.J.A.C. 6:2-2.3, motion for leave to appeal, the appellant shall serve and file a brief in support of the appeal within 20 days after the appeal has been filed. The respondent shall serve and file an answer brief within 20 days after service of the appellant's brief. The appellant may serve and file a reply brief within 10 days after service of the respondent's brief. No other briefs shall be served or filed without leave of the Legal Committee.
(b) (No change.)

6:2-1.13 Contents of briefs
(a) The cover of each formal brief filed pursuant to this chapter shall contain the following matter:
1. The name of the State Board of Education and the State Board docket number for the action;
2.-5. (No change.)
(b)-(c) (No change.)
(d) All briefs shall be dated and shall be signed by the attorney of record.
*[(d)]****(e)*** All briefs shall strictly preserve the anonymity of any minor who is a party to or witness in the matter by such means as using initials in place of the names of those minors.
*[(e)]****(f)*** In lieu of filing a formal brief in accordance with (c) above, the appellant may file a letter brief. Letter briefs may be typed either single or double-spaced, but shall not exceed 15 pages. Letter briefs shall conform with the requirements of (c)2, 3, 4, and 5 above, and with the requirements of (d) ***and (e)*** above. Any point neither briefed nor argued in the proceedings prior to the appeal to the State Board shall include a statement to that effect in parentheses in the point heading. No cover need be annexed, provided that the information required is included in the heading of the letter.
*[(f)]****(g)*** Respondent's answer brief shall conform to the requirements of (c)*****, **(d)*** and *[(d)]* ***(e)*** or with those of *[(e)]* ***(f)*** above, but shall include a counter-statement of facts only if respondent disagrees with such statement in appellant's brief.
*[(g)]****(h)*** A brief in support of a cross appeal shall conform to the requirements of (c)*****, **(d)*** and *[(d)]* ***(e)*** or with those of *[(e)]* ***(f)*** above.
*[(h)]****(i)*** Appellant's reply brief shall conform to the requirements of (c)*****, **(d)*** and *[(d)]* ***(e)*** or with those of *[(e)]* ***(f)*** above.

6:2-1.14 Appendices
(a) An appeal brief or brief in support of a cross appeal shall have appended thereto an appendix containing the decision appealed from and such parts of the record, including evidentiary exhibits or portions thereof, upon which the appellant or cross-appellant relies, or upon which it should reasonably be assumed the respondent will rely in meeting the issues raised.
(b) (No change.)

6:2-1.15 Length of briefs
(a) Initial briefs of parties, if formal briefs, shall not exceed 40 pages exclusive of tables of contents and appendices.
(b) Letter briefs and reply briefs shall not exceed 15 pages.
(c) These page limits may be relaxed only by leave of the Legal Committee, which may be applied for ex parte.

6:2-1.16 Inadequacy or impropriety of briefs and papers
(a) (No change.)
(b) The State Board may, on its own or motion by a party, strike a brief of any part of a brief that is profane or abusive of the State Board or another person.
(c) If a brief or other paper filed fails to preserve the anonymity of any minor who is a party or was a witness in the case, the State Board may order the same suppressed.

6:2-1.18 Motions
(a) Every motion shall be accompanied by a brief, conforming to the requirements of either N.J.A.C. 6:2-1.13(c) or (e). The brief shall explain clearly the nature of the action, the relief sought by the moving party and why the movant is entitled thereto.
(b)-(h) (No change.)

6:2-2.4 Emergency relief
(a)-(b) (No change.)
(c) Applications for emergency relief shall be considered on an expedited basis and as provided by N.J.A.C. 6:2-3.3.

6:2-2.5 (Reserved)

6:2-3.1 Functions of the Legal Committee
(a) The Legal Committee shall supervise the preparation of and make available to the State Board the entire record, and shall transmit to each member of the Board the basic documents in the case file, which shall include, but not be limited to:
1. The decision appealed from;
2.-3. (No change.)
(b)-(d) (No change.)

ENVIRONMENTAL PROTECTION AND ENERGY

(a)

ENVIRONMENTAL SAFETY, HEALTH AND ANALYTICAL PROGRAMS

Worker and Community Right to Know Regulations

Adopted Amendments: N.J.A.C. 7:1G-1 through 5 and 7

Proposed: April 19, 1993 at 25 N.J.R. 1631(a).
Adopted: December 2, 1993 by Jeanne M. Fox, Acting Commissioner, Department of Environmental Protection and Energy.
Filed: December 2, 1993 as R.1994 d.3, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3) **and with portions not adopted.**
Authority: N.J.S.A. 34:5A-1 et seq., 13:1D-1 et seq., and 52:27D-223.
DEPE Docket Number: 24-93-03.
Effective Date: January 3, 1994.
Expiration Date: September 29, 1994.

On April 19, 1993, the Department of Environmental Protection and Energy (Department) proposed broad changes to its Worker and Community Right to Know regulations at N.J.A.C. 7:1G. The Department is adopting, with minor changes, most of the provisions of that proposal. The adoption of these amendments will increase reporting efficiency, clarify reporting requirements and revise the penalties for non-compliance.

In order to provide ample opportunity for public comment the Department's April 19, 1993 proposal had a 60 day comment period for the submission of written comments. The Department also heard oral testimony at its public hearing held on May 21, 1993. In response to public comments discussed in more detail below, the Department is making further revisions to the list of environmental hazardous substances (EHS) at N.J.A.C. 7:1G-2.1, and is revising the thresholds for reporting that had been proposed at N.J.A.C. 7:1G-3.1. However, in consultation with the Attorney General's office, the Department has determined that these revisions are so substantial that they cannot be made without providing additional notice and further opportunity for public comment. Accordingly, the Department is proposing to make those revisions as part of the readoption of N.J.A.C. 7:1G, published elsewhere in this issue of the New Jersey Register.

Amendments establishing thresholds for reporting and additions to the existing EHS list are contained in the Department's proposal to readopt, with amendments, N.J.A.C. 7:1G.

The adopted rule amendments appear in subchapters 1 through 5 and 7. As previously stated, action on codifying the EHS list and establishing thresholds for reporting has been deferred for reproposal. Until such time as amendments to N.J.A.C. 7:1G-2.1 and 3.1(b) are promulgated, the threshold for reporting remains at zero and EHS reportable substances consist of the existing EHS list at N.J.A.C. 7:1G-2.1, the list of toxic chemicals at Section 313 of the Federal Superfund Amendments and Reauthorization Act (SARA) and the list of chemicals designated as selected substances at N.J.A.C. 7:1F Appendix A for reporting on the Industrial Survey. The latter two lists were added to the EHS list pursuant to changes to the New Jersey Worker and Community Right to Know Act (N.J.S.A. 34:5A-4) made when the Pollution Prevention Act was passed in 1991.

Summary of Public Comments and Agency Responses:

A public hearing was held on May 21, 1993, at the Department's hearing room at 401 East State Street in Trenton, New Jersey to provide interested parties the opportunity to comment on the proposal. The comment period closed on June 19, 1993. Eleven persons presented oral comments at the public hearing; eight of these persons also submitted written comments. An additional 48 persons submitted written comments. The commenters were as follows:

1. Altiere, Edward
2. Anthony, Alfred M.
3. Brink, Zygut S.—ICWU Local 825
4. Bahruth, Amy—CWA Local 1031
5. Beck, Robert M.—OCAWIU Local 8-397
6. Boylan, William E.
7. Brown, Frederick F.
8. Cerchiaro, Luette—Arthur Kill Watershed Association
9. Cohen, Arnold
10. Ehrhardt, Frederick
11. Forest, Ben
12. Frendt, Hank—Ramapo College, School of Soc. Science and Human Services
13. Galvin, Miles—Rutgers Assoc. of University Professors
14. Gay, Carol E.—Central N.J. Coalition of Labor Union Women
15. Goldmint, Amy
16. Harsell, Bob—Arthur Kill Watershed Association
17. Kelly, George T.—ICWU Local 271
18. King, Kathleen—NJ Coalition of Labor Union Women
19. Knowles, John H.
20. Lawton, William H.
21. Losito, Nicholas A. Jr.
22. Mantano, Eltia—Ironbound Committee Against Toxic Waste
23. Nogaki, Jane—Pesticide Safety and Right to Know Coalition, NJ Right to Know and Act Coalition
24. Perkins, Jane—Friends of the Earth
25. Phillips, Dolores—NJ Env. Federation
26. Picard, Daniel R.
27. Raisu, K.B.
28. Schoffer, William—ICWU Local 825
29. Sowinski, Phil Jr.—ICWU Local 271
30. Stevens, Douglas—UAW Local 595
31. Whaler, Richard—ICWU—Staff Rep.
32. Carbone, Peter—Camden Fire Department
33. Eisdorfer, Steven—Public Advocate of New Jersey
34. Engler, Rick—NJ Industrial Union Council AFL-CIO
35. Neumann, Deborah M.—State Public Affairs Committee of N.J., Junior Leagues of New Jersey
36. O'Such, Tina—Children's Health Initiatives
37. Oxford, Susan—N.J. Dept. of the Public Advocate
38. Smith, Peter—Fire Fighters Assoc.
39. Wallis, Hy—Homestead at Mansfield Civic Assoc.
40. Shea, Kelly—Mansfield Twp. Ambulance Corps.
41. Curtis, Marie—New Jersey Environmental Lobby
42. Bogard, Alan—Exxon Chemical Company
43. Cancro, Lorraine—Hoffman-La Roche, Inc.
44. Cicali, Michael—Atlantic County DOH
45. Burnett, Robert H.—Vinyl Institute
46. Detweiler, Thomas J.—Chemical Industry Council
47. DiFranco, N.A.—Praxair, Inc.
48. Gray, Sharon M.—Atlantic Electric
49. Gventer, Henry W.—Hoechst Celanese Corporation
50. Herbert, David E.—East Brunswick Fire District
51. Kiel, Jim A.—The Geon Company
52. Mills, Albert T.—Polymer Extruder Products, Inc.
53. Ng, Maureen—Royal Lubricants
54. Roberts, Glenn—Fragrance Materials Assoc. of the US
55. Shissias, James A.—PSE&G
56. Sinclair, Jim—NJ Business & Industry Assoc.
57. Young, Melvin B.—Courtaulds Aerospace
58. Zgurzynski, Joseph—Givaudan-Roure Corporation
59. Lyons, Mark—Pesticides Safety and Right to Know Coalition

General Comments

1. COMMENT: A commenter suggested that the Department allow a facility to only submit changes to their previous year's survey, since many facilities have the same chemicals and inventory ranges from year to year. (48)

RESPONSE: Annual submittals are needed to provide emergency responders with the most current information. The Department recognizes that the commenter's suggested approach would still provide the most current information, with a reduction in the paperwork needed to do so. However, submitting information in the form suggested by the commenter would make it necessary to review several years' submissions in order to determine what substances were on site at any given time. Accordingly, emergency responders attempting to obtain that informa-

tion could not do so as quickly, and employees attempting to determine what substances they may have been exposed to would also face a more difficult task.

2. COMMENT: The Department and the Department of Health should work more closely together in order to streamline the entire program and reduce confusion throughout the regulated community. (48)

RESPONSE: Because the implementation of the Act is primarily divided between the Department of Health and the Department of Environmental Protection and Energy, it is recognized that coordination between the Departments' programs is critical. Accordingly, representatives of the two Departments meet on a regular basis to plan, organize and coordinate their activities.

3. COMMENT: One commenter asked what the savings would be for a private sector employer if these proposed amendments are adopted. (34)

RESPONSE: As originally proposed, those employers that did not meet or exceed the threshold reporting requirements would have saved the costs associated with the reporting of those individual substances. Since action on the establishment of thresholds has been deferred, those savings will not be realized until reporting thresholds are adopted. The Department has reproposed the establishment of thresholds and plans to adopt those amendments for the 1994 reporting year.

4. COMMENT: One commenter stated that the public hearing for the amendments could have been held in conjunction with the required annual Right to Know hearing held by the Right to Know Advisory Council. (4)

RESPONSE: The Department disagrees. The proposal was not published in the New Jersey Register until April 19, 1993. The annual hearing was held on March 26, 1993, before the date of publication. Therefore, it would not have been possible to combine the hearing for this proposal with the annual hearing.

5. COMMENT: Several commenters expressed support for the proposed amendments. (42) (43) (45) (46) (56)

RESPONSE: The Department appreciates these positive comments.

6. COMMENT: A commenter felt that the Department had not considered the impact of the proposal on private sector employee health and safety. (34)

RESPONSE: Employers completing the Community Right to Know Survey and the Release and Pollution Prevention Report are also covered by the Hazard Communication Standard of the Federal Occupational Safety and Health Adminitration (OSHA). A decision by the U.S. Third District Court of Appeals *(New Jersey Chamber of Commerce v. Hughey,* 868 *F. 2d* 621 (3d Cir. 1989)) determined that the Department is preempted under the OSH Act from enacting regulations pertaining to protection of employee health and safety in the private sector. The Department, in proposing these regulations, directed its review, as statutorily mandated, to impacts on the environment and on community safety.

Subchapter 1. General Provisions

General Comments

7. COMMENT: Standard Industrial Classification (SIC) codes specified under the definition of "employer" should be reviewed to ensure that all business activities that may involve the storage of large quantities of hazardous substances will be covered by the proposed regulations. The commenter suggested that (SIC) code 4226—Public Warehousing be included. (50)

RESPONSE: The business activities subject to state Right to Know reporting are listed in the definition of "employer" found at N.J.S.A. 34:5A-3h. Because coverage is limited to businesses having the Standard Industrial Classification (SIC) codes specifically listed in the Act, the Department cannot expand the program to include businesses having other SIC codes through the regulatory process. Title III of the Federal Superfund Amendments and Reauthorization Act (SARA), however, requires the reporting of hazardous chemicals exceeding Federal threshold quantities by all private sector businesses regardless of SIC code. This information is collected by the Department and is available to the public.

8. COMMENT: The proposed definition of "employee" is not clear. The commenter is concerned that the Department is changing corporate or business law definitions. (58)

RESPONSE: The Department disagrees. It has defined the term "employee" in the proposed regulations for the purpose of clarifying the term as used in the Worker and Community Right to Know Act. The term "employee" has caused concern because it is not specifically defined in the Act although coverage is based upon a worker's status as an "employee." The Department does not intend that this definition be used outside the context of the Act. The Department has, however, modified the definition of "employee" to clarify its meaning.

9. COMMENT: The term "carcinogenic" is not clearly defined in the regulations. (56)

RESPONSE: The Department agrees and has referenced the definition of "carcinogenic" found at 29 CFR 1910.1200 (d)4 in the rule at N.J.A.C. 7:1G-3.1(c)4. This definition parallels the definition used for Federal Right to Know reporting pursuant to Title III of SARA.

10. COMMENT: Two commenters stated that the "EHS" acronym of the term "Environmental Hazardous Substance" in the proposed regulations is confusing because the identical "EHS" acronym is used in the Federal Right to Know program to mean "Extremely Hazardous Substance." The commenters recommended that the "EHS" acronym in the proposed regulations be changed to avoid this conflict. (45) (53)

RESPONSE: The Department recognizes this concern. However, the term "Environmental Hazardous Substance," hence its acronym "EHS," was established in the Worker and Community Right to Know Act of 1983, prior to the enactment of the federal Right to Know program, also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. The Department cannot modify through the regulatory process, the term "Environmental Hazardous Substance" which has been established by statute. The Department will attempt to minimize the use of the EHS acronym and use it only when its meaning has been made clear.

11. COMMENT: Use of the term "Unusually Hazardous Substances" is inconsistent with Federal terminology. By establishing the term, the Department is failing in its objective to bring the state into consistency with SARA Title III. (45)

RESPONSE: The list of "Unusually Hazardous Substances" was developed pursuant to the requirements of N.J.S.A. 52:27D-223. This list of substances was proposed as authorized by the statute. There is no Federal counterpart of this list. The Department, however, has deferred action on the EHS list, and as such will repropose the Unusually Hazardous Substances list.

12. COMMENT: Several commenters stated that the definition of "technically qualified person," which is defined as a person who has a bachelor's degree in industrial hygiene, environmental science, health education, chemistry or related field, is too restrictive and recommended that the term "chemistry" be changed to "physical or biological sciences or engineering disciplines." (42) (46) (56)

RESPONSE: In practice, the Department has found most persons in the physical and biological sciences to be technically qualified because of their degrees in "a related field." However, not all engineers possess the appropriate training. While a chemical engineer would have adequate training, an electrical engineer may not. Thus, "physical and biological sciences or engineering disciplines" will not replace the proposed language. The Department believes there is adequate flexibility in the phrase "or a related field."

13. COMMENT: One commenter was concerned that the "Burden of Proof" requirement at N.J.A.C. 7:1G-1.3(c) may allow proprietary information to leave the premises of an employer, which would put the employer's business at risk if the information should become accessible to a competitor. (58)

RESPONSE: The Department acknowledges the concern of the commenter and has amended N.J.A.C. 7:1G-1.3(c) by changing "submit" to "make available" to reflect that information supporting a claim of exemption to the rules may be made available to Department at the facility for evaluation of the validity of the claim. This will enable employers to provide information without the need to submit it to the Department. The Department also deleted from N.J.A.C. 7:1G-1.3 the language referring to the submittal of additional information to clarify entries on the annual surveys. This requirement was redundant in that submittal of clarifying information is specifically addressed in the proposal at N.J.A.C. 7:1G-5.2.

14. COMMENT: Two commenters indicated that they supported the certification requirement at N.J.A.C. 7:1G-1.4. (42) (46)

RESPONSE: The Department appreciates the support of the commenters.

15. COMMENT: A commenter suggested that the Department include commercial pesticide applicators as covered employers within the proposed regulations. (44)

RESPONSE: The determination of employer coverage in the proposed regulations has its basis in the Worker and Community Right to Know Act, where employers engaged in certain business activities specified by

Standard Industrial Classification (SIC) codes must complete an annual survey. Therefore, including commercial pesticide applicators among those businesses subject to these regulations can only be accomplished through modification of the statute. However, all business operations, including pesticide application, are required to complete the Community Right to Know survey for the purposes of complying with SARA Title III Section 312, if they store regulated chemicals at quantities that meet or exceed the thresholds specified in the Federal law. Moreover, the State pesticide control regulations (N.J.A.C. 7:30-9.4(b)) require commercial pesticide applicators to provide a list of stored pesticides to their local fire company.

N.J.A.C. 7:1G-2.1 Designation of environmental hazardous substances (EHSs)

16. COMMENT: A representative of Givaudan-Roure Corporation commented that the Department is attempting to usurp the role of the local entities responsible for community safety and is defining itself as the expert in fire safety. The commenter stated that other technical organizations such as OSHA, ASTM, NFPA and AIChE should be involved in the development of the Unusually Hazardous Substances List. The Department should publish the criteria used in the development of the list, states the commenter. The commenter also asserted that the Department is unaware of the training that firefighters and the hazmat response community undergo and that the Department does not possess the appropriate expertise to determine what chemicals are hazardous to firefighters. (58)

RESPONSE: The Department was given a legislative mandate in N.J.S.A. 52:27D-223 to establish a list of unusually hazardous substances. N.J.S.A. 52:27D-223 defines "Unusually hazardous" as "... likely to explode due to a highly volatile nature, propensity to produce toxic fumes, or a tendency to react with water or common firefighting chemicals and any other property which the Department of Environmental Protection determines will make a substance an uncommon danger to firefighters and the surrounding community in the event of its exposure to fire." The Department had thus developed the proposed list by its own analysis and literature review. There were no comments about the list from firefighters or other emergency responders in response to the proposal. As action on adoption of the revisions to the EHS list is being deferred, the Unusually Hazardous Substances list will be reproposed with a full explanation of the criteria used by the Department for generating this list.

The Department disagrees with the assertion that it is trying to supplant the firefighting and hazmat community. The Department is responding to its mandate to develop the Unusually Hazardous Substances list, and welcomes any input firefighters and hazmat personnel can provide based upon their training and experience when the list is reproposed.

17. COMMENT: The inclusion of a list of chemicals identified as "Unusually Hazardous Substances" will cause undue alarm and confusion since this implies that these substances are somehow more hazardous than other materials in other sublists. If the NJDEPE intends to establish a list of materials pursuant to N.J.S.A. 52:27D-223 for substances that have the potential to pose a hazard for firefighters and the community, then the list needs to include all materials whose products of combustion produce any toxic fumes. (45)

RESPONSE: The Department has included in the list of unusually hazardous substances only those substances presenting demonstrated hazards to public health and safety and the environment, and recognizes that the proposed list may not contain all substances meeting the definition of "Unusually hazardous." Since the Department is not adopting the Unusually Hazardous Substances list at this time, the public will be invited to submit petitions to add additional substances to the Unusually Hazardous Substances list when the list is reproposed.

18. COMMENT: A commenter stated that the inclusion of PVC as an "Unusually Hazardous Substance" is misleading regarding the hazards posed by PVC and should not be included on the proposed list. (45)

RESPONSE: The Department has determined by its analysis and literature research that PVC poses a potential risk during a fire. The combustion product of the most concern is hydrogen chloride. Approximately 50 percent of PVC converts to hydrogen chloride during combustion. Based on this, the Department believes that PVC becomes a potential risk in a fire. Adoption of the Unusually Hazardous Substances list has been deferred until amendments to the EHS list can be reproposed and adopted. Therefore, the Department invites further public comment on this issue in response to the reproposal of the Unusually Hazardous Substances list.

19. COMMENT: The list of substances identified as "Unusually Hazardous Substances" should be exempted from reporting requirements of the "Release and Pollution Prevention Report." (45)

RESPONSE: The "Unusually Hazardous Substances" will not be reportable on the Release and Pollution Prevention Report. The only reportable substances for release and pollution prevention reporting are the toxic chemicals listed at SARA Title III Section 313. In order to clarify the Department's intent, N.J.A.C. 7:1G-4.1(e) is being added.

20. COMMENT: The Department should publish a consolidated master list of reportable chemicals named in other cited Federal and state regulations to make it easier for companies to determine what chemicals are reportable. (48)

RESPONSE: The Department agrees and will continue to include the list of reportable environmental hazardous substances in the Community Right to Know survey packages that it transmits to covered businesses.

21. COMMENT: Several commenters expressed support for the Department's proposed changes to the Environmental Hazardous Substance list cited at 7:1G-2.1. (42) (46) (48) (54) (55)

RESPONSE: The Department appreciates these positive comments.

22. COMMENT: Many commenters expressed opposition to the Department's proposal to remove most USDOT Hazardous Materials from the existing Community Right to Know survey, including the removal of 635 substances designated as special health hazards by the New Jersey Department of Health. Commonly stated was the concern that this section would endanger emergency responders and the community because these materials would no longer be reported. A few commenters stated that the Department was being irresponsible. (1-37, 41, 59)

RESPONSE: As described in the proposal, the Department proposed to delete the USDOT Hazardous Material Table to promote consistency between the State and Federal programs and facilitate reporting efficiency. However, the Department acknowledges the concerns of these commenters that the deletion of the USDOT hazardous materials from Right to Know reporting removes many substances which may pose threats to firefighters and other emergency responders and the community. In order to maximize the protection of emergency responders, the public, and the environment, while maintaining consistency with the Federal program and reporting efficiency to the maximum extent practicable, the Department is reproposing elsewhere in this New Jersey Register, the readoption of the entire chapter N.J.A.C. 7:1G, with amendments including the addition of substances on the USDOT Hazardous Materials Table to the list of environmental hazardous substances. The Department has not adopted the revised EHS list as proposed on April 19, 1993 (25 N.J.R. 1631(a)). Until revisions are adopted, the EHS list in effect is the original EHS list at N.J.A.C. 7:1G-2.1 and the SARA 313 list and Industrial Survey list which are required by statute. This should have no effect on reporting since the Department intends to adopt the revised EHS list for the 1994 reporting year.

23. COMMENT: One commenter stated that if the Department finds that certain materials on the USDOT Hazardous Materials Table are non-hazardous, these substances should individually be removed from reporting requirements, rather than removing the entire USDOT list. The commenter questioned whether the process established in the original rule to receive information, advice, testimony and recommendations from the Right to Know Advisory Council was being deleted. (23)

RESPONSE: Elsewhere in this New Jersey Register, the Department will propose to add, as Appendix 1, the USDOT hazardous materials subject to Community Right to Know reporting in past years to the list of environmental hazardous substances. The Department acknowledges that there may be some hazardous materials on the proposed Appendix 1 that pose minimal threat to public health and safety when not in transport and welcomes comments to that proposal or petitions for rulemaking from the public to delete these substances from the EHS list at N.J.A.C. 7:1G-2.1. Petitions for rulemaking must be filed and acted upon in accordance with the requirements as set forth in the New Jersey Administrative Procedures Act N.J.S.A. 52:14B-4(f). The Department is required to evaluate all petitions for rulemaking including those to add substances that should be subject to Community Right to Know reporting. Petitions for rulemaking shall include the scientific documentation that substantiates the petition.

Subchapter 3. Completion of Community Right to Know Survey portion of the Environmental Survey

24. COMMENT: Several commenters stated that the proposed 500 pound threshold for the reporting of most environmental hazardous substances (EHSs) on the Community Right to Know survey is too high. The commenters expressed concern that such a high threshold will cause

the community and emergency responders to be exposed to unknown hazards due to the elimination of reporting by more than 5,000 facilities since these facilities would be exempted from reporting under the proposed threshold. One commenter requested a list of specific facilities that would be exempted under the proposed threshold. Another commenter was concerned that the higher threshold would hinder the ability of firefighters to plan their initial attack on an incident. (1-37, 59)

RESPONSE: The Department acknowledges the concern that the commenters expressed for the protection of firefighters and emergency responders and will repropose a lower threshold as part of the proposed readoption of the entire chapter which is published elsewhere in this New Jersey Register. However, the Department's position is that only those facilities that pose a risk to the community or its firefighters and emergency responders should be required to transmit a survey. The number or the identification of the facilities that would be exempt from reporting should not be an issue. The sole criterion for establishing the threshold should be the identification of facilities that pose a threat to the community or its firefighters and emergency responders. The threshold contained in the reproposal meets that criterion.

25. COMMENT: Several commenters supported adoption of a 60 pound threshold for inventory reporting of EHSs at a facility. One commenter was concerned that contradictory State policy would result if the Department adopts the proposed thresholds, which differ from the Department of Health's thresholds for labeling and public sector inventory reporting. (1-39)

RESPONSE: The Department would like to clarify that the DOH Right to Know survey for inventory reporting (the former Workplace Survey) includes the Community Right to Know Survey. The Right to Know Survey is administered to only public sector employers. Public sector employees are not covered by the OSH Act. The DOH recently adopted a zero threshold for public sector reporting. The DOH Right to Know survey provides information for the safety of employees regarding potential chemical exposure in their workplace in addition to providing information for the safety and environmental protection needs of the community. A lower threshold is justified for employee safety purposes. In contrast, employers who complete the Community Right to Know survey administered by this Department are also covered by the Hazard Communication Standard of Federal Occupational Safety and Health Administration (OSHA). The Department is preempted by the OSH Act from collecting worker health and safety information from these facilities, as confirmed in a decision by the Court of Appeals for the Third District (See Comment 5).

The 60 pound threshold suggested by the commenters is inconsistent with DOH reporting and labeling requirements. However, the Department acknowledges the concerns of these commenters and will repropose thresholds for reporting that are lower than the 500 pound thresholds included in the original proposal.

26. COMMENT: One commenter questioned the cost savings of the proposed 500 pound threshold to the Department and whether the cost savings justified an expected increase in costs due to occupational disease caused by the availability of less information concerning chemical hazards. (34)

RESPONSE: Under a decision by the Court of Appeals for the Third District, the Department is preempted by the OSH Act from enacting regulations pertaining to protection of employee health and safety in the private sector. Therefore, the focus of this rule is on environmental protection and community safety. In response to the comments received concerning the impact of the proposed threshold on environmental protection and community safety, the Department has deferred adoption of the proposed threshold and will propose a lower reporting threshold.

27. COMMENT: Several commenters supported the Department's proposal for a 500 pound threshold for reporting certain EHSs on the Community Right to Know survey. (42) (43) (46) (48) (49) (52) (54) (55)

RESPONSE: The Department appreciates the positive comments and looks forward to positive comments on its revised thresholds which are proposed elsewhere in this New Jersey Register.

28. COMMENT: One commenter suggested that the inventory range code system used for Community Right to Know reporting be reduced from the existing 12 range codes to five or six. The reduction would ease reporting and data processing demands for completing the survey. (54)

RESPONSE: Reducing the number of ranges would increase the range intervals and represent wider averages. This would cause submitted inventory data to be less specific and less valuable for the public and emergency responders. Therefore, this suggested change will not be made.

29. COMMENT: A commenter suggested that substances listed on the inventory pages of the Community Right to Know survey should be alphabetized or grouped by increasing inventory level for the benefit of emergency responders. (48)

RESPONSE: The Department recognizes that this suggestion has merit but at this time places an undue burden on facilities which may not have a computerized method for completing the survey. However, the Department will accept alphabetized survey entries. The Department recently computerized the survey information by decreasing inventory level to give emergency responders access first to the data concerning the EHSs present in the largest quantities.

30. COMMENT: Three commenters stated that it should be made clear that all mixtures of an EHS are to be reported only once, as an aggregated total. (54) (42) (46)

RESPONSE: Mixtures of an EHS may only be reported as an aggregated total within a given container type and location as required in N.J.A.C. 7:1G-3.1(c).

31. COMMENT: A commenter suggested that the reporting of EHSs in mixtures should be accomplished by reporting the mixture itself together with all non-EHSs components. The commenter stated that this method of reporting would more accurately depict the combined hazard of a whole mixture instead of only the individual hazard of the EHS(s) in the mixture. The commenter provided as an example a photocopy of a hazardous materials inventory form used in the State of California where each product is listed along with the individual component of the product mixture. (57)

RESPONSE: The Department recognizes that the hazards of a mixture may be different than that of its individual constituents. When reporting, the hazards of the entire mixture should be reported rather than the hazards of each chemical component of the mixture. The Department has evaluated the suggested method of reporting the identity of the entire mixture followed by its individual components, and has determined that the benefits would not be commensurate with the cost of processing trade secret claims to keep product formulations from being revealed. If the number of trade secret claims rise, the amount of meaningful information available to the public will decrease. However, the Department will allow mixtures with their individual constituents to be listed consecutively on the survey for ease in reporting.

32. COMMENT: Two commenters suggested that the Department provide exemptions on the Community Right to Know survey for "articles," as permitted in SARA Title III, Section 313. (42) (46)

RESPONSE: The Department agrees and has added language at N.J.A.C. 7:1G-3.2(a)6 to exempt certain solids in manufactured items from inventory reporting.

33. COMMENT: Four commenters supported the Department's proposal for the reporting of EHSs which are present in mixtures. (42) (43) (46) (54)

RESPONSE: The Department appreciates the positive comments.

34. COMMENT: Two commenters stated that under the proposed regulations, the qualifications of each individual research and development (R&D) laboratory supervisor must be provided when a facility applies for a R&D laboratory exemption. This requirement is too burdensome because some R&D laboratories may have many supervisors, thereby having to provide the qualifications for each. In addition, this requirement may compromise proprietary information concerning personnel at the facility. It was suggested that only the qualifications of the site-wide R&D supervisor be given instead of each individual one. (42) (46)

RESPONSE: The Department agrees and has added language to N.J.A.C. 7:1G-3.2(a)2i(5) to say that a general statement can be made by the employer about the qualifications of his laboratory supervisors.

35. COMMENT: A commenter stated that research and development laboratories are exempt under the statute and the Department does not have the authority to require requests for exemptions, the filing of information or certifications. (58)

RESPONSE: The Department disagrees with this commenter. The Act defines a research and development laboratory as an area used primarily for research, development and testing that is under the direct supervision of a technically qualified person. A further requirement for R&D laboratories is the establishment of a communications program with the local fire department for emergency planning (N.J.S.A. 34:5A-25). Therefore, a communication plan with the local fire department and information pertaining to the technical qualifications of the laboratory

supervisor(s) are the prerequisites for the R&D laboratory exemption. In order to ensure that a facility meets the R&D laboratory requirements as specified in the statute, the Department must obtain information regarding these two items.

36. COMMENT: Two commenters stated that it is unclear in the proposed regulations whether facilities with existing R&D laboratory exemptions must reapply for an exemption. It is suggested that existing R&D laboratory exemptions be allowed to continue in force. (42) (54)

RESPONSE: The Department has added N.J.A.C. 7:1G-3.2(a)2ii to specifically state that reapplication for an R&D laboratory exemption by those facilities already having approved exemptions is not required. However, the Department reserves the right to request updated information at any time from approved R&D laboratories to update its records or assure continued eligibility for the exemption. The Department has added language to this affect at N.J.A.C. 7:1G-3.2(a)2iii.

37. COMMENT: Two commenters approved of the R&D laboratory exemption application procedure. (42) (46)

RESPONSE: The Department appreciates the positive comments.

38. COMMENT: A commenter suggested that the Right to Know fee assessment exemption in N.J.A.C. 7:1G-3.2(f) for employers who do not use EHSs or who are only engaged in office related activities be reworded so that employers having multiple sites would be assessed the Right to Know fee for only those sites where hazardous substances were manufactured used, or stored. (48)

RESPONSE: In accordance with the Worker and Community Right to Know Act, the Department of Labor (DOL) assesses an annual fee to employers having the specific SIC codes covered under the Act. These SIC codes are assigned by the DOL and are based on the employer's primary activity rather than the ongoing activities at each site. Therefore, an individual site cannot get the exemption based on its specific activities. This is reflected in the language of the rule at N.J.A.C. 7:1G-3.2(f) that specifies that the exemption is available to an employer "engaged *only* (emphasis added) in administrative office activities."

39. COMMENT: A commenter suggested that "Community Emergency Management Director" should be added as an alternative to the "local fire department" in N.J.A.C. 7:1G-3.2(a)2i(4). (56)

RESPONSE: The requirement for the employer to transmit a copy of the survey to the local fire department is statutory and cannot be modified through the regulatory process.

40. COMMENT: A commenter asserted that a de minimis quantity of five percent should be set for reportable concentrations of a mixture. (49)

RESPONSE: The Department disagrees and has established a one percent de minimis level for the reporting of an EHS in a mixture, or 0.1 percent if the EHS is carcinogenic. This de minimis concentration is consistent with the de minimis quantity set forth in the SARA Title III reporting requirement.

41. COMMENT: A commenter felt that the 500 pound threshold established in the regulations should be calculated by container type. (49)

RESPONSE: The Department disagrees. One objective of this rule is to bring a greater consistency between the state program and SARA Title III. Under the Federal program the amounts of each hazardous substance must be aggregated for the purposes of threshold determination. Therefore, the Department will maintain this requirement for threshold determination for all EHSs in the reproposal elsewhere in this Register.

N.J.A.C. 7:1G-4.1 Completion of the Release and Pollution Prevention Report

42. COMMENT: A commenter asserted that the information required pursuant to the Pollution Prevention Act is clearly defined by that Act and it is inappropriate for the Department to give itself a "blank check" by proposing a regulation that states that it will include on the report "... any pollution prevention information deemed appropriate pursuant to the Pollution Prevention Act ..." The commenter felt that all items of information which the Department is planning to request on the Release and Pollution Prevention Report must be adotped via procedures specified in the Administrative Procedures Act. (58)

RESPONSE: The Department agrees with the commenter and has amended the language at N.J.A.C. 7:1G-4.1(c) to replace "deemed appropriate" with "required". This will still allow the Department to collect pollution prevention information on the Release and Pollution Prevention component of the environmental survey and assure that only authorized information will be reported.

43. COMMENT: A commenter expressed concern that the Pollution Prevention regulations would require certain non-manufacturers such as electric utilities to provide information about environmental releases, throughput, and pollution prevention, which is currently only required of manufacturers covered by Section 313 of SARA Title III. (48)

RESPONSE: Only those companies meeting the criteria for reporting under SARA Section 313 are required to file the Release and Pollution Prevention Report. The Department is not anticipating an expansion of this coverage. Any changes in the types of facilities which are subject to Pollution Prevention or Right to Know reporting would be subject to the rulemaking procedures of the Administrative Procedures Act including the opportunity for public comment.

44. COMMENT: A commenter questioned whether adoption of Pollution Prevention regulations will require revisions to the Community Right to Know regulations. (48)

RESPONSE: The Pollution Prevention regulations (N.J.A.C. 7:1K) were adopted on February 1, 1993. All revisions to the Community Right to Know regulations necessitated by the current Pollution Prevention rules have already been adopted or will be adopted in this rule amendment package. Any rule amendments necessitated by future changes to N.J.A.C. 7:1K will be subject to the rulemaking procedures of the Administrative Procedures Act.

45. COMMENT: Two commenters opposed the language proposed in N.J.A.C. 7:1G-4.1(b) establishing the threshold for reporting on the Release and Pollution Prevention Report at 10,000 pounds as required by the Pollution Prevention Act. The commenters expressed concern that the lowering of the threshold from the Federal threshold would increase industry's reporting burden for SARA Title III section 313 chemicals. (43) (49)

RESPONSE: Only those companies meeting the SARA thresholds for Federal reporting are required to file the Release and Pollution Prevention Reports. The Release and Pollution Prevention Report component of the Environmental Survey will be the means to collect some of the information required by the Pollution Prevention Act, which has a 10,000 pound reporting threshold. Therefore, once an employer meets the SARA Section 313 reporting requirements, information must be provided at 10,000 pounds.

The Department believes that the 10,000 pound threshold will not present an undue burden on the regulated businesses. The Release and Pollution Prevention Report will consolidate some of the reporting requirements of two programs, Pollution Prevention and Community Right to Know. Therefore, the regulated businesses will not need to file another annual report to fulfill the requirements of the Pollution Prevention Act.

46. COMMENT: Two commenters expressed support for the proposed changes in N.J.A.C. 7:1G-4.1. (42) (46)

RESPONSE: The Department appreciates these positive comments.

N.J.A.C. 7:1G-5 Submittal of the Community Right to Know Survey and Release and Pollution Prevention Report

47. COMMENT: N.J.A.C. 7:1G-5.1(d) requires an employer to retain a copy of the Community Right to Know Survey and/or the Release and Pollution Prevention Report and make them available to facility employees. Unlike the New Jersey Department of Health's regulations which require the employer to provide a copy to an employee within five days, this proposal does not provide any guidance as to how and when a facility must make the forms available. (48)

RESPONSE: The Department agrees and has specified in the regulations at N.J.A.C. 7:1G-5.1(d) that the surveys shall be made available to employees within five working days of a request. In making this change, the Department deleted from the proposed rule references to representatives of the Department and has added a new N.J.A.C. 7:1G-5.1(e) to clarify that the survey must be made available to State inspectors or their local designees at the time of a site visit.

48. COMMENT: Since an employer with multi-site facilities may have some facilities meeting the release reporting requirements of SARA Title III, Section 313 and others only meeting the requirements of SARA Section 312 or the inventory reporting requirements of the New Jersey's Right to Know law, the reference to "employer" should be changed to "facility." (48)

RESPONSE: The Department disagrees. The regulations specify that employers will transmit either the Community Right to Know Survey, the Release and Pollution Prevention Report, or both for each covered facility. This language is intended to show that an employer may have multiple locations which may be affected by different regulations.

49. COMMENT: One commenter was concerned that different distribution requirements for local agencies receiving the Community Right to Know Survey versus the Release and Pollution Prevention Report is confusing. (48)

RESPONSE: The requirements for survey distribution represent consistency with those established in the State and Federal statutes.

50. COMMENT: A commenter suggested that the Department broaden the language in N.J.A.C. 7:1G-1.3(c) concerning information which can be requested for clarification of statements made on the Release and Pollution Prevention Report to specify that disposal records be made available upon request. (44)

RESPONSE: The Department does not believe it is necessary to further specify language in the regulations to identify additional types of records which may be required to be submitted as clarifying information since N.J.A.C. 7:1G-5.2 states that the Department may require an employer to submit information clarifying any statement made on the Community Right to Know Survey or Release and Pollution Prevention Report.

51. COMMENT: A commenter suggested that language in N.J.A.C. 7:1G-5.1(d) be modified to indicate that, in addition to facility employees and representatives of the Department, a facility should also make available a Community Right to Know Survey or Release and Pollution Prevention Report to designated county lead agents upon request. (44)

RESPONSE: The Department has added N.J.A.C. 7:1G-5.1(e) to specify that State inspectors or their local designees shall be given access to the Community Right to Know Survey and/or the Release and Pollution Prevention Report at the time of inspection or site visit.

Subchapter 7. Issuance of Administrative Orders and Notices of Civil Administrative Penalty Assessment

52. COMMENT: One commenter disagreed with the Department's proposal at N.J.A.C. 7:1G-7.7(c) to assess penalties only on the number of chemicals not reported on a survey. The commenter feels that the inventory amounts of the omitted chemicals should be a factor in assessing penalties. (48)

RESPONSE: The Department disagrees. As stated in the Summary of the proposal, the Department is simplifying penalty assessment by eliminating the factors and formulas currently in use for calculating penalties and by focusing on the number of EHSs omitted from the surveys. Compliance can be increased if the regulated community can easily compute the cost of non-compliance. Because penalty assessment based on quantity complicates the process of establishing the penalty, no change has been made to this section as proposed.

53. COMMENT: One commenter suggested that the Department incorporate a mechanism to dismiss or negotiate a penalty, even though a violation has occurred, rather than adopt a schedule with mandatory penalties. (56)

RESPONSE: The Department agrees with this commenter. Thus, no changes have been made to the existing section called Compromise of Penalties (N.J.A.C. 7:1G-7.4).

54. COMMENT: One commenter suggested that the Department adopt an enforcement policy to address chemical inventory reporting where the chemical is a compressed gas stored at an employer's facility in a tank leased from the company that sold the compressed gas to the employer. The commenter suggested adopting the policy used by the United States Environmental Protection Agency for this situation. (47)

RESPONSE: In this unique situation the Department intends to formulate a reporting strategy that is satisfactory to the industry and DEPE.

Summary of Agency-Initiated Changes:

The Department is deleting certain sections of the proposed rules and rule amendments at N.J.A.C. 7:1G-2.1, 3.1 and 3.2 which concern the EHS list of reportable substances and reporting thresholds. The Department's deferral of the adoption of the revised EHS list and reporting thresholds necessitated these changes. The proposed rules and amendments not adopted today are being reproposed in the proposal to readopt N.J.A.C. 7:1G appearing elsewhere in this New Jersey Register.

Because revision to the EHS list is being deferred, the Department is correcting an omission from N.J.A.C. 7:1G-2.1 to include Amitrol, which was formally added to the list on September 17, 1984 (16 N.J.R. 2432(a)). The Department acknowledges that the EHS list at N.J.A.C. 7:1G-2.1 as published on April 19, 1993 contained several typographical errors. These errors trace back to the printing of the EHS list in the Administrative Code after its original adoption. Since it is the Department's intent to delete that list in its readoption of N.J.A.C. 7:1G, which appears elsewhere in this New Jersey Register, the Department has not made the corrections in this document.

The Department has amended the Environmental Hazardous Substances list at N.J.A.C. 7:1G-2.1 to reflect the deletion of three copper compounds adopted on August 16, 1993 (see 25 N.J.R. 3754(a)).

Several definitions are being amended. The definitions of "Community Right to Know Survey" and "Environmental Survey" are being amended to make them consistent with the definitions adopted on August 2, 1993 at 25 N.J.R. 3537 with the joint DEPE/DOH trade secret rules. The definition of Community Right to Know Survey is being further amended to delete references to the Emergency Services Information Survey since this adoption deletes all requirements pertaining to that survey. The definitions of "research and development laboratory" and "Extremely Hazardous Substance" are being amended to clarify the meanings of the "R&D" and "USEPA" acronyms used in these regulations. The definition of "research and development laboratory" is also being modified to include pilot plants for consistency with the Department of Health's rules at N.J.A.C. 8:59-1.3 adopted on August 2, 1993 at 25 N.J.R. 3553. A definition of "pilot plant" has been added to these rules. The definition of "employee" is being modified to reflect minor grammatical changes.

Several citations are being changed to correct inaccurate citations in the proposal. The reference to the Pollution Prevention Act is being changed from N.J.S.A. 13:1D-6b to N.J.S.A. 13:1D-40(b) at N.J.A.C. 7:1G-4.1(c). The reference to the Worker and Community Right to Know Act is being corrected at N.J.A.C. 7:1G-7.7(f).

The Department added an exemption at N.J.A.C. 7:1G-4.1(d) from environmental release and pollution prevention reporting for R&D laboratories that have received R&D laboratory exemptions pursuant to N.J.A.C. 7:1G-3.2(a)2. This will make reporting consistent with Federal reporting under SARA Section 313 and the Pollution Prevention Act.

The Department is making several other minor changes. A change to N.J.A.C. 7:1G-3.2(a)2i(1) is being made to delete the word "Verification" from the term New Jersey Employee Identification Number. The word "be" is being added after the word "may" at N.J.A.C. 7:1G-7.3(h) to correct an omission. Brackets indicating proposed for deletion were omitted at the close of N.J.A.C. 7:1G-3.3(b) and the beginning of N.J.A.C. 7:1G-4.1(a) in the proposal. As intended, N.J.A.C. 7:1G-3.3 and 4.1(a) and (b) are deleted. In N.J.A.C. 7:1G-5.1(b), the word "only" is being deleted to cover employers subject to both State and Federal chemical inventory reporting as well as those subject only to reporting pursuant to SARA Section 312. This is being added to clarify that the form to be used for reporting is the community Right to Know Survey.

Summary of Hearing Officer Recommendation and Agency Response:

Gerald P. Nicholls, Director of the Division of Environmental Safety, Health and Analytical Programs, served as the hearing officer at the May 21, 1993 public hearing. After reviewing the testimony given at the public hearing, Director Nicholls felt that the responses to this testimony and the subsequent changes made to the rules to address the concerns raised by the public should be accepted as set forth in the Summary of Public Comments and Agency Responses for this adoption.

A copy of the record of the public hearing is available upon payment of the Department's normal charges for copying. Persons requesting copies should contact:

Richard J. McManus, Director
Office of Legal Affairs
Department of Environmental Protection and Energy
401 East State Street
CN 402
Trenton, New Jersey 08625

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

7:1G-1.2 Definitions

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

. . .

"Administrative order" means any and all orders issued or entered into by the Department including, but not limited, to administrative consent orders.

"Chemical Abstracts Service Registry Number" or "C.A.S. number" means the unique identification number assigned by the Chemical Abstracts Service to chemicals.

...

"Community Right to Know Survey" means the reporting form which combines the chemical inventory reporting requirements of the Environmental Survey ***formerly*** Part I, the *[Emergency Services Information Survey,]* and the Superfund Amendments and Reauthorization Act, Section 312.

"Compound" means a substance composed of two or more elements chemically united in a fixed proportion.

...

"Department" means the New Jersey Department of Environmental Protection and Energy, however, for the purpose of N.J.A.C. 7:1G-6, it shall mean both the New Jersey Department of Environmental Protection and Energy and the State Department of Health, unless otherwise indicated.

"Designated county lead agency" means a health agency or office of emergency management designated by the county clerk to be responsible for conducting all county health department activities required by the Act in the county.

...

"Employee" means a *[worker]* ***person who works*** at a facility ***owned or*** operated by an employer as defined in this section on a paid or unpaid basis and who may or may not be directly paid by the employer who owns or operates the facility. It is not intended that this term encompass independent contractors.

"Employer" means any person or corporation, regardless of whether he pays employees, 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 Number 07 (Agricultural Services), only Industry Number 0782—Lawn and Garden Services; Major Group Numbers 20-39 inclusive (Manufacturing Industries); Major Group Number 45 (Transportation by Air), only Industry Numbers 4512—Scheduled Air Transport, 4513—Air Courier Services, and Group Number 458—Airports, Flying Fields and Airport Terminal Services; Major Group Number 46 (Pipelines, except Natural Gas); Major Group Number 47, only Group Numbers 473—Arrangement of Transportation of Freight and Cargo, 474—Rental of Railroad Cars, and 478—Miscellaneous Services Incidental to Transportation), Major Group Number 48 (Communications), only Group Numbers 481—Telephone Communications, and 482—Telegraph and other Message Communications—Major Group Number 49 (Electric, Gas, and Sanitary Services); Major Group Number 50 (Wholesale Trade—Durable Goods), only Industry Numbers 5085—Industrial Supplies, 5087—Service Establishment Equipment and Supplies, and 5093—Scrap and Waste Materials; Major Group Number 51 (Wholesale Trade, Nondurable goods), only Group Numbers 512—Drugs, Drug Proprietaries, and Druggist's Sundries, 516—Chemicals and Allied Products, 517—Petroleum and Petroleum Products, 518—Beer, Wine and Distilled Alcoholic Beverages, and 519—Miscellaneous Non-durable Goods; Major Group Number 55 (Automobile Dealers and Gasoline Service Stations), only Group Numbers 551—Motor Vehicle Dealers—(New and Used), 552—Motor Vehicle Dealers (Used Only), and 554—Gasoline Service Stations; Major Group Number 72 (Personal Services), only Industry Numbers 7216—Dry Cleaning Plants except Rug Cleaning, 7217—Carpet and Upholstery Cleaning, and 7218—Industrial Launderers; Major Group Number 75 (Automotive Repair, Services, and Parking), only Group Number 753—Automotive Repair Shops; Major Group number 76 (Miscellaneous Repair Services) only Industry Number 7692—Welding Repair; Major Group Number 80 (Health Services), only Group Numbers 806—Hospitals; Major Group Number 82 (Educational Services) only Group Numbers 821—Elementary and Secondary schools, 822—Colleges, Universities, and Professional Schools, and Junior Colleges and Industry Number 8249—Vocational Schools, not elsewhere classified, and Major Group Number 87 (Engineering, Accounting, Research, Management, and Related Services), only Industry Number 8734—Testing Laboratories. Employer also means State and Local Governments, or any agency, authority, department, bureau or instrumentality thereof.

"Environmental Hazardous Substance" or "EHS" means any substance designated by the Department in N.J.A.C. 7:1G-2.

...

"Environmental Hazardous Substance Number" means the unique number assigned by the Department to each EHS.

"Environmental Survey" means a written form, *[entitled Part I or]* ***comprised of*** the Community Right to Know Survey, and *[Part II or]* the Release and Pollution Prevention Report, prepared by the Department of Environmental Protection and Energy and transmitted to an employer, on which the employer shall provide certain information concerning each of the environmental hazardous substances at the facility, including, but not limited to, the following:

1.-10. (No change.)

11. The total discharge of the environmental hazardous substance into publicly owned treatment works;

12. The quantity and methods of disposal, of any wastes containing an environmental hazardous substance, the methods of on-site storage of these wastes, the location or locations of the final disposal site for these wastes, and the identity of the hauler of the waste;

13. The total quantity of ***environmental hazardous substances*** ***(*EHSs*)*** generated at the facility, including hazardous substances generated as nonproduct output;

14. The quantity of ***environmental hazardous substances*** ***(*EHSs*)*** recycled on-site and off-site; and

15. Information pertaining to pollution prevention activities at the facility.

"Extremely hazardous substances" means chemicals on the list developed by the ***United States Environmental Protection Agency*** ***(*USEPA*)*** pursuant to Section 302 of Title III of the Federal Superfund Amendments and Reauthorization Act (SARA).

...

"Hazard Code" means a number assigned by the Department to represent each hazard category established by the US Environmental Protection Agency pursuant to the Superfund Amendments and Reauthorization Act (SARA), Title III.

"Hazardous substance" means any substance defined by the State Department of Health in N.J.A.C. 8:58-9.

"Hazardous waste" means any solid waste defined as hazardous waste by the Department pursuant to P.L. 1970, c.39 (N.J.S.A. 13:1E-1 et seq.)

"Inventory range" means the upper and lower limits of the quantity of a hazardous substance used, stored or manufactured on site.

"Inventory range code" is a representation of an inventory range for reportable hazardous substances.

"Local Emergency Planning Committee" means a committee formed pursuant to Title III of the Federal Superfund Amendments and Reauthorization Act.

...

"Pilot plant" means pilot facility as that term is defined at N.J.S.A. 13:1D.

...

"Research and development ***(R&D)*** laboratory" means a specially designated area***, including pilot plants,*** used primarily for research, development, and testing activity, and not primarily involved in the production of goods for commercial sale, in which environmental hazardous substances are used by or under the direct supervision of a technically qualified person. For the purpose of reporting on the Community Right to Know Survey, "primarily" means greater than 50 percent.

"Right to Know Survey" means a survey prepared by the Department of Health and completed by a public sector employer pursuant to the Act, on which the employer shall report each hazardous substance present at his facility.

...

"Superfund Amendments and Reauthorization Act" or "SARA" means the Federal Act (PL 99-499) establishing the "Emergency Planning and Community Right to Know Act of 1986" at Title III (42 USC 11001).

"Technically qualified person" in a research and development (R&D) laboratory means a person who has a bachelors degree in industrial hygiene, environmental science, health education, chemistry, or a related field and understands the health risks associated with exposure to the hazardous substances used in the R&D laboratory.

. . .

"Trade secret docket number" means a code number temporarily or permanently assigned to the identity of information on the Community Right to Know Survey or Release and Pollution Prevention Report by the Department of Environmental Protection and Energy.

"Transmit" means to send via first-class mail or otherwise distribute.

"Unusually hazardous" means likely to explode due to a highly volatile nature, a propensity to produce toxic fumes, or a tendency to react with water or common firefighting chemicals and any other property which the Department of Environmental Protection and Energy determines will make a substance an uncommon danger to firefighters and the surrounding community in the event of its exposure to a fire.

7:1G-1.3 Burden of proof for exemptions

(a) A person claiming that they qualify for any exemption under this chapter or that they are not otherwise subject to the rules of this chapter shall demonstrate and appropriately document entitlement to such exemption.

(b) Employers claiming that a certain chemical, hazardous substance, or mixture is not an EHS, as designated or delineated in N.J.A.C. 7:1G-2, shall, at a minimum, submit in support of such claim, a Material Safety Data Sheet (MSDS) for the substance or mixture in question.

(c) Employers shall, upon request, *[submit]* ***make available*** information to the Department to *[clarify]* ***verify*** any statement made on the Community Right to Know Survey, Release and Pollution Prevention Report or in a request for an exemption. This information may include, but is not limited to: purchase records, sales records, production records, inventory records, or other business records or documents utilized by the employer or person. *[Submission of the clarifying]* ***The employer shall make this*** information *[by the employer]* ***available*** to the Department *[is required]* within 30 days of notification.

7:1G-1.4 Certification

An employer shall submit a Community Right to Know Survey and/or Release and Pollution Prevention Report, or a Research and Development laboratory exemption to the Department which shall include an original certification signed by the employer or a duly authorized representative, which states the following:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete."

7:1G-1.5 Department right of entrance and inspection

Pursuant to N.J.S.A. 13:1D-9 and 34:5A-29b, the Department shall have the authority to enter any business premises or building during normal hours or other reasonable time to determine compliance with the rules and regulations of the Department hereunder. Failure to permit such inspection after presentation of official credentials is an offense punishable under N.J.S.A. 2C:29-1.

7:1G-1.6 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.

7:1G-2.1 Designation of environmental hazardous substances (EHSs)

*[(a) The list of EHSs shall be comprised of the substances listed below:

1. Toxic chemicals on the list at 40 CFR 372.65 established by the United States Environmental Protection Agency for reporting pursuant to SARA Title III section 313, as from time to time supplemented or amended;

2. Extremely hazardous substances on the list at 40 CFR 355 Appendix A designated under SARA Title III section 302, established by the United States Environmental Protection Agency for reporting as from time to time supplemented or amended;

3. Chemicals designated as selected substances at N.J.A.C. 7:1F Appendix A for reporting on the Industrial Survey as from time to time supplemented or amended;

4. The following substances adopted pursuant to N.J.S.A. 34:5A-4:

Chemical	CAS number
Amitrol	61-82-5

5. Unusually hazardous substances defined at N.J.A.C. 7:1G-1.2:

i. Unusually hazardous substances as listed below by the Department pursuant to N.J.S.A. 52:27D-223:

Chemical	CAS Number
Boron Trifluoride Etherate	109-63-7
Diethyl Carbamyl Chloride	88-10-8
Diisobutyl Aluminum Hydride	1191-15-7
Triethylborane	97-94-9
Alkyl Aluminums (generic)	109-72-8
Chlorosulfonic Acid	7790-94-5
Lithium Tetrahydroaluminate	16853-85-3
Tert-Butyl Perbenzoate	614-45-9
Ammonium Permanganate	13446-10-1
Cobaltous Nitrate	10141-05-6
Cupric Nitrate	3251-23-8
Dibenzoyl Peroxide	94-36-0
Dichloro-s-Triazinetrione	2782-57-2
Nitrogen Peroxide	10102-44-0
Potassium Chromate	7789-00-6
Sodium Dichloro-s-Triazinetrione	2893-78-9
Thorium Nitrate	13823-29-5
Uranyl Nitrate	36478-76-9
Saran	
PVC	
Lopac	

ii. Hazard Class 1 Explosive Materials listed on the U.S. Department of Transportation Hazardous Materials Table established at 49 CFR §172.101 as from time to time supplemented or amended; and

iii. Hazard Class 7 Radioactive Materials listed on the U.S. Department of Transportation Hazardous Materials Table established at 49 CFR §172.101A as from time to time supplemented or amended; and

6. Any hazardous substance added to the list of chemicals subject to pollution prevention planning pursuant to N.J.A.C. 7:1K-3.5.

(b) Chemical inventory reporting on the Community Right to Know Survey shall include all EHSs listed at (a)1 through 5 above.

(c) Environmental release, throughput, and waste transfer reporting on the Release and Pollution Prevention Report shall be limited to the list of Toxic Chemicals described at (a)1 and 6 above.]*

The following substances and corresponding Chemical Abstract Services (CAS) numbers are designated as EHSs pursuant to the Act. Each substance has further been identified according to the classifications, in N.J.A.C. 7:1G-2.2. Substances may have numerous synonyms which are not included herein.

Chemical	CAS Number	Group Number
ACETALDEHYDE	**75-07-0**	**02**
ACROLEIN	**107-02-8**	**02**
ACRYLIC ACID	**79-10-7**	**01**

ACRYLONITRILE	107-13-1	23
ALDRIN	309-00-2	28
ALLYL CHLORIDE	107-05-1	15
2-AMINOANTHRAQUINONE	117-79-3	31
AMITROL	61-82-5	28
ANILINE	62-53-3	06
O-ANISIDINE	90-04-0	06
ANTHRACENE	120-12-7	07
ANTIMONY AND COMPOUNDS	7440-36-0	19
ARSENIC AND COMPOUNDS	7440-38-2	19
ASBESTOS	1332-21-4	19
BENZAL CHLORIDE	98-87-3	16
BENZENE	71-43-2	07
BENZOTRICHLORIDE	98-07-7	16
BENZOYL CHLORIDE	98-88-4	01
BENZOYL PEROXIDE	94-36-0	27
BENZYL CHLORIDE	100-44-7	16
BERYLLIUM AND COMPOUNDS	7440-41-7	19
BIPHENYL	92-52-4	07
BIS(2-CHLORO-1-METHYLETHYL)ETHER	108-60-1	13
BIS(2-ETHYLHEXYL)ADIPATE	103-23-1	12
BIS(2-ETHYLHEXYL)PHTHALATE	117-81-7	12
BROMINE	7726-95-6	34
BUTADIENE	106-99-0	03
1,-BUTYLENE OXIDE	106-88-7	11
C.I. ACID GREEN 3	4680-78-8	10
C.I. BASIC GREEN 4	569-64-2	10
C.I. BASIC RED 1	989-38-8	10
C.I. DIRECT BLACK 38	1937-37-7	10
C.I. DIRECT BLUE 6	2602-46-2	10
C.I. DIRECT BROWN 95	16071-86-6	10
C.I. DISPERSE YELLOW 3	2832-40-8	10
C.I. FOOD RED 5	3761-53-3	10
C.I. FOOD RED 15	81-88-9	10
C.I. SOLVENT ORANGE 7	3118-97-6	10
C.I. SOLVENT YELLOW 1	60-09-3	10
C.I. SOLVENT YELLOW 3	97-56-3	10
C.I. SOLVENT YELLOW 14	842-07-9	10
C.I. VAT YELLOW 4	128-66-5	10
CADMIUM AND COMPOUNDS	7440-43-9	19
CAPTAN	133-06-2	28
CARBARYL	63-25-2	28
CARBON TETRACHLORIDE	56-23-5	14
CATECHOL	120-80-9	29
CHLORDANE	57-74-9	28
CHLORINE	7782-50-5	34
CHLOROBENZENE	108-90-7	16
CHLOROFORM	67-66-3	14
CHLOROPRENE	126-99-8	15
CHLOROTHALONIL	1897-45-6	28
CHROMIUM AND COMPOUNDS	7440-47-3	19
COPPER AND COMPOUNDS	7440-50-8	19
except:		
C.I. PIGMENT BLUE 15, PHTHALOCYANINE BLUE	147-14-8	
C.I. PIGMENT GREEN 7, PHTHALOCYANINE GREEN	1328-53-6	
C.I. PIGMENT GREEN 36, PHTHALOCYANINE GREEN	14302-13-7	
P-CRESIDINE	120-71-8	06
CUMENE	98-82-8	07
CUMENE HYDROPEROXIDE	80-15-9	27
CYANIDE COMPOUNDS	57-12-5	19
2,4-D	94-75-7	28
DECABROMODIPHENYL OXIDE	1163-19-5	13
DIALLATE	2303-16-4	28
2,4-DIAMINOANISOLE	615-05-4	06
4,4'-DIAMINODIPHENYL ETHER	101-80-4	13
2,4-DIAMINOTOLUENE	95-80-7	06
1,2-DIBROMOETHANE	106-93-4	14
DI-N-BUTYL PHTHALATE	84-74-2	12
1,2-DICHLOROBENZENE	95-50-1	16
1,2-DICHLOROETHANE	107-06-2	14
1,4-DICHLOROBENZENE	106-46-7	16
3,3'-DICHLOROBENZIDINE	91-94-1	06
DICHLOROMETHANE	75-09-2	14
1,2-DICHLOROPROPANE	78-87-5	14
1,3-DICHLOROPROPYLENE	542-75-6	15
DICHLORVOS	62-73-7	28
DICOFOL	115-32-2	28
DIETHYL PHTHALATE	84-66-2	28
1,1-DIMETHYL HYDRAZINE	57-14-7	17
DIMETHYL PHTHALATE	131-11-3	12
DIMETHYL SULFATE	77-78-1	32
3,3'-DEMETHYLBENZIDINE	119-93-7	06
2,4-DEMETHYLPHENOL	105-67-9	29
2,4-DINITROTOLUENE	121-14-2	24
2,6-DINITROTOLUENE	606-20-2	24
DI-N-OCTYL PHTHALATE	117-84-0	12
1,4-DIOXANE	123-91-1	13
1,2-DIPHENYL HYDRAZINE	122-66-7	17
EPICHLOROHYDRIN	16-89-8	11
ETHYLBENZENE	100-41-4	07
ETHYLENE OXIDE	75-21-8	11
ETHYLENE THIOUREA	96-45-7	33
ETHYLENEIMINE	151-56-4	18
FLUOMETURON	2164-17-2	28
FORMALDEHYDE	50-00-0	02
HEPTACHLOR	76-44-8	28
HEXACHLOROBENZENE	118-74-1	16
HEXACHLOROCYCLOPENTADIENE	77-47-4	15
HEXACHLOROETHANE	67-72-1	14
HEXAMETHYLPHOSPHORAMIDE	680-31-9	30
HYDRAZINE	302-01-2	17
HYDROGEN CHLORIDE	7647-01-0	35
HYDROGEN FLUORIDE	7664-39-3	35
HYDROGEN SULFIDE	7783-06-4	35
HYDROQUINONE	123-31-9	29
LEAD AND COMPOUNDS	7439-92-1	19
LINDANE	58-89-9	28
MANEB	12427-38-2	28
MERCURY AND COMPOUNDS	7439-97-6	19
METHOXYCHLOR	72-43-5	28
METHYL HYDRAZINE	60-34-4	17
METHYL IODIDE	74-88-4	14
METHYLMETHACRYLATE	80-62-6	12
4,4'-METHYLENE BIS(2-CHLOROANILINE)	101-14-4	06
4,4'-METHYLENEBIS(N,N-DIMETHYL) BENZENAMINE	101-61-1	06
4,4'-METHYLENEDIANILINE	101-77-9	06
METHYL ISOCYANATE	624-83-9	20
NAPHTHYLAMINE	91-29-3	06
1-NAPHTHYLAMINE	134-43-7	06
NICKEL AND COMPOUNDS	7440-02-02	19
5-NITRO-O-ANISIDINE	99-59-2	06
NITROFEN	1836-75-5	28
4-NITROPHENOL	100-02-7	29
2-NITROPROPANE	79-46-9	24
N-NITROSODIPHENYLAMINE	86-30-6	26
PARATHION	56-38-2	28
PENTACHLOROPHENOL	87-86-5	29
PERACETIC ACID	79-21-0	27
PHENOL	108-95-2	29
2-PHENYLPHENOL	90-43-7	29
PHOSGENE	75-44-5	01
PHOSPHORUS TRICHLORIDE	7719-12-2	35
POLYCHLORINATED BIPHENYLS	1336-36-3	16
PROPOXUR	114-26-1	28
PROPYLENE OXIDE	75-56-9	11
QUINOLINE	91-22-5	25
QUINTOZENE	82-68-8	28
SAFROLE	94-59-7	13

STYRENE	**100-42-5**	**07**
STYRENE OXIDE	**96-09-3**	**11**
1,1,2,2-TETRACHLOROETHANE	**79-34-5**	**14**
TETRACHLOROETHYLENE	**127-18-4**	**14**
TETRACHLORVINPHOS	**961-11-5**	**28**
4,4'-THIODIANILINE	**139-65-1**	**06**
THIOUREA	**62-56-6**	**33**
TOLUENE	**108-88-3**	**07**
TOLUENE-2,4-DIISOCYANATE	**584-84-9**	**20**
TOLUENE-2,6-DIISOCYANATE	**91-08-7**	**20**
O-TOLUIDINE	**95-53-4**	**06**
TOXAPHENE	**8001-35-2**	**28**
TRICHLORFON	**52-68-6**	**28**
1,24,-TRICHLOROBENZENE	**120-82-1**	**16**
1,1,1-TRICHLOROETHANE	**71-55-6**	**14**
1,1,2-TRICHLOROETHANE	**70-00-5**	**14**
TRICHLOROETHYLENE	**79-01-6**	**15**
TRIFLURALIN	**1582-09-8**	**28**
URETHANE	**51-79-6**	**09**
VINYLIDENE CHLORIDE	**75-35-4**	**15**
XYLENES	**1330-20-7**	**07**
2,6-XYLIDENE	**87-62-7**	**06**
ZINEB	**12122-67-7**	**28***

7:1G-2.2 (Reserved)

SUBCHAPTER 3. COMMUNITY RIGHT TO KNOW SURVEY

7:1G-3.1 Completion of Community Right to Know Survey Portion of the Environmental Survey

(a) An employer shall complete and submit to the Department a Community Right to Know Survey for each facility covered by this chapter indicating if EHSs were present during the reporting period *[and whether the EHSs met or exceeded the threshold quantities for reporting listed in (b) below]*.

(b) *[An employer shall report on the Community Right to Know Survey, those EHSs that met or exceeded the thresholds listed in (b)1 through 4 below during the reporting year:

1. For EHSs appearing on the SARA Title III Section 302 list of extremely hazardous substances, as referenced in N.J.A.C. 7:1G-2.1(a)2, the Federal threshold of 500 pounds or the threshold planning quantity, whichever is less, present in aggregate at the facility at any one time shall apply.

2. For EHSs appearing on the list of unusually hazardous substances which are identified as explosive or radioactive in N.J.A.C. 7:1G-2.1(a)5ii and iii, a zero threshold shall apply and any quantity thereof shall be reported.

3. For EHSs which do not appear on the list of extremely hazardous substances or unusually hazardous substances as referenced in N.J.A.C. 7:1G-2.1(a)1 and 2.1(a)5ii and iii, a threshold of 500 pounds present in aggregate at the facility at any one time, shall apply.

4. The thresholds for reporting listed in (b)1, 2 and 3 above do not apply to container labeling pursuant to N.J.A.C. 8:59.]* ***(Reserved)***

(c) For each EHS *[that met or exceeded the thresholds listed in (b) above]*, an employer shall provide all information on a Community Right to Know Survey form approved by the Department, which shall include, but is not limited to, the following:

1. The chemical name, Chemical Abstracts Service registry number and EHS number and USDOT number, if available, of each EHS which is present at the facility in a pure state or mixture;

2. For reporting, EHSs shall be grouped according to container type and location within the facility;

3. For EHSs present in the pure state, the quantity of each, in pounds, in terms of daily maximum and average daily amount, and the hazard code for the EHS;

4. EHSs in mixtures shall be reported as follows:

i. Each EHS comprising more than one percent of a mixture (or .1 percent if the EHS is carcinogenic ***as defined at 29 CFR 1910.1200(d)4 of the Occupational Safety and Health Standard***) shall be reported with its quantity determined by multiplying the weight percent of the EHS by the mass, in pounds, of the entire mixture.

ii. EHSs in mixtures in the following generic categories may be reported using the generic name and the quantity of the entire mixture: gasoline, new and used petroleum oil, and hazardous waste;

5. The major methods of storage, including container type, temperature, pressure conditions, and locations shall be reported including the number of days the EHS was present onsite during the calendar year at the facility; and

6. If no EHS is present in a mixture, and the mixture is subject only to reporting pursuant to the Federal requirements of Section 312 of SARA (40 CFR 370), a product name may be used to report the substance.

(d) An employer or owner or operator of any facility subject to Federal hazardous chemical reporting under Section 312 of SARA (40 CFR 370) shall submit a completed Community Right to Know survey to the Department to satisfy these requirements.

7:1G-3.2 Reporting exemptions

(a) EHSs meeting any of the following criteria are exempt from chemical inventory reporting on the Community Right to Know Survey:

1. *[EHSs present at a facility in quantities that do not meet or exceed the thresholds for reporting found at N.J.A.C. 7:1G-3.1;]* ***(Reserved)***

2. EHSs located within a research and development laboratory as defined in N.J.A.C. 7:1G-1.2 and used for R&D activities are exempt from reporting on the Community Right to Know Survey provided the employer has obtained a research and development laboratory exemption from the Department, which may be obtained in accordance with the following procedure:

i. The employer shall submit to the Department for evaluation and approval a completed research and development laboratory exemption application, on forms approved by the Department, containing the following information:

(1) The facility name, location and New Jersey Employer Identification *[Verification]* Number;

(2) An 8½ × 11 inch map of the facility indicating the designated research and development area(s) of the facility. The map should indicate if R&D activities are limited to specific locations within the facility or if the entire facility is dedicated to R&D activities;

(3) The percentage of total work hours devoted to R&D activities in the designated area;

(4) Written verification from the local fire department that an acceptable communications program has been established with them to assist in responding to emergencies at the research and development laboratory;

(5) A description of the technical qualifications of each supervisor of the R&D laboratory ***area(s) or a certification by the supervisor of the research and development laboratory operations at the facility that each research and development laboratory is under the direct supervision of a technically qualified person***; and

(6) A signed certification that the information contained in the R&D laboratory exemption application is true, accurate and complete;

ii. An employer with an approved research and development laboratory exemption from the Department will not be required to reapply for the exemption under this chapter.

iii. An approved research and development laboratory exemption may be reviewed by the Department from time to time to ascertain continued eligibility for the exemption. The Department may require clarifying information pursuant to N.J.A.C. 7:1G-5.2 or inspect the R&D laboratory pursuant to N.J.A.C. 7:1G-1.5 for this purpose. The Department may rescind an approved R&D laboratory exemption if the employer is found not in compliance with the conditions stated on the R&D laboratory exemption approval letter issued by the Department.*

3. EHSs which are an integral part of a facility structure or furnishings;

4. EHSs which are the personal property and are for the personal use of an employee are not required to be reported on the Community Right to Know Survey; or

5. Ammunition when on the person of security personnel.

6. EHS's except those listed as unusually hazardous substances, that are present as a solid in any manufactured item which has been formed to a specific shape or design during manufacture to the extent that exposure to the EHS does not occur under normal conditions of use.

(b) The exemption from reporting at (a) above does not apply to container labeling pursuant to N.J.A.C. 8:59.

(c) An employer exempt from chemical inventory reporting in accordance with (a) above shall complete and return the first page of the Community Right to Know Survey indicating that an exemption from reporting is being claimed.

(d) An employer exempt from chemical inventory reporting in accordance with (a)1 and 2 above is subject to the Right to Know fee assessment pursuant to N.J.S.A. 34:5A-26.

(e) An employer having no EHSs is exempt from the annual Right to Know fee assessment in accordance with N.J.S.A. 34:5A-26.1 provided non-user status is indicated on the annual Community Right to Know Survey transmitted to the Department.

(f) An employer engaged only in administrative office activities is exempt from the annual Right to Know fee assessment and the requirement to annually transmit the Community Right to Know Survey after initial notification to the Department indicating such status is made.

SUBCHAPTER 4. RELEASE AND POLLUTION PREVENTION REPORT

7:1G-4.1 Completion of Release and Pollution Prevention Report

(a) An employer who is subject to the reporting requirements of SARA Title III Section 313, or other criteria established by the Department in accordance with the Administrative Procedures Act, shall submit to the Department a Release and Pollution Prevention Report by July 1 of the year following the reporting year.

(b) An employer shall complete a Release and Pollution Prevention Report subject to the threshold(s) for reporting established pursuant to the Pollution Prevention Act (N.J.S.A. 13:1D).

(c) An employer shall provide the environmental release, throughput, waste transfer and pollution prevention information required by the Environmental Survey as defined at N.J.A.C. 7:1G-1.2 and any pollution prevention information *[deemed appropriate]* ***required*** pursuant to the Pollution Prevention Act (N.J.S.A. *[13:1D-6b]* ***13:1D-40(b)***) on the Release and Pollution Prevention Report component of the Environmental Survey.

***(d) An employer who has obtained a research and development laboratory exemption pursuant to N.J.A.C. 7:1G-3.2(a)2 is not required to provide environmental release, throughout, waste transfer and pollution prevention information for the exempted R&D laboratory area(s) of the facility.**

(e) Environmental release, throughput, and waste transfer reporting on the Release and Pollution Prevention Report shall be limited to the substances listed at 40 CFR 372.65 promulgated by USEPA pursuant to Section 313 of SARA as from time to time supplemented or amended.*

SUBCHAPTER 5. SUBMITTAL OF THE COMMUNITY RIGHT TO KNOW SURVEY AND RELEASE AND POLLUTION PREVENTION REPORT

7:1G-5.1 Survey submittal

(a) An employer subject to reporting under the Worker and Community Right to Know Act who does not meet the Federal requirements for reporting shall transmit a Community Right to Know Survey for each covered facility to the Department by March 1 of the year following the reporting year. A copy shall also be transmitted to the local fire and police departments, local emergency planning committee, and the Right to Know County Lead Agency of the county in which the facility is located.

(b) An employer subject *[only]* to the reporting requirements of Section 312 of SARA shall transmit an original Community Right to Know Survey for each covered facility to the Department by March 1 of the year following the reporting year. A copy shall also be transmitted to the local fire department and local emergency planning committee.

(c) An employer shall transmit an original completed Release and Pollution Prevention Report to the Department by July 1 of the year following the reporting year. A copy shall also be transmitted to the county lead agency of the county in which the facility is located.

(d) An employer shall retain a copy of the Community Right to Know Survey and/or Release and Pollution Prevention Report at the facility and make it available to facility employees ***within five working days of the request*** *[and representatives of the Department]*.

(e) An employer shall make available, upon request, a copy of the Community Right to Know Survey and/or Release and Pollution Prevention Report for the most recent survey year to State inspectors, or their local designees, at the time of inspection.

7:1G-5.2 Submittal of Clarifying Information

The Department may require an employer to submit information clarifying any statement made on the Community Right to Know Survey and/or Release and Pollution Prevention Report, subject to the trade secret provision of N.J.S.A. 34:5A-15. The Department shall transmit such clarifying information to the county health department, local fire department and police department as it deems necessary. Clarifying information shall be submitted within 30 days of notification, or subsequent date specified by the Department.

7:1G-5.3 (Reserved)

7:1G-5.4 (Reserved)

SUBCHAPTER 7. ISSUANCE OF ADMINISTRATIVE ORDERS AND NOTICES OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

7:1G-7.1 Authority and scope

(a) This subchapter is promulgated to provide for the issuance of Administrative Orders and Notices of Civil Administrative Penalty Assessments and to establish a schedule and procedures for the assessment of Civil Administrative Penalties as provided in the Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq., at N.J.S.A. 34:5A-31(a) and (b) and (d).

(b) Pursuant to N.J.S.A. 34:5A-31(a), the Commissioner or his or her designee is authorized to issue an Administrative Order and Notice of Civil Administrative Penalty Assessment whenever any employer is in violation of the Act or any rule or regulation promulgated pursuant to the Act. The Commissioner is authorized to issue a Civil Administrative Penalty of not more than $2,500 for each violation, and additional penalties of not more than $1,000 for each day during which a violation continues after the compliance date of an Administrative Order from the Commissioner to cease such violation pursuant to N.J.S.A. 34:5A-31(d).

(c) This subchapter shall govern the issuance of Administrative Orders and Notices of Civil Administrative Penalty Assessments for violations of the Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq., or of any rule or regulation issued pursuant to this Act by the Department of Environmental Protection and Energy.

7:1G-7.2 (Reserved)

7:1G-7.3 Procedures for the issuance of Administrative Orders and Notices of Civil Administrative Penalty Assessments

(a) The Commissioner may issue an Administrative Order upon finding that an employer is in violation of N.J.S.A. 34:5A-1 et seq., or any rule or regulation adopted pursuant thereto. Such an order shall:

1. Specify the provision or provisions of the Act, the rule or regulation adopted pursuant thereto of which the employer is in violation;

2. Cite the action which caused the violation;

3. Require compliance with the provision of the Act or the rules or regulations adopted pursuant thereto of which the employer is in violation; and

4. Give notice to the employer of the right to an adjudicatory hearing on the matters contained in the order and specify the procedures for requesting an adjudicatory hearing.

(b) A Notice of Civil Administrative Penalty Assessment may be issued separately or as part of an Administrative Order issued pursuant to N.J.S.A. 34:5A-31(b) requiring the alleged violator to take necessary action to comply with the Worker and Community Right to Know Act or a rule or regulation issued pursuant to the Act. Such Notice shall include:

1. A reference to the section of the Act, rule, regulation or order violated;

2. A concise statement of the facts alleged to constitute a violation;

3. A statement of the amount of the administrative penalty to be imposed; and

4. A statement of the employer's right to an adjudicatory hearing and notice of the procedure for requesting an adjudicatory hearing.

(c) The alleged violator shall have 20 calendar days from receipt of the Administrative Order and/or Notice of Civil Administrative Penalty Assessment within which to deliver a written request for an adjudicatory hearing to:

Office of Legal Affairs
Attention: Adjudicatory Hearings
Department of Environmental Protection and Energy
CN 402
Trenton, New Jersey 08625-0402

(d)-(f) (No change.)

(g) The adjudicatory hearing shall be held pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Practice Rules, N.J.A.C. 1:1-1 et seq.

(h) After an adjudicatory hearing, and upon finding that a violation has occurred, the Commissioner or his or her authorized representative may issue a final assessment of the amount of the penalty specified in the notice or such lesser amount as may ***be*** assessed pursuant to the provisions on compromise of N.J.S.A. 34:5A-31(d). If no hearing is requested or if the Department denies the request, the original Administrative Order and Notice of Civil Administrative Penalty Assessment becomes a final order upon the 21st calendar day following its receipt.

(i) Payment of an assessed civil administrative penalty is due when a final order is issued by the Commissioner or the notice becomes a final order. If the alleged violator fails to pay the penalty to the Department or to make acceptable arrangements to pay the penalty within a reasonable period of time thereafter, the Department may institute a civil action pursuant to N.J.S.A. 34:5A-31(e) for a civil penalty not to exceed $2,500 for each day during which the violation continues.

7:1G-7.4 Compromise of penalties

(a) At his or her discretion, the Commissioner or his or her authorized representative may compromise a penalty assessed pursuant to this subchapter in whole or part, in the following circumstances and on the following terms and conditions:

1.-2. (No change.)

3. Upon any other terms or conditions acceptable to the Commissioner or his or her authorized representative;

4. Any other circumstances or conditions acceptable to the Department.

7:1G-7.5 Alternative remedies

Neither the issuance of an Administrative Order and Notice of Civil Administrative Penalty Assessment nor the payment of any such penalty shall be deemed to affect the availability to the Department of any enforcement provision provided for by N.J.S.A. 34:5A-31, or any other statute, in connection with the violation for which the assessment is levied.

7:1G-7.6 (Reserved)

7:1G-7.7 Penalties

(a) Failure to submit a Community Right to Know Survey pursuant to N.J.S.A. 34:5A-1 et seq. shall result in the assessment of a civil administrative penalty of $1,000.

(b) Failure to submit a Release and Pollution Prevention Report pursuant to N.J.S.A. 34:5A-1 et seq. shall result in the assessment of a civil administrative penalty of $1,000.

(c) Failure of an employer to report all EHSs pursuant to these regulations on the Community Right to Know Survey or Release and Pollution Prevention Report shall result in the assessment of a civil administrative penalty based on the number of substances omitted as follows: one to 10 substances, $500.00; 10 or more substances, $1,000.

(d) Failure to respond to the Department's request for clarifying information shall result in the assessment of a civil administrative penalty of $1,000.

(e) Failure to submit a copy of a Community Right to Know Survey or a Release and Pollution Prevention Report to any required agency pursuant to N.J.A.C. 7:1G-5 shall result in the assessment of a civil administrative penalty in the amount of $500.00.

(f) Failure of an employer to maintain or make available copies of the current Community Right to Know Survey or Release and Pollution Prevention Report at his or her facility pursuant to N.J.S.A. *[45:5A-12]* ***34:5A-12*** shall result in the assessment of a civil administrative penalty of $500.00.

(a)

ENGINEERING AND CONSTRUCTION ELEMENT

Flood Plain

Redelineation of Poplar Brook, Borough of Deal, Monmouth County

Adopted Amendment: N.J.A.C. 7:13-7.1

Proposed: September 20, 1993 at 25 N.J.R. 4372(a).

Adopted: December 3, 1993 by Jeanne M. Fox, Acting Commissioner, Department of Environmental Protection and Energy.

Filed: December 8, 1993 as R.1994 d.9, **without change**.

Authority: N.J.S.A. 13:1B-3, 58:16A-50 et seq. and 58:10a-1 et seq.

DEPE Docket Number: 49-93-08/290.

Effective Date: January 3, 1994.

Expiration Date: July 14, 1994.

Summary of Public Comments and Agency Responses:

Notice of the proposed amendment was published on September 20, 1993 in the New Jersey Register at 25 N.J.R. 4372(a). The Department held a public hearing on October 6, 1993 at 501 E. State Street, Trenton, N.J. In addition, secondary notice of the proposal was published on September 20, 1993 in the Asbury Park Press. Both notices announced the holding of the public hearing and invited written comments to be submitted by October 20, 1993. No one from the general public attended the hearing. No recommendations were made by the hearing officer. The hearing record may be inspected by contacting Janis E. Hoagland, Esq., Office of Legal Affairs, Department of Environmental Protection and Energy, CN 402, Trenton, NJ 08625.

No comments were received.

Full text of the adoption follows:

AGENCY NOTE: Maps and associated flood profiles showing the location of the revised floodway and delineated flood hazard areas may be reviewed at the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, New Jersey and at the Department of Environmental Protection and Energy, Flood Plain Management Section, 5 Station Plaza, 501 E. State Street, Trenton, New Jersey.

The revised floodway and flood hazard areas are identified on the plates specifically identified:

State of New Jersey
Department of Environmental Protection
Supplemental Flood Hazard Studies and Mapping
Poplar Brook
Plate No. 25

(a)

ENGINEERING AND CONSTRUCTION ELEMENT

Flood Plain

Redelineation of the Delaware River, Pohatcong Township, Warren County

Adopted Amendment: N.J.A.C. 7:13-7.1

Proposed: September 20, 1993 at 25 N.J.R. 4370(a).
Adopted: December 3, 1993 by Jeanne M. Fox, Acting Commissioner, Department of Environmental Protection and Energy.
Filed: December 8, 1993 as R.1994 d.10, **without change.**
Authority: N.J.S.A. 13:1B-3, 58:16A-50 et seq. and 58:10a-1 et seq.
DEPE Docket Number: 51-93-08/151.
Effective Date: January 3, 1994.
Expiration Date: July 14, 1994.

Summary of Public Comments and Agency Responses:
Notice of the proposed amendment was published on September 20, 1993 in the New Jersey Register at 25 N.J.R. 4370(a). The Department held a public hearing on October 6, 1993 at 501 E. State Street, Trenton, New Jersey. In addition, secondary notice of the proposal was published on September 20, 1993 in the Express Times. Both notices announced the holding of the public hearing and invited written comments to be submitted by October 20, 1993. No one from the general public attended the hearing. No recommendations were made by the hearing officer. The hearing record may be inspected by contacting Janis E. Hoagland, Esq., Office of Legal Affairs, Department of Environmental Protection and Energy, CN 402, Trenton, NJ 08625.

No comments were received.

Full text of the adoption follows:

AGENCY NOTE: Maps and associated flood profiles showing the location of the revised floodway and redelineated flood hazard areas may be reviewed at the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, New Jersey and at the Department of Environmental Protection and Energy, Flood Plain Management Section, 5 Station Plaza, 501 E. State Street, Trenton, New Jersey.

The revised floodway and flood hazard areas are identified on the plates specifically identified:

State of New Jersey
Department of Environmental Protection
Division of Water Resources
Delineation of Floodway and Flood Hazard Area
Delaware River
Mile 177.28 to Mile 181.65
Sheet Nos. 24, 25 & 26 and Profile Sheet 03P

(b)

ENGINEERING AND CONSTRUCTION ELEMENT

Flood Plain

Redelineation of Overpeck Creek, City of Englewood, Bergen County

Adopted Amendment: N.J.A.C. 7:13-7.1

Proposed: September 20, 1993 at 25 N.J.R. 4371(a).
Adopted: December 3, 1993 by Jeanne M. Fox, Acting Commissioner, Department of Environmental Protection and Energy.
Filed: December 8, 1993 as R.1994 d.11, **without change.**
Authority: N.J.S.A. 13:1B-3, 58:16A-50 et seq. and 58:10A-1 et seq.
DEPE Docket Number: 50-93-08/289.
Effective Date: January 3, 1994.
Expiration Date: July 14, 1994.

Summary of Public Comments and Agency Responses:
Notice of the proposed amendment was published on September 20, 1993 in the New Jersey Register at 25 N.J.R. 4371(a). The Department held a public hearing on October 6, 1993 at 501 E. State Street, Trenton, New Jersey. In addition, secondary notice of the proposal was published on September 20, 1993 in the Bergen Record. Both notices announced the holding of the public hearing and invited written comments to be submitted by October 20, 1993. No one from the general public attended the hearing. No recommendations were made by the hearing officer. The hearing record may be inspected by contacting Janis E. Hoagland, Esq., Office of Legal Affairs, Department of Environmental Protection and Energy, CN 402, Trenton, NJ 08625.

No comments were received.

Full text of the adoption follows:

AGENCY NOTE: Maps and associated flood profiles showing the location of the revised floodway and delineated flood hazard areas may be reviewed at the Office of Administrative Law, Quakerbridge Plaza, Building 9, Trenton, New Jersey and at the Department of Environmental Protection and Energy, Flood Plain Management Section, 5 Station Plaza, 501 E. State Street, Trenton, New Jersey.

The revised floodway and flood hazard areas are identified on the plates specifically identified:

State of New Jersey
Department of Environmental Protection
Division of Water Resources
Delineation of Floodway and Flood Hazard Area
Overpeck Creek and Trib. No. 1 to Overpeck Creek
Plate No. OC-4 and OC-5
Overpeck Creek
Plate No. OC-6

(c)

WATER SUPPLY ELEMENT

Standards and Procedures for Establishing Privileges to Divert Water and for Obtaining Water Usage Certifications for Agricultural or Horticultural Purposes

Readoption with Amendments: N.J.A.C. 7:20A

Proposed: September 7, 1993 at 25 N.J.R. 3956(a).
Adopted: December 3, 1993 by Jeanne M. Fox, Acting Commissioner, Department of Environmental Protection and Energy.
Filed: December 8, 1993 as R.1994 d.12, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).
Authority: N.J.S.A. 13:1B-3, 13:1D-9 and 58:1A-1 et seq.
DEPE Docket Number: 45-93-08/39.
Effective Date: December 8, 1993, Readoption
January 3, 1994, Amendments
Expiration Date: December 8, 1998.

Summary of Public Comments and Agency Responses:
On September 7, 1993 the New Jersey Department of Environmental Protection and Energy ("Department") proposed to readopt with amendments its rules governing Water Usage Certifications. Notice was also published on August 25, 1993 in the Trenton Times; August 27, 1993 in the Star Ledger; and on September 7, 1993 in the Courier Post.

Four persons submitted written comments, as follows:
1. Marie Bailey
2. Arthur Brown, Jr.—Secretary, Department of Agriculture
3. Dr. Zane R. Helsel—Director, Rutgers Cooperative Extension
4. Peter Furey—Director, New Jersey Farm Bureau.

The comments and the Department's responses are summarized below. The number(s) in parentheses after each comment identifies the respective commenter(s) listed above.

1. COMMENT: Persons having the capability to divert more than 100,000 gallons of water per day for agricultural or horticultural purposes

but who are using less than said quantity should be required to meter their water use. (1)

RESPONSE: The Water Supply Management Act, N.J.S.A. 58:1A et seq., requires that all persons who divert more than 100,000 gallons of water per day, other than agricultural/horticultural users, meter their water use. N.J.S.A. 58:1A-6 allows agricultural/horticultural users to measure the amount of water diverted by means other than metering.

2. COMMENT: Third party appeals of the Department's decisions should be allowed. (1)

RESPONSE: Any person who objects to a new or increased diversion is afforded the opportunity to comment during an informal meeting convened by the Advisory Panel and during any Public Hearing on the matter held by the Department pursuant to N.J.A.C. 7:20A-2.11 and 2.14.

3. COMMENT: A complaint officer should be appointed to handle private citizens' complaints, and agricultural/horticultural users should be penalized for violations. (1)

RESPONSE: The Department is adopting, as proposed, N.J.A.C. 7:20A-1.8, which is a new section which codifies how the Department will handle complaints of interference. Violations of the Act are subject to penalties as specified under N.J.S.A. 58:1A-16 and N.J.A.C. 7:20A-1.6.

4. COMMENT: The commenter supports many of the proposed amendments, including the elimination of a formal modification of a certification for a replacement well; the elimination of the Department's review of certification diversion requests within the Pinelands boundaries and for larger diversion requests; and the one-time two-year extension for smaller certifications. (2)

RESPONSE: The Department agrees that these amendments will streamline the program and looks forward to continuing to administer the program in a cooperative spirit.

5. COMMENT: The new registration requirement should be eliminated as it will be burdensome for the county agricultural agents to administer the program. All users with the capability to divert 100,000 gallons per day (gpd) should be certified and the proposed registration program not adopted. (1,2,3,4)

RESPONSE: This registration process was designed to minimize the agents' involvement and administrative responsibilities. Under the current rules, agents review the farmers' water needs to determine whether or not they need a certification. Under the new rules in cases where the water need is less than 100,000 gpd, the farmers are registered with the Department and the agents' responsibility is completed. The Department will be able to use the information obtained through the registration program to model water use and to help respond to complaints of interference.

6. COMMENT: The phrase "capability to exceed 100,000 gallons per day (gpd)" is confusing. (2)

RESPONSE: In order to have the capability to exceed 100,000 gallons per day the water users must have equipment capable of pumping at least 70 gallons per minute. This phrase is used in reference to the hydraulic capacity of the pumping equipment or hydraulic structure. The Department has added a definition of "capability to divert 100,000 gallons of water per day" to N.J.A.C. 7:20A-1.3.

7. COMMENT: The registration holders will not have the same administrative and common law protection of allocation rights provided certification holders. (3,4)

RESPONSE: Registration holders will not be granted allocation rights as the threshold for obtaining these rights is 100,000 gallons of water per day.

8. COMMENT: An increase in pump capacity should not require public notice because it does not change the diversion amount certified by the agricultural agents; the agricultural agents are not notified when a pump size is increased; and this type of change can be included upon renewal of the certification. (3,4)

RESPONSE: The Department believes public notice of an increase in pump capacity is necessary as utilizing a source at a higher capacity could adversely impact another user. The Department notes that the responsibility for applying for a modification to a certification lies with the certification holder, not the agricultural agent.

9. COMMENT: Agricultural agents do not know whether specific locations are within water supply critical areas. Can the Department provide a list to the agents of certifications and registrations within these areas? (3,4)

RESPONSE: The Department has provided the agents, per the commenter's request, with a current list of users within water supply critical areas. The Department will continue to screen all new well drilling permits for wells proposed within these areas.

10. COMMENT: The commenters support the one-time, two-year extension of existing certifications due to expire in 1994 or 1995. Will other certifications also be extended? (3,4)

RESPONSE: Other certifications will not be extended as the extension is intended to spread out the renewal work load for both the Department and the county agents. If all, or most, of the certifications are extended, this goal will not be accomplished.

11. COMMENT: The local County Agricultural Development Board (CADB) should take the role of the Advisory Panel in mediating disputes concerning objections to certification applications as required under N.J.A.C. 7:20A-2.11. (3,4)

RESPONSE: The CADB may be designated as a representative to the Advisory Panel by the Secretary of Agriculture and the Dean of Cook College. In addition, a designated representative of the Department shall also be a member of the Advisory Panel.

12. COMMENT: The rules should make it clear that the applicant is responsible for paying for the county agent's cost of mailing public hearing reports that are prepared pursuant to N.J.A.C. 7:20A-12.15. (3,4)

RESPONSE: In accordance with N.J.A.C. 7:20A-2.18, the county agent is required to notify all persons testifying at the public hearing or who have provided written comments, of the decision made on the certification request by letter. It is not mandated that the public hearing report be mailed out. The Department will take responsibility for this mailing if it is a financial burden for a county agent.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 7:20A.

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]*):

7:20A-1.1 Scope and authority

This chapter shall constitute rules governing water usage certifications for agricultural and horticultural purposes pursuant to the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq. This chapter establishes the schedule that persons having the capability to divert 100,000 or more gallons of water per day for agricultural or horticultural purposes shall follow to establish their privilege to divert water and prescribes the application, review, notification and hearing procedures for establishing privileges to divert water and to obtain water usage certifications and/or registrations.

7:20A-1.3 Definitions

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

...

"Agricultural or horticultural purposes" means the commercial activity of producing principally for sale crops, plants, animals or their products for the use or consumption by man including in a primary sense the growing, harvesting, storage and the on-farm preparation for use and marketing of crops, plants, animals or their products.

"Agricultural water use registration" or "water use registration" means the document submitted to and processed by the county agricultural agent by persons having the capability to divert more than 100,000 gallons of water per day but using less than said quantity for agricultural or horticultural purposes.

"Applicant" means any person filing or required to file an application for a water usage certification or water use registration to establish a privilege to divert water pursuant to this chapter or the Act. An applicant may be the owner or operator of property or a person leasing property for agricultural or horticultural purposes.

...

"Capability to divert 100,000 gallons of water per day" means having the equipment or diversion structure with the hydraulic capacity to pump or divert 100,000 gallons per day of ground and/or surface water; for pumping equipment, the hydraulic capacity is equivalent to 70 gallons per minute.

...

"Commissioner" means the Commissioner of the Department of Environmental Protection and Energy or his or her designated representative.

...

"County agricultural agent" or "appropriate county agricultural agent" or "agent" means the faculty member so designated by the Rutgers Cooperative Extension at the New Jersey Agricultural Experiment Station in each of the respective counties.

"Decision maker" means the person designated by the Department to make recommendations to the appropriate county agricultural agent on applications for water usage certifications and claims of privileges to divert water.

"Department" means the New Jersey Department of Environmental Protection and Energy.

...

"Modification" means a change to a certification including, but not limited to, an increase in certification amount, the addition of a new source, or an increase in pump capacity of an existing source.

...

"Replacement well" means a new well that is to replace an existing well which will be sealed in accordance with N.J.A.C. 7:9-9 and where the proposed well will be approximately the same depth as the existing well and diverting from the same aquifer; have the same or lesser pump capacity; and be within 100 feet of the existing well.

...

"Water supply allocation permit" means the permit issued by the Department to a person granting that person the privilege, so long as the person complies with the conditions of the permit, to divert 100,000 or more gallons of water per day for any purpose other than agricultural or horticultural purposes.

"Water supply critical aquifer" means an aquifer within a water supply critical area where there may be either insufficient water supply, shortage of groundwater by overdraft, threat of saltwater intrusion or contamination, or where other circumstances exist requiring the Department to impose special water supply management provisions by rule under N.J.A.C. 7:19-6.10.

"Water supply critical area" or "critical area" means a water supply area in which it is determined by the Department, after public notice and a public hearing, that adverse conditions exist, related to the ground or surface water, which require special measures in order to achieve the objectives of the Act.

...

7:20A-1.4 Applicability

(a) This chapter applies to all persons who have been issued a water usage certification, or to other persons who are diverting, have the ability to divert or claim the right to divert 100,000 or more gallons of water per day for agricultural or horticultural purposes, and to all persons who in the future wish to divert 100,000 or more gallons of water per day for agricultural or horticultural purposes except as specified below:

1. This chapter does not apply to persons who divert salt water except where the Department determines that salt water diversion and usage may affect the utilization of fresh water.

2. (No change.)

3. This chapter does not apply to persons who make emergency diversions of water for periods of less than 31 days. An emergency diversion includes the taking of water for the purpose of fire fighting, flood prevention, hazardous substance and/or waste spill response, or for other emergency purposes as determined by the Department. In all cases of emergency diversion, the person responsible for the diversion shall contact the Department within 48 hours of initiation of the emergency diversion. If the emergency diversion is expected to continue for 31 days or more, then the person initiating the emergency diversion shall apply for a water supply allocation permit or water usage certification, as appropriate, within 30 days after initiating the emergency diversion.

4. (No change.)

5. An application for a modification of a water usage certification, as provided for under N.J.A.C. 7:20-2.5(b), is not required for the installation of a replacement well included in an existing water usage certification.

i. Prior to the installation of the replacement well, the holder of the existing water usage certification shall provide the following information to the appropriate county agricultural agent for the replacement well and the existing well:

(1) Location;

(2) Pump capacity and depth; and

(3) Well permit number and local name or number.

ii. The holder of the water usage certification shall submit a copy of the well abandonment report for the existing well to the county agricultural agent within 30 days of installation of the replacement well. The existing well shall be sealed in accordance with N.J.A.C. 7:9-9.

iii. The county agricultural agent shall submit to the Department the informationn required under (a)5i and ii above within 60 days after the installation of the replacement well.

7:20A-1.5 Schedule for applying for water usage certifications and establishing privileges to divert water

(a) (No change.)

(b) Any person who intends to divert less than 100,000 gallons of water per day for agricultural or horticultural purposes, but who has the capability to divert 100,000 gallons of water per day or more, shall register the diversion source in accordance with the procedures set forth in N.J.A.C. 7:20A-3.3.

7:20A-1.8 Complaints of interference

(a) The appropriate county agricultural agent shall refer to the Department all complaints received from persons alleging that their diversion source is being adversely impacted by an existing diversion source which is included within a water usage certification.

(b) All complaints shall be made in writing and shall include:

1. The location of the involved wells or intakes;

2. The nature and frequency of interference; and

3. The well drilling permit number, well depth and capacity for each of the complainant's wells.

(c) The Department shall investigate and determine the validity of all such complaints.

7:20A-1.9 Program information

Unless otherwise specified, any questions concerning the requirements of N.J.A.C. 7:20A-1 and 2 shall be directed to the appropriate county agricultural agent, or to the Bureau of Water Allocation, Water Supply Element, New Jersey Department of Environmental Protection and Energy, CN 426, Trenton, New Jersey 08625.

7:20A-1.10 (No change in text.)

7:20A-2.2 Information and reports

(a) The Department and the appropriate county agriculture agent shall maintain a record of all existing water usage certifications for agricultural or horticultural purposes.

(b) The record required pursuant to (a) above shall include the following information:

1. (No change.)

2. Amount of water permitted to be diverted;

3. (No change.)

4. Whether location of the existing certification is within a water supply critical area; and

5. Other information deemed necessary by the Department.

(c) Copies of the existing certification documents will be provided to the appropriate county agricultural agent upon a request to the Department.

(d) The appropriate county agricultural agent shall concurrently upon issuance of any water usage certification issued pursuant to this chapter provide the Bureau of Water Allocation of the Department with a copy of the water usage certification.

(e) The appropriate county agricultural agent shall include as standard conditions in all water usage certifications issued pursuant to this chapter the following information to be annually prepared and submitted to the appropriate county agricultural agent:

1. An accounting of monthly water usage for each calendar year by February 28 of the following year; and

2. (No change.)

7:20A-2.4 Standards and procedures for approval of water usage certifications

(a) In general, an applicant for a water usage certification shall provide all information reasonably available which establishes that

the application complies with the standards and procedures as follows:

1.-3. (No change.)

4. The plans for the proposed diversion are just and equitable to the other known water users affected thereby, and the withdrawal from the aquifer does not adversely affect other permitted withdrawals. Such known water users shall be identified and located on a United States Geological Survey Quadrangle Map; and

5. The proposed diversion will not reduce the dry season flow of any stream so as to adversely affect sanitary conditions downstream or otherwise unduly injure public or private interests; or

6. In the case of groundwater only, the proposed diversion does not lie within a cone of depression where the aquifer to be utilized is overstressed or threatened by saline intrusion, the location of the proposed diversion relative to hazardous waste disposal sites or other major sources of pollution is not likely to cause or spread groundwater contamination, and the diversion will not interfere with any groundwater contamination clean-up plans or activity.

(b) Applications for renewal of existing certifications shall supply information not previously established in the existing certification, any information relevant to proposed changes in certification conditions, and other information as requested by the appropriate county agricultural agent or the Department for the proper implementation of the Act and this chapter.

(c) The appropriate county agricultural agent shall review the application and make a determination concerning the accuracy of information submitted pursuant to (a) and (b) above, and based on the appropriate county agricultural agent's actual knowledge of the agriculture and horticulture in the area of the proposed diversion.

(d) If based upon the appropriate county agricultural agent's actual knowledge, the information submitted is insufficient to indicate compliance with (a) and (b) above, the appropriate agricultural agent in consultation with the Department shall request additional information or consideration by the applicant of some more suitable alternative source of water.

7:20A-2.7 Extension of existing certification: privileges allowed pursuant to other lawful legislative or administrative actions by county agricultural agent

(a) (No change.)

(b) If an application requests an extension of the existing certification or privileges previously allowed pursuant to other lawful legislative or administrative actions under the same conditions as previously allowed and the applicant does not request an increase in the amount of water diverted or any modification of the existing certification, the appropriate county agricultural agent may directly issue a new five year certification under the previous conditions plus any additional conditions deemed necessary by the appropriate county agricultural agent or the Department without public notice as set forth in N.J.A.C. 7:20A-2.8(b) below.

(c) N.J.A.C. 7:20A-2.7(a) and (b) shall not apply to diversions located within any designated water supply critical area.

(d) Any certification which has an approved diversion amount of less than 15.5 million gallons per month and which expires in 1994 or 1995 is extended for a period of two years to 1996 or 1997, respectively.

7:20A-2.8 Opportunity to review application by interested parties

(a) (No change.)

(b) The applicant, with assistance from the county agricultural agent, shall have a notice of the application published in a newspaper circulating in the area affected by the application within 30 days of the application being deemed complete. A notice is not required for a renewal without modification.

1. The notice shall be published for one day per week for two weeks and shall summarize the application, including the diversion sources and location.

2. (No change.)

7:20A-2.9 Verification of agricultural water need and determination of appropriate processing for application

(a) The county agricultural agent shall verify the need for the water usage requested for any application submitted and make a determination whether the application for a water usage certification describes and includes the proposed diversion as follows:

1. Within a water supply critical aquifer in a water supply critical area; or

2. When objections have been filed concerning an application with the appropriate county agricultural agent.

(b) If the application for a water usage certification concerns (a)1 or 2 above, the application shall be processed pursuant to N.J.A.C. 7:20A-2.8 and 2.10.

(c) An application not governed by (a)1 or 2 above, or an application for renewal of an existing water usage certification may be directly approved or disapproved by the appropriate county agricultural agent without any further processing, pursuant to the standards and procedures for approval of certifications set forth at N.J.A.C. 7:20A-2.4 and subject to the public notice provisions of N.J.A.C. 7:20A-2.8, and shall include conditions deemed necessary by the appropriate county agricultural agent or the Department.

(d) All other applications for a water usage certification not governed by this section shall be processed pursuant to N.J.A.C. 7:20A-2.8 and 2.10.

7:20A-2.10 Applications referred to the Department

(a) The appropriate county agricultural agent shall forward verification of an applicant's need for the water usage requested and the following information to the Bureau of Water Allocation in the Department for any application governed by N.J.A.C. 7:20A-2.9(b), and (d) above:

1. The county agricultural agent shall also promptly forward to the Department copies of any written objections to the application from any interested parties.

2. The appropriate county agricultural agent shall forward the application and all other relevant data to the Department's Bureau of Water Allocation for evaluation and review of the application's compliance with the standards and procedures set forth in N.J.A.C. 7:20A-2.4.

(b) The Department's Bureau of Water Allocation shall review and evaluate the application and verification of the need for the water usage and complete the following activities:

1. Enter information concerning the application into official Department records;

2.-5. (No change.)

(c) If no written objection from any interested parties concerning the application for a water usage certification has been received by the county agricultural agent and no written objections are made during the Department's Bureau of Water Allocation review process, and the application complies with the standards and procedures set forth in this chapter, then the Department's Bureau of Water Allocation shall:

1. Draft the necessary water usage certification, including any conditions it deems necessary, and obtain approval of the Department's designated decision maker; and

2. Recommend that the appropriate county agricultural agent issue the water usage certification drafted by the Department's Bureau of Water Allocation and based upon the standards and procedures set forth in this chapter.

(d) (No change.)

7:20A-2.11 Advisory Panel

(a) If objections are made concerning an application for a water usage certification by the Department or any interested parties, then the appropriate county agricultural agent shall convene an informal Advisory Panel which shall consist of the designated representative of the Commissioner of the Department of Environmental Protection and Energy, the designated representative of the Secretary of Agriculture, and the designated representative of the Dean of Cook College. The Advisory Panel shall have the following duties:

1. Schedule an informal meeting with the applicant, the Department, the appropriate county agricultural agent, and interested

parties who have submitted written objections to the application to the agricultural agent or the Department.

2. (No change.)

3. If an agreement satisfactory to all parties can be made through the good offices of the Advisory Panel, the Advisory Panel shall prepare a report outlining the suggested settlement to the Department, recommending approval of the suggested settlement by the appropriate county agricultural agent.

i. The appropriate county agricultural agent may then issue a water usage certification, drafted by the Department, based upon the recommendation of the Advisory Panel and including any other conditions deemed necessary by the Department.

4. If the Advisory Panel determines that the objections concerning an application for a water usage certification are without merit or frivolous in nature or are not related to the use of water or the impacts of the use of water, the Advisory Panel shall include in its report that the application for a water usage certification be approved or disapproved without utilization of the public hearing process set forth at N.J.A.C. 7:20A-2.12. If the Department concurs with this recommendation of the Advisory Panel, the Department shall recommend that the appropriate county agricultural agent issue either a water usage certification, drafted by the Department, or a letter of denial for the application for a water usage certification. All persons presenting objections before the Advisory Panel shall receive from the county agricultural agent a copy of either the water usage certification or the letter of denial for the purposes of future actions pursuant to N.J.A.C. 7:20A-2.20.

(b) If no resolution can be achieved by the Advisory Panel or if the Advisory Panel determines that the objections have merit and are not frivolous in nature pursuant to (a)4 above, then the public hearing process outlined in this subchapter shall be followed.

7:20A-2.12 Notice of public hearing requirements

(a) When a public hearing on a water usage certification is required pursuant to N.J.A.C. 7:20A-2.11(b), or the appropriate county agricultural agent or the Department determines that a public hearing is required in the public interest, the Department shall:

1. (No change.)

2. Have a notice of the public hearing published one time in a newspaper circulating in the area affected by the application at least 30 days prior to the scheduled hearing.

i. If the Department determines that an emergency or other similar circumstance requires an expedited hearing, the notice of the hearing need only be published in a local newspaper at least 14 days prior to the scheduled hearing.

3. Notify, in writing, the applicant, the governing bodies of municipalities and counties and the water supply allocation permit and water usage certification holders within a one-mile radius of the diversion, and the officials of existing public water systems within a five-mile radius of the proposed diversion.

(b) (No change.)

(c) The public hearing shall be before a hearing officer designated by the Department.

(d) Between the time the notice is published and the scheduled date for the public hearing, the Department shall review the application and develop staff recommendations concerning the disposition of the application and any conditions that should be included in the water usage certification if issued.

1. The staff recommendations shall include and consider the application, the water usage verification by the appropriate county agricultural agent, the Advisory Panel's report, written comments of interested parties, and all other relevant information pertaining to the application. These staff recommendations shall be:

i.-ii. (No change.)

iii. If there is no hearing, upon timely written request by the applicant or any interested person to the Department, the staff recommendations shall be made available to the applicant or any interested person within seven days of the rendering of a decision to approve or deny the application.

7:20A-2.13 Expenses of hearing

The cost of advertisement and other expenses of the hearing, including stenographic record, but excluding expenses for Department hearing staff, will be certified to the applicant who shall pay the bill within 30 days thereafter. Payment in full of the bill shall be a condition of final water usage certification issuance.

7:20A-2.14 Public hearing

(a) The hearing officer shall have reasonable discretion in the conduct of the public hearing and shall give:

1. The applicant opportunity to submit his or her information to meet the requirements of this chapter;

2. Other persons opportunity to comment in favor of or in opposition to the application; and

3. The applicant opportunity to respond to the comments, including written comments received by the Department.

(b) The hearing officer shall give the applicant reasonable time after the hearing to correct deficiencies in the application and respond to comments received at the hearing.

7:20A-2.15 Public hearing report

(a) The hearing officer shall review the application, the water usage verification by the appropriate county agricultural agent, the Department's Bureau of Water Allocation recommendation, the Advisory Panel's report, written comments of interested parties, the transcripts from the public hearing, and all other relevant information pertaining to the application, and shall prepare and submit written findings and recommendations to the decision maker for a final recommendation for approval or disapproval of the application for a water usage certification by the appropriate county agricultural agent.

7:20A-2.18 Approval by county agricultural agent

(a) The appropriate county agricultural agent shall approve or disapprove of water usage certification applications in accordance with the final recommendations of the Department as provided in this chapter.

(b) (No change.)

(c) In addition, the county agricultural agent shall notify by letter all persons testifying at the public hearing or who have provided written comments of the decision of the appropriate county agricultural agent.

7:20A-2.19 Record of decision

(a) There shall be maintained by the Department for each application reviewed a record consisting of copies of:

1.-8. (No change.)

(b) This record may be reviewed by interested parties at the Department and copies of it may be obtained upon payment of the fee for duplication.

7:20A-2.20 Appeal procedure

(a) An applicant who believes himself or herself to be aggrieved by a decision of the Department regarding any water usage certification may contest the decision and request a contested case hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the New Jersey Uniform Administrative Procedure Rules, N.J.A.C. 1:1, if the Department:

1. Approves or denies an application for a water usage certification, or any part thereof; or

2. Revokes, withdraws or modifies a previously issued approval.

(b) Requests for a contested case hearing shall be submitted to:

Office of Legal Affairs
Attn: Adjudicatory Hearing Requests
Department of Environmental Protection and Energy
CN 402
401 East State Street
Trenton, New Jersey 08625-0402

(c) All requests for a contested case hearing shall be submitted to the Department within 20 calendar days after the date upon which the applicant received the notice of Department's decision.

(d) All requests for a contested case hearing shall be submitted in writing to the Department and shall contain:

1. The name, address and telephone number of the person making the request;
2. A statement of the legal authority and jurisdiction under which the request for a hearing is made;
3. A brief and clear statement of specific facts describing the Department decision being appealed, as well as the nature and scope of the interest of the requester in the decision; and
4. A statement of all facts alleged to be at issue and their relevance to the Department decision for which a hearing is requested, as well as any legal issues associated with the alleged facts at issue.

(e) A hearing request not submitted within 20 days after the applicant received notice of Department's decision shall be denied by the Department.

(f) If the applicant fails to include any of the information required under (d) above, the Department may deny the hearing request.

(g) The Department will determine whether any request for a contested case hearing shall be granted. In making such determination, the Department will evaluate the request to determine whether a contested case exists and whether there are issues of fact which, if assumed to be true, might change the Department's decision. Where only issues of law are raised in a request for a hearing, the request will be denied. Denial by the Department of a request for a contested case hearing shall constitute the final decision of the Department for the purposes of judicial appeal.

(h) The hearing, if granted, shall be held before an administrative law judge and in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the rules promulgated thereunder.

SUBCHAPTER 3. WATER USE REGISTRATION PROCEDURE

7:20A-3.1 Scope

This subchapter prescribes the procedures which shall be followed by applicants, county agricultural agents, and the Department when applying for and in the processing of applications for water use registrations.

7:20A-3.2 Information

(a) The Department and the appropriate county agricultural agent shall maintain a record of all water use registrations for agricultural or horticultural purposes.

(b) The record required pursuant to (a) above shall include the following information:
1. The name and address of existing registration holders;
2. The diversion source and location; and
3. Other information deemed necessary by the Department.

(c) Copies of the existing water use registration documents will be provided to the appropriate county agricultural agent upon a request to the Department.

7:20A-3.3 Procedure for obtaining an agricultural water use registration

(a) The Department will provide the current application form for agricultural water use registrations to all county agricultural agents.

(b) An applicant for a water use registration for the diversion of less than 100,000 gallons of water per day for agricultural or horticultural purposes shall contact the appropriate county agricultural agent to obtain an application form and other instructions needed to file a complete application.

(c) Any person who presently has the capability to divert 100,000 or more gallons of water per day, but who diverts less than that quantity for agricultural or horticultural purposes, shall apply for a water use registration *[within 180 days of the adoption of these rules]* ***by July 2, 1994***.

(d) The applicant shall follow all the instructions to complete the application form, and shall submit the completed application form to the appropriate county agricultural agent.

1. The following items will be required as part of the application form:
i. The name and address of applicant;
ii. The type and a description of each diversion source;
iii. The location of each diversion source; and
iv. The maximum quantity of water to be diverted from each source on a monthly basis.

(e) A water use registration number shall be assigned to the applicant by the county agricultural agent, upon his or her determination that the water needs are less than 100,000 gallons of water per day.

(f) The county agricultural agent shall forward to the Department a copy of the water use registration when approved.

HEALTH

(a)

DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH SERVICES

Worker and Community Right to Know Act Rules

Adopted Amendments: N.J.A.C. 8:59-5.6

Proposed: August 2, 1993 at 25 N.J.R. 3441(a).
Adopted: December 9, 1993 by Bruce Siegel, M.D., M.P.H., Commissioner, State Department of Health.
Filed: December 9, 1993 as R.1994 d.21, **without change.**

Authority: N.J.S.A. 34:5A-1 et seq., specifically N.J.S.A. 34:5A-30.

Effective Date: January 3, 1994.
Expiration Date: September 29, 1994.

Summary of Public Comments and Agency Responses:

The New Jersey Department of Health proposed amendments to its Worker and Community Right to Know Act labeling rules, N.J.A.C. 8:59-5.6, in the New Jersey Register on August 2, 1993, at 25 N.J.R. 3441(a).

Written comments were received from two organizations: Schering-Plough Corporation and the Chemical Industry Council of New Jersey. The following summarizes the comments received and provides the Department's responses to these comments. All comments are on file at the Department of Health, and can be reviewed by the public during normal business hours by contacting Richard Willinger, Program Manager, Right to Know Program, New Jersey Department of Health, CN 368, Trenton, N.J. 08625, (609) 984-2202.

1. COMMENT: Schering-Plough Corporation requests clarification of two issues. Since approved Research and Development (R&D) Laboratories who are in compliance with the OSHA or PEOSHA Laboratory Standard are exempt from all Right to Know labeling, they ask whether these amendments requiring labeling of Special Health Hazard Substances apply to R&D Laboratories. In a related matter, they ask whether approved R&D Laboratories must label parts of the pipeline system previously required to be labeled.

RESPONSE: The answer is no, these amendments do not apply to approve Research and Development Laboratories. The labeling exemption for approved R&D Laboratories in N.J.A.C. 8:59-5.3(b) is a total exemption from Right to Know labeling; it exempts approved R&D Laboratories from all of the labeling requirements of N.J.A.C. 8:59-5. In regard to pipelines, an approved R&D Laboratory would identify the hazardous contents of pipelines in accordance with the requirements of the OSHA/PEOSHA Laboratory Standard, not Right to Know requirements.

2. COMMENT: The Chemical Industry Council of New Jersey (CIC) believes that these amendments re-establish the Department of Health labeling system in direct contradiction of its recently adopted amendments, and stated that, rather than having agreed that Special Health Hazard Substances should be labeled below the new threshold of two kilograms or two liters, they had reserved judgment on the *de minimus* standard for Special Health Hazard Substance labeling. They also state that the Department confuses acute and chronic exposure criteria, applies a private employee exposure test for the justification to label consumer products, and refuses to properly consider risk. They recommend that N.J.A.C. 8:59-5.6(a)4i and (g)1, which set a zero threshold for labeling carcinogens, mutagens and teratogens, be raised to 0.5 kilograms or 0.5 liters, and only apply to public employees because it is a potential chronic risk. They say that this recognizes the special labeling need for such materials at an appropriate potential risk level.

RESPONSE: While a greater dose and longer time of exposure to a carcinogen increases the risk of developing cancer, the Department of Health, other health agencies, and most scientists believe that there is no safe level of exposure to a cancer-causing agent. The Occupational Safety and Health Administration (OSHA) requires the identification of carcinogens at a zero threshold level down to 0.1 percent in a mixture, in its Hazard Communication Standard. Because of the serious consequences of exposure, the Department feels that it is important for persons to know of the presence of carcinogens, mutagens and teratogens in a product.

The Department believes that firefighters and other emergency responders want to know, and have a legal right to know, the identity of carcinogens, mutagens and teratogens that they are or may be exposed to in the course of fighting fires, spills or other emergencies. Citizens who buy and public employees who use consumer products want to know if they are buying or using products containing carcinogens, mutagens or teratogens. Once they have this knowledge, they can make an informed choice as to whether they should substitute a safer product, or whether to continue using the product and take the proper precautions to eliminate exposure to the hazardous product.

By maintaining a zero threshold for Special Health Hazard Substances the Department of Health does not re-establish its prior labeling system. Most products, especially consumer products, would not contain carcinogens, mutagens or teratogens. The amount of information that is no longer required on container labels for products below the new threshold of two kilograms and two liters is significant—non-hazardous ingredients and those hazardous chemicals that do not rise to the level of special health hazards. Public employees, citizens, and emergency responders have the right to know if they are exposed to a chemical that could cause them to develop cancer.

3. COMMENT: CIC recommends that N.J.A.C. 8:59-5.6(a)4ii and (g)2 which would require hazardous ingredients labeling for products which meets the Special Health Hazard definition for highly flammable, highly reactive, and corrosive, be deleted because numerous businesses and homes store and use these types of products in unlimited container sizes and containers below the threshold of two kilograms or two liters pose a minimal potential additional risk to emergency responders.

RESPONSE: This amendment requires the labeling of only those products that can cause the greatest hazard—materials that will burn easily; materials that are readily capable of explosion at normal temperatures and pressures; and materials that will corrode one's skin upon contact. A half-gallon (which is below the threshold) of an explosive material is of great concern to a firefighter. A quart of a substance that will cause third-degree burns on one's skin is of great concern to a public employee. Consumers also benefit by knowing about the serious health and safety hazards of the products they buy.

The same reasons for identifying carcinogens, mutagens and teratogens apply. Firefighters and other emergency responders, as well as public employees and members of the public, want to know and have a legal right to know the identity of products that are highly flammable, highly reactive, and corrosive that they are or may be exposed to in the course of fighting fires, spills, and other emergencies, in their work, and in their homes. Once public employees and consumers have the knowledge of whether the product they work with or use in their home is extremely hazardous, they can make an informed choice whether to substitute a safer product, or whether to use the hazardous product and take proper precautions to prevent fires, explosions, and burns to their skin and eyes.

The hazard of the product is the determining factor in labeling products that are below the two kilogram or two liter threshold. Only if the product that contains one of the flammable, reactive, or corrosive Special Health Hazard Substances meets the Special Health Hazard criteria for flammability, reactivity, or corrosivity, does the product need to be labeled. If the product does not meet the Special Health Hazard criteria, then the product does not have to be labeled. The following are examples that explain this coverage:

Example 1—A product packaged in a one liter container (which is below the two kilogram/two liter threshold) is composed of 100 percent Acetaldehyde, which is on the Special Health Hazard Substance List as an F4 flammable. Therefore, the product meets the Special Health Hazard criteria for an F4 flammable and the chemical name "Acetaldehyde" would have to be listed on the product label along with its Chemical Abstracts Service (CAS) number.

Example 2—A product packaged in a one liter container is composed of 10 percent Acetaldehyde and 90 percent water. This product would not meet the criteria of an F4 flammable or an F3 flammable and, therefore, would be exempt from all Right to Know labeling because it falls below the two kilogram/two liter container threshold.

Example 3—A product packaged in a one liter container is composed of 70 percent Acetaldehyde and 30 percent Diethyl Ether, another highly flammable substance. This product meets the criteria of an F4 flammable, therefore, Acetaldehyde would have to be listed on the label with its CAS number. The second chemical, Diethyl Ether, would have to be listed on the label because it also is on the Special Health Hazard Substance List. Even if the second chemical reduced the flammability of the product to an F3 flammable, since this category of flammability is still considered to be a Special Health Hazard, Acetaldehyde would have to be listed on the label. Any ingredients that are not Special Health Hazards would not have to be listed on the label.

4. COMMENT: CIC recommends that all consumer products should be exempt from labeling because small containers of common consumer products do not pose a unique risk to emergency responders, and that the criteria for labeling consumer products should not be whether the product is used by an employee to a greater degree than it is used by a consumer, because such a criteria is in direct violation of the court decision not to apply the statute to private employee worker protection.

RESPONSE: The reasoning for requiring labeling of extremely hazardous ingredients in consumer products has been answered in the responses to Comments 2 and 3. To protect their health and safety, emergency responders, public employees, and citizens want to know if they are being exposed to a product that contains a chemical that could potentially give them cancer, or cause genetic mutations, reproductive effects, fires, explosions, or burns to their skin and eyes. The amendments being adopted only require the labeling of those products and ingredients that are extremely hazardous. Consumer products below the threshold that do not contain any of these extremely hazardous substances would be exempt from Right to Know labeling.

Consumer products have always been exempt from Right to Know labeling, since 1984, if their use by an employee was no greater than their use by a consumer. This criteria continues in effect. So, applying this to the new threshold, even if a consumer product below the threshold contains a carcinogen, if it is not used more frequently than a consumer would use it, it is exempt from labeling. In the case of public employees, an employee using a product more frequently than a consumer demonstrates actual or potential exposure to the hazards of that product, which creates the need to train the employee about the hazards of the product, label it, report it, and obtain fact sheets about it.

Using the consumer use criteria in private workplaces creates an additional way for private employers to exclude containers from Right to Know labeling. If public and private employers were not allowed to exclude products from labeling using this criteria, they would be labeling many more products than they are currently required to label. The criteria helps private employers exclude products that would otherwise have to be labeled, and therefore should not be eliminated in the private sector.

Full text of the adoption follows:

8:59-5.6 Exclusions from the requirement to label

(a) Containers containing the following categories of hazardous or other substances shall be exempt from the requirements of labeling:

1.-3. (No change.)

4. Any product which contains a hazardous or other substance in the same form and concentration as a product packaged for distribution and use by the general public, if the primary use container of the product is two kilograms (4.4 pounds) or two liters (0.53 gallons) or smaller.

i. The container thresholds in (a)4 above shall not apply to products that contain carcinogenic, mutagenic or teratogenic substances which are listed on the Special Health Hazard Substance List. (See N.J.A.C. 8:59-10.2.) For products that are below the two kilogram/two liter threshold and contain carcinogens, mutagens or teratogens, the chemical names and Chemical Abstracts Service numbers of all carcinogens, mutagens and teratogens shall be listed on the product's label. Other ingredients do not need to be listed on the label.

ii. The container thresholds in (a)4 above shall not apply to products that contain flammable, reactive or corrosive substances which are listed on the Special Health Hazard Substance List, and that meet the Special Health Hazard Substance List's criteria for

flammability, reactivity or corrosivity. (See N.J.A.C. 8:59-10.2.) For products that are below the two kilogram/two liter threshold and meet the Special Health Hazard Substance List's criteria for flammability, reactivity or corrosivity, the chemical names and Chemical Abstracts Service numbers of the flammable, reactive or corrosive substances which contribute to the Special Health Hazard of the product, shall be listed on the product's label. Other ingredients do not need to be listed on the label.

iii. Consumer products both above and below this threshold shall be exempt from labeling, regardless of the presence of Special Health Hazard Substances, if the product is in the same form and concentration as a product packaged for distribution and use by the general public to which a public or private employee's exposure during handling is not significantly greater than a consumer's exposure during the principal use of the product.

5.-12. (No change.)

(b)-(f) (No change.)

(g) All containers that are two kilograms (4.4 pounds) or two liters (0.53 gallons) or smaller shall be exempt from labeling.

1. The container thresholds in (g) above shall not apply to products that contain carcinogenic, mutagenic or teratogenic substances which are listed on the Special Health Hazard Substance List. (See N.J.A.C. 8:59-10.2.) For products that are below the two kilogram/two liter threshold and contain carcinogens, mutagens or teratogens, the chemical names and Chemical Abstracts Service numbers of all carcinogens, mutagens and teratogens shall be listed on the product's label. Other ingredients do not need to be listed on the label.

2. The container thresholds in (g) above shall not apply to products that contain flammable, reactive or corrosive substances which are listed on the Special Health Hazard Substance List, and that meet the Special Health Hazard Substance List's criteria for flammability, reactivity or corrosivity. (See N.J.A.C. 8:59-10.2). For products that are below the two kilogram/two liter threshold and meet the Special Health Hazard Substance List's criteria for flammability, reactivity or corrosivity, the chemical names and Chemical Abstracts Service numbers of the flammable, reactive or corrosive substances which contribute to the Special Health Hazard of the product, shall be listed on the product's label. Other ingredients do not need to be listed on the label.

(h) (No change.)

HIGHER EDUCATION

(a)

STUDENT ASSISTANCE BOARD

Paul Douglas Teacher Scholarship Program

Adopted Amendments: N.J.A.C. 9:7-9.1 and 9.3 through 9.15

Adopted Repeal: N.J.A.C. 9:7-9.2

Proposed: August 16, 1993 at 25 N.J.R. 3594(a).

Adopted: December 7, 1993 by the Student Assistance Board, M. Wilma Harris, Chairperson.

Filed: December 8, 1993 as R.1994 d.13, **with a technical change** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 18A:71-15.3, Title V, Part E of the Higher Education Act of 1965, as amended by the Human Services Reauthorization Act of 1984, 20 U.S.C. 1119d-8, the Higher Education Technical Amendments Act of 1987 and the Higher Education Amendments of 1992.

Effective Date: January 3, 1994.

Expiration Date: November 6, 1997.

Summary of Public Comments and Agency Responses:

No comments received.

The Department has made a minor wording correction due to a printing error in N.J.A.C. 9:7-9.10(a). When reprinting in the New Jersey Register, unamended text within this subsection, the word "teaching" was mistakenly reprinted as "teacher." The Department has made the correction back to the original text.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks *[thus]*):

9:7-9.1 Rules and statutes incorporated by reference

(a) The part of the Code of Federal Regulations known as 34 C.F.R. 653 (as of November 25, 1987) including all subsequent amendments and supplements is hereby adopted as rules and incorporated within this subchapter.

(b) The part of the United States Code known as Title 20, Chapter 28, Subchapter V, Part D, 20 U.S.C. 1111 (as of October 17, 1986) including all subsequent amendments and supplements is hereby adopted as rules and incorporated within this subchapter.

(c) (No change.)

9:7-9.2 (Reserved)

9:7-9.3 Academic requirements for application

An applicant for the program must rank in the top 10 percent of his or her secondary school graduating class or have General Education Development (GED) test scores equivalent to ranking in the top 10 percent of the high school graduates in the state, or nationally, in the academic year for which the eligibility determination is being made.

9:7-9.4 Attendance in an eligible institution

An applicant must be enrolled or plan to enroll on a full-time basis at an institution of higher education that is currently accredited by a nationally recognized accrediting agency or association, in accordance with the Federal codes referenced in N.J.A.C. 9:7-9.1(a) and (b). In addition, the applicant must be pursuing a course of study leading to a teaching certificate but not including graduate study that is not required for initial teacher certification.

9:7-9.5 Amount of scholarship

(a) The Student Assistance Board shall award scholarships in accordance with the Code of Federal Regulations and United States Code referenced in N.J.A.C. 9:7-9.1(a) and (b).

(b) The amount of each scholarship shall be $5,000 per year; provided, however, a recipient shall not receive an amount which, when combined with other financial aid, would exceed the cost of college attendance as defined by the institution. A scholarship shall not be reduced on the basis of the student's receipt of other forms of Federal student assistance, but shall be taken into account in determining the eligibility of the student for those other forms of Federal financial assistance.

(c) Awards may be made on a semester, term, or half-year basis.

9:7-9.6 Application procedures

(a) An applicant must submit the following information:

1. (No change.)

2. Two written recommendations from college or secondary school administrators, guidance counselors, community leaders or teachers attesting to the applicant's interest in and aptitude for teaching; and

3. An official secondary school transcript including class rank or an official General Education Development (GED) test result notification; and

4. (No change.)

5. Scholastic Aptitude Test (SAT) scores or the equivalent of the American College Test (ACT) for those applicants who have not yet attended college; and

6. Any certifications required in accordance with the Code of Federal Regulations and United States Code referenced in N.J.A.C. 9:7-9.1(a) and (b).

(b) (No change.)

9:7-9.7 Criteria for scholarships

(a) The Student Assistance Board will consider the following criteria in determining scholarship recipients:

1. Class rank or General Education Development (GED) test scores; and

2.-3. (No change.)

4. Other information provided by or on behalf of the applicant.

(b) Scholarships will be awarded in accordance with all applicable requirements for special consideration as provided in the Federal codes referenced in N.J.A.C. 9:7-9.1(a) and (b).

9:7-9.8 Renewal of scholarship eligibility

(a) In order to maintain eligibility for a scholarship a scholar must be:

1.-2. (No change.)

3. Maintaining satisfactory progress toward a degree, or if the student already has a degree, toward teacher certification, as determined by the institution the student is attending.

(b) (No change.)

9:7-9.9 Teaching obligations of the scholarship recipient

(a) The scholar shall teach on a full-time basis in any state for a period of not less than two years for each year for which he or she received a Paul Douglas Teacher Scholarship, in a public or private nonprofit preschool, elementary, or secondary school, including a private nonprofit school that serves students with disabilities or limited English proficient students.

(b) The requirement set forth in (a) above to teach two years for each year of scholarship assistance is reduced by one-half if the scholar teaches on a full-time basis in a teacher shortage area designated by the U.S. Secretary of Education as provided by the Code of Federal Regulations and United States Code referenced in N.J.A.C. 9:7-9.1(a) and (b).

(c) (No change.)

9:7-9.10 Reduction of scholarship balance

(a) Reduction of the scholarship balance is predicated upon completion of the postsecondary education for which the Paul Douglas Teacher Scholarship was awarded and providing *[teacher]* ***teaching*** service as specified in N.J.A.C. 9:7-9.9. Depending upon the location, nature and duration of the teaching assignment, the total principal sum of the Interim Promissory Note including any accrued, capitalized interest will be reduced for service rendered within 10 years after completing the postsecondary education for which the scholarship was awarded.

(b) (No change.)

(c) The scholar's total scholarship balance shall be reduced each year based on the submission on an annual basis of a notarized copy of:

1. The signed contract between the district board of education or its equivalent and the borrower indicating a teaching agreement is in force, submitted by a date specified by the Department of Higher Education, Office of Student Assistance; and

2. A letter or other appropriate certification from the chief school administrator submitted by a date specified by the Department of Higher Education, Office of Student Assistance indicating a year of service has been completed.

(d) Exceptions to (c)1 and 2 above will be considered only if permitted under the provisions of the Code of Federal Regulations and United States Code referenced in N.J.A.C. 9:7-9.1(a) and (b).

9:7-9.11 Repayment schedule for failure to meet teaching obligations or withdrawal from postsecondary program leading to teacher certification

(a) If the scholar fails to meet the teaching obligations described in N.J.A.C. 9:7-9.9, or if the scholar ceases to pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, the scholar shall:

1. Repay the amount of the scholarships received, prorated according to the fraction of the teaching obligation not completed, as determined by the Department of Higher Education, Office of Student Assistance; and

2. Pay a simple per annum interest charge on the outstanding principal as set forth in (c) below; and

3. (No change.)

(b) The interest charge accrues from the date of the initial scholarship payment if the scholar has ceased to pursue the postsecondary education program for which the scholarship was awarded, or the day after that portion of the scholarship period for which the teaching obligation has been fulfilled.

(c) The interest charge shall be adjusted annually, from the time interest begins to accrue to the time the repayment period begins as described in (d) below, and shall be set by the U.S. Secretary of Education. The interest rate applicable during the repayment period is the interest rate prescribed by the Secretary which is in effect as of the beginning date of the repayment period.

(d) The scholar shall enter repayment status on the first day of the first calendar month after:

1. The scholar has ceased to pursue the postsecondary education program leading to teacher certification, but not before six months has elapsed after the cessation of the scholar's full-time enrollment in such a program; or

2.-3. (No change.)

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

9:7-9.12 Postponement of repayment schedule

(a) A scholar is not considered in violation of the repayment schedule and need not make scholarship repayments nor will interest accrue during the time he or she is:

1. Engaging in a full-time course of study at an institution of higher education as verified by the submission of official certification of full-time enrollment by the institution; or

2.-3. (No change.)

4. Unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse, child or parent who is disabled as evidenced by a qualified physician's sworn affidavit; or

5. (No change.)

6. Unable to satisfy the terms of the repayment schedule established by the NJHEAA, and is also seeking and unable to find full-time employment as a teacher in a public or private nonprofit preschool, elementary or secondary school, or education program for a single period not to exceed 27 months as evidenced by notarized copies of letters of application for teaching positions and any other documents as required by the Department of Higher Education, Office of Student Assistance; or

7. Satisfying any additional provisions of repayment exceptions that may be prescribed by the U.S. Secretary of Education.

9:7-9.13 Cancellation of repayment schedule

(a) The Student Assistance Board shall cancel a scholar's repayment obligations if it determines:

1. On the basis of a sworn affidavit of a qualified physician that the scholar is unable to teach on a full-time basis because he or she is permanently totally disabled; or

2. (No change.)

9:7-9.14 Determination of postponement or cancellation of repayment schedule

Documentation submitted in support of a request by a scholar for postponement or cancellation of the loan obligation attesting to any of the above conditions shall be reviewed individually by the Department of Higher Education, Office of Student Assistance and final determination will be made by the director of the applicable program within the Department of Higher Education. The final decision will be forwarded to the scholar within 60 days of the written request for postponement or cancellation of the loan obligation.

9:7-9.15 Default

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

(c) The scholar will also be required to pay all charges and other costs, including attorney's fees, for the collection of the defaulted amounts. If this loan is referred for collection to an agency that is subject to the Fair Debt Collection Practices Act (15 U.S.C. 1692 as of September 20, 1977 including all subsequent amendments and supplements), the scholar will pay all reasonable collection costs.

(a)

BOARD OF DIRECTORS OF THE EDUCATIONAL OPPORTUNITY FUND

Financial Eligibility for Undergraduate Grants Dependent/Independent Student Defined

Adopted Amendment: N.J.A.C. 9:11-1.4

Proposed: November 1, 1993 at 25 N.J.R. 4886(a).
Adopted: December 8, 1993 by Board of Directors, Educational Opportunity Fund, Judith Cambria, Chairperson.
Filed: December 9, 1993 as R.1994 d.23, **without change.**

Authority: N.J.S.A. 18A:71-33 and P.L. 102-325 section 480(d).

Effective Date: January 3, 1994.
Expiration Date: April 17, 1994.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows:

9:11-1.4 Dependent/Independent Student Defined

(a) (No change.)

(b) An individual meets the requirements of this subsection if such individual:

1.-2. (No change.)

3. Is a graduate or professional student; or

4. Is a married individual; or

5. (No change.)

6. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances. For the purpose of receiving financial assistance under the EOF Program as an independent student due to unusual circumstances, at least one of the following criteria must be met;

i. (No change.)

ii. The student has been separated from his or her parents and comes from a documented background of historical poverty as set forth in N.J.A.C. 9:11-1.5, and is living with another relative who is providing support to the student;

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

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

HUMAN SERVICES

(b)

THE COMMISSIONER

Advance Directives to Make Health Care Decisions, Do Not Resuscitate Orders (DNR Orders), and Declaration of Death

Adopted New Rules: N.J.A.C. 10:8

Proposed: June 21, 1993 at 25 N.J.R. 2669(a).
Adopted: December 6, 1993 by William Waldman, Commissioner, Department of Human Services.
Filed: December 8, 1993 as R.1994 d.14, **with substantive and technical changes** not requiring additional public notice or comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 30:1-12, 26:2H-53 et seq., 26:6A-1 et seq., and 42 U.S.C. 1395 cc.

Effective Date: January 3, 1994.
Expiration Date: January 3, 1999.

Summary of Public Comments and Agency Responses:

The Department received comments from five sources. The State Board of Medical Examiners advised that the Board voted at its July 14, 1993 meeting to support the proposed rules. The other four commenters listed below were generally supportive with specific comments: the New Jersey Hospital Association, the New Jersey State Nurses Association, the Department of the Public Advocate, and jointly from Robert S. Olick, Esq. and Paul W. Armstrong, Esq., Former Executive Director and Chairman, respectively, of the New Jersey Bioethics Commission.

COMMENT: The following statement in the rule proposal Summary was questioned: "The Department has already established policies and procedures which address this subject area in Administrative Order 2:07, revised July 17, 1992. These proposed new rules will incorporate this administrative order into the New Jersey Administrative Code and supplement existing Department policies and procedures." It was asserted that the Department would be incorporating or referencing this administrative order in violation of the law regarding rulemaking.

RESPONSE: The Department of Human Services' intent in the Summary statement was only to advise that the Department had an existing Adminstrative Order which addressed this subject area. The Order will be rescinded upon the adoption of these rules; it is not being incorporated into these rules.

COMMENT: The term "prognosis committee" should be replaced by the term "ethics committee," and the committee should be established by the facility on a permanent basis instead of on a case-by-case basis, with the membership including individuals with medical, nursing, legal, social work, and clergy backgrounds. This would be consistent with the Department of Health Licensing Standards for Hospitals at N.J.A.C. 8:43G-5.1(h).

Prognosis is a judgement made by physicians, and the use of the term "prognosis committee" implies that such a committee would be composed exclusively of physicians, and would confine its activities to confirming or disconfirming the prognosis made by the attending physician. Using the term "ethics committee" would be more appropriate, and in conformity with terminology used by the New Jersey Department of Health.

RESPONSE: The Department agrees with the commenter, and has made the recommended change at N.J.A.C. 10:8-2.1(f). Such a change would not require additional opportunity for comment, since the purpose of the committee, as well as the composition of the committee, has not changed.

COMMENT: It was asserted by one commenter that the rule proposal was in violation of the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.) and applicable case law regarding rulemaking for two basic reasons: (1) The rule requires the Divisions/facilities to have written policies and procedures in accord with the New Jersey Advance Directives For Health Care Act (N.J.S.A. 26:2H-53 et seq.) which would supplement and implement the provisions of the rule and the statute; and (2) Provisions of the rule proposal restate in part the statutory provisions of the New Jersey Advance Directives For Health Care Act and do not constitute implementing regulations, as required for those facilities under the authority of the Department of Human Services. The commenter concludes with the recommendation that the proposed new rule should be changed and republished as a new rule proposal.

RESPONSE: The Department does not agree that the rule proposal was in violation of the Administrative Procedure Act.

The written policies and procedures required of the Divisions concern Division administrative functions, such as the processing of paperwork. Should any policy or procedure place a requirement on any person outside the Division, such a policy would be promulgated in accordance with the provisions of the Administrative Procedure Act. In order to avoid any possible misinterpretation, a reference to the rulemaking process has been added to N.J.A.C. 10:8-2.1.

Notwithstanding the inclusion in the rules of parts of the New Jersey Advance Directives for Health Care Act, the Department believes that N.J.A.C. 10:8 contains standards adequate for the implementation of the Act, in facilities as defined by these rules.

COMMENT: The requirement that "inquiry shall be made of present patients, their family or others, as appropriate," and that the statement of patients' rights should be distributed, within one year from the operative date of the rules was questioned, since this should have already been done, in accordance with the Administrative Order 2:07, currently in use in the Department.

RESPONSE: The Department agrees that the one-year implementation period is not necessary for these two provisions, and has amended the rules on adoption to require that they be implemented immediately. New patients will receive such inquiries and information upon admission.

COMMENT: The provision is questioned and challenged by which the written statement of New Jersey State law approved by the Commissioner of the Department of Health (Appendix I) regarding patients' rights shall be made available in any language in which it is translated and made available by the Department of Health. The statement is presently available in English and Spanish. One commenter urges the Department of Human Services and the Department of Health to work together to have the document translated and made available in other languages spoken by members of New Jersey's pluralistic communities; and another commenter asserts that the provision appears to be inconsistent with the specific requirement that patients in State psychiatric facilities be afforded services "in the patient's primary means of communication" (N.J.S.A. 30:4-27.11a), and the general requirement of the Americans With Disabilities Act regarding accommodations made for the provision of information in other formats beyond merely written form (42 U.S.C. 12101 et seq.).

RESPONSE: The Department agrees with the reasonableness of this comment and N.J.A.C. 10:8-2.1(d) has been changed accordingly without the need to specifically address the legal position raised. In addition to making the written statement available in the languages in which it has been translated by the Department of Health (that is, English and Spanish at present), the facility shall provide a translator or reader, as needed.

COMMENT: The Department of Human Services should consider providing its facilities with more flexibility in terms of the proposed 14 day re-evaluation period regarding DNR orders.

RESPONSE: The Department disagrees with this comment. The provision provides sufficient flexibility by requiring that DNR orders shall be regularly and frequently reevaluated, at least every 14 calendar days.

COMMENT: The Department of Human Services should change the provision by which a DNR order may be issued as specified in an advance directive or as otherwise directed by a competent patient or the legal guardian. The commenter recommended that a provision be added recognizing the right of "family members" to request and consent to a DNR order on behalf of an incompetent patient.

RESPONSE: The Department disagrees with this comment. As a result of the execution of an advance directive in accord with the New Jersey Advance Directives for Health Care Act (N.J.S.A. 26:2H-53 et seq.), a family member may be authorized by the declarant to act as his or her "health care representative" when it is subsequently determined that the declarant lacks the decisionmaking capacity to make a particular health care decision. In such a case, the Department recognizes that the family member, as the designated health care representative, would be legally authorized to act on the patient's behalf with regard to directing a DNR order. However, in the absence of such an advance directive, the Department does not recognize a "family member" who is not the legal guardian as being legally authorized to act on behalf of a patient with regard to the directing of a DNR order. The term "legal guardian" includes only the following: (1) a court appointed legal guardian on behalf of an incompetent ward and (2) a parent as legal guardian on behalf of a child.

COMMENT: The Department of Human Services should change the provision by which a DNR order may be issued as specified in an advance directive or as otherwise directed by a competent patient or the legal guardian. The commenter recommended that the concept of "decision-making capacity" as set forth in the New Jersey Advance Directives for Health Care Act (N.J.S.A. 26:2H-53 et seq.) should be utilized instead of the competent/incompetent distinction.

RESPONSE: The Department disagrees with this comment. The Department recognizes that an attending physician may issue a DNR order consistent with the terms of an advance directive and that the concept of "decisionmaking capacity" is utilized in this context, in accord with the New Jersey Advance Directives for Health Care Act (N.J.S.A. 26:2H-53 et seq.). However, this specific statutes does not control in the absence of such an advance directive and it is not the legal basis for N.J.A.C. 10:8-2.2 on DNR orders. It is understood that the competent/incompetent distinction is utilized instead of the concept of "decision-making capacity" with regard to the directing of a DNR order unless there is an advance directive specifically addressing the directing of a DNR order.

COMMENT: The Department of Human Services should add the provision "Subject to paragraph 6 above" at N.J.A.C. 10:8-2.3(b)8, in order to avoid any confusion between obligations to respect a patient's religious beliefs and the time when life support may be removed from a neurologically dead patient.

RESPONSE: The Department agrees with this comment and the change has been made.

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

CHAPTER 8
ADVANCE DIRECTIVES TO MAKE HEALTH CARE DECISIONS, DO NOT RESUSCITATE ORDERS (DNR ORDERS), AND DECLARATION OF DEATH

SUBCHAPTER 1. GENERAL PROVISIONS

10:8-1.1 Purpose

This chapter establishes and describes the Department of Human Services policies and procedures regarding patients' use of advance directives to make health care decisions, do not resuscitate (DNR) orders, and declaration of death.

10:8-1.2 Scope

The scope of this chapter applies throughout the Department of Human Services to all developmental centers within the Division of Developmental Disabilities and psychiatric hospitals within the Division of Mental Health and Hospitals.

10:8-1.3 Definitions

The following words and terms, when used in this chapter and in Department policies and procedures, have the following meanings:

"Advance directive" means a written document executed in accordance with the requirements of the New Jersey Advance Directives for Health Care Act (N.J.S.A. 26:2H-53 et seq.). It is a written instruction stating the declarant's specific wishes regarding the provision, withholding or withdrawal of any form of health care, including life-sustaining treatment. It may include either a proxy directive designating a health care representative or surrogate in the event the declarant subsequently lacks decision making capacity, or an *[instructive]* ***instruction*** directive providing instructions and directions regarding the declarant's wishes for health care in the event the declarant subsequently lacks decision making capacity, or both.

"Declarant" means a competent adult of 18 years of age or older who executes an advance directive.

"Decision making capacity" means a patient's ability to understand and appreciate the nature and consequences of health care decisions, including the benefits and risks of each, and alternatives to any proposed health care, and to reach an informed decision. A patient's decision making capacity is evaluated relative to the demands of a particular health care decision.

"Division(s)" means the Division of Developmental Disabilities and the Division of Mental Health and Hospitals.

"Do not resuscitate order (DNR order)" means a physician's written order not to attempt cardiopulmonary resuscitation in the event the patient suffers a cardiac or respiratory arrest.

"Emergency care" means immediate treatment provided in a response to a sudden, acute and unanticipated medical crisis in order to avoid injury, impairment or death.

"Ethics Committee" means a multi-disciplinary standing committee of the facility which meets to review determinations to withhold or withdraw a patient's life-sustaining treatment as needed.

"Facility" means a Division of Developmental Disabilities Developmental Center and a Division of Mental Health and Hospitals Psychiatric Hospital.

"Health care decision" means a decision to accept or to refuse any treatment, service or procedure used to diagnose, treat or care for a patient's physical or mental condition, including life-sustaining treatment. Health care decision also means a decision to accept or to refuse the services of a particular physician, other health care

professional or health care institution, including a decision to accept or to refuse a transfer of care.

"Health care representative" means the individual designated by a declarant pursuant to the proxy directive*[s]* part of an advance directive for the purpose of making health care decisions on the declarant's behalf, and includes an individual designated as an alternate health care representative who is acting as the declarant's health care representative in accordance with the terms and order of priority stated in an advance directive.

"Life-sustaining treatment" means the use of any medical device or procedure, artificially provided fluids and nutrition, drugs, surgery or therapy that uses mechanical or other artificial means to sustain, restore or supplant a vital bodily function, and thereby increase the expected life span of a patient.

"Permanently unconscious" means a medical condition that has been diagnosed in accordance with currently accepted medical standards and with reasonable medical certainty as total and irreversible loss of consciousness and capacity for interaction with the environment. The term includes, without limitation, a persistent vegetative state or irreversible coma.

["Prognosis committee" means a multi-disciplinary team established on a case-by-case basis to review determinations to withhold or withdraw a patient's life-sustaining treatment.]

"Terminal condition" means the terminal stage of an irreversibly fatal illness, disease or condition. A determination of a specific life expectancy is not required as a precondition for a diagnosis of a "terminal condition," but a prognosis of a life expectancy of six months or less, with or without the provision of life-sustaining treatment, based upon reasonable medical certainty, shall be deemed to constitute a terminal condition.

SUBCHAPTER 2. POLICIES AND PROCEDURES

10:8-2.1 Advance directives to make health care decisions

(a) The Divisions shall have written policies and procedures in accord with the New Jersey Advance Directives For Health Care Act (N.J.S.A. 26:2H-53 et seq.) ***and the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.)*** which shall supplement and implement the provisions of this chapter and the *[statute]* ***applicable laws***.

(b) Upon admission to the facility and thereafter, as appropriate under the circumstances, such as after an emergency admission, the attending physician shall make an affirmative inquiry of each patient concerning the existence of an advance directive. If the patient is incapable to respond to this inquiry, *[the Division/facility shall have procedures to]* request ***shall be made for*** the information from the patient's family or in the absence of family, another individual with the personal knowledge of the patient, if available and known to the facility. Inquiry shall be made of present patients, ***or*** their family or others, as appropriate*[, within one year from the operative date of this rule]*.

(c) The attending physician shall note in the patient's medical records whether or not an advance directive exists, and the name of the patient's health care representative, if any, and shall attach a copy of the advance directive to the patient's medical records. The attending physician or other health care professional, as applicable, shall document in the same manner the reaffirmation, modification, or revocation of an advance directive, if he has knowledge of such action.

(d) The written statement of New Jersey State law approved by the Commissioner of the Department of Health (Appendix I) regarding patients' rights to make decisions concerning the right to accept, refuse, or choose from alternatives of medical and/or surgical treatment and the right to formulate an advance directive, shall be provided ***to present patients and*** to each patient upon admission, or where the patient is unable to respond, to family or other representative. The written statement shall be made available in any language in which it is translated and made available by the Department of Health*[. The written statement shall be provided to present patients, their family or others, as appropriate, within one year from the operative date of this rule]* ***and a translator or reader shall be provided as needed***.

(e) The Divisions***/facilities*** shall *[adopt such policies and procedures as are necessary to]* ***ensure that*** *[provide]* appropriate informational materials concerning advance directives ***are provided*** to all interested patients and their families and health care representatives, and *[to assist]* ***that assistance is provided to all*** patients interested in discussing and executing an advance directive.

(f) The *[Divisions/]*facilities shall have *[policies and procedures to assure the establishment of prognosis committees on a case-by-case basis]* ***an ethics committee*** consistent with this chapter *[and]***,*** the New Jersey Advance Directives for Health Care Act (N.J.S.A. 26:2H-53 et seq.) ***and the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.)***. *[The membership of the prognosis committee shall include, but not be limited to, the facility medical director, attending physician, consulting physicians, involved nurses and social workers, and the patient's family or designated person(s) or friend(s).]* ***The facilities shall ensure participation on the ethics committee by individuals with medical, nursing, legal, social work, and clergy backgrounds. The ethics committee shall provide a forum for patients, families, and staff to discuss and reach decisions on determinations to withhold or withdraw a patient's life-sustaining treatment.***

(g) In the event of disagreement among the patient, health care representative, a health care professional involved in the patient's care, or the attending physician concerning the patient's decision making capacity or the appropriate interpretation and application of the terms of an advance directive to the patient's course of treatment, the parties may seek to resolve the disagreement by means of *[procedures and practices established by the Division/facility, including, but not limited to,]* consultation with the *[prognosis]* ***ethics*** committee. If necessary, the parties may then seek resolution by a court of competent jurisdiction.

(h) The Divisions/facilities shall *[have policies and procedures to assure]* ***ensure*** the timely transfer of the patient's medical records, including a copy of the patient's advance directive, if any, in situations in which a transfer of care is necessary.

(i) The Divisions/facilities shall provide education to staff, patients, and their families and health care representatives about the advisability, benefits, and burdens of rehabilitative treatment, therapy and services, including, but not limited to, family and social services, self-help and advocacy services, employment and community living, and use of assistive devices as appropriate to assist in the health care decision making process.

(j) The Divisions/facilities shall not condition the provision of care or otherwise discriminate against an individual based on whether or not the individual has executed an advance directive.

(k) An advance directive does not imply that any other care or treatment may be withheld or withdrawn, and in all cases measures shall be taken to provide the patient with maximum comfort and freedom from pain consistent with an advance directive.

10:8-2.2 Do not resuscitate orders (DNR orders)

(a) Do not resuscitate ***orders*** (DNR orders) may be issued by the attending physician consistent with the terms of an advance directive, or as otherwise directed by a competent patient or the legal guardian on behalf of an incompetent patient.

(b) Do not resuscitate orders shall be regularly and frequently re-evaluated, at least every 14 calendar days, by the attending physician who shall enter the order and such periodic re-evaluations in the patient's medical record in the form of signed and dated written documentation.

(c) The Divisions/facilities shall not condition the provision of care or otherwise discriminate against an individual based on whether or not the individual has a do not resuscitate order.

(d) A do not resuscitate order does not imply that any other care or treatment may be withheld or withdrawn, and, in all cases, measures shall be taken to provide the patient with maximum comfort and freedom from pain.

10:8-2.3 Declaration of death

(a) The Divisions/facilities shall *[develop and implement policies and procedures for]* ***ensure that*** the declaration of death of patients, in instances where applicable, ***is*** in accordance with the

New Jersey Declaration of Death Act (N.J.S.A. 26:6A-1 et seq.) and the rules promulgated by the New Jersey Board of Medical Examiners (N.J.A.C. 13:35-6A) which address declaration of death based on neurological criteria (brain death).

(b) The Divisions/facilities *[policies and procedures]* shall provide, at a minimum, for the following, in the case of declarations of death based upon neurological criteria, in accord with N.J.A.C. 13:35-6A:

1. The attending physician at a facility and a corroborating physician may certify that an individual is brain dead.
2. The corroborating physician shall be a neurologist or a neurosurgeon.
3. The attending physician and corroborating physician shall both document in the patient record the results of all tests required by N.J.A.C. 13:35-6A.5.
4. A patient may be pronounced brain dead, if it is determined by the attending physician and confirmed independently by the corroborating physician, after an appropriate period of time, that brain death has occurred.
5. If the patient declared brain dead is, or may be, an organ donor, then neither the attending physician nor the corroborating physician shall have any responsibility for, or interest in, any contemplated recovery or transplant of that patient's organs.
6. Death shall not be declared on the basis of neurological criteria, if either the attending physician or corroborating physician has any reason to believe, based on available medical records or from information provided by the patient's family, that such a declaration would violate the patient's religious beliefs.
7. The attending physician and the corroborating physician shall both certify the patient's death in the patient's medical record, and the attending physician shall certify death on the death certificate.
8. *[The]* ***Subject to (b)6 above, the*** brain dead patient may be removed from any life-sustaining treatment.

Appendix I

New Jersey Department of Health

YOUR RIGHT TO MAKE HEALTH CARE DECISIONS IN NEW JERSEY

This document explains your rights to make decisions about your own health care under New Jersey law. It also tells you how to plan ahead for your health care if you become unable to decide for yourself because of an illness or accident. It contains a general statement of your rights and some common questions and answers.

Your Basic Rights

You have the right to receive an understandable explanation from your doctor of your complete medical condition, expected results, benefits and risks of the treatment recommended by your doctor, and reasonable medical alternatives. You have the right to accept or refuse any procedure or treatment used to diagnose or treat your physical or mental condition, including life-sustaining treatment.

You also have the right to control decisions about your health care in the event you become unable to make your own decisions in the future by completing an advance directive.

What happens if I'm unable to decide about my health care?

If you become unable to make treatment decisions, due to illness or an accident, those caring for you will need to know about your values and wishes in making decisions on your behalf. That's why it's important to write an advance directive.

What is an advance directive?

An advance directive is a document that allows you to direct who will make health care decisions for you and to state your wishes for medical treatment if you become unable to decide for yourself in the future. Your advance directive may be used to accept or refuse any procedure or treatment, including life-sustaining treatment.

What types of advance directives can I use?

There are three kinds of advance directives that you can use to say what you want and who you want your doctors to listen to:

A **PROXY DIRECTIVE** (also called a "durable power of attorney for health care") lets you name a "health care representative", such as a family member or friend, to make health care decisions on your behalf.

An **INSTRUCTION DIRECTIVE** (also called a "living will") lets you state what kinds of medical treatments you would accept or reject in certain situations.

A **COMBINED DIRECTIVE** lets you do both. It lets you name a health care representative and tells that person your treatment wishes.

Who can fill out these forms?

You can fill out an advance directive in New Jersey if you are 18 years or older and you are able to make your own decisions. You do not need a lawyer to fill it out.

Who should I talk to about advance directives?

You should talk to your doctor, family members, close friends, or others you trust to help you. Your doctor or a member of our staff can give you more information about how to fill out an advance directive.

What should I do with my advance directive?

You should talk to your doctor about it and give a copy to him or her. You should also give a copy to your health care representative, family member(s), or others close to you. Bring a copy with you when you must receive care from a hospital, nursing home, or other health care agency. Your advance directive becomes part of your medical records.

What if I don't have an advance directive?

If you become unable to make treatment decisions and you do not have an advance directive, your close family members will talk to your doctor and in most cases, may then make decisions on your behalf. However, if your family members, doctor, or other caregivers disagree about your medical care, it may be necessary for a court to appoint someone as your legal guardian. (This also may be needed if you do not have a family member to make decisions on your behalf.) If you are age 60 or older, and you become unable to decide for yourself, it may also be necessary that the Ombudsman for the Institutionalized Elderly review a decision to forego life-sustaining treatment. That's why it's important to put your wishes in writing to make it clear who should decide for you and to help your family and doctor know what you want.

Will my advance directive be followed?

Yes. Everyone responsible for your care must respect your wishes that you have stated in your advance directive. However, if your doctor, nurse, or other professional has a sincere objection to respecting your wishes to refuse life-sustaining treatment, he or she may have your care transferred to another professional who will carry them out.

What if I change my mind?

You can change or revoke any of these documents at a later time.

Will I still be treated if I don't fill out an advance directive?

Yes. You don't have to fill out any forms if you don't want to and you will still get medical treatment. Your insurance company also cannot deny coverage based on whether or not you have an advance directive.

What other information and resources are available to me?

Your doctor or a member of our staff can provide you with more information about our policies on advance directives. You also may ask for written informational materials and help. If there is a question or disagreement about your health care wishes, we have an ethics committee or other individuals who can help.

December 1991—Long Term Care and Residential Health Care Facilities

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Administration

Prepaid Health Care Services: Medicaid Eligibles State-defined HMOs

Adopted Concurrent Amendment: N.J.A.C. 10:49-19.1, 19.4, and 19.7

Adopted Concurrent New Rule: N.J.A.C. 10:49-19.11

Proposed: October 18, 1993 at 25 N.J.R. 4793(a).

Adopted: William Waldman, Commissioner, Department of Human Services.

Filed: December 2, 1993 as R.1994 d.4, **without change.**

Authority: N.J.S.A. 30:4D-1, 2, 3, 6, 7, 7a, b and c; 30:4D-12; 1902(e) of the Social Security Act, 42 U.S.C. 1396(a); 1903(m) of the Social Security Act, 42 U.S.C. 1396(b); 42 CFR 417.108; 42 CFR 434; 42 CFR 447.361.

Effective Date: December 2, 1993.
Expiration Date: August 17, 1997.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows:

10:49-19.1 Definitions

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

. . .

"Health maintenance organization" or "HMO" means a public or private organization, organized under State law which:

1. Is a Federally qualified HMO (defined above); or

2. Meets the State Plan's definition of an HMO which includes at a minimum the following requirements:

i. Is organized primarily for the purpose of providing health care services;

ii. Makes the services it provides to its Medicaid enrollees as accessible to them (in terms of timeliness, amount, duration, and scope) as those services are to non-enrolled Medicaid eligible individuals within the area served by the HMO;

iii. Makes provision, satisfactory to the Division, against risk of insolvency, and assures that Medicaid enrollees will not be liable for the HMO's debts if it does become insolvent; and

iv. Has a Certificate of Authority granted by the State of New Jersey to operate in all or selected counties in New Jersey.

10:49-19.4 Marketing and enrollment

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

(c) The following pertain to enrollment:

1.-4. (No change.)

5. At any time during the first 30 days of each six month enrollment period, the enrollee may elect to disenroll from the contractor's plan, upon written notification to the contractor, without stating a cause and with cause thereafter. The contractor may terminate an enrollee's enrollment for reasonable cause, through a grievance process which is consistent with applicable State and Federal regulations and is approved by the Division.

i. There is an exception for State-defined HMOs as found in N.J.A.C. 10:49-19.11.

6.-7. (No change.)

(d) (No change.)

10:49-19.7 Financial arrangements

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

(e) The Division does not provide stop loss for risk contracts.

(f)-(h) (No change.)

10:49-19.11 State-defined HMOs

(a) A State-defined HMO is subject to all of the requirements of N.J.A.C. 10:49-19.1 through 19.10 with the following exceptions noted:

1. A guarantee of Medicaid eligibility cannot be offered to enrollees of a State defined HMO. (1902(e)(2)(A) of the Social Security Act)

2. The State may not restrict the period for requests for termination of enrollment without cause to the first month of each period of enrollment for enrollees of a State-defined HMO. (1903(m)(2)(F) of the Social Security Act)

(b) Medicaid members of a State-defined HMO receive all Medicaid services for as long as they remain Medicaid eligible.

1. Out-of-plan services are reimbursed through fee-for-service and do not require prior authorization by the HMO.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Vision Care Services

Readoption with Amendments: N.J.A.C. 10:62
Adopted Repeal: N.J.A.C. 10:62-4
Adopted Repeal and New Rules: N.J.A.C. 10:62-3 and 10:62-3 Appendix

Proposed: September 7, 1993 at 25 N.J.R. 3907(a).

Adopted by: William Waldman, Commissioner, Department of Human Services.

Filed: December 7, 1993 as R.1994 d.6, **with substantive and technical changes** not requiring additional notice and comment.

Authority: N.J.S.A. 30:4D-6a(5)b(6)(7); 7a, b and c; 30:4D-12; 42 CFR 440.50, 440.120.

Effective Date: December 7, 1993, Readoption.
January 3, 1994, Amendments.

Expiration Date: January 3, 1999.

Summary of Public Comments and Agency Responses:

Comments were received from the following three commenters: Larry P. Frohman, M.D., Acting Chair of the New Jersey Medical School, Department of Ophthalmology, University of Medicine & Dentistry of New Jersey (UMDNJ) who submitted several comments; Clark W. Martin of Martin Bontiempo, Inc., Government Relations, on behalf of the New Jersey Academy of Ophthalmology and Otolaryngology, and H. Lee Gladstein, Executive Director, State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, Division of Consumer Affairs, Department of Law and Public Safety.

COMMENT: Clark W. Martin of Martin Bontiempo, Inc., suggests a revision to the proposed new requirement at N.J.A.C. 10:62-1.2 "that a participating ophthalmologist be a diplomate in the American Board of Ophthalmology." The commenter suggests that the "criterion be revised to permit the participation by a licensed medical doctor who has completed a recognized residency program in ophthalmology and is board-eligible or certified by the American Academy of Ophthalmology."

The commenter presents the following reasons for revising the criteria:

(1) "Ophthalmologists must wait a year after completing their residencies before they can sit for their boards. We estimate that at any given time, some ten percent of the ophthalmologists practicing in New Jersey fit into this category. They are fully qualified physicians who, among all ophthalmologists, are the most accessible and available to Medicaid patients."

(2) "The Manual proposes to place no such restrictions on optometrists. Licensure by the State Board of Optometry is the only requirement for participation in the program."

(3) "Due to a recent change in State law, the professions of ophthalmology and optometry overlap not just in the traditional area of examining eyes for visual acuity, but also in diagnosing routine eye ailments and prescribing medications. It occurs to us that if the only qualifications set by the Manual for an optometrist to engage in this sensitive work is licensure by the State Board, the same should apply to a physician who is licensed by the State Board of Medical Examiners and is board-eligible, as long as that physician is recognized by the Medicaid program as a specialist in ophthalmology."

The commenter from UMDNJ raised a similar issue.

RESPONSE: The agency response is that the existing definition of ophthalmologist will be used as the adopted text. The proposed text is not being adopted. The criteria will be that an ophthalmologist be a fully-licensed medical doctor who has been recognized as a specialist in ophthalmology by the New Jersey Medicaid program. For a physician such as an ophthalmologist, the specialty credentials included in N.J.A.C. 10:54-1.1 would control. These rules recognize both board-eligible and board-certified providers, as well as active staff appointments with specialty privileges in a voluntary or governmental hospital which is approved for training in the specialty in which the physician has privileges. Since there is no change, there is no additional burden being placed on providers who must submit their credentials to the New Jersey Medicaid program if they wish to qualify as a specialist.

COMMENT: The commenter from UMDNJ finds N.J.A.C. 10:62-2.5(d)4 to be unclear and writes, "I have a concern for what would happen if a child broke his glasses to the point that they are not repairable, that is, would the child be eligible for a replacement pair if there were no change in his refraction." The commenter goes on to state that, "In paragraph four of this section there is a phrase indicating some confusion as to how visual acuity is measured. The text says, 'However, a new provision with this re-adoption is that if the patient's visual acuity has changed by 0.75 diopters the replacement lenses do not require prior authorization.'" The commenter explains that "Diopter" is not a term for visual acuity; the text of the statement should replace the words "visual acuity" with the word "refraction."

RESPONSE: With respect to "broken glasses," the agency's response is that the provider must request prior authorization as indicated in the proposed text, N.J.A.C. 10:62-2.5(d)4. In addition, if the child has not had a complete examination within one year, then a complete eye examination must be done. With regard to the wording regarding "Diopter," this comment was based upon the proposal Summary, 25 N.J.R. 3907(a), 3908, (Section N.J.A.C. 10:62-2.4). The correct word is "prescription" which was correctly entered in the text (N.J.A.C. 10:62-2.4(a)7i and ii).

COMMENT: The commenter (from UMDNJ) expresses concern that, "Medicaid recipients may not be charged for broken appointments," under N.J.A.C. 10:62-1.12. According to the commenter, "This raises a very important issue as to how fair this would be to physicians who are willing to accept a large number of these patients. If they are treated properly and given scheduled appointments, an individual would agree to see 50% of his total practice as Medicaid recipients, this action might be unfair and might drive the participant away from being willing to see such patients and I believe this should be reconsidered."

RESPONSE: N.J.A.C. 10:62-1.12, states that "Medicaid recipients may not be charged for broken appointments." This is a long standing rule throughout the program. The agency does not wish to change its policy at this time. Medicaid reimbursement to providers is predicated on the assumption that a medical service has been rendered by the provider. The New Jersey Medicaid program has no HCPCS procedure code for a broken appointment. In addition, State law requires providers to document services that are rendered to recipients. The law further indicates that providers are not entitled to be reimbursed for non-documented services. (See N.J.S.A. 30:4D-12.) In essence, the Division has structured its policy based upon payment for only those services that are rendered and documented.

COMMENT: The commenter (from UMDNJ) points out that under N.J.A.C. 10:62-1.2, "it states 'Physician' means a licensed health care practitioner, including ophthalmologists and optometrists acting within their scope of licensure." The commenter goes on to say that, "if this section is being struck this is fine. It is in no way acceptable if it is not being struck, to label an optometrist a physician."

RESPONSE: The agency's response is that the definition of physician is being deleted. Therefore, the agency's action satisfied the commenter. The agency agreed with the commenter that the definition of a "physician" as proposed was confusing. Therefore, the Division's original definition of "physician" was retained.

COMMENT: The commenter recommends a change in N.J.A.C. 10:62-2.4(a)7ii, "It is stated that lenses may be replaced with the cylindrical axis of 8 degrees. As most practitioners work in 5 degree multiples, I would recommend that 8 degrees be changed to either 5 degrees or 10 degrees with the latter being more appropriate."

RESPONSE: At N.J.A.C. 10:62-2.4(a)7ii, a cylindrical axis change of eight degrees was proposed for this manual by the vision care consultant. Eyecare practitioners do indeed work in increments as small as one degree. The agency is retaining the proposed text.

COMMENT: The commenter (from UMDNJ) has concerns regarding N.J.A.C. 10:62-2.6(c)3 and writes, "In this section it says that replacement of a contact lens is allowed only [every] two years and can only be changed within less than two years if there has been a significant change in basic lens parameters. With certain kinds of lenses with some patients, their heavy protein deposition on the lens is such that the lens must be replaced more frequently. This has nothing to do with the patient's ability to clean the lens, but rather the protein content of their tears, and allowance must be made for this."

RESPONSE: The agency's response is that contact lenses may be replaced more frequently if considered medically necessary. Prior authorization is required.

COMMENT: The commenter (from UMDNJ) is dissatisfied with some of the fees and writes "The fees for code 92004, 92002, and 92014 are absurdly low. The codes 65205, 65210, 65430, 68800, 92018, 92060, 92081-73, 92100, 92120, 92130, 92235, 92250, 92270, 92275, 92280, and 99213 are so low as to possibly limit patient's access to obtaining these services."

RESPONSE: The agency's response is that this proposed readoption contained no provision for fee increases, based on the lack of appropriated funds.

COMMENT: The commenter wishes to know who the vision care consultant is, in case an appeal had to be filed as indicated in N.J.A.C. 10:62-2.5(a).

RESPONSE: The agency response is that a generic reference is used in the New Jersey Administrative Code to avoid the need for an amendment when and if staff changes. At the present time the Division's Vision Care Consultant is Dr. Robert A. Bucchino. Requests for Prior Authorization should be directed to Dr. Bucchino, in accordance with N.J.A.C. 10:62-2.5(a). The regulatory language in N.J.A.C. 10:62-2.5(a) contains a generic reference rather than identify a specific individual. If the provider wished to file an "appeal" he/she should follow the procedures specified in N.J.A.C. 10:49-10, Appeals, or adminstrative hearings, are filed with the Division's hearing unit.

COMMENT: H. Lee Gladstein, Executive Director, State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, Division of Consumer Affairs, Department of Law and Public Safety, questioned the propriety of adding the phrase "or similarly licensed by a comparable agency of the State in which he or she performs such functions." The commenter stated he was unaware of any other State agency performing similar functions.

RESPONSE: The agency has amended the definition of both opticians and optometrists to be consisent by deleting the phrase that included "comparable agency." The Division agrees that there is one State board in New Jersey that establishes qualifications for opticians.

Also, the agency, on its own initiative, clarified the requirements for out-of-State providers that wish to participate in the New Jersey Medicaid program (N.J.A.C. 10:62-1.3(a)2). The regulatory language, which is consistent with N.J.S.A. 30:4D-3h, requires that these out-of-State providers be licensed in the state in which they practice.

Summary of Changes Upon Adoption:

The agency is restoring the original definition of ophthalmologist, as contained in N.J.A.C. 10:62-1.2, Definitions. This change is being made in response to the public comment. The proposed amendment, if adopted, would have required an ophthalmologist to be a diplomate in the American Board of Ophthalmology.

The return to the existing text allows the New Jersey Medicaid program to recognize as a specialist an ophthalmologist who is a candidate for such diplomate status. By continuing the current standard, the agency has not placed any additional burden on the provider. In addition, providers claiming specialist status have to submit appropriate credentials to the Division.

The agency is deleting a phrase from the definition of both optometrist and optician regarding the reference to similar licensure by a "comparable agency." The agency has inserted amended language to clearly indicate there is only one appropriate State agency that establishes credentials. Reference is made to N.J.A.C. 10:62-1.2, Definitions and N.J.A.C. 10:62-2.2.

Also, out-of-State providers who wish to participate in the New Jersey Medicaid program are required to submit proof of licensure pursuant to N.J.A.C. 10:62-1.3(a)2. Since this standard appeared in the proposed text, and is required by New Jersey Medicaid Law (N.J.S.A. 30:4D-3h), there is no additional burden being placed on the provider. The language containing this requirement was clarified in both N.J.A.C. 10:62-1.2 and 10:62-2.2.

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 1. EYE CARE: PROFESSIONAL SERVICES

10:62-1.1 Scope

This subchapter delineates the New Jersey Medicaid program's standards for examinations and care for vision defects and/or eye diseases for the purpose of maintaining or improving the health of New Jersey Medicaid recipients.

10:62-1.2 Definitions

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

["Ophthalmologist" means a licensed medical doctor who is a diplomate in the American Board of Ophthalmology or a candidate for such diplomacy, and who has been recognized by the New Jersey Medicaid Program as a specialist in ophthalmology.]

Ophthalmologist means a fully licensed medical doctor who has been recognized by the New Jersey Medicaid program as a specialist in ophthalmology.

"Optometrist" means any person who is licensed by the New Jersey State Board of Optometry to engage in the practice of optometry, *[or similarly licensed by a comparable agency in the State in which he or she performs such functions]* ***or licensed to engage in the practice of optometry in the state in which he or she performs such functions***.

"Practitioner" means a licensed ophthalmologist or optometrist, acting within the scope of licensure.

"Transfer" means the relinquishing of responsibility for the continuing care of the recipient by one practitioner and the assumption of such responsibility by another practitioner.

10:62-1.3 Providers of professional services

(a) Within the restrictions of their respective licensure, the following are eligible providers of eye care upon fulfilling the enrollment process requirements in N.J.A.C. 10:49-3.2:

1. Ophthalmologists or optometrists licensed in the State of New Jersey;
2. Ophthalmologists or optometrists in another state who are duly licensed in that state;
3. Independent clinics approved by the New Jersey Medicaid program to render eye care services; and
4. Hospitals meeting the definition of "approved hospital" as described in N.J.A.C. 10:52-1.1 of the Hospital Services Manual.

10:62-1.4 Covered services

Professional services include office visits for evaluation and management, comprehensive eye examinations, low vision examinations, low vision work-ups, vision training work-ups, vision training program visits as well as other specific procedures as listed at N.J.A.C. 10:62-3.2. Payment is made subject to the limitations specified under each type of service. If a service requires prior authorization, see N.J.A.C. 10:62-1.10.

10:62-1.6 Low vision examination

A low vision examination as defined in N.J.A.C. 10:62-3.3 may be performed following a comprehensive eye examination when the vision in the better eye is 20/70 or less with the best correction.

10:62-1.7 Low vision work-up

A low vision work-up as defined in N.J.A.C. 10:62-3.3 requires prior authorization (see N.J.A.C. 10:62-1.9). For purposes of the New Jersey Medicaid program, a low vision work-up consists of certain testing techniques and procedures to determine what optical aids and devices can be prescribed for an individual to increase range of vision. A low vision work-up requires a written report and is much more detailed than the low vision examination that follows a complete comprehensive examination.

10:62-1.8 Vision training program

(a) Vision training requires prior authorization (see N.J.A.C. 10:62-1.9). For purposes of the New Jersey Medicaid program, vision training is the use of certain procedures and modalities for the development of and/or increase in the vision capacity of the eye(s) with poor and/or inconsistent or distorted vision localization.

(b) (No change.)

(c) If vision training is required following the initial comprehensive eye examination, the practitioner shall submit a written request (form FD-358) to Vision Care Unit for prior authorization (see N.J.A.C. 10:62-1.9) for a vision training work-up. This request shall include the preliminary findings, detailed reason(s) why it is believed a further evaluation is needed, and any history of previous vision training with the dates and the results. Upon receiving approval for a vision training work-up, the practitioner shall then submit, within 30 days of receipt of authorization, the work-up report to the Vision Care Unit. The vision training work-up report shall consist of, but not be limited to:

1.-6. (No change.)

(d) The decision of the Vision Care Unit to approve or deny vision training will be transmitted to the practitioner by the fiscal agent.

(e) Upon completion of an approved training program, the practitioner shall submit a detailed progress report, listing the status of all parameters indicated in the original evaluation. No treatment plan shall exceed a period of 90 days or a total of 30 training visits, commencing with the inception of the treatment plan. An additional prior authorization is required for any extension of treatment and requires submission of a detailed progress report to the Vision Care Unit.

(f) Vision training may be provided by a practitioner when found medically necessary. This service can be performed in the office or in an independent clinic approved by the New Jersey Medicaid program.

10:62-1.9 Professional services requiring prior authorization

(a) Form FD-358 (Request for Prior Authorization for Vision Care Services) shall be used to request prior authorization for professional services. Instructions for completing the form are provided in the Fiscal Agent Billing Supplement. The completed form, clearly indicating the reasons for requesting the service requiring prior authorization, shall be submitted to the Vision Care Unit, Division of Medical Assistance and Health Services, Mail Code #16, CN 712, Trenton, New Jersey 08625-0712. When a request for prior authorization is approved or denied, the provider shall receive a letter of notification from the fiscal agent.

(b) Items requiring prior authorization should not be provided to the Medicaid recipient until the authorization is received by the provider from the fiscal agent.

(c) The following professional services require prior authorization:

1. Low vision work-up;
2. Vision training program;
3. Vision training work-up; and
4. (No change.)

(d) Vision care provider services rendered to Medicaid recipients who are enrolled in a health maintenance organization which includes these services in its benefits package must be prior authorized by the HMO/physician case manager. (See N.J.A.C. 10:49-19 and 10:49-20 for specifics on prepaid health plans, the Garden State Health Plan, which serves the Medicaid population, and the Fiscal Agent Billing Supplement, for details for obtaining prior authorization.

10:62-1.10 Prescription policies

(a) Upon request, a recipient must be provided with his or her prescription for an optical appliance. The following information shall be indicated on the prescription: Name, address, HSP (Medicaid) Case Number, date of examination, and diagnosis code(s).

(b) If a recipient requests a duplicate prescription, the duplicate prescription shall clearly indicate: "THIS IS A DUPLICATE". The date of the original prescription shall also be included. The dispensing provider shall retain the original prescription.

10:62-1.11 Recordkeeping policies

(a) Providers shall keep such legible individual records as are necessary to fully disclose the kind and extent of services provided, as well as the medical necessity for those services. Data shall include such quantitative positive and negative findings as will be meaningful in a subsequent review. Check marks are not acceptable. The information shall be readily available to representatives of the New Jersey Medicaid program, or its agents, as required.

(b) (No change.)

10:62-1.12 Reimbursement policies

(a) Instructions for submitting claims for payment of vision care services are provided in the Fiscal Agent Billing Supplement.

(b) Vision care services shall be identified by means of procedure codes, utilizing the Health Care Financing Administration's (HCFA) Common Procedure Coding System (HCPCS). The codes and maximum fee allowance schedule are listed in N.J.A.C. 10:62-3.

(c) The provider shall use his or her usual and customary charge when submitting a claim for vision care services. Reimbursement for covered services furnished under the New Jersey Medicaid program shall be made on the basis of the provider's customary charge, not to exceed an allowance determined to be reasonable by the Commissioner of the Department of Human Services, and further limited by federal policy (policy 42 CFR 447 Subpart B) relative to payment of practitioners and other individual providers.

1. In no event shall the charge to the New Jersey Medicaid program exceed the charge by the provider for identical services to other governmental agencies, private nonprofit agencies, trade unions or other individuals in the community.

2. If a recipient receives care from more than one member of a partnership or corporation in the same discipline for the same service, the maximum payment allowance shall be the same as that of a single provider. For purposes of reimbursement, optometrist and/or physician, optometrist and physician groups, shared health care facility, or optometrist and physician sharing a common record shall be considered a single provider.

3. (No change.)

(d) For reimbursement purposes, when the practitioner submits a claim for services, the services shall have been performed personally by the practitioner submitting the claim.

(e) To qualify as documentation that the service was rendered by the practitioner during an inpatient stay, the recipient's medical record must contain the practitioner's notes indicating that he or she personally:

1. Reviewed the recipient's medical history with the recipient and/or his or her family, depending upon the medical situation;

2. Performed an eye examination, or other procedure;

3. Established, confirmed or revised the diagnosis; and

4. Visited and examined the recipient on the day(s) for which a claim for reimbursement is made.

SUBCHAPTER 2. OPTICAL APPLIANCES AND SERVICES

10:62-2.1 Scope

This subchapter covers the provision of optical appliances necessary for the correction of any eye vision defects.

10:62-2.2 Definitions

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

. . .

"Optical appliances" mean those items, devices or appliances prescribed by a practitioner in order to aid or improve vision, or to replace the eye.

"Optician" means an individual licensed by the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, *[or similarly licensed by a comparable agency of the state in which he or she performs such function]* ***or licensed to practice as an optician in the state in which he or she performs such functions***.

10:62-2.3 Providers of optical appliances and other services

(a) Within the restrictions of their respective licensure, the following are eligible providers upon fulfilling the Enrollment Process requirements in N.J.A.C. 10:49-3.2;

1. Ophthalmologists as defined in N.J.A.C. 10:62-1.2;

2. Optometrists as defined in N.J.A.C. 10:62-1.2;

3. Opticians as defined in N.J.A.C. 10:62-2.2;

4. Ocularists as defined in N.J.A.C. 10:62-2.2;

5. Independent clinics approved by the New Jersey Medicaid program to render eye care services;

6. Hospitals approved by the New Jersey Medicaid program for participation; and

7. Ophthalmologists, optometrists or opticians in another state who are duly licensed or meet the requirements of their own state with regard to the dispensing of optical appliances within that state.

10:62-2.4 Covered services

(a) The following optical appliances and services are covered under the New Jersey Medicaid program:

1.-2. (No change.)

3. Repairs of optical appliances (prior authorization required for repairs for which the charge to the Medicaid program is $15.00 or over (see N.J.A.C. 10:62-2.5);

4. Artificial eyes (may be provided once every three years when prescribed by an ophthalmologist or an optometrist);

5. Low vision devices (prior authorization required if the total charge to the Medicaid program is $150.00 or more, see N.J.A.C. 10:62-2.5);

6. Vision training devices (prior authorization required, see N.J.A.C. 10:62-2.5);

7. Replacement of optical appliances:

i. Lenses and frames may be replaced once every two years for persons age 19 through and including 59 years of age, and once a year for persons less than 19 years or 60 years of age and older, provided there is a change of 0.50 diopter in sphere and or cylinder power, or a change of five degrees or more in cylinder axis.

ii. Lenses may be replaced more frequently than once every two years for persons 19 through and including 59 years of age or more frequently than once every year for persons less than 19 years or 60 years of age and older, providing there is a prescription change of at least 0.75 diopter in spherical and/or cylindrical power or a change in axis of eight degrees or more. Providers shall enter the previous prescription number in the Remarks section (#19) of the MC-9 claim form.

iii. When an optical appliance is destroyed in a fire or stolen, the provider shall place a written statement in the Remarks section (#19) of the MC-9 claim form and put a copy of the fire/police report in the provider's recipient file.

iv. Providers may provide one replacement of frame and/or lenses per year for individuals with developmental disabilities. Providers shall place a written supporting statement and diagnosis related information in the Remarks section (#19) of the MC-9 claim form and put a copy of the developmental disabilities report in the provider's recipient file.

8. Dual pairs of glasses instead of multifocal (prior authorization required, see N.J.A.C. 10:62-2.5);

9. Contact lenses; and

10. Intraocular lenses.

10:62-2.5 Optical appliances requiring prior authorization

(a) Form MC-9(A) (Request for Authorization and Payment—Optical Appliances) shall be used for requesting prior authorization for optical appliances. Instructions for completing the form are provided in the Fiscal Agent Billing Supplement. The completed form clearly indicating the reasons for requesting the appliance requiring prior authorization, must be submitted to the Vision Care Unit, Division of Medical Assistance and Health Services, Mail Code #16, CN712, Trenton, New Jersey 08625-0712. When a request for authorization is approved or denied, the provider shall receive a letter of notification from the fiscal agent.

(b) Items requiring prior authorization should not be provided to the Medicaid recipient until the authorization is received by the provider. (Reference is made to N.J.A.C. 10:49-6).

(c) Authorization becomes invalid upon termination of eligibility for the New Jersey Medcaid program, except when the termination occurs between the time the optical appliance is ordered and the time the optical appliance is dispensed. Note: The provider shall use the date the optical appliance is ordered as the date of service when this situation occurs.)

(d) The following optical appliances require prior authorization:

1. Low vision devices when the total charge to the Medicaid program is $150.00 or more;

2. Vision training devices;

3. Repair of an optical appliance when the charge to the Medicaid program is $15.00 or more;

4. Replacement of optical appliances;

i. In circumstances not covered in N.J.A.C. 10:62-2.4, the replacement of an optical appliance requires prior authorization. For exam-

ple: If lost, broken and irreparable, or prescription change is less than 0.50 diopter or 5 degrees in axis.

5. Dual pairs of glasses instead of multifocal;

6. Optical tints (except rose, one and two, grey or brown plastic lenses 10 percent to 20 percent);

7. High index lenses;

8. Special base curve; and

9. All other optical appliance items requiring additional charges or not identified in N.J.A.C. 10:62-3.4 (Procedure Codes and Maximum Fee Schedule for Vision Care Appliances).

(e) Optical appliance services rendered to Medicaid recipients who are enrolled in a health maintenance organization which includes these services in its benefits package must be prior authorized by the HMO/physician case manager. See N.J.A.C. 10:49-19 and 10:49-20 for specifics on prepaid health plans and the Garden State Health Plan which serve the Medicaid population and the Fiscal Agent Billing Supplement for details for obtaining prior authorization.

10:62-2.6 Standards and policies regarding lenses

(a) Lenses shall be first quality ophthalmic lenses meeting the requirements published by American National Standard Institute (available from the American National Standards Institute, 11 West 42 St., New York, N.Y. 10036, tel. 212-642-4900.

(b) Safety lenses shall meet impact resistant standards as set forth in the United States Food and Drug Administration regulations (21 CFR 3.84).

Recodify (d)-(f) as (c)-(e) (No change in text.)

(f) Contact lenses may be provided for:

1. Specific ocular pathological conditions (for example, Keratoconus, monocular surgical aphakia to effect binocular vision, anisometropia of 3.0 diopters or more;

2. Patients whose vision cannot be improved to at least 20/70 with regular lenses but improvement of vision can be accomplished to 20/70 or better; and

3. Replacement of a contact lens within two years is allowed only if there has been a significant change in basic lens parameters (design or prescription) prior authorization is required, see N.J.A.C. 10:62-2.5.

(g) The policy for duplication or reproduction of the same correction is as follows:

1. A re-examination and new prescription are required if more than one year (or two years in the case of an individual 19 through and including 59 years of age) has elapsed since the date of the original prescription.

(h) The New Jersey Medicaid program will not pay for replacement of optical appliances which may have been lost, broken, damaged or stolen unless prior authorized.

(i) Prior authorization is required for individuals with significant pathological conditions requiring optical tints other than rose, one and two, grey or brown plastic lenses 10 percent to 20 percent.

(j) Polycarbonate lenses may be provided in special situations when maximum protection is indicated and recommended in writing by the prescribing practitioner.

(k) Ultraviolet filter lens may be provided in special situations when maximum ultraviolet protection is indicated for the preservation of tissue integrity and recommended in writing by the prescribing practitioner.

(l) The following are not covered under the New Jersey Medicaid program:

1.-6. (No change.)

10:62-2.7 Standards and policies regarding frames

(a) Plastic, non-flammable frames acceptable to the New Jersey Medicaid program shall meet the following minimum criteria:

1.-6. (No change.)

(b) Wire-metal frames are not covered under the New Jersey Medicaid program.

10:62-2.10 Approved fabricating laboratory

(a) For purposes of the New Jersey medicaid program, an approved fabricating laboratory shall have the necessary equipment, licensed personnel and capability to completely surface and finish new optical glass or plastic lenses or partially finished lenses.

(b) The laboratory shall be able to provide all services necessary to completely furnish eyeglasses as may be requested by an optical dispenser and is subject to approval by the New Jersey Medicaid program. A provider may call the Vision Care Unit (609-588-2729) to ascertain if a laboratory is Medicaid approved.

10:62-2.11 Recordkeeping policies

(a) Providers shall keep such legible individual records as are necessary to fully disclose the kind and extent of services provided, as well as the medical necessity for those services, which are subject to post audit review. Such information shall be readily available to the representatives of the New Jersey Medicaid program or its agents as required.

(b) The records as required by (a) above shall include the following:

1.-4. (No change.)

5. Date of the prescription received;

6. (No change.)

7. Invoice from fabricating laboratory and material purchase invoices, as applicable; and

8. All supportive statements and reports, for example fire report, police report, developmental disabilities, medical necessity, etc.

(c) (No change.)

10:62-2.12 Reimbursement policy

(a) Instructions for submitting claims for payment of optical appliances are provided in the Fiscal Agent Billing Supplement.

(b) Optical appliances must be identified by means of procedure codes, utilizing the Health Care Financing Administration's (HCFA) Common Procedure Coding System (HCPCS). The codes and maximum fee allowance schedule are listed in N.J.A.C. 10:62-3.

(c) The reimbursement policy of the New Jersey Medicaid program provides for payment to the provider of the actual invoice cost of the optical appliance plus a dispensing fee. Providers are requested to indicate the actual invoice cost of the material when submitting a claim. Actual invoice cost is defined as the net amount paid by the provider, reflecting all discounts or special purchase agreements. The service (dispensing) fee, to which the provider is entitled, should be indicated as a separate item.

(d) The maximum allowable reimbursement for frames is not to exceed an allowance determined to be reasonable by the Commissioner, Department of Human Services. However, providers shall only bill the New Jersey Medicaid program for the actual invoice cost of the frame when submitting a claim for payment. Actual invoice cost is defined as the net amount paid by the provider, reflecting all discounts or special purchase agreements. Frames are reimbursable only if they meet the criteria listed in N.J.A.C. 10:62-2.7.

(e) Optical appliances are reimbursable under the New Jersey Medicaid program only when prescribed by a provider of professional eye services as defined in N.J.A.C. 10:62-1.3.

(f) Non-physician services and equipment/supplies furnished to hospital inpatients by outside providers shall not be billed directly to the New Jersey Medicaid program. Providers shall submit a bill/invoice to the hospital for payment.

(g) The cost of intraocular lenses is reimbursable to hospitals or ambulatory surgical centers where the surgery is performed or directly to the ophthalmologist.

1. Ophthalmologists may be reimbursed for the cost of the intraocular lenses, provided that reimbursement is not requested by the hospital or the ambulatory surgical center. To be reimbursed, the ophthalmologist shall complete the MC-9 form and mail it to the fiscal agent.

(h) Reimbursement by the New Jersey medicaid program shall be made for covered services provided to eligible recipients only.

SUBCHAPTER 3. HCFA COMMON PROCEDURE CODING SYSTEM (HCPCS)

10:62-3.1 Introduction

(a) The New Jersey Medicaid program utilizes the Health Care Financing Administration's (HCFA) Common Procedure Coding System (HCPCS). HCPCS follows the American Medical Association's Physicians' Current Procedural Terminology—4th Edition (CPT-4) architecture, employing a five-position code and as many as two 2-position modifiers. Unlike the CPT-4 numeric design, the HCFA assigned codes and modifiers contain alphabetic characters. HCPCS was developed as a three-level coding system.

1. Level I Codes (Narratives found in CPT-4): These codes are adapted from CPT-4 for utilization primarily by Physicians, Podiatrists, Optometrists, Certified Nurse-Midwives, Independent Clinics and Independent Laboratories. CPT-4 is a listing of descriptive terms and numeric identifying codes and modifiers for reporting medical services and procedures performed by physicians. Copyright restrictions make it impossible to print excerpts from CPT-4 procedure narrative for Level I codes. Thus, in order to determine those narratives it is necessary to refer to CPT-4, which is incorporated herein by reference, as amended and supplemented. (The CPT-4 is available from the Order Department of the American Medical Association, P.O. Box 109050, Chicago, Illinois 60610.)

2. Level II Codes (Narratives found in N.J.A.C. 10:62-3.5): These codes are assigned by HCFA for physician and non-physician services which are not in CPT-4.

3. Level III Codes (Narratives found in N.J.A.C. 10:62-3.3 and 3.5): These codes are assigned by the Division to be used for those services not identified by CPT-4 codes or HCFA-assigned codes. Level III codes identify services unique to New Jersey.

(b) The HCPCS procedure codes listed in this subchapter are divided into two sections: HCPCS procedure codes for professional services are in N.J.A.C. 10:62-3.2; and HCPCS procedure codes for vision care appliances are in N.J.A.C. 10:62-3.5.

(c) The responsibility of the provider when rendering professional services and requesting reimbursement is listed in N.J.A.C. 10:62-1 (Reimbursement Policies); for optical appliances, N.J.A.C. 10:62-2 (Reimbursement Policies).

1. When filing a claim, the appropriate HCPCS procedure codes must be used in conjunction with the modifiers when applicable.

2. The use of a HCPCS procedure code will be interpreted by the New Jersey Medicaid program as evidence that the practitioner personally furnished, at a minimum, the service which the code represents.

3. For reimbursement purposes, when reference is made to any of the following services it is understood that they were performed by the practitioner submitting the claim:

i. Office, hospital, nursing home, or residential health care facility visits; and

ii. Any and all parts of a history or eye examination.

4. To qualify as documentation that the service was rendered by the practitioner during an inpatient stay, the medical record must contain the practitioner's notes indicating that he/she personally:

i. Reviewed the patient's medical history with the patient and/or his/her family, depending upon the medical situation;

ii. Performed an eye examination;

iii. Confirmed or revised the diagnosis; and

iv. Visited and examined the patient on the day(s) for which a claim for reimbursement is made.

5. Date(s) of service(s) must be indicated on the claim form and in the practitioner's own record for each service billed.

6. When submitting a claim, the practitioner must always use his/her usual and customary fee. The Medicaid dollar value designated for the HCPCS procedure codes represents the New Jersey Medicaid program's maximum payment for the given procedure.

i. All references to time parameters shall mean the practitioner's time in reference to the service rendered unless it is otherwise indicated.

(d) Regarding specific elements of HCPCS procedure codes which require attention of providers, the lists of HCPCS procedure codes for vision care services are arranged in tabular form with specific information for a code identified under columns with titles such as: "IND", "HCPCS CODE", "MOD", "DESCRIPTION", AND "MAXIMUM FEE ALLOWANCE". The information identified under each column is summarized below:

COLUMN TITLE

IND (Indicator-Qualifier) Lists alphabetic symbols used to refer a provider to information concerning the New Jersey Medicaid program's qualifications and requirements when a procedure and service code is used.

Explanation of indicators and qualifiers used in this column are identified below:

"L" preceding any HCPCS procedure code indicates that the complete narrative for the HCPCS procedure code is located in N.J.A.C. 10:62-3.3.

"N" preceding any HCPCS procedure code indicates that qualifiers are applicable to that code. These qualifiers are listed by HCPCS procedure code in N.J.A.C. 10:62-3.4.

"P" preceding any HCPCS procedure code indicates that prior authorization is required. (See N.J.A.C. 10:62-1. and 2.)

"R" preceding any HCPCS procedure code indicates a HCPCS procedure code for a factor necessary in the fabrication of a lens prescription. For proper reimbursement, the code must be listed on the claim form (MC-9) in addition to the basic lens code.

HCPCS CODE Lists the HCPCS procedure code for professional services and vision care appliances.

MOD Lists alphabetic and numeric symbols. Services and procedures may be modified under certain circumstances. When applicable, the modifying circumstances should be identified by the addition of alphabetic and/or numeric characters at the end of the HCPCS procedure code. The New Jersey Medicaid program's recognized modifier codes for vision care services are as follows:

MODIFIER CODE	DESCRIPTION
YF	Optical Frame Service Fee: To be used when patient supplies his or her own Medicaid plastic frame.
22	Unusual Services: When the service(s) provided is greater than that usually required for the listed procedure, it may be identified by adding modifier "22" to the usual procedure code and enclose a copy of the invoice. When billing, a copy of the invoice is required. (See "Comprehensive Eye Examination with Diagnostic Fields" in N.J.A.C. 10:62-3.4.)
52	Reduced Services: Under certain circumstances a service or procedure is partially reduced or eliminated at the practitioner's election. Under these circumstances the service provided can be identified by its usual procedure number and the addition of the modifier "52" signifying that the service is reduced. This provides a means of reporting reduced services without disturbing the identification of the basic services. This also applies when using Stock Bifocals. (See "Bifocal Lenses, Glass or Plastic" in N.J.A.C. 10:62-3.5(d)).

DESCRIPTION

Lists the code narrative. (Narratives for Level I codes are found in CPT-4. Narratives for Level II and Level III codes are found in N.J.A.C. 10:62-3.2 and 3.5.

MAXIMUM FEE ALLOWANCE Lists New Jersey Medicaid program's maximum reimbursement schedule. If the symbols "B.R." (By Report) are listed instead of a dollar amount, it means that additional information will be required in order to properly evaluate the service. Attach a

copy of the report to the claim form. If the symbols "N.A." (Not Applicable) are listed instead of a dollar amount, it means that the service is not reimbursable.

(e) Regarding alphabetic and numeric symbols under "IND" and "MOD", these symbols when listed under the "IND" and "MOD" columns are elements of the HCPCS coding system used as qualifiers or indicators (as in the "IND" column) and as modifiers (as in the "MOD" column). They assist the provider in determining the appropriate procedure codes to be used, the area to be covered, the minimum requirements needed, and any additional parameters required for reimbursement purposes.

1. These symbols and/or letters must not be ignored because, in certain instances, requirements are created in addition to the narrative which accompanies the HCPCS procedure code as written in CPT-4. The provider must be careful to enter the additional requirements, and not just the HCPCS procedure code narrative. These requirements must be fulfilled in order to receive reimbursement.

2. If there is no identifying symbol listed, the HCPCS procedure code narrative prevails.

(f) For surgical codes relevant to Ophthalmologists see Physicians Services Chapter (N.J.A.C. 10:54-4, HCFA Common Procedure Coding System).

10:62-3.2 HCPCS Procedure Codes and maximum fee schedule for professional vision care services

IND	HCPCS CODE	MOD	MAXIMUM FEE ALLOWANCE
	65205		$16.00
	65210		32.00
	65220		32.00
	65222		48.00
	65430		16.00
	67820		16.00
	68800		8.00
N	92002		22.00
N	92004		22.00
N	92004	22	26.00
N	92012		22.00
N	92014		22.00
N	92014	22	26.00
	92018		35.00
	92019		35.00
N	92020		16.00
	92060		N.A.
P-N	92065		16.00
	92070		N.A.
N	92081		16.00
N	92082		16.00
N	92083		16.00
N	92100		16.00
N	92120		16.00
N	92130		16.00
N	92140		16.00
	92225		25.00
	92226		21.00
	92235		53.00
	92250		10.00
N	92260		15.00
	92265		25.00
	92270		11.00
	92275		20.00
N	92280		45.00
	92286		12.00
	92310		N.A.
	92311		N.A.
	92312		N.A.
	92313		N.A.
	92314		N.A.
	92315		N.A.
	92316		N.A.
	92317		N.A.
	92325		N.A.
	92326		70.00
	92330		N.A.
	92335		N.A.
	92340		N.A.
	92341		N.A.
	92342		N.A.
	92352		N.A.
	92353		N.A.
	92354		N.A.
	92355		N.A.
	92358		N.A.
	92370		N.A.
	92371		N.A.
	92541		5.00
	92542		8.00
	92544		5.00
	92545		5.00
N	99201		16.00
N	99202		16.00
N	99211		16.00
N	99212		16.00
N	99213		16.00
N	99214		16.00
N	99215		16.00
L	W9200		12.00
L-P	W9205		70.00
L-P	W9210		70.00
L-N	W9220		16.00

10:62-3.3 Professional vision care service codes and narratives not found in CPT-4 (Level II and Level III codes)

IND	HCPCS CODE	MOD	DESCRIPTION	MAXIMUM FEE ALLOWANCE
	W9200		Low Vision Exam, a continuation of a comprehensive eye exam, with limited additional tests to determine if low vision devices would benefit vision problems that cannot be normalized by conventional spectacles. NOTE: This low vision examination is used as an additional procedure at the time of the original examination.	$ 12.00
P	W9205		Low Vision Work-up with written report. Prior Authorization required. This is a battery of extensive tests and independent procedures to determine a device or a combination of devices that would permit an individual to enhance visual functions.	70.00
P	W9210		Vision training workup and written report (prior authorization required).	70.00
N	W9220		Slit lamp examination	16.00

10:62-3.4 Qualifiers for professional vision care services

(a) Qualifiers for professional vision care services are summarized below:

HCPCS
CODES PROCEDURE

1. COMPREHENSIVE EYE EXAMINATION

92002
92004
92012
92014 Comprehensive Eye Examination—Codes 92002, 92004, 92012 or 92014 refer to a new or established patient respectively. For reimbursement purposes, the use of these codes requires as a minimum a comprehensive eye examination, one or more office visits, which shall include, with or without cycloplegics, and with or without a post cycloplegic visit, the following:

i. Detailed case history;
ii. External and internal (ophthalmoscopic) examination;
iii. Refraction (objective and subjective);
iv. Gross visual fields (central and peripheral);
v. Tonometry (when indicated for patients under 35; mandatory for all patients over 35). The specific method used should be identified (that is, the finger palpation test is not acceptable);
vi. Binocular coordination testing (distance and near);
vii. The diagnosis (Ocular deficiency or deformity, visual or muscular anomaly, and so forth); and
viii. Recommendations.

2. COMPREHENSIVE EYE EXAMINATION WITH DIAGNOSTIC FIELDS

92004 22
92014 22 Comprehensive Eye Examination with Diagnostic Fields—Codes 92004 22 or 92014 22 refer to a new or established patient respectively. For reimbursement purposes, it shall include all the criteria of procedure codes 92002, 92004, 92012 or 92014 plus complete Diagnostic Visual Fields.

i. NOTE: These codes are not routinely reimbursable for complete comprehensive eye examination. Patients should be selected for this additional service based upon history and ophthalmologic findings during the examination; if the physical examination suggests the presence of optic or motor nerve abnormalities, or if other significant physical findings are present and documented, diagnostic visual field studies may be selectively employed to establish or to confirm the diagnosis and/or the degree of impairment.
ii. NOTE: A Comprehensive eye examination with or without diagnostic fields is limited to once a year.

3. INDEPENDENT OFFICE PROCEDURES

92020
92065
92081
92082
92083
92100
92120
92130
92140
92260
W9220 Independent Office Procedures—Codes 92020, 92065, 92081, 92082, 92083, 92100, 92120, 92130, 92140, 92260, W9220, are not reimbursable when performed on the same day as Codes 99201, 99202, 99211, 99212, 99213, 99214, 99215, 92002, 92004, 92012 or 92014. When multiple procedures are billed on the same day for the same patient in an office setting, reimbursement will be limited to the highest valued procedure.

4. OFFICE SERVICES (NEW PATIENT)

99201
99202 Codes 99201 and 99202 are not reimbursable with 92002, 92004, 92012 or 92014 on the same day.

5. OFFICE SERVICES (ESTABLISHED PATIENT)

99211
99212
99213
99214
99215 Codes 99211, 99212, 99213, 99214, and 99215 are not reimbursable with 92002, 92004, 92012 or 92014 on the same day.

6. BRAIN-STEM-EVOKED RESPONSE TESTING

92280 Not reimbursable for initial testing, general screening, research studies or any situation where usefulness has not been clearly established; and therefore, it is without controversy.

Code 92280—for reimbursement purposes refers to a visual brain-stem-evoked response (VBR) with interpretation. Reimbursable to hospital outpatient department as a hospital charge or to a qualified provider (office setting). The study must be personally performed by any of the following disciplines trained and experienced with VBR testing, namely Ophthalmologists, Optometrists, Neurologists, Neurosurgeons, and Psychiatrists. Criteria for testing:

i. Inconclusive test results by standard vision testing for:
(1) Neonates and infants at risk for vision loss;
(2) Children and adults who cannot perform behavioral testing.
ii. Suspected organic neurologic lesion within or proximal to the visual pathway.

10:62-3.5 HCPCS Procedure Codes and maximum fee schedule for vision care appliances

IND	HCPCS CODE	MOD	DESCRIPTION	MAXIMUM FEE ALLOWANCE
(a) LENS DISPENSING FEE				
	Y5100		Lens Service (Cataract Bifocal over + or − 10 D)	$ 40.00
	Y5105		Lens Service (Cataract Single Vision over + or − 10 D)	20.00
	Y5110		Lens Service (Single vision lens)	12.00
	Y5112		Lens Service (Bifocal lens)	15.00
	Y5114		Lens Service (Trifocal lens)	17.00
(b) FRAMES				
	V2020		Frames, purchases	8.00
	Y5150		Frames, purchase, replacement (due to irreparable damage)	8.00
	Y9787		Repair of frames NOTE: Frame repairs charge $15.00 or more require prior authorization	15.00
	Y5165		Frames, (dispensing fee)	8.00
	Y5165	YF	Frames, (dispensing fee) NOTE: YF—Patient supplied his or her own Medicaid plastic frame	8.00
(c) SINGLE VISION LENSES, GLASS OR PLASTIC				
	V2100		Sphere, single vision, plano to plus or minus 4.00, per lens	5.80
	V2101		Sphere, single vision, plus or minus 4.12 to plus or minus 7.00D, per lens	6.00
	V2102		Sphere, single vision, plus or minus 7.12 to plus or minus 20.00D, per lens	14.25
	V2103		Spherocylinder, single vision, plano to plus or minus 4.00D sphere, .12 to 2.00D cylinder, per lens	8.50

	V2104	Spherocylinder, single vision, plano to plus or minus 4.00D sphere, 2.12 to 4.00D cylinder, per lens	9.50
	V2105	Spherocylinder, single vision, plano to plus or minus 4.00D sphere, 4.25 to 6.00D cylinder, per lens	10.50
P	V2106	Spherocylinder, single vision, plano to plus or minus 4.00D sphere, over 6.00D cylinder, per lens	B.R.
	V2107	Spherocylinder, single vision, plus or minus 4.25D to plus or minus 7.00D sphere, .12 to 2.00D cylinder, per lens	10.50
	V2108	Spherocylinder, single vision, plus or minus 4.25D to plus or minus 7.00D sphere, 2.12D to 4.00D cylinder, per lens	11.50
	V2109	Spherocylinder, single vision, plus or minus 4.25 to plus or minus 7.00D sphere, 4.25 to 6.00D cylinder, per lens	12.50
P	V2110	Spherocylinder, single vision, plus or minus 4.25 to 7.00D sphere, over 6.00D cylinder, per lens	B.R.
	V2111	Spherocylinder, single vision, plus or minus 7.25 to plus or minus 12.00D sphere, .25 to 2.25D cylinder, per lens	13.50
	V2112	Spherocylinder, single vision, plus or minus 7.25 to plus or minus 12.00D sphere, 2.25D to 4.00D cylinder, per lens	14.50
	V2113	Spherocylinder, single vision, plus or minus 7.25 to plus or minus 12.00D sphere, 4.25 to 6.00D cylinder, per lens	15.50
	V2114	Spherocylinder, single vision, sphere over plus or minus 12.00D, per lens NOTE: With any cylinder	19.50
R	V2115	Lenticular, (myodisc), per lens, single vision	25.00
R	V2116	Lenticular lens, nonaspheric, per lens, single vision	35.00
R	V2117	Lenticular, aspheric, per lens, single vision	45.00
P	V2118	Aniseikonia lens, single vision	B.R.
P	V2199	Not otherwise classified, single vision lens	B.R.

(d) BIFOCAL LENSES, GLASS OR PLASTIC
(up to and including 28mm seg width, add power up to and including +4.00D)

	V2200	Sphere, bifocal, plano to plus or minus 4.00D per lens	12.00
	V2200 52	Sphere, bifocal, plano to plus or minus 4.00D, per lens—Stock lens	7.00
	V2201	Sphere, bifocal, plus or minus 4.12 to plus or minus 7.00D per lens	14.25
	V2201 52	Sphere, bifocal, plus or minus 4.12 to plus or minus 7.00D per lens—Stock lens	7.00
	V2202	Sphere, bifocal, plus or minus 7.12 to plus or minus 20.00D, per lens	18.85
	V2203	Spherocylinder, bifocal, plano to plus or minus 4.00D sphere, .12 to 2.00D cylinder, per lens	13.50
	V2204	Spherocylinder, bifocal, plano to plus or minus 4.00D sphere, 2.12 to 4.00D cylinder, per lens	14.50
	V2205	Spherocylinder, bifocal, plano to plus or minus 4.00D sphere, 4.25 to 6.00D cylinder, per lens	15.50
P	V2206	Spherocylinder, bifocal, plano to plus or minus 4.00D sphere, over 6.00D cylinder, per lens	B.R.
	V2207	Spherocylinder, bifocal plus or minus 4.25 to plus or minus 7.00D sphere, .12 to 2.00D cylinder, per lens	18.60
	V2208	Spherocylinder, bifocal, plus or minus 4.25 to plus or minus 7.00D sphere, 2.12 to 4.00D cylinder, per lens	20.65
	V2209	Spherocylinder, bifocal, plus or minus 4.25 to plus or minus 7.00D sphere, 4.25 to 6.00D cylinder, per lens	21.65
P	V2210	Spherocylinder, bifocal, plus or minus 4.25 to plus or minus 7.00D sphere, over 6.00D cylinder, per lens	B.R.
	V2211	Spherocylinder, bifocal, plus or minus 7.25 to plus or minus 12.00D sphere, .25 to 2.00D cylinder, per lens	23.60
	V2212	Spherocylinder, bifocal, plus or minus 7.25 to plus or minus 12.00D sphere, 2.25 to 4.00D cylinder, per lens	25.60
	V2213	Spherocylinder, bifocal, plus or minus 7.25 to plus or minus 12.00D sphere, 4.25D to 4.00D cylinder, per lens	25.60
	V2214	Spherocylinder, bifocal, sphere over plus or minus 12.00D, per lens NOTE: With any cylinder	25.60
R	V2215	Lenticular (myodisc), per lens, bifocal	40.00
R	V2216	Lenticular, nonaspheric, per lens, bifocal	55.00
R	V2217	Lenticular, aspheric, per lens, bifocal	65.00
P	V2218	Aniseikonia, per lens, bifocal	B.R.
P	V2219	Bifocal seg width over 28mm	B.R.
	V2220	Bifocal add over 3.25D NOTE: Per pair	15.00
P	V2299	Specialty bifocal	B.R.

(e) TRIFOCAL LENSES, GLASS OR PLASTIC
(up to and including 28mm seg width, add power up to and including 3.25D)

	V2300	Sphere, trifocal, plano to plus or minus 4.00D, per lens	19.50
	V2301	Sphere, trifocal, plus or minus 4.12 to plus or minus 7.00D, per lens	21.75
	V2302	Sphere, trifocal, plus or minus 7.12 to plus or minus 20.00, per lens	26.35
	V2303	Spherocylinder, trifocal, plano to plus or minus 4.00D sphere, .12-2.00D cylinder per lens	21.00

	V2304	Spherocylinder, trifocal, plano to plus or minus 4.00D sphere, 2.25 to 4.00D cylinder, per lens	22.00
	V2305	Spherocylinder, trifocal, plano to plus or minus 4.00D sphere, 4.25 to 6.00 cylinder, per lens	23.00
	V2306	Spherocylinder, trifocal, plano to plus or minus 4.00D sphere, over 6.00 cylinder, per lens	30.00
P	V2307	Spherocylinder, trifocal, plus or minus 4.25 to plus or minus 7.00D sphere, .12 to 2.00D cylinder, per lens	B.R.
P	V2308	Spherocylinder, trifocal, plus or minus 4.25 to plus or minus 7.00D sphere, 2.12 to 4.00D cylinder, per lens	B.R.
P	V2309	Spherocylinder, trifocal, plus or minus 4.25 to plus or minus 7.00D sphere, 4.25 to 6.00D cylinder, per lens	B.R.
P	V2310	Spherocylinder, trifocal, plus or minus 4.25 to plus or minus 7.00D sphere, over 6.00D cylinder, per lens	B.R.
P	V2311	Spherocylinder, trifocal, plus or minus 7.25 to plus or minus 12.00D sphere, .25 to 2.25D cylinder, per lens	B.R.
P	V2312	Spherocylinder, trifocal, plus or minus 7.25 to plus or minus 12.00D sphere, 2.25 to 4.00D cylinder, per lens	B.R.
P	V2313	Spherocylinder, trifocal, plus or minus 7.25 to plus or minus 12.00D sphere, 4.25 to 6.00D cylinder, per lens	B.R.
P	V2314	Spherocylinder, trifocal, sphere over plus or minus 12.00D cylinder, per lens NOTE: With any cylinder	B.R.
P-R	V2315	Lenticular, (myodisc), per lens, trifocal	B.R.
P-R	V2316	Lenticular nonaspheric, per lens, trifocal	B.R.
P-R	V2317	Lenticular, aspheric, per lens, trifocal	B.R.
P	V2318	Aniseikonia, per lens, trifocal	B.R.
P	V2319	Trifocal seg width over 28mm	B.R.
	V2320	Trifocal add over 3.25D NOTE: Per pair	15.00
P	V2399	Specialty trifocal	B.R.

(f) VARIABLE SPHERICITY LENSES
(Welsh 4 drop, hyperaspheric, double drop, etc.)

P	V2410	Variable sphericity lens, single vision, full field, glass or plastic, per lens	B.R.
P	V2430	Variable sphericity lens, bifocal, full field, glass or plastic, per lens	B.R.
P	V2499	Variable sphericity lens, other type	B.R.

(g) CONTACT LENSES

P	V2500	Contact lens, pmma, spherical, per lens	B.R.
P	V2501	Contact lens, pmma, toric or prism ballast, per lens	B.R.
P	V2502	Contact lens, pmma, bifocal, per lens	B.R.
P	V2503	Contact lens, pmma, color vision deficiency, per lens	B.R.
	V2510	Contact lens, gas permeable, spherical, per lens	120.00
P	V2511	Contact lens, gas permeable, toric, prism ballast, per lens	B.R.
P	V2512	Contact lens, gas permeable, bifocal, per lens	B.R.
	V2513	Contact lens, gas permeable, extended wear, per lens	120.00
	V2520	Contact lens hydrophilic, spherical, per lens	100.00
P	V2521	Contact lens hydrophilic, toric, or prism ballast, per lens	B.R.
P	V2522	Contact lens hydrophilic, bifocal, per lens	B.R.
	V2523	Contact lens hydrophilic, extended wear, per lens	100.00
P	V2530	Contact lens, scleral, per lens (for contact lens modification, see 92325)	B.R.
P	V2599	Contact lens, other type	B.R.

(h) LOW VISION AIDS

	V2600	Hand held low vision aids and other nonspectacle mounted aids	75.00
	V2610	Single lens spectacle mounted low vision aids	150.00
P	V2615	Telescopic and other compound lens system including distance vision telescopic, near vision telescopic and compound telescopic lens system	B.R.

(i) PROSTHETIC EYES

P	V2620	Prosthetic, eye, glass, stock	B.R.
	V2621	Prosthetic, eye, plastic, stock	300.00
P	V2622	Prosthetic, eye, glass, custom	B.R.
	V2623	Prosthetic, eye, plastic, custom	300.00
P	V2629	Not otherwise classified, prosthetic eye	B.R.

(j) INTRAOCULAR LENSES

	V2630	Anterior chamber intraocular lens	200.00
	V2631	Iris supported intraocular lens	200.00
	V2632	Posterior chamber intraocular lens	200.00

(k) MISCELLANEOUS

	V2700	Balance lens, per lens NOTE: Single vision	5.00
	V2700 22	Balance lens, per lens NOTE: Bifocal	10.00
P	V2710	Slab off prism, glass or plastic, per lens	B.R.
	V2715	Prism, per lens	7.00
P	V2718	Press-on lens, Fresnell prism, per lens	B.R.
P	V2730	Special base curve, glass or plastic, per lens	B.R.
	V2740	Tint, plastic, rose 1 or 2, per lens NOTE: Per pair	3.50
	V2741	Tint, plastic, other than rose 1-2, per lens NOTE: Grey or Brown 10%-20% only, per pair	3.50
	V2742	Tint, glass rose 1 or 2, per lens NOTE: Per pair	3.50

P	V2743	Tint, glass other than rose 1 or 2, per lens	B.R.
	V2755	U.V.—Lens NOTE: Per Pair	10.00
	V2770	Occluder lens, per lens	10.00
	V2785	Processing, preserving and transporting corneal tissue	500.00
P	V2799	Vision service, miscellaneous	B.R.
P	Y5200	Vision training devices	B.R.
	Y5201	Polycarbonate lens NOTE: Per pair	20.00

APPENDIX

FISCAL AGENT BILLING SUPPLEMENT

AGENCY NOTE: The Fiscal Agent Billing Supplement is appended as a part of this chapter but is not reproduced in the New Jersey Administrative Code. When revisions are made to the Fiscal Agent Billing Supplement, replacement pages will be distributed to providers and copies will be filed with the Office of Administrative Law. For a copy of the Fiscal Agent Billing Supplement, write to:

PARAMAX/UNISYS
CN-4801
Trenton, New Jersey 08650-4801

or contact:

Office of Administrative Law
Quakerbridge Plaza, Building 9
CN-049
Trenton, New Jersey 08625-0049

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Administrative Correction
Independent Clinic Services
HCFA Common Procedure Coding System (HCPCS)
HealthStart
N.J.A.C. 10:66-6.5

Take notice that the Department of Human Services has discovered an error in the adopted text of HCPCS Code W9070, HealthStart Pediatric Continuity of Care, at N.J.A.C. 10:66-6.5, published in the December 6, 1993 New Jersey Register at 25 N.J.R. 5528(c), 5567. In the third paragraph of the procedure description, the proposed phrase "non-clinic hours" was changed upon adoption to "clinic hours" in the original adoption document (see R.1993 d.641), as explained in item 10 of the adoption's Summary of Agency-Initiated Changes, 25 N.J.R. 5530. However, the change is not reflected in the published adopted rule. Through this notice, published pursuant to N.J.A.C. 1:30-2.7, this error is corrected.

Full text of the corrected rule follows (deletion indicated in brackets [thus]):

10:66-6.5 HealthStart

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

HCPCS Code	Mod	Procedure Description
W9070		HealthStart Pediatric Continuity of Care . . . —24-hour telephone access for medical consultation outside [non-]clinic hours; and . . .

(b)

DIVISION OF FAMILY DEVELOPMENT

Notice of Administrative Change
Service Programs for Aged, Blind or Disabled Persons
New Jersey Supplemental Security Income Payment Levels
N.J.A.C. 10:83-1.11

Take notice that, in accordance with N.J.A.C. 10:83-1.11(a), the Department of Human Services announces that the following payment levels are to be utilized in the Supplemental Security Income Program in New Jersey for the period January 1, 1994 through December 31, 1994. This change is effective January 1, 1994.

Full text of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

10:83-1.11 New Jersey Supplemental Security Income payment levels

(a) (No change.)

(b) New Jersey Supplemental Security Income payment levels are as follows:

Living Arrangement Categories	Payment Level
Eligible Couple	[1/1/93] **1/1/94**
Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence of 16 or less	[$80/652.00*] **$80/669.00***
Residential Health Care Facilities and certain residential facilities for children and adults	[$1149.36] **$1173.36**
Living Alone or with Others	[$677.36] **$694.36**
Living in Household of Another, Receiving Support and Maintenance	[$527.76] **$539.09**
Eligible Individual	
Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence of 16 or less	[$40/434.00*] **$40/446.00***
Residential Health Care Facilities and certain residential facilities for children and adults	[$584.05] **$596.05**
Living Alone or with Others	[$465.25] **$477.25**
Living with Ineligible Spouse (No other individuals in household)	[$677.36] **$694.36**
Living in Household of Another, Receiving Support and Maintenance	[$333.65] **$341.65**

*The lower figure applies when Medicaid payments with respect to an individual equal an amount over 50 percent of the cost of services provided in a month.

CORRECTIONS

(c)

THE COMMISSIONER

Inmate Accounts
Group Deposits and Deductions
Adopted Amendments: N.J.A.C. 10A:2-2.2

Proposed: November 1, 1993 at 25 N.J.R. 4849(a).
Adopted: December 7, 1993 by William H. Fauver, Commissioner, Department of Corrections.
Filed: December 7, 1993 as R.1994 d.8, **without change.**

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Effective Date: January 3, 1994.
Expiration Date: February 5, 1995.

Summary of Public Comments and Agency Responses:
The Department of Corrections received one comment from David Lambert, East Jersey State Prison.

COMMENT: The commenter suggested that the proposed amendments be more definitive. The commenter stated that, "If this is not germane only to a defendant who has also received a **fine** as part of his/her sentence, this proposed amendment would wholly circumvent the legislative intent of indigent prisoners pursuant to all rules and legislation thereto. Moreover, this would be the procedure employed via banking, a service fee is attached to each transaction per checking accounts, this is a fee agreed to by those who have a choice, here, there is is no choice for those inmates who has been granted the status of indigency via a court. Your proposed amendment is vague and undermind the legislative job of drafting legislation amendments to settle points of law." [sic]

RESPONSE: Several of the comments the commenter seeks to have addressed are unclear. The amendments set forth at N.J.A.C. 10A:2-2.2 are clear and consistent with the intent of P.L. 1992, c.169 and N.J.S.A. 2C:46-1 which state that when a defendant is sentenced to pay an assessment, a fine, a penalty, a forensic laboratory fee or to make restitution, the defendant, in addition, shall be required to pay a transaction fee, on each occasion that the defendant makes a payment or an installment payment until the defendant has paid the full amount he or she is sentenced to pay. The commenter stated that this amendment would "... wholly circumvent the legislative intent of indigent prisoners...." The Department of Corrections disagrees. Pursuant to N.J.A.C. 10A:1-2.2, an indigent inmate is an individual who has no funds in his or her account and is not able to earn inmate wages due to prolonged illness or any other uncontrollable circumstances, and who has been verified as having no outside source from which to obtain funds. Hence, an indigent inmate would be unable to make payments or installment payments for which a transaction fee would be charged.

Full text of the adoption follows:

10A:2-2.2 Group deposits and deductions

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

(d) Deductions from inmate accounts may be made by the Business Manager to pay court ordered penalty assessments, restitution, fines or other revenue obligations as permitted by N.J.S.A. 30:4-91.4, N.J.S.A. 2C:43-3.1, N.J.S.A. 2C:46-1, N.J.S.A. 2C:46-4, or N.J.S.A. 30:4-92.

(e) Pursuant to N.J.S.A. 2C:46-1, deductions from inmate accounts shall be made by the Business Manager to pay a transaction fee not to exceed $1.00 on each occasion a payment or installment payment is made by an inmate who committed an offense on or after February 1, 1993. The transaction fee schedule shall be as follows:

1. $1.00 for payments in the amount of $10.00 or more;
2. $0.50 for payments between $3.01 and $9.99; and
3. No transaction fee if the payment is $3.00 or less.

(a)

STATE PAROLE BOARD

Parole Board Rules

Board Panel Action; Schedule of Future Parole Eligibility Dates Upon Revocation of Parole

Adopted Amendment: N.J.A.C. 10A:71-7.16

Proposed: August 16, 1993 at 25 N.J.R. 3597(a).
Adopted: November 23, 1993 by the New Jersey State Parole Board, Mary Keating DiSabato, Chairman.
Filed: December 8, 1993 as R.1994 d.18, **without change.**

Authority: N.J.S.A. 30:4-123.48(d).

Effective Date: January 3, 1994.
Expiration Date: February 5, 1995.

Summary of Public Comments:

The State Parole Board was informed by the Deputy Director, Division of Criminal Justice, Department of Law and Public Safety, an Assistant Prosecutor from the Warren County Prosecutor's Office, the Administrators of two State correctional facilities and the Warden of a county correctional facility that the proposed amendments were deemed to be acceptable. No substantive or technical changes were suggested.

Full text of the adoption follows:

10A:71-7.16 Board panel action; schedule of future parole eligibility dates upon revocation of parole

(a) (No change.)

(b) Except as provided herein, upon revocation of parole, an adult inmate shall serve 12 months, a young adult inmate shall serve nine months, and a juvenile inmate shall serve six months, if the inmate has committed one of the following violations of parole:

1. (No change.)

2. Owning or possessing any firearm, as defined in N.J.S.A. 2C:39-1f, for any purpose, N.J.A.C. 10A:71-6.4(a)6.

3. Owning or possessing any weapon enumerated in N.J.S.A. 2C:39-1r, N.J.A.C. 10A:71-6.4(a)7.

4. Failure to refrain from the use, possession or distribution of a controlled dangerous substance, controlled substance analog or imitation controlled dangerous substance as defined in N.J.S.A. 2C:35-2 and N.J.S.A. 2C:35-11, N.J.A.C. 10A:71-6.4(a)8.

5. (No change in text.)

(c)-(t) (No change.)

INSURANCE

(b)

SURPLUS LINES EXAMINING OFFICE

Exportable List

Adopted New Rules: N.J.A.C. 11:1-34

Proposed: December 7, 1992 at 24 N.J.R. 4331(a).
Adopted: December 7, 1993 by Samuel F. Fortunato, Commissioner, Department of Insurance.
Filed: December 7, 1993 as R.1994 d.7, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:22-6.40 et seq., 17B:17-1 et seq., and 17:29AA-1 et seq.

Effective Date: January 3, 1994.
Expiration Date: January 31, 1996.

Summary of Hearing Officer's Recommendations and Agency Responses:

Pursuant to N.J.S.A. 17:22-6.43, the Department conducted a public hearing on the proposed rules on December 23, 1992. Notice of the hearing was published in the New Jersey Register on December 7, 1992 at 24 N.J.R. 4331(a). A verbatim transcript of the hearing was taken. Both the transcript of the hearing and the hearing officer's report are included in the rulemaking record.

Copies of the Hearing Officer's Report ("Report") are available from the Department upon payment of $13.75 (pursuant to N.J.S.A. 47:1A-2); requests may be directed to:

Verice M. Mason, Assistant Commissioner
Department of Insurance
Division of Legislative and Regulatory Affairs
20 West State Street
CN 325
Trenton, NJ 08625-0325

The Report discussed the comments of the six individuals that testified at the hearing and many of the substantive issues raised by the written comments. The Report set forth the purpose of the hearing and the proposed rules. Ten basic issues were presented as follows: (1) that intermediate and long-haul trucking should be added to the exportable list; (2) that habitational risks should be added to the Exportable List; (3) whether item #18 of proposed N.J.A.C. 11:1-34.6(a) is consistent with CAIP; (4) whether proposed N.J.A.C. 11:1-34.6(b) and 11:1-34.5(b) conflicts with N.J.S.A. 17:22-6.43(a); (5) that property coverage should be added to the Exportable List; (6) that difference in conditions ("D.I.C.") and fine arts dealers coverage should be added to the Exportable List; (7) that errors and omissions in professional liability insurance should be eliminated from the Exportable List; (8) that directors and officers liability should be added to the Exportable List; (9) that excess medical coverage should be added to the Exportable List; and (10) whether the availability of coverage through CAIP should be considered in determining whether there is an adequate market.

The Report recommends not including additional risks on the Exportable List with the exception of difference in condition and fine arts dealers coverage, intermediate and long-haul trucking and taxicabs because neither the testimony nor the comments sustained the burden of proof that the conditions of non-procurability have changed. Additionally, there was no demonstration that there exists no reasonable or adequate market among authorized insurers.

The Report also found that: (1) item #18 of proposed N.J.A.C. 11:1-34.6(a) is consistent with the CAIP Plan of Operation and Manual of Rates and Rules; and (2) that N.J.A.C. 11:1-34.6(b) and 11:1-34.5(b) do not conflict with N.J.S.A. 17:22-6.43(a).

Summary of Public Comments and Agency Responses:

In addition to the testimony at the public hearing, 12 public written comments were received from insurance companies (Chubb & Sons, Inc., Continental Excess and Select Insurance Co., The Health Care Insurance Company, The Home Insurance Company, LeBoeuf, Lamb, Leiby & MacRae on behalf of Lloyd's of London, and Selective Insurance Company of America), and insurance associations (Continental/Marmorstein Agencies, Horan, Goldman & Company of New Jersey, Inc., Paul Arnold Associates, Inc., Princeton Risk Managers Inc., and Surplus Lines Association of New Jersey) and Independent Insurance Agents of New Jersey.

COMMENT: One commenter objected to N.J.A.C. 11:1-34.1(b), the purpose and scope section. This provision states that this subchapter shall apply to all surplus lines insurers and producers. Pursuant to N.J.S.A. 17:22-6.40, this subchapter shall not apply to life insurance companies, which may not become eligible surplus lines insurers. The commenter stated that he does not understand the importance and purpose of this provision. The commenter stated that this provision purports to limit application of the list to surplus lines insurers. The commenter stated that licensed carriers are permitted to write the types of insurance on the Exportable List by virtue of N.J.S.A. 17:29AA-1 et seq. The commenter believes that this provision which attempts to specify the rules' application serves no purpose and should be deleted.

RESPONSE: While the Department agrees that licensed insurers may offer the kinds of insurance set forth on the Exportable List, the Department disagrees with the commenter that a change is necessary. Nothing in the rules prohibits licensed insurers from transacting any kind of insurance for which they are authorized. The Department's proposed rules specifically prohibit the export of health and accident insurance ("health insurance" is defined at N.J.S.A. 17B:17-4) or annuities (N.J.S.A. 17B:17-5), to the extent that eligible surplus lines insurers may sell these coverages, since they are procurable from authorized admitted insurers in this State.

COMMENT: One commenter stated that N.J.A.C. 11:1-34.3(a) should be amended to provide that notice of a hearing published in the New Jersey Register should be provided at least 30 days prior to the date of the hearing. Additionally, the commenter stated that the notice and hearing should permit recommendations by the public for expanding or shortening the Commissioner's list, not merely the "merits of maintaining all items on the list, or ... (the Department's proposal for) specific additions, deletions or clarifications." The commenter believes that the annual review should allow any and all comments on the contents of the list and not just the narrow scope specified in the rule.

RESPONSE: The Department agrees with part of the commenter's statements. In accordance with the Rules for Agency Rulemaking, N.J.A.C. 1:30-3.3A, a hearing held in conjunction with a proposed new rule is to be held no sooner than 15 days after publication of notice. In the future, the Department will provide notice of an exportable list hearing in the form of a public notice of a hearing, which will appear in the New Jersey Register at least 30 days prior to the date of the hearing and has amended N.J.A.C. 11:1-34.3(a)1 to so provide. This will provide notice earlier so that attendees at the hearing have additional time to prepare.

The Department believes that the commenter has misconstrued this provision. When "all items on the list" are to be reviewed, the Department anticipates that the hearing should provide justification for all of the lines of insurance that appear on the current list, that is, start with a "blank sheet of paper." When the review is to address specific items, additions or deletions will be set forth as a proposed amendment to N.J.A.C. 11:1-34.6. Nothing in the rule prohibits persons attending the hearing or providing written comments on the list from proposing other additions or deletions, and providing the factual information necessary to make the change.

The Department believes that it is within the scope of the Commissioner's authority to determine whether the Exportable List hearing will address all items currently on the list, or whether the hearing will consider only specific additions, deletions or clarifications regarding the list. The Department believes this is a reasonable approach given the fact that very few items have been added or deleted to the Exportable List over the years. The Department believes that the Commissioner should be able to exercise his judgement in determining whether all the items on the Exportable List will be considered at each annual hearing.

COMMENT: One commenter objected to N.J.A.C. 11:1-34.5(b). This provision permits the Commissioner to amend this subchapter and specifically declare ineligible for export any class or classes of insurance coverage or risk which he or she determines to be generally procurable through diligent effort among authorized insurers pursuant to N.J.S.A. 17:22-6.43(a). The commenter believes that this provision exceeds the rulemaking authority of N.J.S.A. 17:22-6.43. N.J.S.A. 17:22-6.43 states that "the Commissioner shall by rules and regulations declare eligible for export generally and notwithstanding the provisions of sections (a), (b) and (c) above, any class or classes of insurance coverage or risk for which he finds, after a hearing, ... that there is no reasonable or adequate market among authorized insurance". The commenter stated that N.J.S.A. 17:22-6.43 makes no mention of creating prohibitions for export, and that such authority should not be implied by virtue of paragraphs (a), (b), and (c) of the statute. The commenter stated that N.J.S.A. 17:22-6.43 provides the general requirements for exportability, notwithstanding the absence of insurance in question from the Exportable list. Additionally, the commenter stated that N.J.S.A. 17:22-6.40 exempts from the application of the act, the following entities and types of insurance:

1. Life insurance companies writing life insurance, and accident and health insurance and annuities.
2. Railroad and aviation risks engaged in interstate or international commerce.
3. Insurance on vessels, crafts or hauls, cargoes, marine builder's risk, marine protection and indemnity or other risks commonly insured under ocean or wet marine forms.
4. Insurance procured by the policyholder pursuant to N.J.S.A. 17:22-6.64.

The commenter stated that N.J.A.C. 11:1-34.5(b) appears to violate the explicit terms of the statute by subjecting exempt companies and business to a regulation from which they were specifically excluded. The commenter further stated that N.J.A.C. 11:1-34.5(b) should be deleted from the rule, along with the definition of "health insurance" in N.J.A.C. 11:1-34.2.

RESPONSE: The Department disagrees with the commenter. In accordance with its statutory interpretation of N.J.S.A. 17:22-6.40 and 17:22-6.43, the Department believes that it is correct in determining that life insurance is specifically not eligible for export. Pursuant to N.J.S.A. 17:22-6.40, life insurance companies which sell life insurance, health and accident insurance and annuities are not able to become eligible surplus lines insurers. To the extent that eligible surplus lines insurers may sell health and accident insurance ("health insurance" as defined at N.J.S.A. 17B:17-4) annuities (N.J.S.A. 17B:17-4), the Department believes that these rules properly prohibit the export of these coverages, since they are procurable from authorized or admitted insurers in this State. Additionally, N.J.S.A. 17:22-6.43 states that only "non-procurable" insurance may be sold through utilization of the surplus lines law. Therefore, the Department disagrees with the commenter's interpretation of N.J.S.A. 17:22-6.40.

The Department disagrees with the commenter regarding the deletion of the definition of "health insurance" from this rule. This definition is included to clarify the fact that excess health insurance for self-insured plans is regulated as health insurance.

COMMENT: One commenter suggested that property coverage for risks located in areas designated as public protection classes 8, 9, or 10, where little if any fire department or hydrant protection is provided, should be added to the Exportable List.

RESPONSE: The Department does not have sufficient evidence to make the suggested change. N.J.A.C. 11:1-34.3(c) permits interested parties to present evidence to the Commissioner that the conditions of non-procurability have changed. Evidence of non-procurability should demonstrate that there exist no reasonable or adequate market among authorized insurers. The commenter has failed to present evidence that the conditions of non-procurability for property coverage for risk located in the above designated areas have changed. The commenter has also

failed to demonstrate that there exists no reasonable or adequate market among authorized insurers for this type of risk.

COMMENT: One commenter suggested that Property coverage for coastal areas where the risk is located in Flood Zone V or within 2,500 feet of the ocean should be added to the Exportable List.

RESPONSE: The Department does not have sufficient evidence to make the suggested change. The commenter has failed to present evidence that the conditions of non-procurability for property coverage for coastal areas in Flood Zone V or within 2,500 feet of the ocean have changed. The commenter also has not demonstrated that there exist no reasonable or adequate market among authorized insurers for this type of risk.

COMMENT: Several commenters stated that N.J.A.C. 11:1-34.6(a) should be expanded to include Difference In Condition ("D.I.C.") and Fine Arts Dealers coverage. The commenter stated that D.I.C. will be nearly impossible to obtain in the standard market as a result of the recent catastrophes that have occurred in this State. The commenter believes that this coverage should be added to the proposed list.

A second commenter stated that eliminating D.I.C. and Fine Arts Dealers from the Exportable List, because they fall within the definition of Special Risk Commercial Inland Marine under New Jersey's Commercial Deregulation Act, does not take into account the fact that they nonetheless remain very difficult to place in the licensed market, a condition the commenter realizes worsens as a result of damage suffered under D.I.C. policies including flood coverage in recent catastrophe losses. The commenter further expressed concern with the heightened activity seen in this class, during a "soft" market which will become even more pronounced in the coming "hard" market (at least in areas subject to natural catastrophe losses such as flood and earthquake). Additionally, the commenter stated that all will suffer increased labor costs in "affidaviting" risks that it agrees are nearly impossible to place in the standard market.

RESPONSE: The Department agrees with the commenter. The Department had initially removed these coverages from the Exportable List because it considered these coverges part of Inland Marine not because of the change in the market; therefore, these rules have been amended accordingly.

COMMENT: One commenter stated that "habitational insurance" should be eligible for export. The commenter specifically recommended adding single and multifamily dwellings to the list because of the volume of recent lead paint discoveries and severe coastal problems.

RESPONSE: The Department does not have sufficient evidence to make the suggested change. The commenter has failed to present evidence that the conditions of non-procurability for "habitational insurance" have changed. The commenter has not demonstrated that there exist no reasonable or adequate market among authorized insurers for this type of risk.

COMMENT: One commenter stated that N.J.A.C. 11:1-34.6(a)18 should be amended to read as follows:

The exportable list will include physical damage for private passenger and commerical vehicles with an original cost new of $30,000 ($40,000) or above.

The commenter stated that adding word "original" will clarify that the purchase price of the vehicle will determine its surplus lines eligibility. The commenter further stated that reducing the original price of the vehicle to $30,000 as opposed to $40,000 is necessary because of the personal Automobile Insurance Plan ("PAIP") and the Commercial Automobile Insurance Plan ("CAIP") both have physical damage coverage maximums of only $30,000. The commenter stated that if the Exportable List for physical damage coverage was set at $40,000, consumers insured by the PAIP and CAIP would unfairly be at risk because of the proposed $10,000 gap. The commenter stated that it supports setting surplus lines physical damage coverage at $30,000 until the other markets extend coverage to $40,000.

RESPONSE: The Department has amended this rule to read "original cost new" of $40,000 on above for physical damage coverage. Consumers insured by the PAIP and the CAIP will not be left at risk because there is no gap in coverage. The PAIP rules are tied into the original cost new of $40,000 provided for in the Exportable List and the CAIP Manual of Rates and Rules will be amended to be consistent with this provision.

COMMENT: One commenter stated that N.J.A.C. 11:1-34.6(a)20 specifies that Professional Liability Insurance is eligible for export including Errors and Omissions insurance, with certain exceptions. The commenter stated that it does not support exempting legal and medical malpractice liability for export. The commenter stated that poor loss ratios may eliminate the availability of other markets and coverage will be impossible to obtain. The commenter suggested eliminating N.J.A.C. 11:1-34.6(a)20i and ii.

RESPONSE: The Department does not have sufficient evidence to make the suggested change. The commenter states that poor loss ratios "may" eliminate the availability of other markets and that coverage will be impossible to obtain. The commenter has failed to demonstate that there exist no reasonable or adequate market among authorized insurers. Evidence of non-procurability should demonstrate that there exist no reasonable or adequate market among authorized insurers.

COMMENT: One commenter recommended that the Exportable List be amended to include auto liability (primary and excess) for long-haul truckers. The commenter stated that it believes that there is no "reasonable and adequate" market among authorized carriers for this class of coverage. The commenter also recommended that the Exportable List include auto liability and physical damage coverage for taxis, limousine services and tow trucks.

RESPONSE: The Department agrees in part with the commenter. The Department agrees with the recommendation of the hearing officer that intermediate and long-haul trucking should be added to the Exportable List and has amended this rule accordingly. The Department does not believe that limousine services or tow trucks should be added to the Exportable List. The Department believes that there exists a reasonable or adequate market among authorized insurers for limousine services and tow trucks. Evidence of non-procurability should demonstrate that there exist no reasonable or adequate market among authorized insurers. The testimony and comments presented to the Department with regards to limousine services and tow trucks fail to demonstrate that there is no reasonable or adequate market among authorized insurers.

COMMENT: One commenter suggested that the Department add the following classes to the New Jersey Surplus Lines Exportable List: (1) Directors and Officers Liability, for-profit; (2) Directors and Officers Liability, not-for-profit; (3) Excess Directors and Officers Liability, for-profit; (4) Excess Directors and Officers Liability, not-for-profit; (5) Employment Practices Liability, for-profit; (6) Employment Practices Liability, not-for-profit; (7) Excess Employment Practices Liability, for-profit and (8) Excess Employment Practices, not-for-profit; (9) Fiduciary Liability, for-profit; (10) Fiduciary Liability, not-for-profit; (11) Excess Fiduciary Liability, for-profit; (12) Excess Fiduciary Liability, not-for-profit.

RESPONSE: The Department believes that the above classes do not need to be added to the Exportable List because they are currently special risks, as defined in N.J.S.A. 17:29AA-3(k)(1) and are therefore considered Exportable. Directors and Officers Liability are included as Errors and Omissions coverage.

COMMENT: Several commenters objected to N.J.A.C. 11:1-34.6(b) which states that several kinds of insurance, if sold by eligible surplus lines insurers, are specifically not eligible for export, since the Department has determined that they are procurable from authorized or admitted insurers after a diligent effort. N.J.A.C. 11:1-34.6(b)1 specifically excludes health insurance, including specific excess or aggregate excess purchased by self-funded health benefits plans as defined by N.J.S.A. 17B:17-4. One commenter stated that it does not believe that excess insurance can always be procured from an authorized insurer. The commenter stated that the enactment of recent health insurance legislation mandates only minimum coverage be offered to all insureds. The commenter further stated that insureds with pre-existing problems will not be able to obtain excess coverage. The commenter recommended returning certain excess medical coverage for self-insureds to the Exportable List and also adding individual and group policies to the list.

RESPONSE: The Department has reviewed the market for excess insurance for self-funded health benefit plans and has determined that there are a number of authorized carriers offering this coverage.

The commenter incorrectly summarizes recent health insurance legislation, and misstates the applicability of this legislation to excess health insurance. N.J.S.A. 17B:27A-17 et seq., dealing with small groups, and N.J.S.A. 17B:27A-1 through 6, dealing with individuals, mandates five standard health benefits plans, of which basic coverage (characterized by the commenter as minimum) is only one.

Furthermore, adding excess health insurance to the Exportable List would not address any argued defects of N.J.S.A. 17B:27A-1, since the excess health insurance in question is sold to plans for which the initial benefits are self-insured, while the laws in question deal with insured plans.

Adding individual and group policies to the list would amount to establishment of a regulatory scheme for health insurance (under the surplus lines law) which is both inconsistent with, and would undermine the intent of, the recently enacted health insurance reform legislations.

COMMENT: Several commenters objected to N.J.A.C. 11:1-34.6(c). One commenter stated that N.J.S.A. 17:22-6.40 is being misconstrued by the Department, based on the interpretation contained in N.J.A.C. 11:1-34.6(c) which states that life insurance is specfically not eligible for export pursuant to N.J.S.A. 17:22-6.40 et seq.

The commenter stated that if the statute were construed to prohibit the export of life insurance it should also prohibt the export of ocean inland marine coverages. The commenter further stated that it does not believe that the Department has taken such a position, and that since these coverages have not been made a part of prohibited list; life/health should not be a part of the prohibited list.

RESPONSE: Pursuant to N.J.S.A. 17:22-6.40, life insurance companies which sell life insurance, health and accident insurance and annuities are not able to become eligible surplus lines insurers. To the extent that eligible surplus lines insurers may sell health and accident insurance ("health insurance" as defined at N.J.S.A. 17B:17-4) or annuities (N.J.S.A. 17B:17-5), these proposed rules specifically prohibit the export of these coverages, since they are procurable from authorized or admitted insurers in this State.

COMMENT: One commenter asked whether CAIP is an "authorized" market. The commenter stated that one of the problems is with the CAIP rules governing the application and review process. The commenter stated that the surplus lines market can offer expertise in CAIP's technical services such as underwriting, claims handling and engineering.

Additionally, the commenter stated that purchasers of commercial auto liability insurance should not be forced to utilize CAIP when there is a reasonable and adequate surplus lines market available. The commenter stated that by including the aforesaid coverage on the Exportable List, the Insurance Department will enable the insurnce consumer to satisfy his or her coverage needs. Moreover, the commenter stated that CAIP would benefit by being spared the burden of unnecessarily taking on risks which could be insured in the voluntary surplus lines market. The commenter finally states that as a consequence, authorized insurers avoid additional residual market assessments.

RESPONSE: The Department has determined that there is not a reasonable or adequate market among authorized insurers or CAIP for commercial auto liability for taxicabs. Therefore, the Department has amended this rule to add commercial auto liability for taxicabs to the Exportable List.

COMMENT: One commenter stated that primarily it is a medical malpractice insurer, that is not listed in Appendix A as a surplus lines insurer, but it does write classes of business listed on the Exportable List. The commenter questioned whether or not it is exempt from filing classes that are on the Exportable List and considered surplus lines. Additionally, the commenter questioned if it should get on the list. The commenter also stated that if the answer is yes, under the professional liability classes can it assume that any class not listed is exportable. The commenter stated that it is specifically thinking about chiropractors and podiatrists whose rates they are amending.

RESPONSE: The commenter is a licensed company; Appendix A lists unauthorized insurers which qualify as eligible surplus lines insurers in New Jersey. There is no need for the commenter to be included in Appendix A.

Items listed on the Exportable List are eligible for export. These coverages are "special risks" as defined at N.J.S.A. 17:29AA-3(k)(1), when offered by licensed insurers and therefore the filing of forms and rates is not generally required. (See N.J.S.A. 17:29AA-5 and 6; but see N.J.S.A. 17:29AA-12).

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 34. SURPLUS LINES: EXPORTABLE LIST

11:1-34.1 Purpose and scope

(a) The purpose of this subchapter is to identify the procedures concerning the creation and modification of an exportable list of certain classes of insurance coverages or risks and to promulgate the list as a rule, in implementation of N.J.S.A. 17:22-6.43.

(b) This subchapter shall apply to all surplus lines insurers and producers. Pursuant to N.J.S.A. 17:22-6.40, this subchapter shall not apply to life insurance companies, which may not become eligible surplus lines insurers.

11:1-34.2 Definitions

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

"Annuity" means a contract not coming within the definition of life insurance as set forth in N.J.S.A. 17B:17-3, or health insurance as set forth in N.J.S.A. 17B:17-4, under which an insurer obligates itself to make periodic payments for a specified period of time, such as for a number of years, or until the happening of an event, or for life, or for a period of time determined by any combination thereof. Such a contract which includes extra benefits of the kinds set forth in N.J.S.A. 17B:17-3 or 17B:17-4 shall nevertheless be deemed to be an annuity if such extra benefits constitute a subsidiary or incidental part of the entire contract.

"Authorized insurer" means a domestic or foreign insurer duly authorized by a Certificate of Authority issued by the Commission to transact the business of insurance in this State.

"Commissioner" means the Commissioner of the Department of Insurance of the State of New Jersey.

"Department" means the Department of Insurance of the State of New Jersey.

"Exportable list" means a list of any class or classes of insurance coverages or risks declared and promulgated by the Commissioner for which there is no reasonable or adequate market among authorized insurers in this State.

"Health insurance" means a contract or agreement whereby an insurer is obligated to pay or allow a benefit of pecuniary value with respect to the bodily injury, disablement, sickness, death by accident or accidental means of a human being, or because of any expense relating thereto, or because of any expense incurred in prevention of sickness, and includes every risk pertaining to any of the enumerated risks. Health insurance does not include workers' compensation coverages.

"Life insurance" means a policy or contract whereby an insurer is obligated to pay or allow a benefit of pecuniary value with respect to the cessation of human life. Life insurance includes also the granting of endowment benefits and optional modes of settlement of proceeds of life insurance as well as provisions for additional benefits in event of death by accident or accidental means or in event of dismemberment or loss of sight, or safeguarding such insurance against lapse or giving a special surrender value or special benefit or an annuity in the event that the insured shall become totally and permanently disabled, whether such provisions are incorporated in a policy or contract of life insurance or in a policy or contract supplemental thereto. Life insurance does not include workers' compensation coverages.

"State" means the State of New Jersey.

"Surplus lines insurer" means an eligible, unauthorized insurer with which an insurance coverage is placed or may be placed pursuant to N.J.S.A. 17:22-6.40 et seq. (see Appendix A to this subchapter, incorporated herein by reference).

11:1-34.3 Exportable list hearing

(a) In the month of November or December of each year, the Department shall hold a hearing, pursuant to N.J.S.A. 17:22-6.43, for the purpose of determining the extent of the existence of a reasonable or adequate market among authorized insurers for certain classes of insurance coverages and risks.

1. This hearing shall be preceded by a notice of hearing published in the New Jersey Register at least *[15]* ***30*** days prior to the date of the hearing, which notice shall include information concerning the date by which, and the person to whom, written public comment may be made. Notice shall also be provided to persons who have previously requested receipt of such notice.

2. The notice published in the New Jersey Register and as otherwise provided pursuant to (a)1 above shall also request that persons who wish to testify at the hearing provide the Department with timely notice of this intention, including a brief summary of the subject matter of their testimony.

3. The notice shall indicate whether the hearing shall address the merits of maintaining all items currently on the list, or whether the hearing will consider only specific additions, deletions or clarifications regarding the list.

(b) The hearing shall be conducted by a hearing officer designated by the Commissioner. The length of testimony permitted at the hearing and the receipt of questions from the floor shall be within the discretion of the hearing officer.

(c) Interested parties may present evidence to the Commissioner that the conditions of non-procurability have changed. Evidence of non-procurability should demonstrate that there exists no reasonable or adequate market among authorized insurers.

(d) A transcript of the hearing shall be made and a copy thereof shall be made available to any interested person upon request and payment of an appropriate fee.

11:1-34.4 Exportable list hearing record

(a) The record of the hearing shall include the following:

1. Timely-received written public comments;

2. The transcript of the hearing; and

3. Any other information which the hearing officer may deem relevant.

11:1-34.5 Promulgation and modification of exportable list

(a) Upon review of the exportable list hearing record, the Commissioner shall, by rule, declare eligible for export generally, and notwithstanding the provisions of N.J.S.A. 17:22-6.43(a), (b) and (c), any class or classes of insurance coverage or risk for which he or she finds there exists no reasonable or adequate market among authorized insurers; provided, however, that if adequate documentary evidence has been presented which satifies the Commissioner that a reasonable or adequate market does exist among authorized insurers, he or she may, by rule, strike any class or classes of insurance coverage or risks from the exportable list.

(b) The Commissioner may, by rule amending this subchapter, specifically declare ineligible for export any class or classes of insurance coverage or risk which he or she determines to be generally procurable through diligent effort among authorized insurers pursuant to N.J.S.A. 17:22-6.43(a).

(c) When, during the term of a duly promulgated exportable list, the Commissioner determines that changed conditions require a modification of the exportable list, he or she may, after a hearing, by rule, amend the list.

1. Notice of the Commissioner's action shall be provided to all surplus lines agents, eligible surplus lines insurers, authorized insurers and others who have previously requested receipt of such information.

11:1-34.6 Exportable list

(a) The exportable list is as follows:

1. Amusement Devices, Parks and Carnivals;

2. Animal Mortality;

3. Armored Cars;

4. Auto Racing and Race Tracks;

5. Day Care Center Liability;

6. Difference In Condition;

*[6.]***7.*** Environmental Impairment Liability Insurance;

*[7.]***8.*** Excess and Buffer Liability;

*[8.]***9.*** Excess Loss and Excess Aggregate for Self-Insurers; Public Liability and Workers' Compensation;

*[9.]***10.*** Golf Driving Range;

11. Fine Arts Dealers;

*[10.]***12.*** First Loss and Excess of First Loss Insurance;

*[11.]***13.*** House Movers and Building Demolition;

*[12.]***14.*** Kidnapping, Ransom and Extortion Insurance;

*[13.]***15.*** Manufacturers and Contractors Liability for Floor Waxers, Building Maintenance People, Window Washers and Exterminators;

*[14.]***16.*** "Large Risks" which means any insured:

i. Which procures insurance for any property casualty risk by use of the services of either an employee who is a full-time insurance manager or buyer, or a regularly and continuously retained qualified insurance consultant; and

ii. Whose aggregate commercial premiums for insurance (excluding, Life, Health and Accident, Annuities and Workers' Compensation insurance) total at least $500,000;

[15. The following kinds of motor] ***17. Motor*** vehicle coverage *[are eligible for export]* ***as follows*:**

i. Physical Damage Coverage for Limousines; and

ii. Physical Damage Coverage for Trucks, including trailers and trailer interchange (over 10,000 pounds) for Non-Fleet (one to five) risks, and commercial fleet (over five) risks irrespective of gross vehicle weight;

*[16.]***18.*** Mortgage Impairment;

*[17.]***19.*** Pony Rides/Riding Academies;

*[18.]***20.*** Physical Damage Coverage for Private Passenger and Commercial Vehicles with ***an original*** cost new of $40,000 or above;

*[19.]***21.*** Product Liability Products or ***Products*** Recall Coverage;

[20. The following kinds of] ***22.*** Professional Liability insurance *[are eligible for export]* ***as follows*:**

i. Errors and Omissions; and

ii. Professional Liability except:

(1) Legal malpractice liability;

(2) Medical malpractice liability

(A) Hospitals Professional Liability

(B) Physicians and Surgeons Professional Liability

(C) Dentist Professional Liability

(D) Employees Professional Liability

(E) Nurses Professional Liability

(F) Optometrists Professional Liability

(G) Physiotherapists Professional Liability

(H) Chiropodists Professional Liability

*[21.]***23.*** Short Term Events;

*[22.]***24.*** Skating Rinks (Roller and Ice) and Skate Board Parks;

*[23.]***25.*** Swim Clubs/Swim Pools;

*[24.]***26.*** Vacant and Unoccupied Building;

*[25.]***27.*** Warehouseman's Legal Liability;

*[26.]***28.*** Automobile Personal Injury Protection (PIP) coverage in excess of $250,000.

***29. Commercial auto liability for taxicabs;**

30. Commercial auto liability for intermediate and long-haul trucking.*

(b) The following kinds of insurance, if sold by eligible surplus lines insurers, are specifically not eligible for export, since the Department has determined that they are procurable from authorized or admitted insurers after a diligent effort:

1. Health insurance, including specific excess or aggregate excess purchased by self-funded health benefit plans, as defined by N.J.S.A. 17B:17-4; and

2. Annuities including Funding Agreements or Guaranteed Investment Contracts (GIC's) as defined by N.J.S.A. 17B:17-5.

(c) Life insurance is specifically not eligible for export pursuant to N.J.S.A. 17:22-6.40 et seq.

Agency Note: The following List of Unauthorized Insurers which Qualify as Eligible Surplus Lines Insurers replaces that List which currently appears as an addendum to Title 11, at pages B-1 through B-3 of the Code.

APPENDIX A

LIST OF UNAUTHORIZED INSURERS WHICH QUALIFY AS ELIGIBLE SURPLUS LINES INSURERS

The following is a list of unauthorized insurers which qualify as eligible surplus lines insurers in New Jersey ***as of December 1, 1993***.

Companies of Other States	Domicile
Agricultural Excess and Surplus Insurance Co.	Wilmington, DE
Allianz Underwriters Insurance Co.	Los Angeles, CA
American Empire Surplus Lines Insurance Co.	Wilmington, DE
Appalachian Insurance Co.	Johnston, RI
Associated International Insurance Co.	Los Angeles, CA
California Union Insurance Co.	Los Angeles, CA
Columbia Casualty Insurance Co.	Chicago, IL

Evanston Insurance Co.	Evanston, IL
***Empire Indemnity Insurance Co.**	**Oklahoma, OK**
Essex Insurance Co.	**Wilmington, DE***
First Specialty Insurance Co.	Jefferson City, MO
First State Insurance Co.	Wilmington, DE
General Agents Insurance Co.	Oklahoma City, OK
General Star Indemnity Co.	Stamford, CT
Gibraltar Casualty Co.	Dover, DE
Great Central Insurance Co.	Peoria, IL
The Home Insurance Co. of Illinois	Chicago, IL
*[International Surplus Lines Insurance Co.	Chicago, IL]*
Interstate Fire and Casualty Co.	Chicago, IL
Investors Special Risk Insurance Co.	Phoenix, AZ
***Landmark Insurance Company**	**Los Angeles, CA***
Lexington Insurance Co.	Wilmington, DE
Lincoln Insurance Co.	Dover, DE
Monticello Insurance Co.	Wilmington, DE
Mt. Hawley Insurance Co.	Peoria, IL
Mt. Vernon Fire Insurance Co.	King of Prussia, PA
National Indemnity Co.	Omaha, NE
Nautilus Insurance Co.	Scottsdale, AZ
*[New York Marine and General Insurance Co.	New York, NY]*
Pacific Insurance Co.	Los Angeles, CA
Penn-America Insurance Co.	Hatboro, PA
Preferred Physicians Insurance Co.	Omaha, NE
***Reliance Insurance Company**	**Chicago, IL***
Royal Surplus Lines Insurance Co.	Glastonbury, CT
Savers Property-Casualty Insurance Co.	Overland Park, KS
Scottsdale Insurance Co.	Wilmington, DE
***Scottsdale Insurance Co.**	**Columbus, OH***
***Steadfast Insurance Co.**	**Dover, DE***
St. Paul Surplus Lines Insurance Co.	St. Paul, MN
T.H.E. Insurance Co.	Metairie, LA
Tudor Insurance Co.	Keene, NH
United Capital Insurance Co.	Stevens Point, WI
***United Coastal Insurance Co.**	**Phoenix, AZ***
United National Insurance Co.	Phila., PA
***Vanguard Underwriters Insurance Co.**	**Oklahoma, OK***
Western Alliance Insurance Co.	Austin, TX
***Western Indemnity Insurance Co.**	**Houston, TX***
Western World Insurance Co.	Keene, NH
Companies of other countries	
Aegon Insurance Co. (U.K.) Ltd.	London, England
Anglo-American Insurance Co., Ltd.	London, England
Associated Electric and Gas Insurance Services, Ltd.	Hamilton, Bermuda
*[English & American Insurance Co., Ltd.	London England]*
Lloyds of London	London, England
Riunione Adriatica Di Sicurta, s.p.a.	Trieste, Italy
Sphere Drake Insurance Co., p.l.c.	London, England
Terra Nova Insurance Co., Ltd.	London, England

(a)

DIVISION OF PROPERTY AND CASUALTY

Reporting Financial Disclosure and Excess Profits, Profits Report; Standard Limiting Effect of Negative Excess Investment Income in the Computation of Excess Profits, Standard on the Investment of Policyholder—Supplied Funds

Adopted Amendments: N.J.A.C. 11:3-20.5 and 20A.1

Proposed: May 3, 1993 at 25 N.J.R. 1829(a).

Adopted: December 9, 1993 by Samuel F. Fortunato, Commissioner, Department of Insurance.

Filed: December 9, 1993 as R.1994 d.24, **with a technical change** not requiring additional public notice and comment. (See N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 17:1C-6(e), 17:29A-1 et seq.; and 17:33B-1 et seq.

Effective Date: January 3, 1994.

Expiration Date: January 4, 1996.

Summary of Public Comments and Agency Responses:

The proposed amendments were published on May 3, 1993 at 25 N.J.R. 1829(a). During the comment period which closed June 2, 1993, eight comments were submitted from insurance companies (Allstate Insurance Company, Chubb & Son, Inc., LeBoeuf, Lamb, Leiby & MacRae on behalf of Liberty Mutual Insurance Company, Motor Club of America Insurance Company, New Jersey Manufacturers Insurance Company, Selective Insurance Group, Inc. and State Farm Insurance Companies) and an insurance trade association (American Insurance Association). Their comments and the Department's responses are summarized below:

COMMENT: One commenter requested a clarification as to whether under the proposed rules an insurer is permitted to reflect as an expense on its excess profits report, the net amount of its apportioned share of MTF operating losses it has been ordered to pay by the Commissioner, notwithstanding that the assessment may not yet be paid at the time the Order is issued.

RESPONSE: An expense cannot be reflected in the excess profits report if the amount has not been paid. The proposed rule permits an insurer to reflect the net amount of its apportioned share of MTF losses in the year the loss is actually paid (if paid on account to the MTF prior to a "cash call" and as permitted in accordance with the MTF Plan of Operation), or in a later year when a "cash call" is made by the Commissioner.

This rule **does not** permit an insurer to report this expense if payment has not yet been made. N.J.A.C. 11:3-20.5(g)2 specifically states that when payment is made "prior to the issuance of an Order of the Commissioner . . ." the insurer may reflect the payment either in the year paid or in the year the Order directs the payment to be made.

COMMENT: One commenter recommended that Item 2E on Exhibit 10 to the Appendix should allow insurers to deduct incurred losses rather than paid losses. The commenter noted that since incurred losses are a legitimate element when comparing profit, they should be included in the calculation.

RESPONSE: As noted above, an insurer can only report its apportioned share of MTF losses as an expense, once the payment has been made.

COMMENT: Several commenters support the proposal. One commenter noted that the proposed amendment to N.J.A.C. 11:3-20.5 will allow MTF payments to be reflected as an expense deduction to operating income, thereby reducing an insurer's excess profit. The commenter stated that this is an appropriate and fair treatment of the net amount paid to the MTF because the method of reporting these payments represents a true cost of doing business for insurance companies. The commenter noted that an insurer's option to report actual payments made, or payments ordered to be paid pursuant to a cash call, is beneficial because of the flexibility it provides. The commenter noted that since excess profit calculations are based on a rolling three-year period, the flexibility the amendment allows is beneficial to insurers because it permits insurers to choose the most accurate method for calculating excess profits.

RESPONSE: The Department stresses that this amendment permits insurers to report only those payments which have actually been made, either prior to an actual cash call or in response to an Order of the Commissioners directing that payment be made. The Department otherwise agrees with the commenters that such treatment is fair and appropriate.

COMMENT: Two commenters suggested that the proposal does not properly match, by year, payments to the MTF and the policyholder surcharges to recoup the MTF payment. One commenter claimed that policyholder surcharges would most likely be collected years after the corresponding MTF cash call, due to the time associated with the rate filing approval process and the provision that surcharges over $50.00 can be collected over a three year period.

One commenter stated that in the situation where an insurer may have a significant negative excess profit where the MTF payment is made, followed by a positive excess profit when policyholder surcharges are collected, the insurer may be required to refund excess profits in a later year when the policyholder surcharge should have been offset in the year of the negative excess profit.

As an alternative, the commenter suggested that insurers could either reflect that surcharge in the same year the MTF payment is made, which would require refiling past amended excess profits reports, or deduct the MTF payment when the surcharge is collected.

RESPONSE: The method proposed by the Department accurately reflects the yearly cash flow of every insurer required to file an excess

profit report and confirms that payments to the MTF shall be considered "expenses" rather than "losses."

COMMENT: Another commenter similarly suggested that insurers should be permitted to reflect the payment in the year during which they recover the MTF deficit assessment payments or when they recognize that the payments will not be received.

The commenter likewise suggested that such an amendment would permit insurers to balance expenses against possible income from MTF recovery. The commenter stated that otherwise, insurers may overstate profits because the excess profits reports will reflect the payment expense ahead of the recovery income when all that actually occurs is that expense is not matched with the recovery of that expense.

RESPONSE: The method proposed by the Department accurately reflects the yearly cash flow of every insurer required to file an excess profit report and confirms that payments to the MTF shall be considered "expenses" and any recovery as "income."

COMMENT: Another commenter, which noted that under certain circumstances excess profits may be reported when none existed, and that insurers could collect MTF surcharges after such time as operating losses have been dropped from the excess profit report, suggested that insurers should be permitted to prorate over the surcharge period the smaller (closest to zero) if: MTF operating losses paid; the one-year actuarial gain for the year in which payment was made; or the three-year actuarial gain ending in the year payment was made.

RESPONSE: The method proposed by the Department accurately reflects the yearly cash flow of every insurer required to file an excess profit report as set forth above. The Department notes that excess profits reports are filed for a moving three-year period and believes that no significant distortions will result from the methodology in the rule.

COMMENT: One commenter noted that the amendment to N.J.A.C. 11:3-20A.1 is appropriate and fair and that lowering the minimum interest rate used to calculate investment income on policyholder-supplied funds from nine to eight percent represents an accurate reflection of the current economic environment affecting insurers nationwide.

RESPONSE: The Department concurs with this comment.

COMMENT: Several commenters stated that the AAA corporate bond rate referenced by the Department covers maturities of all lengths, many of which are far longer than the development period for automobile liability claims. One commenter noted that an insurer's investment portfolio is the primary source of cash flow to pay claims. Therefore, it would be imprudent for an insurer to "extend its maturities" to match the length of maturity of the investments represented in the rules. Several commenters suggested that in order to reflect the more liquid, short-term investments of property and casualty insurers, the Department should lower the .080 ratio to another level.

RESPONSE: The commenters have not suggested a level to which the ratio should be lowered, nor how such a lower ratio should be determined. The Department, however, has chosen a standard indicative of a conservative minimum rate of return on investments which a prudent insurer should have been capable of achieving during the appropriate period.

COMMENT: One commenter stated that it would be more appropriate for the Department to utilize an index which is more reflective of the loss development period that the automobile liability industry in New Jersey experiences which would result in a lower rate, than the broad index chosen by the Department.

RESPONSE: The Department disagrees. The Department believes the standard chosen is appropriate to reflect a conservative minimum rate of return during the appropriate period and notes that this is the same standard used in the present rule. The only change is to the actual factor which reflects a change in the level of interest rates.

COMMENT: A commenter stated that the Department is only permitted to examine insurers' actual investment income and cannot require insurers to use an imputed minimum yield rate to determine investment income. The commenter stated that N.J.S.A. 17:29A-5.8 only gives the Commissioner discretion to limit the effect of negative excess investment income and that the Department has exceeded this authority by imputing a minimum investment income yield rate.

The commenter, therefore, suggested that insurers should: only report actual investment income; should apply the minimum investment income yield rate only in the event of negative excess investment income; and should limit the negative investment income to zero or less.

Finally, the commenter suggested that the Department should revise the method utilized in the exhibits to the rule, in which insurers are to identify investment income attributed to investments purchased in specific years. The commenter suggested that insurers should report investment income on an insurer's investment portfolio as regards policyholder supplied funds without regard to when an investment was purchased.

RESPONSE: Based on the decision in *Matter of the Adoption of N.J.A.C. 11:3-20.1 et seq. and N.J.A.C. 11:3-20A.1 et seq., et al.* Docket No. A-1401-89T1, A-5312-8871 and A-5315-88T1 (filed July 25, 1991), the Department agrees with the first part of the commenter's statement concerning the application of the presumed investment yield utilized in adjusting negative excess investment income. Clarifying instructions to the forms and/or Appendix cannot be addressed in this adoption and will be proposed at a later date.

The commenter's suggestion that insurers should report investment income on the entire investment portfolio regards policyholder supplied funds without regard to when an investment was purchased was decided by court in the above-referenced decision. This decision recognized that an insurer's portfolio may contain investments made one or more decades ago during a very different economic climate, and therefore limited the years to "the three calendar-accident years immediately preceding the date the profits report is due."

COMMENT: One commenter suggested that the proposal does not reflect the dynamic interest rate environment and the Department should provide a mechanism to adjust the rate each year.

RESPONSE: The Department amends the rate when and as appropriate and notes that the current change reflects changes in interest rate levels during the appropriate period.

COMMENT: One commenter suggested that based on the proposed amendment, if an insurer felt compelled to increase its mix of investments in corporate securities to achieve rates with at least an eight percent return on its policyholder-supplied funds, it could expose its surplus because of the added risk it may be adding to its portfolio and it may incur penalties under risk-based capital standards which will be implemented in the future.

RESPONSE: The proposed amendment does not require insurers to invest in any particular mix of investments. The amendment merely recognizes the amount of return a prudent insurer should realize on invested funds during the appropriate period.

COMMENT: One commenter stated that according to A.M. Best, in 1991, only 26.5 percent of the property and casualty industry invested their bond portfolios in the category of "all other." This category includes corporate securities of all grades, including investment and non-investment securities not just AAA bonds. The commenter questioned whether the standard established as the industry standard is reasonable if less than one-fourth of insurers' funds are invested in the type of bonds which have been established as the industry standard. The commenter further inquired if less than one-fourth of insurers' funds are invested in the type of bonds which the Commissioner has established as the industry standard, whether the standard, as closely as possible, reflects the investment income actually generated and invested during the relevant period.

Citing *Matter of the Adoption of N.J.A.C. 11:3-20.1 et seq. and N.J.A.C. 11:3-20A.1 et al., supra,* the commenter noted that the Commissioner must establish investment criteria which constitute a reasonable industry standard, and which reflect, as closely as possible the investment income actually generated during the relevant period.

RESPONSE: The Department has complied with the requirements of *Matter of the Adoption of N.J.A.C. 11:3-20.1 et seq.* by establishing a reasonable industry standard. There are too many variables to establish criteria which would otherwise establish investment income actually generated during the relevant period. The Department has established a conservative rate of return which insurers should have been able to achieve during the appropriate period.

COMMENT: One commenter suggested that the Department should repeal the fixed standard limiting the effect of negative excess investment income and should instead consider an insurer's actual return.

RESPONSE: This comment is beyond the scope of the proposal. The proposed amendment merely recognizes a change in the level of interest rates during the appropriate period.

COMMENT: One commenter suggested that the minimum interest rate used to calculate investment income on policyholder supplied funds should only apply in cases of negative excess investment income and in cases when excess investment income is negative, insurers should increase their yield rate from the calculated rate toward the presumed yield only until the negative excess investment income is eliminated.

The commenter claimed that the eight percent presumed yield appears to be too high because it is based solely on corporate bonds while actual insurer portfolios include tax free bonds which have lower rates. The

commenter suggested that the presumed yield should be reduced to reflect the lower rates on tax free investments.

The commenter also claimed that the eight percent rate is too high because the excess profit regulation calculates this investment income yield based on new investments during a three year period and that Moody's seasoned bond rate reflects the yield on all issues, not just new issues. Thus, because of falling interest rates, an index which includes existing bonds exceeds the rates available on new bonds.

RESPONSE: The established minimum investment income in N.J.A.C. 11:3-20.1 is utilized to limit negative excess investment income to zero or less. The Department has chosen a standard indicative of a conservative minimum rate of return on investments which a prudent insurer should have been capable of achieving during the appropriate period.

COMMENT: One commenter incorporated its comments to an earlier rule proposal. In general, the comments opposed the Department's methodology for computing excess profits. Those comments specifically addressed other aspects of the excess profit calculation.

RESPONSE: The commenter's earlier comments address a different aspect of the formula for the computation of excess profits which are beyond the scope of these rules. Therefore, those comments, which were addressed in an earlier proposal, will not be addressed again here.

Summary of Agency-Initiated Change:

A minor editorial nonsubstantive change was made to N.J.A.C. 11:3-20.5(g)1.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks ***thus***; deletion from proposal indicated in brackets with asterisks *[thus]*):

11:3-20.5 Profits report

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

(g) An insurer may reflect as an expense the net amounts paid to the MTF in calculating its excess profits. The expense shall be reported in the "BI Liability and Uninsured/Underinsured Motorists Coverages" of Exhibit Ten in the Appendix.

1. The net *[amoutns]* ***amounts*** paid to the MTF includes only payments actually made by the insurer to the MTF, which are to be credited as all or part of the insurer's apportionment share of MTF losses pursuant to N.J.S.A. 17:33B-11d and the MTF Plan of Operation, including any payment made on account of the insurer's liability or in response to an Order of the Commissioner directing that payment be made, less any amount recovered by the insurer from policyholders pursuant to N.J.A.C. 11:3-16.12.

2. If an insurer makes a payment to the MTF pursuant to Article XIV, section 5 of the MTF Plan of Operation prior to the issuance of an Order of the Commissioner directing payment, the insurer may reflect the payment either in the year when paid or in the year when payment is due pursuant to the Order of the Commissioner.

APPENDIX

EXCESS PROFIT EXHIBITS—INSTRUCTIONS

...

Exhibit Ten uses the data developed in Exhibits One through Nine to calculate excess profits.

The sources of data for Exhibit Ten follow.

Item 1: Direct Calendar Year Written Premium, Exhibit One, Item 12.

Item 2: Direct Calendar Year Earned Premium, Exhibit One, Item 12.

Item 2A: Exhibit Nine—Part Three, Col. (3).

Item 2B: AIRE Charges are the amounts the filer is assessed, according to N.J.S.A. 39:6A-22. The calendar/accident year in which an AIRE charge is assigned is the calendar year in which the filer is informed of the AIRE charge and not the calendar year in which the filer pays the AIRE charge, if different.

Item 2D: MTF Policyholder surcharge collected (to be reported only on the "BI Liability and Uninsured/Underinsured Motorists Coverages" and "Total" Exhibits.

Item 2E: Apportioned share of MTF operating loss paid (to be reported only on the "BI Liability and Uninsured/Underinsured Motorists Coverages" and "Total" Exhibits.

Item 3: For BI Liability and Uninsured/Underinsured Motorists and PIP, "Ultimate Incurred", per Exhibit Five—Part Three, Col. (3). For Property Damage Liability and Physical Damage, "Ultimate Incurred", per Exhibit Six—Part Three, Col. (3).

Item 5: Exhibit Seven—Part Two.

Item 7: Exhibit Seven—Part Two.

Item 9: Exhibit Seven—Part Two.

Item 11: Exhibit Seven—Part Two.

Item 13: Exhibit One—Item 12B.

Item 14: Exhibit One, Item 12A.

Item 18: Insurer's filed and approved allowance for profits and contingencies in the filer's approved rate filing, and expressed as a ratio, and multiplied by the earned premium stated in Item 2.

Item 19 = Item 17 − Item 18.

Item 20: Exhibit Five—Part Seven, Total, Col. (3), for BI Liability and Uninsured/Underinsured Motorists and PIP; Exhibit Six—Part Seven, Col. (3), for Property Damage Liability and Physical Damage.

Item 21 = Item 19 − Item 20.

Item 22: Exhibit Eight—Part Two, Item 5.

Item 24 = Item 21 + Item 22 − Item 23.

Item 25 is .005 × Item 2 for a filer that is a member of a holding company system, and 0 for all other filers.

Item 26 is Item 24 minus Item 25.

Exhibit Eleven must be completed for calendar years 1988, 1989 and 1990.

Item 1 states what PIP losses would have been without the portion that is assumed by the UCJF.

Items 2, 3, 4, and 5 are self-explanatory.

...

Exhibit Ten
Excess Profit Calculation

Check One:
BI Liability & Uninsured/Underinsured Motorists_____
Property Damage Liability_____
PIP_____
Physical Damage_____
Total of above four coverages_____

		1988	1989	1990	Three Year Total
Item 1:	Direct Calendar Year Written Premium				
Item 2:	Direct Calendar Year Earned Premium				
Item 2A:	AIRE Compensation, Developed to Ultimate				
Item 2B:	AIRE Charges				
Item 2C:	Item 2A – Item 2B				
Item 2D:	MTF Policyholder Surcharge Collected				
Item 2E:	Apportioned Share of the MTF Operating Loss Paid				
Item 2F:	Item 2D – Item 2E				
Item 3:	Direct Calendar/Accident Year Losses and Loss Adjustment Expenses Incurred, Developed to Ultimate				
Item 4:	Item 3 as a Ratio to Item 2				
Item 5:	Direct Commission and Brokerage Fees Incurred				
Item 6:	Item 5 as a Ratio to Item 1				
Item 7:	Direct Other Acquisition, Field Supervision and Collection Expenses Incurred				
Item 8:	Item 7 as a Ratio to Item I				
Item 9:	Direct General Expenses Incurred				
Item 10:	Item 9 as a Ratio to Item 2				
Item 11:	Direct Taxes, Licenses and Fees Incurred				
Item 12:	Item 11 as a Ratio to Item 1				
Item 13:	Direct Policyholder Dividends Other Than Excess Profits, Refunds or Credits Incurred				
Item 14:	Credit or Refund of Excess Profits				
Item 15:	Subtotal Item 13 + Item 14				
Item 16:	Item 15 as a Ratio to Item 2				
Item 17:	Underwriting Income = Item 2 + Item 2A + Item 2D – Item 2B – Item 2E – Item 3 – Item 5 – Item 7 – Item 9 – Item 11 – Item 15				
Item 18:	Allowance for Profit and Contingencies				
Item 19:	Actuarial Gain				
Item 20:	Total Development Adjustment	X	X	X	
Item 21:	Total Actuarial Gain	X	X	X	
Item 22:	Excess Investment Income				
Item 23:	Item Two times .025				
Item 24:	Excess Profit	X	X	X	
Item 25:	Non-excessive Subsidization (.005 times Item 2)	X	X	X	
Item 26:	Excessive Subsidization	X	X	X	

11:3-20A.1 Standard on the investment of policyholder-supplied funds

To complete Item 7 of Exhibit Eight, Part One-A (see N.J.A.C. 11:3-20 Appendix), an insurer filing an excess profits report, in accordance with N.J.A.C. 11:3-20, shall use a ratio of .080, or the actual ratio calculated in Exhibit Eight, Part One-A, whichever is higher.

(a)

SMALL EMPLOYER HEALTH BENEFITS PROGRAM

Informational Rate Filing Requirements for Small Employer Health Benefits Plans

Adopted New Rules: N.J.A.C. 11:21-9

Proposed: November 5, 1993 pursuant to P.L. 1993, c.162, section 16, at 25 N.J.R. 5757(a), December 20, 1993.

Adopted: December 9, 1993 by Samuel F. Fortunato, Commissioner, Department of Insurance.

Filed: December 9, 1993 as R.1994 d.25, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:27A-25f, and 17B:27A-46.

Effective Date: December 9, 1993.

Expiration Date: October 15, 1998.

These new rules were proposed and are being adopted pursuant to the procedures set forth at P.L. 1993, c.162, section 16, as therein authorized.

Accordingly, notice of the proposal of these new rules was sent for publication in three newspapers of general circulation in New Jersey, mailed to all known interested parties, and submitted to the Office of Administrative Law (OAL) for publication in the New Jersey Register.

Pursuant to P.L. 1993, c.162, section 16, interested parties were provided a comment period of at least 15 days. As set forth in the notice of proposed new rules, the written comment period ended on December 1, 1993.

Comments were received from Blue Cross Blue Shield of New Jersey, The Guardian and The Prudential Insurance Company of America.

Summary of Public Comments and Agency Responses:

COMMENT: In the third paragraph of the Regulatory Flexibility Analysis, the Department indicates that some carriers may be required to obtain the services of an actuarial consultant if these services are not available in-house. The whole point of the law was to provide access to medical care for all. It is already difficult for small businesses to afford health insurance; now some carriers will need to increase rates to cover the costs of hiring an actuarial consultant to do an informational rate filing.

RESPONSE: The data requested by the Department is the minimum amount deemed necessary to fulfill the Department's mandate under the law on a timely basis. The data should not be onerous to obtain nor is it unusual or unreasonable to expect that carriers will have the data in the normal course of preparing their filings in order to meet the requirements of the law. Further, the Department believes it is appropriate to require evidence of professional actuarial attention to actuarial filings and does not believe that any extra cost will be material as a percentage of premium for proficient carriers. The credibility of the rates and certification of the expected loss ratio is compromised if a person other than a qualifed individual makes such certifications.

COMMENT: Proposed N.J.A.C. 11:21-9.3(a)1 requires a schedule of premium rates but does not specify where in the three-to-one range the rates should be (lowest, highest, index). Index rates should be required so that there is uniformity among the rate submissions. Also, by having an index rate, it is easier for the Department to understand the true impact of narrowing the rate bands in the second year (from three-to-one to two-to-one).

RESPONSE: The description of the rating plan, that is, methodology, will provide clarification as to where in the range of three-to-one the rates fall.

COMMENT: The proposal requires the characteristics of future business and a detailed breakdown of expenses/margins both of which are objectionable. Most states that require prior approval of rate filings only ask a carrier to certify to a minimum loss ratio and compliance with the law whereas New Jersey is asking much more for just an informational filing. The fairness of the rates charged to the purchaser is established by the 75 percent minimum loss ratio. Detailed data requirements such as required by proposed N.J.A.C. 11:21-9.3(a)3iii are inconsistent with the Department's reference in the Economic Impact Statement to "negligible economic impact on carriers." There does not appear to be a need for the additional requested data for determination of the completeness of an informational filing.

RESPONSE: The additional data is required only if the carrier intends to pay dividends or experience rate credits other than the refunds required by law. N.J.S.A. 17B:27A-25(g)2. In these circumstances, the Department needs to determine that fairness of the distribution is consistent with the law and that it does not favor a particular class. The data required is no more than the minimum the carrier must have to implement its dividend methodology, so there should be no expense of any consequence. The Department has no comment on the requirements of other states.

COMMENT: In proposed N.J.A.C.11:21-9.3(a)2, it is unclear what is meant by the term "rating plan." We believe the intention is to require the provision of the rate calculation methodology that would be used to generate the specific rates. "Methodology" might be clearer than "plan."

RESPONSE: The Department agrees to use the word "methodology," but in addition to rather than instead of the word "plan." The change has been made accordingly.

COMMENT: One commenter states that the rates should be developed so that the minimum anticipated loss ratio of 75 percent, as provided at N.J.A.C. 11:21-9.3(a)4iv, is met for each plan and deductible option. However, according to this commenter, it should be noted that for annual reporting purposes it is impractical to require a minimum 75 percent loss ratio at a plan and deductible level. There is the possibility of a small volume of individuals within a deductible option that could lead to distorted results as well as chance fluctuations in experience that would lead to aberrant outcomes. It is far better to require the 75 percent minimum loss ratio by plan and to maintain the differentials by deductible on an actuarially equivalent basis.

A second commenter notes that in accord with proposed N.J.A.C. 11:21-9.3(a)4iv, carriers must certify that the minimum incurred loss ratio is required for each plan option and deductible. Carriers should only be required to certify that their aggregate minimum loss ratio is at least 75 percent for the following reasons: (1) Fixed expenses are a higher percent of premium on the 60 percent coinsurance plan than they are on the 90 percent coinsurance plan; (2) Carriers may have a small block with non-credible experience in some options; (3) It is possible for illogical rate relationships to occur when the groups with poor claims experience change to less liberal plans causing the loss ratios for these plans to increase. This requirement may be in response to some of the irrational rating practices going on in the individual market. A solution would be to develop levels of tolerance in the relationships between plans. Only carriers outside the tolerance range should be required to certify minimim loss ratios by each plan and deductible.

A third commenter states that it is reasonable to anticipate a 75 percent loss ratio in rate development by each plan and deductible option. It will, however, be important to acknowledge the credibility of available experience in generating the anticipated loss ratio. Furthermore, retrospective evaluations must be based upon credible blocks of business.

RESPONSE: Two of the three commenters agree that the 75 percent anticipated loss ratio should apply to each plan. This is the best way to assure that the lower benefit plans receive the full advantage of those lower benefits in lower premium rates. The Department agrees that the relationship of rates among the plans should be primarily actuarial and not experiential, and believes this is consistent with the remarks of the second commenter above. Credibility is an important factor in setting the refund formula, which will be dealt with in another rule.

COMMENT: Proposed N.J.A.C. 11:21-9.3(a)4viii requires a statement that the factors used to establish claim reserves are appropriate. In general, it is the valuation actuary who develops these factors, not the pricing actuary. While the pricing actuary can make a statement that he relied on the work of the valuation actuary with respect to the appropriateness of the factors, this would seem unnecessary since the valuation actuary is already required to certify to the appropriateness of reserves in each annual statement.

RESPONSE: The pricing actuary should attest to the validity of the loss ratio requirements. In so doing, he or she should be aware of the adequacy of the reserves—otherwise his or her certification may be invalid.

COMMENT: The term "substantial compliance" as it appears in proposed N.J.A.C. 11:21-9.4(b), (c) and (d), should be defined. Can a filing be deemed incomplete, but be in "substantial compliance"? Can we presume that a carrier whose filing is incomplete, but deemed to be in "substantial compliance," can continue to issue policies using the filed rates?

RESPONSE: The Department would respond to each question in the affirmative. Use of the term "substantial compliance" in this section assures continued use of filed rates by carriers whose filings may be incomplete due to some minor defect. The Department recognizes that "substantial compliance" is a legal term, the definition of which may vary from case to case due to variations in the facts presented. For this reason, the Department will refrain from defining the term.

COMMENT: We believe there is an omission in the first sentence of proposed N.J.A.C. 11:21-9.4(c). We believe it should read, "if the informational filing is found not to be in substantial compliance ...".

RESPONSE: The sentence in question is correct as proposed. It is anticipated by the Department that an informational filing may be in substantial compliance even though it might be deficient in minor respects. Subsection (d) addresses informational filings "found **not** to be in substantial compliance ... ". (Emphasis added.) In any event, the Department has clarified the first sentence of subsection (c) by amending it to read, "If the informational filing is incomplete but in substantial compliance ..." The first sentence of subsection (d) has also been clarified and now reads: "if the informational filing is incomplete and not in substantial compliance... ".

COMMENT: We believe the intent at proposed N.J.A.C. 11:21-9.4(d) is to prohibit use of rates not in substantial compliance as of the point of notice and think a clarification in this regard is needed.

RESPONSE: The Department agrees and has inserted language to clarify subsection (d) accordingly.

COMMENT: If an informational filing is disapproved, the carrier has 30 days, as provided at proposed N.J.A.C. 11:21-9.4(c), to submit a revision. A time frame for the Commissioner's re-review should be indicated in subsection (d).

RESPONSE: The Department agrees and has added a deemer provision to subsection (d) which, in effect, requires the Commissioner to respond within 30 days.

Summary of Agency-Initiated Changes:

1. At N.J.A.C. 11:21-9.4(b), the phrase "within 30 days" is inserted in the first sentence so as to require the Commissioner to "provide written notice within 30 days ...". The reason for this change is to provide a time frame in which the Commissioner's initial response to incomplete informational filings is required to be made.

2. At N.J.A.C. 11:21-9.4(c), the second sentence has been changed to read: "Failure on the part of the carrier to comply with the provisions of this subsection may result in the imposition of a penalty pursuant to ...". The word "will" and the phrase "monetary fine" have been deleted respectively. The reason for these changes is to give the Commissioner broader discretion in dealing with informational filings which, although in substantial compliance, are incomplete. Additionally, the word "penalty" more accurately describes the provision of N.J.A.C. 11:21-9.6 than does the term "monetary fine".

3. At N.J.A.C. 11:21-9.4(d), the phrase "enter into contracts utilizing" has been substituted for the word "use" in the second sentence so as to read: "In such event, the carrier may enter into contracts utilizing the submitted rates only when the Commissioner has determined ...". This change is made for reasons of clarification.

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

SUBCHAPTER 9. CARRIERS' INFORMATIONAL RATE FILING REQUIREMENTS FOR SMALL EMPLOYER HEALTH BENEFITS PLANS

11:21-9.1 Purpose and scope

(a) The purpose of this subchapter is to establish informational rate filing requirements and procedures for carriers issuing or renewing small employer health benefits plans pursuant to N.J.S.A. 17B:27A-25f.

(b) This subchapter applies to all carriers issuing health benefits plans to small employers pursuant to the Act.

11:21-9.2 Definitions

(a) Words and terms defined at N.J.S.A. 17B:27A-17 and N.J.A.C. 11:21, when used in this subchapter, shall have the meanings as defined by the Act or for the chapter unless the context clearly indicates otherwise.

1. "Classification factor" means any factor used by the carrier to vary rates based upon characteristics of the employee, employer or policyholder.

11:21-9.3 Informational rate filing requirements

(a) All carriers issuing standard health benefits plans pursuant to the Act shall, prior to issuing any such plan, file with the Commissioner an informational rate filing which shall include the following data:

1. A schedule of premiums specifying the standard health benefits plans offered, indicating the delivery system for each plan, describing the benefit differentials for the in-network and out-of-network benefits for selective contracting arrangements and listing the premium rates to be charged;

2. A description of the rating ***methodology or*** plan and the numerical value of the classification factors utilized in the calculation of a group's premium rate or rates, including but not limited to: age, gender, industry, geographic location, effective date, and rating categories (for example, standard and substandard) resulting from underwriting rules (for example, medical and non-medical);

3. A detailed actuarial memorandum setting forth the assumptions and methods used in the development of the rates, which shall include:

i. Recent claim cost experience, a description of the source of the claim costs and the time period for which the claim costs were calculated;

ii. The assumptions used in developing the anticipated loss experience, including trend, plan relativity assumptions and the anticipated distribution of business by rating classification described in (a)2 above and any other factors used; and

iii. If the policyholder will or may receive policyholder dividends other than the dividends required by N.J.S.A. 17B:27A-25g(2), the carrier shall also submit the following:

(1) The assumptions for claim adjudication and payment expense, other administrative expenses, commissions, premium taxes, federal income taxes, risk margin, profit margin and any other margins applicable to the filing;

(2) The assumptions for anticipated investment income; and

(3) The assumptions and the carrier's practices for distributing anticipated divisible surplus including a statement explaining how divisible surplus will be determined and paid; and

4. A certification signed by a member of the American Academy of Actuaries attesting to the accuracy and completeness of the information provided pursuant to (a)1, 2 and 3 above and of the following information which shall also be included:

i. A statement that the filing is complete;

ii. The issue period for which the filed rates are effective, which shall not exceed 12 months;

iii. The coverage period, if any, for which the rates for a group are guaranteed;

iv. A statement of the anticipated incurred loss ratio for each plan and deductible option which shall not be less than 75 percent of the premium therefor;

v. For rates to be charged for new business issued on and after January 1, 1994, and upon the first anniversary date on and after March 1, 1994, of existing policies or contracts, a statement that the rating classification will not produce rates (for an individual and for each family status) for the highest rated group which are greater than 300 percent of rates (for an individual and for each family status) produced for the lowest rated group for each policy form (plan and deductible option);

vi. For rates to be charged beginning on the second policy or contract anniversary dates after the dates established in (a)4v above, a statement that the rating classification will not produce rates (for

an individual and for each family status) for the highest rated group which are greater than 200 percent of rates (for an individual and for each family status) produced for the lowest rated group for each policy form (plan and deductible option);

vii. Whether the policies provide that the policyholder will or may receive policyholder dividends other than the dividends required by N.J.S.A. 17B:27A-25g(2); and

viii. A statement that the factors which will be used to establish claim reserves are appropriate.

(b) Any carrier which seeks to change its rates for its small employer group health benefits plans shall, prior to the effective date of the revised rates, submit to the Commissioner an informational filing which shall include all of the data set forth in (a) above.

11:21-9.4 Informational filing procedures

(a) Informational filings submitted pursuant to this subchapter shall be sent to the Department at the following address:

Attention: SEH Informational Filings
Division of Life/Health Actuarial Services
New Jersey Department of Insurance
20 West State Street
CN 325
Trenton, NJ 08625-0325

(b) If the Commissioner determines that an informational filing submitted pursuant to this subchapter is incomplete, the Commissioner shall provide written notice ***within 30 days*** to the carrier specifying those portions of the filing which are deficient and the information required to be submitted by the carrier. The notice shall specify whether or not the informational filing is deemed to be in substantial compliance with the requirements of N.J.A.C. 11:21-9.3. If the Commissioner takes no action with respect to the informational filing within 30 days of the date of submission thereof, the informational filing shall be deemed complete.

(c) If the informational filing is *[found to be]* ***incomplete but*** in substantial compliance with the requirements of N.J.A.C. 11:21-9.3, the carrier shall, within 30 days of receipt of written notice in (b) above, provide the Commissioner with the information required to complete the filing. Failure on the part of the carrier to comply with the provisions of this subsection *[will]* ***may*** result in the imposition of a *[monetary fine]* ***penalty*** pursuant to N.J.A.C. 11:21-9.6.

(d) If the informational filing is *[found]* ***incomplete and*** not *[to be]* in substantial compliance with the requirements of N.J.A.C. 11:21-9.3, ***the Commissioner shall provide written notice to the carrier specifying the portions of the filing which are deficient and the information required to be submitted by the carrier. Upon receipt of notice from the Commissioner that the filing is not in substantial compliance,*** no insurance contract or policy may be entered into using the submitted rates. In such event, the carrier may *[use]* ***enter into contracts utilizing*** the submitted rates only when the Commissioner has determined that the informational filing is ***in substantial compliance or*** complete, and has provided written notice of that fact to the carrier. ***If the Commissioner takes no action within 30 days of the carrier's submission of information in an effort to render the filing in substantial compliance, the filing shall be deemed to be in substantial compliance.***

(e) Any carrier aggrieved by a determination of the Commissioner pursuant to (b), (c) or (d) above may request a hearing on the Commissioner's determination, within 20 days of the receipt of notice of such determination, as follows:

1. A request for a hearing shall be in writing and shall include:

i. The name, address, and daytime telephone number of a contact person familiar with the matter;

ii. A copy of the notice involved;

iii. A statement requesting the hearing; and

iv. A concise statement specifying the reason(s) the carrier is aggrieved by the Commissioner's determination.

2. The hearing shall be conducted pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedures Rules, N.J.A.C. 1:1.

11:21-9.5 Public disclosure of filed information

All data or information filed with the Department pursuant to N.J.A.C. 11:21-9.3(a) are public records and may be disclosed in accordance with N.J.S.A. 47:1A-1 et seq., except that actuarial memoranda which contain confidential and proprietary information pursuant to N.J.A.C. 11:21-9.3(a)3 shall not be disclosed by the Department to any person other than employees and representatives of the Department.

11:21-9.6 Penalties

Failure to comply with the provisions of this subchapter may result in the imposition of fines or other penalties provided by law, including suspension or revocation of a carrier's authority to do business in the State of New Jersey.

(a)

DIVISION OF FINANCIAL EXAMINATIONS

Standards and Procedures Governing Withdrawals of Small Employer Carriers From the Small Employer Health Benefits Plans Market

Adopted New Rules: N.J.A.C. 11:21-16

Proposed: November 1, 1993 at 25 N.J.R. 4859(a).
Adopted: December 9, 1993 by Samuel F. Fortunato, Commissioner, Department of Insurance.
Filed: December 9, 1993 as R.1994 d.26, **with a technical change** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 17:1C-6(e) and 17B:27A-23.

Effective Date: December 9, 1993.
Expiration Date: October 15, 1998.

These new rules were proposed and are being adopted pursuant to the procedures of P.L.1993, c.162, section 16, as therein authorized. Accordingly, notice of the proposal of these new rules was published in three papers of general circulation in New Jersey, and simultaneously mailed to all known interested parties when submitted to the Office of Administrative Law for publication in the November 1, 1993 New Jersey Register.

Pursuant to section 16d, all interested parties were provided at least a 15-day comment period. As set forth in the notice of proposed new rules, the written comment period ended on December 1, 1993. No written comments were received.

Pursuant to section 16e, notwithstanding the receipt of comments (which, pursuant to section 16d, ultimately must be summarized and responded to in a report for public distribution and publication in the New Jersey Register) the Commissioner may adopt these rules immediately upon the expiration of the public comment period by filing the notice of adoption with the Office of Administrative Law for publication in the New Jersey Register. These new rules shall be effective upon the date of filing with the Office of Administrative Law.

Summary of Public Comments and Agency Responses:
No public comments were received.

Summary of Agency-Initiated Change:
N.J.A.C. 11:21-16.6(c) is amended to correct the address to which notices of withdrawal must be sent.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks ***thus***):

SUBCHAPTER 16. STANDARDS AND PROCEDURES GOVERNING WITHDRAWALS OF SMALL EMPLOYER CARRIERS FROM THE SMALL EMPLOYER HEALTH BENEFITS PLANS MARKET

11:21-6.1 Purpose and scope

(a) The purpose of this subchapter is to establish the requirements and procedures by which carriers may cease doing business in the small employer market in this State. The subchapter applies to all small employer carriers issuing or renewing policies or contracts after

November 30, 1992. Pursuant to the provisions of N.J.S.A. 17B:27A-17 et seq., every policy or contract issued to a small employer in this State shall be renewable with respect to all eligible employees or dependents at the option of the policy or contract holder or small employer, except under the circumstances prescribed by N.J.S.A. 17B:27A-23(a) through (g). One of the circumstances delineated therein is where a carrier ceases to do business in the small employer health benefits plans market in New Jersey pursuant to N.J.S.A. 17B:27A-23e.

(b) This subchapter applies to all small employer carriers as defined in this subchapter that seek to cease doing business in the small employer market.

11:21-16.2 Definitions

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

"Affiliate" or "affiliated company" means a carrier that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the carrier that initiates a withdrawal.

"Board" means the board of directors of the New Jersey Small Employer Health Benefits Program.

"Carrier" means any insurance company, health service corporation, hospital service corporation, medical service corporation or health maintenance organization authorized to issue health benefits plans in this State. For purposes of this subchapter, carriers that are affiliated companies shall be treated as one carrier, except that any insurance company, health service corporation, hospital service corporation, or medical service corporation that is an affiliate of a health maintenance organization located in New Jersey or any health maintenance organization located in New Jersey that is affiliated with an insurance company, health service corporation, hospital service corporation, or medical service corporation shall treat the health maintenance organization as a separate carrier.

"Cease doing business" for purposes of these rules means withdraw or withdrawal.

"Commissioner" means the Commissioner of the Department of Insurance of the State of New Jersey.

"Department" means the New Jersey Department of Insurance.

"Small employer" means any person, firm, corporation, partnership, or association actively engaged in business which, on at least 50 percent of its working days during the preceding calendar year quarter, employed at least two but no more than 49 eligible employees, the majority of whom are employed within the State of New Jersey. In determining the number of eligible employees, companies which are affiliated companies shall be considered one employer. Subsequent to the issuance of a health benefits plan to a small employer pursuant to the provisions of N.J.S.A. 17B:27A-17 et seq., and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, provisions of N.J.S.A. 17B:27A-17 et seq. which apply to a small employer shall continue to apply until the anniversary date of the health benefits plan next following the date the employer no longer meets the definition of a small employer.

"Small employer carrier" means any carrier that offers health benefits plans covering eligible employees of one or more small employers.

"Small employer health benefits plan" means a health benefits plan for small employers established by the SEH Program Board and approved by the Commissioner pursuant to N.J.S.A. 17B:27A-33.

"State" means the State of New Jersey.

"Withdraw" or "withdrawal" means the cancellation on a date certain or the termination on the anniversary date of all in force health benefits plans issued to small employers without offering replacement with a small employer health benefits plan except where such action is taken pursuant to N.J.S.A. 17B:27A-23a through d, f and g.

11:21-16.3 General provisions

(a) No small employer carrier shall cancel, nonrenew, or terminate, except in accordance with N.J.S.A. 17B:27A-23a through d, f and g, or refuse to issue any small employer health benefits plan unless the small employer carrier withdraws from the small employer market in New Jersey in accordance with the provisions of this subchapter.

(b) Any small employer carrier which seeks to withdraw from the small employer market in this State shall provide the Commissioner with written notification of its intent to withdraw not later than eight months prior to either the cancellation of all of its in force policies or contracts on a date certain or the termination on the anniversary date of each in force policy or contract. The carrier shall choose only one of these methods and shall specify in the notice which method of withdrawal it chooses.

1. Until such time as the withdrawal shall be completed, the withdrawing carrier shall continue to be governed by N.J.S.A. 17B:27A-17 et seq. and all rules promulgated thereunder.

2. A withdrawing carrier shall cease issuing new policies no more than two months after filing a notice of intent to withdraw with the Commissioner.

(c) The notice of withdrawal to the Commissioner shall be sent to the attention of: SEH Withdrawal Notice, Division of Financial Solvency, New Jersey Department of Insurance, ***CN 325,*** Trenton, NJ 08625, and shall include an original and two copies of the following information:

1. The carrier's percentage market share in the small employer market, if known, including its most recent policy or contract count and annual amount of direct premium earned and written;

2. A statement, describing with specificity, the reasons for which the carrier is withdrawing from the small employer market in this State;

3. A statement indicating whether the carrier has any affiliates writing any health lines in this State, the names of such affiliates and the lines of insurance written and a statement indicating whether any such affiliates will continue to write small employer health benefits plans;

4. A statement indicating whether the carrier is withdrawing from other lines of business in this State, and if so, the lines from which it is withdrawing;

5. A statement specifying the date or dates upon which the carrier shall terminate its small employer health benefits plans which shall be either:

i. The specific date upon which the carrier shall cancel all in force policies or contracts; or

ii. The dates upon which all in force policies or contracts shall be terminated, which shall be the anniversary dates of the policies or contracts of each policyholder;

6. The date upon which the carrier shall cease writing any new health benefits plans or small employer health benefits plans, as applicable, which shall be no later than two months after the date the carrier has filed its notice with the Commissioner; and

7. A copy of the form of notice required pursuant to (e) below, which is to be mailed to each small employer to be effected by the carrier's withdrawal.

(d) The Commissioner shall review the notice of withdrawal to determine whether it complies with (c) above and whether sufficient notice will be provided to policyholders. The Commissioner shall notify, in writing, the small employer carrier of any deficiencies and shall advise the carrier of the requirements which are necessary to bring it into compliance with N.J.S.A. 17B:27A-23 and this subchapter.

1. A carrier which has submitted a notice to the Commissioner pursuant to N.J.S.A. 17B:27A-23(e) prior to the effective date of this subchapter shall file the information requested in (c) above, within 60 days of the effective date of this subchapter.

i. Where the carrier complies with (d)1 above, the carrier's notice to the Commissioner shall relate back to the date of the carrier's original submission to the Commissioner. Notwithstanding the date of notice to the Commissioner, a carrier shall provide at least six months written notice to a small employer that its contract or policy

shall be cancelled on a date certain or terminated on the anniversary date.

ii. Where a carrier fails to file the supplemental information as required by (d)1, the date of notice to the Commissioner shall be deemed to be the date upon which the carrier has filed with the Department all of the items set forth in (c) above. Dates for all other notices required by this subchapter shall be calculated from this new date.

2. A carrier which has submitted its notice of intent to withdraw prior to the effective date of this subchapter shall comply with the notice requirements set forth at (e), (f), (g) and (h) below, to which all other carriers must similarly comply, unless the Commissioner authorizes or specifies otherwise, to prevent undue hardship to either the carrier, the policyholders, or both.

(e) Any small employer carrier which seeks to withdraw from the small employer market shall, not later than two months following the date of notification to the Commissioner, nor less than six months in advance of the effective date of the cancellation on a date certain or termination on the anniversary date of the policy or contract, mail a notice to every small employer insured by the carrier, informing the small employer that the policy or contract will be cancelled on a date certain or terminated on the anniversary date. This initial notice to each small employer shall be sent by certified mail and shall include the following information:

1. The date upon which the policy or contract shall be cancelled or terminated;

2. That the policy or contract is being cancelled or terminated under the authority of N.J.S.A. 17B:27A-23(e) and this subchapter;

3. The name, address and telephone number of the employee or agent of the carrier who may be contacted for assistance and information regarding the withdrawal;

4. A statement that the small employer may contact its broker for additional information regarding the withdrawal;

5. A notice that, on or after January 1, 1994, a list of active small employer carriers and examples of their rates may be obtained by writing to the New Jersey Department of Insurance, Division of Public Affairs, CN 325, Trenton, NJ 08625-0325, or by calling (609) 633-3955, and requesting the Small Employer Health Benefits Plans Comparison Guide; and

6. A statement that pursuant to N.J.S.A. 17B:27A-19, all carriers offering small employer health benefits plans must issue coverage to any small employer group which requests coverage under a small employer health benefits plan, meets the participation requirements of the carrier, and pays the required premium for the coverage.

(f) A withdrawing small employer carrier shall provide at least one copy of its notice of intent to cancel on a date certain or termination on the anniversary of each policy or contract, to the producer of record for each policy or contract. The notice shall be sent by certified mail, no less than six months prior to the effective date of withdrawal.

(g) Simultaneous with its notice to the Commissioner, a withdrawing small employer carrier shall submit a notice to the Plan Administrator of the Small Employer Health Board, which:

1. Indicates that the carrier shall withdraw from the State of New Jersey;

2. States whether the carrier shall either cancel all of its in force policies or contracts on a date certain or shall terminate its in force policies or contracts on their anniversary date; and

3. Sets forth the date or dates upon which (g)1 and 2 above shall occur.

(h) Following the initial notice to the small employer, a small employer carrier shall submit subsequent notices to the small employer of the cancellation on a date certain or the termination on the anniversary date of the contract and the date upon which the cancellation or termination shall occur. Such notice shall be included with each monthly premium bill or premium notice issued prior to the date of cancellation or termination. Where no monthly premium statement is transmitted, a small employer carrier shall provide a small employer with no fewer than three notices, which notices shall be sent at minimum on the sixth, third and last month prior to the date of cancellation or termination.

11:21-16.4 Restrictions on writings

(a) Any small employer carrier that ceases to do business pursuant to this subchapter shall be prohibited from writing new business in the New Jersey small employer market for a period of five years from the date it provides notice to the Commissioner of its planned withdrawal.

(b) Any carrier which has withdrawn from the small employer market in this State shall be prohibited from issuing any small employer health benefits plans until it has complied with N.J.A.C. 11:21-14, and has been approved or deemed approved by the Commissioner, if appropriate, to issue such policies.

(c) Any small employer carrier which withdraws from the small employer market shall cancel on a date certain or terminate on the anniversary date all of its in force small employer health benefits plans in accordance with N.J.A.C. 11:21-16.3.

11:21-16.5 Penalties

Failure to comply with the requirements of this subchapter shall result in the imposition of penalties pursuant to N.J.S.A. 17B:27A-43 and any and all other penalties provided by law.

11:21-16.6 Other policyholder rights unaffected

Nothing in this subchapter shall be construed to contravene any rights of policyholders concerning cancellation requirements or obligations set forth in a policy or contract issued by a small employer carrier.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PSYCHOLOGICAL EXAMINERS
Written Examination Fee
Adopted Amendment: N.J.A.C. 13:42-1.2

Proposed: September 7, 1993 at 25 N.J.R. 3929(a).
Adopted: November 29, 1993 by the Board of Psychological Examiners, Jeffrey H. Tindall, Ph.D., Chair.
Filed: December 9, 1993 as R.1994 d.22, **without change.**

Authority: N.J.S.A. 45:14B-44 and 45:14B-45.

Effective Date: January 3, 1994.
Expiration Date: November 1, 1998.

Summary of Public Comments and Agency Responses:
No comments were received.

Full text of the adoption follows:

13:42-1.2 Fees

(a) Charges for examinations, licensure and other services are:
1. (No change.)
2. Examination fee: $330.00 written, $100.00 oral.
3.-10. (No change.)
(b) (No change.)

TRANSPORTATION

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID

BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Restricted Parking and Stopping

Routes N.J. 17 in Bergen County; N.J. 27 in Union County; N.J. 28 in Somerset County; and N.J. 70 in Ocean County

Adopted Amendments: N.J.A.C. 16:28A-1.9, 1.18, 1.19 and 1.37

Proposed: October 18, 1993 at 25 N.J.R. 4725(a).
Adopted: November 22, 1993 by Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.
Filed: November 30, 1993 as R.1994 d.1, **without change.**

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-198 and 39:4-199.

Effective Date: January 3, 1994.
Expiration Date: May 7, 1998.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows:

16:28A-1.9 Route 17

(a) The certain parts of State highway Route 17 described in this subsection are designated and established as "no stopping or standing" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139. In accordance with the provisions of N.J.S.A. 39:4-198, proper signs shall be erected by the Department.

1.-6. (No change.)

(b) The certain parts of State highway Route 17 described in this subsection shall be designated and established as "no parking bus stop" 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.-3. (No change.)

4. Along the easterly (northbound) side in Paramus Borough, Bergen County:

i. Far side bus stops:

(1) A & S Drive—Beginning at the southerly ramp of A & S Drive and extending 130 feet northerly therefrom.

(2) Entrance Ramp to Century Road—Beginning at the northerly curbline of Century Road and extending 105 feet northerly therefrom.

5.-12. (No change.)

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

16:28A-1.18 Route 27

(a) No change.)

(b) The certain parts of State highway Route 27 described in this subsection shall be designated and established as "no parking bus stop" 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.-10. (No change.)

11. Along the northbound (easterly) side (St. George Avenue) in the City of Rahway, Union County:

i. Far side bus stops:

(1) Colonia Boulevard—Beginning at the prolongation of the northerly curb line of Colonia Boulevard and extending 135 feet northerly therefrom.

(2) Inman Avenue—Beginning at a point 154 feet from the northerly curb line of Inman Avenue and extending 105 feet northerly therefrom.

(3) Pierpoint Street—Beginning at the westerly curb line of Pierpoint Street and extending 105 feet northerly therefrom.

(4) West Lake Avenue—Beginning at the westerly curb line of West Lake Avenue and extending 115 feet northerly therefrom.

(5) Central Avenue—Beginning at the northerly curb line of Central Avenue and extending 115 feet northerly therefrom.

(6) Harrison Street—Beginning at the northerly curb line of Harrison Street and extending 115 feet northerly therefrom.

(7) West Scott Avenue—Beginning at the northerly curb line of West Scott Avenue and extending 115 feet northerly therefrom.

ii. Near side bus stops:

(1) West Grand Avenue—Beginning at the northerly curb line of West Grand Avenue and extending 105 feet southerly therefrom.

(2) Linden Avenue—Beginning at the southerly curb line of Linden Avenue and extending 105 feet southerly therefrom.

12. Along the southbound (westerly) side (St. George Avenue) in the City of Rahway, Union County:

i. Far side bus stops:

(1) Ross Street—Beginning at the southerly curb line of Ross Street and extending 105 feet southerly therefrom.

(2) Apgar Terrace—Beginning at the southerly curb line of Apgar Terrace and extending 115 feet southerly therefrom.

(3) Westfield Avenue—Beginning at the southerly curb line of Westfield Avenue and extending 115 feet southerly therefrom.

(4) Central Avenue—Beginning at the southerly curb line of Central Avenue and extending 115 feet southerly therefrom.

(5) West Hazelwood Avenue—Beginning at the southerly curb line of West Hazelwood Avenue and extending 115 feet southerly therefrom.

(6) West Lake Avenue—Beginning at the southerly curb line of West Lake Avenue and extending 115 feet southerly therefrom.

(7) West Inman Avenue—Beginning at the southerly curb line of West Inman Avenue and extending 100 feet southerly therefrom.

(8) Murray Street—Beginning at the southerly curb line of Murray Street and extending 100 feet southerly therefrom.

ii. Mid-Block bus stops:

(1) West Scott Avenue—Beginning at the prolongation of the southerly curb line of West Scott Avenue and extending 135 feet southerly therefrom.

(2) Harrison Street—Beginning at the prolongation of the northerly curb line of Harrison Street and extending 135 feet southerly therefrom.

13.-24. (No change.)

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

16:28A-1.19 Route 28

(a) The certain parts of State highway Route 28 described in this subsection shall be designated and established as "no stopping or standing" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139. In accordance with the provisions of N.J.S.A. 39:4-199, proper signs shall be erected.

1.-6. (No change.)

7. No stopping or standing in the Borough of Bound Brook, Somerset County:

i. (No change.)

ii. Along the southerly (eastbound) side (Union Avenue):

(i)-(7) (No change.)

(8) From 8:00 A.M. to 4:00 P.M. on school days—Beginning at a point 115 feet west of the westerly curb line of Windsor Street to a point 227 feet westerly therefrom.

8.-13. (No change.)

(b)-(g) (No change.)

16:28A-1.37 Route 70

(a) The certain parts of State highway Route 70 described in this subsection are designated and established as "no stopping or standing" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139. In accordance with the provisions of N.J.S.A. 39:4-198, proper signs shall be erected by the Department.

1.-7. (No change.)

8. No stopping or standing in Manchester Township, Ocean County.

i. Along the westbound (northerly) side:

(1) From a point 30 feet west of the center line of County Road 539 and extending 400 feet westerly therefrom.

(b) The certain parts of State highway Route 70 described in this subsection shall be designated and established as "no parking bus stop" 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.-3. (No change.)

OTHER AGENCIES

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Administration
Disability Discrimination Grievance Procedure
Adopted Amendment: N.J.A.C. 19:3A-3

Proposed: September 7, 1993 at 25 N.J.R. 3946(b).

Adopted: November 30, 1993 by the Hackensack Meadowlands Development Commission, Anthony Scardino, Jr., Executive Director.

Filed: December 8, 1993 as R.1994 d.15, **without change.**

Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i), and N.J.A.C. 19:4-6.27.

Effective Date: January 3, 1994.

Expiration Date: While N.J.A.C. 19:3A expires November 4, 1996, **N.J.A.C. 19:3A-3 is exempt** under 28 C.F.R. Part 35.

The adopted amendment will provide an ADA grievance procedure for the Commission.

Summary of Public Comment and Agency Responses:

No public hearing was held. The HMDC Staff received one telephone call from Ms. Elizabeth Kenny on behalf of Jeryl Industries inquiring about the proposal. She was told what the proposal entailed. She subsequently inspected the file in this matter. Ms. Kenny did not comment on the proposal.

Full text of the adoption follows:

SUBCHAPTER 3. DISABILITY DISCRIMINATION GRIEVANCE PROCEDURE

19:3A-3.1 Definitions

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

"ADA" means the Americans with Disabilities Act, 42 U.S.C.A. §12101 et seq.

"Agency" means the Hackensack Meadowlands Development Commission.

"Designated decision maker" means the Executive Director of the Hackensack Meadowlands Development Commission or his or her designee.

19:3A-3.2 Purpose

(a) These rules are adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated coordinator whose duties shall include assuring that the agency complies with and carries out its responsibilities under the ADA. Those duties shall also include the investigation of any complaint filed with the agency pursuant to N.J.A.C. 19:3A-3.5 through 3.8.

19:3A-3.3 Required ADA Notice

In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the agency's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency.

AGENCY NOTICE OF ADA PROCEDURE

The agency has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by a public entity.

Rules describing ad governing the internal grievance procedure can be found in the New Jersey Administrative Code, N.J.A.C. 19:3A-3.1 et seq. As those rules indicate, complaints should be addressed to the agency's designated ADA Coordinator, who has been designated to coordinate ADA compliance efforts, at the following address.

ADA Coordinator
Hackensack Meadowlands Development Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

1. A complaint may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. In cases of employment related complaints, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq. will be followed where applicable.

2. A complaint should be filed promptly within 20 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis).

3. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by the agency's designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. In most cases a written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the complainant no later than 45 days after its filing.

5. The ADA coordinator will maintain the files and records of the agency relating to the complaints filed.

6. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

19:3A-3.4 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and complaint investigation for the agency is:

ADA Coordinator
Hackensack Meadowlands Development Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

(b) All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

(c) All complaints alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in N.J.A.C. 19:3A-3.5 through 3.8.

19:3A-3.5 Complaint procedure

A complaint alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator identified in N.J.A.C. 19:3A-3.4. A complaint alleging employment discrimination will be processed pursuant to the rules of the Department of Personnel, N.J.A.C. 4A:7-1.1 through 3.4, if those rules are applicable.

19:3A-3.6 Complaint contents

(a) A complaint submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 19:3A-3.7.

(b) A complaint submitted pursuant to this subchapter shall include the following information:

1. The name of the complainant, and/or any alternate contact person designated by the complainant to receive communication or provide information for the complainant;

2. The address and telephone number of the complainant or alternate contact person; and

3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

19:3A-3.7 Complaint form

The following form may be utilized for the submission of a complaint pursuant to this subchapter:

Americans with Disabilities Act Grievance Form

Date: _____

Name of grievant: _____

Address of grievant: _____

Telephone number of grievant: _____

Disability of grievant: _____

Name, address and telephone number of alternate contact person:

_____

_____

Agency alleged to have denied access:

Department: _____

Division: _____

Bureau or office: _____

Location: _____

Incident or barrier:

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

_____

_____

_____

_____

_____

_____

Proposed access or accommodation:

If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

_____

_____

_____

A copy of the above form may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 19:3A-3.4.

19:3A-3.8 Investigation

(a) Upon receipt of a complaint submitted pursuant to this subchapter, the designated ADA coordinator will notify the complainant of the receipt of the complaint and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the complaint, unless a later date is agreed to by the complainant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 days of receipt of the complaint, unless a later date is agreed to by the complainant, which decision shall be transmitted to the complainant and/or the alternate contact person if so designated by the complainant.

(a)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Official Zoning map

Adopted Amendments: N.J.A.C. 19:4-2.2, 4.23A, 4.30, 4.39, 4.49, 4.59, 4.69, 4.88, 4.98, 4.107, 4.117, 4.129 and 4.152; and 19:4A-3.1, 4.4, 5.3, 5.7 and 6.2

Proposed: September 7, 1993 at 25 N.J.R. 3949(a).

Adopted: November 30, 1993 by the Hackensack Meadowlands Development Commission, Anthony Scardino, Jr., Executive Director.

Filed: December 8, 1993 as R.1994 d.16, **without change**.

Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i), and N.J.A.C. 19:4-6.27.

Effective Date: January 3, 1994.

Expiration Date: March 29, 1998.

The adopted amendments to the District Zoning Regulations and the Flood Plain Management Regulations will result in consistency between the two chapters.

Summary of Hearing Officer's Report and Recommendations:

A public hearing was held on September 23, 1993 at the Commission's Offices in Lyndhurst, chaired by HMDC's Senior Staff Engineer, Kristine Kalfas. A copy of the transcript of the public hearing may be reviewed at or obtained from the HMDC, One DeKorte Park Plaza, Lyndhurst, New Jersey 07071.

The hearing officer did not make any recommendations.

Summary of Public Comment and Agency Responses:

The HMDC Staff received a telephone call from Ms. Elizabeth Kenny on behalf of Jeryl Industries inquiring about the proposal. She was told what the proposal entailed. She subsequently inspected the file in this matter. Ms. Kenny did not comment on the proposal. Staff also received telephone calls from Mr. George Cascino of Cascino Engineering and Mr. Gilbert Bowman of Bruinooge Associates. The proposal was explained to both parties and no comments or objections were received.

Full text of the adoption follows:

19:4-2.2 Definitions

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

...

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement, cellar, crawl space, garage, and utility room. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements.

...

19:4-4.23A Planned park zone 1; bulk regulations

(a) The bulk regulations for the planned park zone are:

1.-4. (No change.)

5. Minimum lowest floor elevations for structures within designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

19:4-4.30 Low density residential zone; bulk regulations

(a) Bulk regulations in the low density residential zone are:

1.-4. (No change.)

5. Minimum lowest floor elevations for structures within designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

19:4-4.39 Waterfront recreation zone; bulk regulations

(a) The bulk regulations in the waterfront recreation zone are:

1.-4. (No change.)

5. Minimum lowest floor elevations for structures within designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

6. (No change.)

19:4-4.49 Highway commercial zone; bulk and density regulations

(a) The bulk and density regulations in the highway commercial zone are:

1.-6. (No change.)

7. Minimum lowest floor elevations for structures within designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

19:4-4.59 Service-highway commercial zone; bulk requirements

(a) The bulk requirements in the service-highway commercial zone are:

1.-4. (No change.)

5. Minimum lowest floor elevations for structures within the designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

19:4-4.69 Research park zone; bulk regulations

(a) The bulk regulations in the research park zone are:

1.-4. (No change.)

5. Minimum lowest floor elevations for structures within the designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

19:4-4.88 Light industrial zone A; bulk regulations

(a) The bulk regulations in **the** light industrial zone A are:

1.-4. (No change.)

5. Minimum lowest floor elevations for structures within designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

19:4-4.98 Light industrial zone B; bulk regulations

(a) The bulk regulations in **the** light industrial zone B are:

1.-4. (No change.)

5. Minimum lowest floor elevations for structures within the designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

19:4-4.107 Heavy industrial zone; bulk regulations

(a) The bulk regulations in the heavy industrial zone are:

1.-4. (No change.)

5. Minimum lowest floor elevations for structures within the designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

19:4-4.117 Airport facilities zone; bulk regulations

(a) The bulk regulations in the airport facilities zone are:

1.-3. (No change.)

4. Minimum lowest floor elevations for structures within the designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

19:4-4.129 Public utilities zone; bulk regulations

(a) The bulk regulations in the public utilities zone are:

1.-3. (No change.)

4. Minimum lowest floor elevations for structures within the designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

19:4-4.152 Commercial Park Zone: Bulk regulations

(a) The bulk regulations in the Commercial Park Zone are:

1.-4. (No change.)

5. Minimum lowest floor elevations for structures within designated 100 year flood zones shall be established one foot above the applicable 100 year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

6. (No change.)

19:4A-3.1 Words and phrases defined

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

...

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement, cellar, crawl space, garage, and utility room. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements.

...

19:4A-4.4 Penalties and enforcement

(a) No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Any person who violates the provisions of this chapter or fails to comply with any of its requirements shall be subject to a civil penalty of not less than $200.00 or more than $5,000. Each day such violation or failure to comply is permitted to exist after notification thereof shall con-

stitute a separate offense. In addition to the foregoing, the Commission may, in the case of any such violation or threat of such violation, institute civil action.

1.-6. (No change.)

19:4A-5.3 Duties and responsibilities of the Office of the Chief Engineer

(a) The Office of the Chief Engineer shall administer the provisions of this chapter in the manner set forth herein and in furtherance of such authority, shall, but not limited to:

1.-5. (No change.)

6. When base flood elevation data has not been provided in accordance with N.J.A.C. 19:4A-4.2, Basis for establishing the areas of special flood hazard, the Office of the Chief Engineer shall obtain, review, and reasonably utilize any base flood data available from a Federal, State, or other source, in order to administer N.J.A.C. 19:4A.

7. (No change.)

19:4A-5.7 Written decision and records

A written decision on an application for a variance shall be rendered within eight weeks of the date of the public hearing. The Office of the Chief Engineer shall maintain complete records of all actions with respect to applications for variances, including technical information, and shall report any variances to the Federal Emergency Management Agency upon request.

19:4A-6.2 Buildings

(a) Residential construction: New construction and substantial improvement of any residential structure shall have the lowest floor elevated to a minimum of one foot above the base flood elevation.

(b) Non-Residential construction: New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor elevated a minimum of one foot above the base flood elevation, or together with utilities shall:

1. Be floodproof, so that below the elevation equal to one foot above the base flood elevation, the structure is water tight with walls impermeable to the passage of water;

2.-3. (No change.)

(c) (No change.)

(d) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is elevated to a minimum of one foot above the base flood elevation.

(a)

CASINO CONTROL COMMISSION

Applications
Identifications

Adopted New Rule: N.J.A.C. 19:41-7.2A

Proposed: October 18, 1993 at 25 N.J.R. 4736(a).

Adopted: December 3, 1993 by the Casino Control Commission, Steven P. Perskie, Chairman.

Filed: December 7, 1993 as R.1994 d.5, **with a technical change** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 5:12-69, 70a and 70d.

Effective Date: January 3, 1994.

Operative Date: February 1, 1994.

Expiration Date: April 15, 1995.

Summary of Public Comments and Agency Responses:

Comments were received from the Division of Gaming Enforcement (Division), Resorts International Hotel, Inc. (Resorts) and Trump's Castle Casino Resort (Castle). No other comments were received.

COMMENT: Division does not object to the proposal and states that the regulatory process will benefit by the provision of more explicit requirements to establish identity.

RESPONSE: The Commission agrees.

COMMENT: Resorts asserts that the new identification requirements will have a significant impact on its ability to quickly hire hotel employee registrants. Although naturalized citizens or aliens are likely to have certain identification listed in the proposed rule, a current United States Passport, a certificate of citizenship or naturalization, or a current United States Department of Justice, Immigration and Naturalization Service (INS) alien registration card, those applicants born in the United States may have difficulty providing the proposed forms of identification. Current Commission administrative practice allows the use of an uncertified birth certificate, baptismal certificate or a notarized statement from the applicant certifying as to his or her identity. These forms of identification would no longer be immediately acceptable pursuant to the proposed new rule. This could cause a delay with the approximately 250 new hotel employee registrants hired each year. It will cause a delay to require a certified form of birth certificate and another form of identification before the application process can be started. This may have an adverse effect on minorities. Even though Resorts and other casinos are required by law to file an I-9 form which requires certain identification within three days from an employee's first day of employment, to establish an employee's authorization to work in this country, hiring procedures are not delayed by that requirement. If the proposed regulation is adopted notwithstanding this objection, Resorts suggests that proposal be amended to require the identification procedures when the application process is completed but before the applicant picks up his or her license or registration.

COMMENT: Castle joins in Resorts' comments and adds that it hired 550 employees in the past year who needed to apply for hotel registrations. Forty percent of those employees relied on the notarized statement of date and place of birth in order to obtain a casino hotel registration. The application process would be seriously hampered should this appropriate means of identification no longer be acceptable.

RESPONSE: The proposed new standard and procedures to establish identity are necessary to allow the effective regulation of those working in the industry. The documents proposed to be required to establish identity and the ability to request a hearing which would allow identity to be established if those documents are not available would provide regulators with reliable identification and would provide applicants with notice and guidance as to the requirements for identity through the production of documents. Obtaining the required documents would not unfairly burden any applicant or any specific group of applicants, and would not build in delays. The adopted procedures would allow identity to be resolved at the earliest stage of application for casino hotel registration, and would allow casino licensees to rely on the continued employment of newly hired registrants without the possibility of having to terminate employees because they failed to produce required identification.

Summary of Agency-Initiated Change:

The Commission is correcting the full title of the United States Department of Justice, Immigration and Naturalization Service, upon adoption.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***):

19:41-7.2A Identification

(a) Each natural person who seeks to apply for a license or registration under the Act shall establish his or her identity to a reasonable certainty.

(b) A natural person may establish his or her identity pursuant to (a) above by providing either:

1. One of the following authentic documents:

i. A current United States passport;

ii. A Certificate of United States Citizenship, or a Certificate of Naturalization, issued by the United States Department of ***Justice,*** Immigration and Naturalization ***Service*** (INS); or

iii. A current INS alien registration card which contains a photograph and fingerprints; or

2. Any two of the following authentic documents:

i. A certified copy of a birth certificate issued by a state, county or municipal authority in the United States bearing an official seal;

ii. A current driver's license containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

iii. A current identification card issued to persons who serve in the United States military or their dependents by the United States Department of Defense containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

iv. A current student identification card with a photograph;

v. A current identification card issued by a federal, state or local government agency containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address;

vi. A current identification card issued by INS containing a photograph or identifying information such as name, date of birth, sex, height, color of eyes and address; or

vii. An unexpired foreign passport with an authorization issued by the INS.

(c) Any natural person may request that the Commission change the name designated on his or her application, license or registration by establishing identity pursuant to (b) above or by providing a certificate of marriage, a divorce decree or court order from this or any other state, which evidences the requested name change.

(d) Any person whose application or name change is not accepted for failure to meet the requirements of (b) or (c) above may request a hearing in accordance with N.J.A.C. 19:42-2.1.

EMERGENCY ADOPTION

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

Home Energy Assistance Handbook Eligibility Requirements; Income Eligibility Guidelines

Adopted Emergency Amendments and Concurrent Proposed Amendments: N.J.A.C. 10:89-2.3, 3.1, 3.2 and 3.3

Emergency Amendments Adopted and Concurrent Proposed Amendments Authorized By: William Waldman, Commissioner, Department of Human Services.

Gubernatorial Approval (N.J.S.A. 52:14B-4(c)): December 6, 1993.

Emergency Amendment Filed: December 9, 1993 as R.1994 d.20.

Authority: N.J.S.A. 30:4B-2.

Concurrent Proposal Number: PRN 1994-46.

Emergency Amendments Effective Date: December 9, 1993.

Emergency Amendments Expiration Date: February 7, 1994.

Submit comments by February 2, 1994 to:
Marion E. Reitz, Director
Division of Family Development
CN 716
Trenton, New Jersey 08625

These amendments were adopted on an emergency basis and became effective upon acceptance for filing by the Office of Administrative Law (see N.J.S.A. 52:14B-4(c) as implemented by N.J.A.C. 1:30-4.4). Concurrently, the provisions of these emergency amendments are being proposed for readoption in compliance with the normal rulemaking requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. The readopted amendments become effective upon acceptance for filing by the Office of Administrative Law (see N.J.A.C. 1:30-4.4(d)) if filed on or before the emergency amendments' expiration date.

The agency emergency adoption and concurrent proposal follow:

Summary

The Home Energy Assistance (HEA) program is a Federal block grant program authorized by the Low Income Home Energy Assistance Act of 1981, Title XXVI of P.L.97-35. The purpose of the program is to assist low income households to meet the costs of home heating and medically necessary cooling.

Based on the Federal Grant Appropriation level, $55.8 million has been approved for the FY 94 HEA program. Additionally, $3.3 million in leveraging incentive funds has been granted to New Jersey for use in FY 94, and $6 million in available oil overcharge funds. This amount will allow New Jersey to maintain the current benefit levels for all households.

Due to delays experienced in the receipt of Federal funding over the last several years, the Department will again be issuing the first HEA benefit payments (automatic and special energy assistance) in December instead of November. This schedule change was first implemented in FY 91. Applications for special assistance are being accepted as of November 1, and emergency energy assistance (EEA) will be made available beginning two weeks after the first heating assistance benefits are issued in December 1993.

The Department is proposing to continue utilizing the allowable 150 percent of the current Federal Poverty Level as the income eligibility guideline, and, thus, continue to make assistance available to the maximum number of households throughout the entire winter heating season. Also, the two-party generic copayee will be expanded to all automatic payment households which do not have heat included in the rent. Applicant households which do not receive a two-party vendor specific check will also receive a generic two-party check.

Since the Federal Poverty Level was updated in February, 1993, to account for last year's increase in prices as measured by the Consumer Price Index, the Department is proposing to adjust the income eligibility guidelines for New Jersey's HEA program to coincide with the updated Federal Poverty Level.

The proposed amendments include the following:

N.J.A.C. 10:89-2.3(b) clarifies that energy costs which are subsidized do not qualify as out-of-pocket payments for heating costs.

N.J.A.C. 10:89-2.3(g) adjusts the monthly allowable gross income limits to continue to be based on 150 percent of the current Federal Poverty Level.

N.J.A.C. 10:89-3.1(a)1iii(1) clarifies that energy costs included in rent which is subsidized do not qualify as out-of-pocket payments for heating costs in determining potential eligibility for automatic payment clients.

N.J.A.C. 10:89-3.1(a)2 describes the two-party check system as it pertains to automatic payments. A two-party generic check will be issued to those households which heat with oil, propane, kerosene, coal, and wood. The check will be payable to the head of household and the generic copayee "Your Heating Supplier." Previously, households which heated with propane, kerosene, coal and wood received a one-party check.

N.J.A.C. 10:89-3.2(f)5 specifies that a household responsible to a nonparticipating fuel dealer will receive a two-party check in the name of the head of household and "Your Heating Supplier."

N.J.A.C. 10:89-3.3(a)3i clarifies that energy costs included in rent which is subsidized do not qualify as out-of-pocket payments for cooling costs in determining eligibility for cooling clients.

Social Impact

The proposed amendments are in keeping with an ongoing effort on the part of the Department's Division of Family Development to provide expeditious and appropriate disbursement of HEA benefits to New Jersey's low income population. The proposed amendments are in response to Federal compliance requirements and will serve to maintain uniformity with regulations. Additionally, the upward adjustment in the monthly allowable gross income limit for HEA program eligibility is expected to increase the number of households served.

Economic Impact

There will be no direct impact upon New Jersey taxpayers since the entire cost of the assistance and administration of the HEA program is Federally funded. There will be an indirect benefit to the public as a whole since there will be an influx of Federal dollars into the State's economy. The direct beneficiaries of the program will be those households eligible to receive HEA benefits in FY 1994.

Regulatory Flexibility Statement

The proposed amendments have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The amendments impose no reporting, recordkeeping or other compliance requirements on small businesses; therefore, a regulatory flexibility analysis is not required. The amended rules govern a public assistance program designed to certify eligibility for the Home Energy Assistance program to a low-income population by a governmental agency rather than a private business establishment.

Full text of the emergency adoption and concurrent proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

10:89-2.3 Income eligibility

(a) (No change.)

(b) Regardless of income eligibility, the following households are not eligible for program benefits:

1. Persons residing in publicly operated housing unless the household can demonstrate that it has direct responsibility for payment of its heating costs. **Energy costs included in rent which is subsidized do not qualify as out-of-pocket payments for heating costs;**

2. Persons receiving a rent subsidy which includes all heating costs. **Energy costs included in rent which is subsidized do not qualify as out-of-pocket payments for heating costs;**

3.-5. (No change.)

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

(g) Gross Income Eligibility Limits for Home Energy Assistance:

Household Size	Monthly Allowable Gross Income Limits
1	$[851] **871**
2	[1149] **1179**
3	[1447] **1486**
4	[1745] **1794**
5	[2043] **2101**
6	[2341] **2409**
7	[2639] **2716**
8	[2937] **3024**
9	[3235] **3331**
10	[3533] **3639**
Each Additional Member	[298] + **308**

10:89-3.1 Automatic payments to certain households

(a) Recipient households:

1. Certain households eligible for and receiving AFDC or non-public assistance (NPA) Food Stamps (FS) will receive automatic payments based on the information regarding income, household size, heating arrangement and fuel type contained in computer records maintained by the Division of Family Development. Where the household receives FS as a public assistance (PA) household and the PA FS household is greater than the AFDC eligible unit, the automatic payment shall be based on the PA FS household size. This information will be collected from the head of the household at each application, reapplication or recertification for AFDC or FS and will be updated whenever the household reports a change. However, once a household becomes eligible for automatic payments, the entitlement cannot be adjusted.

i.-ii. (No change.)

iii. The following households are not eligible for automatic energy payments:

(1) Persons residing in publicly operated housing or receiving a rent subsidy which includes all heating costs. **Energy costs included in rent which is subsidized do not qualify as out-of-pocket payments for heating costs;**

(2)-(4) (No change.)

2. Eligible households which heat by electricity or natural gas will receive the automatic payment(s) in the form of a two party check, payable to the head of household and the generic copayee "your heating utility." Households which heat by oil, **coal, wood, propane and kerosene** will receive the automatic payment(s) in the form of a two party check payable to the head of household and the generic copayee "Your Heating Supplier."

3. (No change.)

10:89-3.2 Special energy assistance

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

(f) Households responsible for heating costs:

1.-4. (No change.)

5. A household directly responsible for payment of heating costs to any non-participating fuel supplier will receive the special energy benefit [in the form of direct payments.] **payable to the head of household and "Your Heating Supplier."**

6. (No change.)

10:89-3.3 Cooling assistance

(a) Income eligible households for which there is medical evidence that the health of at least one household member will be seriously endangered unless the household's living quarters are cooled shall receive a one-time benefit in the amount of $100.00 subject to the following provisions. This benefit is available in addition to any other benefits made under this program and will be paid directly to the household.

1.-2. (No change.)

3. The following households are not eligible for cooling assistance payments:

i. Households residing in publicly operated housing or receiving a rent subsidy which includes all cooling costs. **Energy costs included in rent which is subsidized do not apply as out-of-pocket for cooling costs;**

PUBLIC NOTICES

EDUCATION

(a)

OFFICE OF SPECIAL EDUCATION PROGRAMS

Notice of Correction of the Notice of Public Hearings for the State Plan for the Education of Children with Educational Disabilities

Take notice that the New Jersey Department of Education, Office of Special Education Programs has discovered an error in the notice for public hearings on the State Plan for Special Education published in the December 20, 1993 issue of the New Jersey Register. The notice read "... the New Jersey Department of Education will receive public comment on the revised State Plan under the Education of Individuals with Disabilities Act ..." The notice should read, "... the New Jersey Department of Education will receive public comment on the revised State Plan under the Individuals with Disabilities Education Act..."

(b)

STATE BOARD OF EDUCATION

Notice of Public Testimony Session February 16, 1994

Take notice that the following agenda items are scheduled for adoption by the State Board of Education April 6, 1994. Pursuant to the policy of the New Jersey State Board of Education, a public testimony session will be held for the purpose of receiving public comment on Wednesday, February 16, 1994 from 3:00 P.M. to 6:00 P.M. in the State Board Conference Room, Department of Education, 225 East State Street, Trenton, New Jersey.

To reserve time to speak call the State Board Office at (609) 292-0739 by 12:00 noon Monday, February 14, 1994.

Rule Proposals:

N.J.A.C. 6:30, Adult Education

N.J.A.C. 6:29-1.7, Eye Protection in Public Schools

N.J.A.C. 6:29-9.1, The Reporting of Allegations of Child Abuse

ENVIRONMENTAL PROTECTION AND ENERGY

(c)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Atlantic County Water Quality Management Plan
Public Notice

Take notice that on December 3, 1993, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Atlantic County Water Quality Management Plan was adopted by the Department. This amendment, submitted on behalf of the Mullica Township Board of Education, allows a new wastewater treatment plant to be built discharging to subsurface sewage disposal beds. This amendment is a result of a State mandated upgrade to the current substandard building conditions at the existing Elwood School. The new addition onto the existing Elwood School allows the building to better serve as an elementary and middle school. This addition increases the building space by 15,867 square feet. The functional capacity of the new Elwood Elementary/Middle School will be 911 students with an anticipated wastewater flow of 13,665 gallons per day.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulations under Federal or State statutes or rules.

(d)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Cape May County Water Quality Management Plan
Public Notice

Take notice that on December 3, 1993, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Cape May County Water Quality Management Plan was adopted by the Department. The amendment updates the Lower Township Wastewater Management Plan (WMP) in regard to Cold Spring Village. The sewer service area to the Lower Township Municipal Utilities Authority (LTMUA) Sewage Treatment Plant (STP) as delineated in the Lower Township WMP will be expanded to include the existing, historic Cold Spring Village in Lower Township. The discharge to ground water from the existing on-site ground water disposal system serving this Village will be eliminated upon connection of the Village to the LTMUA STP.

(e)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Mercer County Water Quality Management Plan
Public Notice

Take notice that on December 3, 1993, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Mercer County Water Quality Management Plan was adopted by the Department. This amendment was submitted on behalf of the Hopewell Valley Regional Board of Education. This amendment includes the Bear Tavern Road Elementary School (Block 95, Lot 31) identified in the Hopewell Township Wastewater Management Plan in the Ewing-Lawrence Sewerage Authority sewer service area. The projected flow from the Bear Tavern Road Elementary School will be approximately 6,000 gallons per day. The Bear Tavern Road Elementary School intends to abandon their existing discharge to surface water (NJPDES #NJ0021776) when they connect to the Ewing-Lawrence Sewerage Authority sewerage system. The resulting force main built to handle the effluent generated by the Bear Tavern Road Elementary School will be solely dedicated to serve the Bear Tavern Road Elementary School.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

(a)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Upper Raritan Water Quality Management Plan
Public Notice

Take notice that the New Jersey Department of Environmental Protection and Energy (NJDEPE) is seeking public comment on a proposed amendment to the Upper Raritan Water Quality Management (WQM) Plan. This amendment, submitted by Washington Township Municipal Utilities Authority, would expand the Washington Township Municipal Utilities Authority's Schooley's Mountain Wastewater Treatment Plant sewer service area to include the six lot residential housing subdivision known as Catherine Court Estates (Block 20.10, Lots 42.02-42.07). This proposal would amend the Township of Washington, Morris County Wastewater Management Plan.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact location and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plant); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

This notice is being given to inform the public that a plan amendment has been proposed for the Upper Raritan WQM Plan. All information relating to the WQM Plan and the proposed amendment is located at the NJDEPE, Office of Land and Water Planning, CN423, 401 East State Street, Trenton, New Jersey 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Office of Land and Water Planning at (609) 633-1179.

Interested persons may submit written comments on the amendment to Dr. Daniel J. Van Abs, Office of Land and Water Planning, at the NJDEPE address cited above with a copy sent to Mr. Paul J. Costic III, Executive Director Washington Township MUA, 46 East Mill Road, P.O. Box 226, Long Valley, New Jersey 07853. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by NJDEPE with respect to the amendment request.

Any interested person may request in writing that NJDEPE hold a nonadversarial public hearing on the amendment or extend the public comment period in this notice up to 30 additional days. These requests must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of the date of this public notice to Dr. Van Abs at the NJDEPE address cited above. If a public hearing is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.

(b)

SITE REMEDIATION PROGRAM

Notice of Round Table Discussions and Opportunity to Comment on the List of Known Contaminated Sites from the Comprehensive Site List (CSL).

Take notice that the New Jersey Department of Environmental Protection and Energy (Department) is planning to release a List of Known Contaminated Sites that either need to be, are being, or have been, cleaned up, pursuant to N.J.S.A. 58:10-23.16.

The Department is soliciting input on the most useful format in which the information about known contaminated sites should be released. The purpose of the list is to provide basic information about contaminated sites, by municipality, to New Jersey's citizens and other interested parties.

The List of Known Contaminated Sites will be generated from a computerized database called the Comprehensive Site List which contains an the inventory of known and suspected contaminated sites in New Jersey.

The Department will hold three **Round Table Discussions** concerning the format of the List of Known Contaminated Sites as follows:

Tuesday, February 8, 1994 at 1:00 P.M.
Stockton State College
Continuing Education Center
Jimmie Leeds Road
Pomona, New Jersey

Thursday, February 10, 1994 at 1:00 P.M.
New Jersey Department of Environmental Protection and Energy
Public Hearing Room, First Floor
401 East State Street
Trenton, New Jersey

Friday, February 15, 1994 at 1:00 P.M.
Hackensack Meadowlands Development Commission
Environment Center
2 DeKorke Park
Lyndhurst, New Jersey

Pre-registration for the round tables is required. To pre-register and obtain a copy of the package describing the List of Known Contaminated Sites, write or telephone the Site Remediation Program at the following address:

Roxanne Feasel
Department of Environmental Protection and Energy
Site Remediation Program
CN 413
Trenton, NJ 08625-0413
(609) 984-2908

The Department urges interested parties to submit **preliminary comments by January 16, 1994,** in order to help narrow the issues for discussion at the round tables, to the following address:

Megan Hnath-Brown
Department of Environmental Protection and Energy
Site Remediation Program
CN 413
Trenton, NJ 08625-0413

The Department will continue to accept written comments until February 28, 1994.

(c)

SITE REMEDIATION

Notice of Priority Contaminated Sites

Take notice that the Department of Environmental Protection and Energy (Department) has identified the contaminated sites listed below as priority sites. This notice will serve to inform both the general public and the parties responsible for the contamination at these sites that the Department will be using public funds to remediate these sites unless a person participates in the remediation through an administrative consent order pursuant to N.J.A.C. 7:26C-5.

On May 17, 1993, the Department adopted the Procedures for Department Oversight of the Remediation of Contaminated Sites, N.J.A.C. 7:26C. See 25 N.J.R. 2002(a). The rules became operative on July 1, 1993. Pursuant to these rules, the Department determines the specific oversight document applicable to a particular contaminated site. Sites that the Department has identifiifed as priority sites will, as noted above, be cleaned up using public funds unless a person enters into an administrative consent order for the cleanup. The Department must identify, therefore, which of the thousands of contaminated sites in the State are priority sites. The factor that the Department considered in determining the priority sites is the level of risk posed to human health and the environment. The Department's decision in this matter is discussed in the Department's adoption of N.J.A.C. 7:26C-5, particularly the response to Comment numbers 5 through 13. See 25 N.J.R. 2006.

The list published with this notice reflects the sites that the Department has identified as priorities at this time. It includes the significant information necessary to identify the specific location of the priority site and the CSL ID number, the Department's unique identifier. Other priority sites may be identified prior to the next notice; therefore, this list may not include all sites for which the Department will allocate public funds for cleanup.

For more information concerning the priority sites list, contact Ronald T. Corcory, Assistant Director, Responsible Party Cleanup Element at (609) 633-0719.

Site Name	Site Address	Municipality	County	CSL ID#
15 Lake Drive	15 Lake Dr.	Howell Township	Monmouth	NJD986573236
156 Rancocas Road	156 Rancocas Road	Mount Holly	Burlington	NJL000053827
331 West Greystone Road	331 West Greystone Road	Oldbridge Township	Middlesex	NJL880003272
Academy Auto Recyclers	1 Park Avenue	Lodi Borough	Bergen	NJL840001630
Aerochem Research Laboratories, Inc.	556 Ridge Road	South Brunswick Township	Middlesex	NJD986602621
Amerace Rubber Company	1194 Route 23	Butler Borough	Morris	NJD980528715
Arkansas Chemical	185 Foundry Street	Newark City	Essex	NJD002155703
Arky Property	217 Rte. 520	Marlboro Twp.	Monmouth	NJD980653893
Bart's Farm	Old Schwartzwood Rd.	Hampton Township	Sussex	NJL820002079
Belray	Bowman Rd.	Farmingdale Borough	Monmouth	NJD002145811
Berlin Borough Water Plant	Cross Keys Road	Berlin Borough	Camden	NJL600122535
Berry's Creek Drainage Basin	Berry's Creek Drainage	Carlstadt Borough	Bergen	NJL000010587
Boettcher Property	8 Oak Street	Hampton Twp.	Sussex	NJL000035741
Burlington Army Plant	Kiem Boulevard	Burlington City	Burlington	NJ2210020135
Celanese Corporation of America	Rome and St. Charles Sts.	Newark	Essex	NJD986610848
Choma's AMOCO Service Station	45 Monroe St.	Garfield City	Bergen	NJL000063271
Clifton Getty	909 Clifton Avenue	Clifton City	Passaic	NJL600159008
Colloid Chemical	225 Cedar Knolls Rd.	Hanover Township	Morris	NJD002198760
Cornell Dubilier	333 Hamilton Boulevard	South Plainfield Boro	Middlesex	NJD981557879
D&J Trucking	310-336 Avenue P	Newark City	Essex	NJD980528962
Dale's Tavern	Route 47	Camden City	Camden	NJL000031633
Diamond Head Oil Refinery	1401 Harrison Tpke.	Kearny Town	Hudson	NJD092226000
Dosch King Company Incorporated	16 Troy Hills Road	Hanover Township	Morris	NJD011863784
East Hanover Twp. Reg. GW Contamination	Various	East Hanover Township	Morris	NJL000069492
Emulsion Manufacturing	Industrial Boulevard	Hainesport Township	Burlington	NJD986566081
Evor Phillips Leasing Company	Old Waterworks Road	Old Bridge Twp.	Middlesex	NJD980654222
Garden State Parkway, Mile Marker 5.1	G.S. Pwy., Mile Marker 5.1	Middle Township	Cape May	NJL000052019
Grant Chemical Company	125 Main Avenue	Elmwood Park Borough	Bergen	NJD085505196
Hammonton Maintenance Yard	Egg Harbor Rd, East of Rt. 54	Hammonton Town	Atlantic	NJL600077945
Heritage Minerals	Rte. 70 Mile Marker 41	Berkeley Township	Ocean	NJD151809399
Hope Municipal Building	Hope-Great Meadows Road	Hope Township	Warren	NJL000030197
Ingersoll Rand Company	942 Memorial Pkwy	Phillipsburg	Warren	NJD002395382
JC State College/Tideland Ath Fld	W. of Rte. 440	Jersey City	Hudson	NJL000047126
JC State Tidelands Ath Fld	640 Greenbank Road	Parsippany-Troy Hills	Morris	NJD085496883
Joseph Roller Leather	500 Chancellor Avenue	Irvington Town	Essex	NJD030238752
Kerr Glass Manufacturing Corp.	328-330 South 2nd St.	Millville	Cumberland	NJD047315908
Lehigh Fluid Power Inc.	Route 179 (York Road)	West Amwell Township	Hunterdon	NJD980589923
Lightman Drum	Route 73 South	Winslow Township	Camden	NJD014743678
Lisi America	600 Prospect Ave.	Piscataway Twp.	Middlesex	NJD087624623
Mannington Mills	Mannington Mills Rd.	Mannington Township	Salem	NJD002349256
Marotta Scientific	1500 Boonton Ave.	Montville Township	Morris	NJD980770572
Martin Aaron	1542 S. Broadway	Camden City	Camden	NJD980653893
Metallurgical Industries, Inc.	1 Coldstream Way	Tinton Falls Borough	Monmouth	NJL500040340
North Brunswick Foreign Car Svc.	590 Georges Road	North Brunswick Twp.	Middlesex	NJL000046151
P & R Extra Service Station	Route 30 and Broadway	Laurel Springs Borough	Camden	NJD986579811
Pazak Service Station	Route 23 and Paradise Road	West Milford Township	Passaic	NJL820001378
Peabody/Clean Industries	85 Riverview Avenue	Paulsboro Borough	Gloucester	NJD067394825
Pompper Property	661 S. Broad Steet	Pennsville Twp.	Salem	NJL600195192
Puchack Wellfield	Off River Road	Pennsauken Township	Camden	NJD981084767
Pyrolac Corporation	55 Schoon Avenue	Hawthorne	Passaic	NJD001271931
Rechten Residence	51 East Lagoona Drive	Brick Twp.	Ocean	NJC876018268
Shore Gas and Oil Company	Poplar Road & W. Park Avenue	Ocean Township	Monmouth	NJD986619708
Spanish American Auto Parts, Inc.	707 Tonnelle Avenue	Jersey City	Hudson	NJL840001317
Stor Dynamics	99 Main Avenue	Elmwood Park Borough	Bergen	NJD002998052
Ventron/Velsicol	1 Ethyl Boulevard	Wood-Ridge Borough	Bergen	NJD980529879
Warwick Labs	391 E. Inman Avenue	Rahway City	Union	NJD001613306
Wheaton Glass Frosting Division	3rd & G Streets	Millville City	Cumberland	NJD002349850
Wheaton Plastic Containers Company	691 Hampshire Avenue	Lakewood Township	Ocean	NJD047504139
Wheaton Plastics	Weymouth Road	Hamilton Township	Atlantic	NJL600179808
Wildwood Pump Station	Route 47	Middle Township	Cape May	NJD981143035
Zieniuk Property	5 Devon Lane	Medford Lakes Borough	Burlington	NJL000063461

(a)

BUREAU OF HAZARDOUS SUBSTANCES INFORMATION

Notice of Action on Rule Petition Prohibition of the Trade Name Pesticide Penncap-M Except by Special One-Time Permit N.J.A.C. 7:30-1.1

Petitioner: Thomas Park Thatcher

Take notice that on September 8, 1993, the Department of Environmental Protection and Energy (Department) received a petition for rulemaking requesting the amendment of the Department's Pesticide Control Code, N.J.A.C. 7:30. Petitioner Thomas Park Thatcher is a noncommercial beekeeper, as defined in N.J.A.C. 2:24-4.1, and a member of the New Jersey State Beekeepers Association. The Department filed a Notice of Receipt of the petition with the Office of Administrative Law on September 13, 1993, which was published in the October 4, 1993 New Jersey Register at 25 N.J.R. 4675(e).

Petitioner stated that the use of the trade name pesticide "Penncap-M" creates a specific risk of harm, injury and damage to honey bee colonies. He requested that the use of Penncap-M be prohibited except in those instances where no other product and/or combination of applications could achieve the same pest control results. In such cases, an application for the use of the product could be made to the Department.

The Pesticide Control Program is planning a global revision of the Pesticide Control Code to be proposed in the New Jersey Register by the spring of 1994. As part of this revision, the Program has asked for input from the public and interested parties. Prior to this petition by Mr. Thatcher, another beekeeper had asked the Department to restrict the use of Penncap-M because of alleged bee kills. Since that request was received the Program has gathered data on Penncap-M and has asked the states of Maine, Massachusetts, and California for information regarding the restrictions on Penncap-M in those states. The program will review the data accrued from its enforcement cases to determine if the specific risk to bees is actually significant. The Program will also review its data on the use of Penncap-M on New Jersey's crops and will solicit comment from the New Jersey Department of Agriculture and the Rutgers Cooperative Extension concerning the following:

- The general use patterns of Penncap-M
- Alternative pesticides (if any) to Penncap-M and their risk to bees
- The economic impact of prohibiting or restricting the use of Penncap-M
- The economic impact of a permit system
- The environmental impact of Penncap-M on non-target species and the impact of alternatives on those species
- The possibility of alternate methods of application of Penncap-M and the timing of applications to protect foraging bees

The Program expects to complete its evaluation and prepare draft regulations this winter. The Program will also elicit public comment through informal meetings and an interested party review of the proposal. A rule proposal with formal public hearings is scheduled for the spring of 1994.

For additional information contact David Munn, Rule Manager, Pesticide Control Program at 609-530-5487.

As required under N.J.A.C. 1:30-3.6, the Department has mailed the Notice of Action on the petition to the petitioner.

HUMAN SERVICES

(b)

NEW JERSEY DEVELOPMENTAL DISABILITIES COUNCIL

Notice of Public Forums to Address Regulatory Changes Distribution of Proceeds for Charity Racing Days for the Developmentally Disabled

Take notice that the New Jersey Developmental Disabilities Council (the Council) has been designated as the administering agency for Charity Racing Days for the Developmentally Disabled by N.J.S.A. 30:1A-7. The Council will propose the readoption of the existing rules in the January 18, 1994 issue of the New Jersey Register, pending a consumer review and public forums being planned for early 1994.

Changes in the service delivery system and establishment of new service options require a review of the methods used in allocation and application of charity racing days receipts. Information gained from the public forums will be used in the revisions to the rules governing the program.

Eligible agencies currently participating in the Charity Racing Days for the Developmentally Disabled Program will be notified of the dates and times of the public meetings directly. Interested others and the general public wishing to attend and comment on the application of program funds, or any aspect of the program, should contact the following person in writing and request to be placed on the meeting notification list. Deadline for being included in the notification mailing is January 17, 1994.

Contact:

Dennis Rizzo, CRD
NJ Developmental Disabilities Council
CN-700
Trenton, NJ 08625-0700

(c)

DIVISION OF YOUTH AND FAMILY SERVICES

Notice of Availability of Grant Funds Regional Child Abuse Diagnostic Centers—FY 1994 Grants-in-Aid

Take notice that, in compliance with N.J.S.A. 52:14-34.4, 34.5 and 34.6, the Department of Human Services announces the following availability of funds:

A. Name of grant program: Regional Child Abuse Diagnostic Centers to evaluate and treat children who have been abused or neglected, and their families.

B. Purpose for which the grant program funds shall be used: The New Jersey Division of Youth and Family Services has received an appropriation of $200,000 to begin the process of establishing a network of regionalized diagnostic and therapeutic centers affiliated with teaching hospitals in the state. These centers would serve as a foundation for a comprehensive statewide system capable of responding to the medical and mental health needs of abused or neglected children and their families regardless of the source of their victimization. This allocation is to be used to enhance existing child maltreatment diagnostic and treatment programs and/or to establish new programs.

C. Amount of money in the grant program: Funding in the amount of $200,000 Grants-in-Aid funds is available for this program. This funding will be continuous. There are no matching funds required. However, priority will be given to applicants who demonstrate that they are already providing services in this area—or that they are prepared to commit their own non-State resources for this purpose—and who document how they will use these additional State funds to enhance or expand their child maltreatment diagnostic and treatment programs.

D. Organizations that may apply for funding under this program: Eligible applicants must be affiliated with a State teaching hospital and must document access to the full array of pediatric medical services appropriate to the diagnosis and treatment of child abuse or neglect.

E. Qualifications needed by an applicant to be considered for funding: Applicants shall demonstrate an understanding of the problem and needs of victims of child maltreatment and their families, and shall have experience in providing diagnostic and treatment services to the targeted population. Applicants shall also demonstrate capability to provide 24-hour availability of diagnostic services in-house or through consultative services by telephone.

F. Procedures for eligible organizations to apply: Agencies and individuals interested in applying for these funds may obtain a copy of the Request for Proposals from the Division of Youth and Family Services—CN 717—Trenton, New Jersey 08625 or by calling Diane O'Hara at (609) 984-2390. **A Bidders' Conference** is scheduled for:

Date: Friday, January 14, 1994
Time: 10:00 A.M.
Location: Division of Youth and Family Services
Capital Center
50 East State Street—5th floor, Room 536
Trenton, New Jersey 08625

Agencies and individuals interested in applying for funds may also obtain a copy of the Request for Proposals by attending the Bidders' Conference.

G. Address to which applications must be submitted: Applicants should submit one signed original and 10 copies of the application and all required attachments to the Division of Youth and Family Services by 5:00 P.M. on February 7, 1994.

Proposals may be hand-delivered to:
Division of Youth and Family Services
Office of Policy, Planning, Budgeting and Accountability
Capital Center
50 East State Street—7th floor
Trenton, New Jersey 08625
Attention: Diane O'Hara, Administrative Analyst

Proposals may be mailed to:
Division of Youth and Family Services
Office of Policy, Planning, Budgeting and Accountability
CN 717
Trenton, New Jersey 08625
Attention: Diane O'Hara, Administrative Analyst

H. Deadline by which applications must be submitted: The completed application and copies and all required supporting materials must be received by 5:00 P.M. on February 7, 1994, at the New Jersey Division of Youth and Family Services. Applications may be mailed or hand delivered. No late applications will be considered for funding, regardless of postmark.

I. Date by which applicants shall be notified of acceptance or rejection: The Division anticipates that decisions will be made within 45 days of the deadline for the submission of applications.

INSURANCE

(a)

SURPLUS LINES EXAMINING OFFICE

Notice of Public Hearing on the Exportable List N.J.A.C. 11:1-34

Take notice that the Department of Insurance, pursuant to N.J.S.A. 17:22-6.43 and N.J.A.C. 11:1-34, will hold its annual public hearing on the Exportable List which is published elsewhere in this issue of the New Jersey Register. N.J.S.A. 17:22-6.43 provides that the Commissioner of Insurance may declare eligible for export any class or classes of insurance coverage or risk for which, after a hearing, he or she determines that there exists no reasonable or adequate market among authorized carriers in New Jersey. The hearing shall address any additions or deletions to the Department's Exportable List.

A **public hearing** on the Exportable List will be held on Monday, February 7, 1994 at 10:00 A.M. at:
Mary Roebling Building
2nd Floor Room No. 219
20 West State Street
Trenton, NJ 08625

Persons who wish to testify at the hearing should contact the Department and provide a brief summary of the subject matter of their testimony no later than January 31, 1994 to:
Verice M. Mason, Assistant Commissioner
Legislative and Regulatory Affairs
New Jersey Department of Insurance
20 West State Street
CN-325
Trenton, NJ 08625

(b)

THE COMMISSIONER

Public Notice
List of Municipalities Requiring Payment of Liens by Companies Writing Fire Insurance

Take notice that Samuel F. Fortunato, Commissioner of Insurance, in accordance with the provisions of N.J.S.A. 17:36-9, announces the publication of New Jersey municipalities that have adopted ordinances pursuant to the aforementioned statute. Those municipalities, if any, which have adopted said ordinances since the previous date of publication shall be designated by asterisk.

LIST OF MUNICIPALITIES REQUIRING PAYMENT OF LIENS BY COMPANIES WRITING FIRE INSURANCE

The following is a list of municipalities that have passed an ordinance requiring companies writing fire insurance on risks located in that municipality to pay unpaid liens out of any claimed payments in excess of $2,500.

	Date Filed with the Department of Insurance
Aberdeen, Township of 07747 (Monmouth County)	September 8, 1980
Absecon, City of 08201 (Atlantic County)	July 5, 1983
Alloway, Township of 08079 (Salem County)	December 20, 1984
Asbury Park, City of 07712 (Monmouth County)	May 25, 1979
Atlantic City, City of 08401 (Atlantic County)	March 19, 1979
Barrington, Borough of 08007 (Camden County)	September 17, 1982
Bayonne, City of 07002 (Hudson County)	March 12, 1979
Belmar, Borough of 07719 (Monmouth County)	March 5, 1982
Berkeley, Township of 08721 (Ocean County)	May 22, 1979
Berlin, Borough of 08009 (Camden County)	October 18, 1979
Berlin, Township of 08091 (Camden County)	March 20, 1980
Bloomfield, Town of 07003 (Essex County)	March 26, 1979
Branchburg, Township of 08876 (Somerset County)*	December 15, 1992
Brick, Township of 08723 (Ocean County)	May 2, 1980
Bridgeton, City of 08302 (Cumberland County)	April 30, 1979
Brigantine, City of 08203 (Atlantic County)	October 14, 1982
Buena, Borough of 08341 (Atlantic County)	November 1, 1982
Burlington, City of 08016 (Burlington County)	December 9, 1986
Butler, Borough of 07405 (Morris County)	November 14, 1980
Byram, Township of 07860 (Sussex County)	October 9, 1980
Camden, City of 08101 (Camden County)	May 4, 1979
Cape May, City of 08204 (Cape May County)	May 22, 1979
Carneys Point, Township of 08069 (Salem County)	July 2, 1979
Cedar Grove, Township of 07009 (Essex County)	August 10, 1979
Chatham, Township of 07928 (Morris County)	June 4, 1986
Cinnaminson, Township of 08077 (Burlington County)	August 30, 1979
Clinton, Township of 08801 (Hunterdon County)	December 10, 1981
Delaware, Township of 08557 (Hunterdon County)*	October 15, 1992
Delran, Township of 08075 (Burlington County)	August 30, 1979
Dover, Town of 07801 (Morris County)	April 16, 1980
Dover, Township of 08753 (Ocean County)	September 26, 1979
East Orange, City of 07019 (Essex County)	February 20, 1979
East Windsor, Township of 08520 (Mercer County)	December 23, 1991
Eatontown, Borough of 07724 (Monmouth County)	March 23, 1979
Edgewater Park, Township of 08010 (Burlington County)	July 24, 1979
Egg Harbor, Township of 08221 (Atlantic County)	September 24, 1979
Egg Harbor, City of 08215 (Atlantic County)	May 21, 1981
Elizabeth, City of 07201 (Union County)	April 30, 1979
Elmer, Borough of 08318 (Salem County)	November 19, 1991
Ewing, Township of 08618 (Mercer County)	November 10, 1981
Fairfield, Township of 07006 (Essex County)	August 21, 1980
Fair View, Borough of 07022 (Bergen County)	September 5, 1979
Fanwood, Borough of 07023 (Union County)	June 29, 1979
Farmingdale, Borough of 07727 (Union County)	May 18, 1981
Florham Park, Borough of 07932 (Morris County)	April 25, 1979
Fort Lee, Borough of 07024 (Bergen County)	August 27, 1979
Franklin, Township of 07826 (Somerset County)	June 20, 1980
Gloucester, City of 08030 (Camden County)	January 24, 1989
Fredon, Township of 07860 (Sussex County)	October 28, 1980
Freehold, Township of 07728 (Monmouth County)*	October 8, 1992
Green, Township of 07821 (Sussex County)	July 20, 1982

Hackensack, City of 07602 (Bergen County)	April 22, 1980
Hamilton, Township of 08330 (Atlantic County)	November 18, 1982
Hammonton, Town of 08037 (Atlantic County)	August 3, 1979
Hanover, Township of 07981 (Morris County)	January 7, 1986
Hightstown, Borough of 08520 (Mercer County)	September 3, 1980
Hillside, Township of 07205 (Union County)	June 4, 1979
Hoboken, City of 07030 (Hudson County)	October 15, 1979
Holland, Township of 08848 (Hunterdon County)	June 1, 1992
Holmdel, Township of 07733 (Monmouth County)	October 20, 1987
Hopewell, Township of 08302 (Cumberland County)	September 26, 1979
Howell, Township of 07731 (Monmouth County)	March 23, 1979
Irvington, Town of 07111 (Essex County)	March 20, 1979
Irvington, Township of 07111 (Essex County)	July 1, 1985
Jackson, Township of 08257 (Ocean County)	March 7, 1979
Jamesburg, Borough of 08831 (Middlesex County)	March 2, 1983
Jefferson, Township of 07981 (Morris County)	April 19, 1983
Jersey City, City of 07302 (Hudson County)	February 23, 1979
Keansburg, Township of 07734 (Monmouth County)	April 5, 1984
Kearny, Town of 07032 (Hudson County)	August 26, 1980
Keyport, Borough of 07735 (Monmouth County)	August 15, 1979
Kinnelon, Borough of 07405 (Morris County)	June 4, 1986
Lacey, Township of 08731 (Ocean County)	August 18, 1981
Lavallette, Borough of 08735 (Ocean County)	December 11, 1979
Lawrence, Township of 08648 (Mercer County)	April 24, 1979
Little Silver, Borough of 07739 (Monmouth County)	April 5, 1984
Logan, Township of 08096 (Gloucester County)	January 2, 1990
Long Branch, City of 07740 (Monmouth County)	December 4, 1987
Lopatcong, Township of 08865 (Warren County)	August 30, 1979
Lower, Township of 08024 (Cape May County)	June 5, 1979
Manchester, Township of 08733 (Ocean County)	September 21, 1982
Mannington, Township of 08079 (Salem County)	May 17, 1979
Maple Shade, Township of 08052 (Burlington County)	July 18, 1980
Maplewood, Township 07040 (Essex County)	April 4, 1979
Matawan, Borough of 07747 (Monmouth County)	June 19, 1981
Maurice River, Township of 08332 (Cumberland County)	September 26, 1980
Medford Lakes, Borough of 08055 (Burlington County)	February 3, 1992
Mendham, Township of 07949 (Morris County)	January 16, 1985
Millburn, Township of 07041 (Essex County)	May 19, 1981
Millville, City of 08332 (Cumberland County)	April 10, 1979
Millstone, Township of 07726 (Monmouth County)	January 14, 1988
Montclair, Town of 07042 (Essex County)	April 5, 1979
Mount Holly, Township of 08060 (Burlington County)	January 29, 1980
Mount Laurel, Township of 08054 (Burlington County)	May 27, 1980
Neptune, Township of 07753 (Monmouth County)	January 4, 1982
Neptune City, Borough of 07712 (Monmouth County)	December 2, 1982
Newark, City of 07102 (Essex County)	March 16, 1979
New Brunswick, City of 08903 (Middlesex County)	January 30, 1986
North Plainfield, Borough of 07060 (Somerset County)	July 1, 1985
North Wildwood, City of 08260 (Cape May County)	August 24, 1979
Ocean, Township of 07755 (Monmouth County)	November 27, 1979
Ocean, Township of 08758 (Ocean County)	May 29, 1985
Orange, City of 07050 (Essex County)	July 2, 1979
Passaic, City of 07055 (Passaic County)	September 4, 1980
Paterson, City of 07050 (Passaic County)	February 16, 1979
Paulsboro, Borough of 08066 (Gloucester County)	May 7, 1981
Pemberton, Township of 08057 (Burlington County)*	August 9, 1993
Penns Grove, Borough of 08069 (Salem County)	July 9, 1979
Phillipsburg, Town of 08865 (Warren County)	July 13, 1979
Pine Hill, Borough of 08021 (Camden County)	March 2, 1982
Piscataway, Township of 08854 (Middlesex County)	March 20, 1981
Pittsgrove, Township of 08318 (Salem County)*	January 8, 1993
Plainfield, City of 07061 (Union County)	April 5, 1979
Pleasantville, City of 08232 (Atlantic County)	December 27, 1979
Plumsted, Township of 08533 (Ocean County)*	November 16, 1992
Pohatcong, Township of 08865 (Warren County)	July 20, 1979
Princeton, Borough of 08540 (Mercer County)	July 16, 1980
Princeton, Township of 08540 (Mercer County)	September 25, 1980
Rahway, City of 07065 (Union County)	December 18, 1979
Randolph, Township of 07801 (Morris County)	May 10, 1979
Readington, Township of 08889 (Hunterdon County)	June 23, 1980
Red Bank, Borough of 07701 (Monmouth County)	September 9, 1980
Riverside, Township of 08075 (Burlington County)	May 10, 1979
Roosevelt, Borough of 08555 (Monmouth County)	March 3, 1992
Roselle, Borough of 07023 (Union County)	August 8, 1979
Roselle Park, Borough of 07204 (Union County)	March 5, 1981
Runnemede, Borough of 08078 (Camden County)	May 6, 1982
Salem, City of 08079 (Salem County)	June 20, 1979
Sayreville, Borough of 08872 (Middlesex County)	September 19, 1979
Scotch Plains, Township of 07076 (Union County)	August 22, 1979
Sea Bright, Borough of 07760 (Monmouth County)	April 10, 1979
Sea Girt, Borough of 07762 (Monmouth County)	March 12, 1991
Seaside Heights, Borough of 08751 (Ocean County)	June 21, 1991
Secaucus, Town of 07094 (Hudson County)	March 5, 1980
Somerdale, Borough of 08083 (Camden County)	July 28, 1982
Somers Point, City of 08244 (Atlantic County)*	June 3, 1993
Somerville, Borough of 08876 (Somerset County)	March 23, 1979
South Amboy, City of 08879 (Middlesex County)	July 12, 1984
South Harrison, Township of 08039 (Gloucester County)	December 29, 1988
South Orange Village, Township of 07079 (Essex County)	August 19, 1980
South Plainfield, Borough of 07080 (Middlesex County)	September 26, 1980
South River, Borough of 08882 (Middlesex County)	March 16, 1979
Spotswood, Borough of 08884 (Middlesex County)	June 19, 1981
Stafford, Township of 08050 (Ocean County)	May 2, 1985
Sussex, Borough of 07461 (Sussex County)	October 24, 1979
Tenafly, Borough of 07670 (Bergen County)	June 17, 1980
Tewsbury, Township of 08833 (Hunterdon County)*	August 21, 1992
Tinton Falls, Township of 07724 (Monmouth County)	June 20, 1980
Trenton, City of 08608 (Mercer County)	June 12, 1980
Tuckerton, Borough of 08087 (Ocean County)	February 2, 1989
Union City, City of 07087 (Hudson County)	April 23, 1979
Upper Deerfield, Township of 08302 (Cumberland County)	May 19, 1989
Upper Pittsgrove, Township of 08318 (Salem County)	October 15, 1979
Ventnor City, City of 08401 (Atlantic County)	March 30, 1982
Verona, Borough of, Township of 07044 (Essex County)	February 23, 1984
Victory Gardens, Borough of 07801 (Morris County)	August 15, 1979
Vineland, City of 08360 (Cumberland County)	July 6, 1979
Washington, Borough of 07882 (Warren County)	June 24, 1986
Washington, Township of 08214 (Burlington County)	March 12, 1979
Washington, Township of 07853 (Morris County)	May 30, 1979
Waterford, Township of 08004 (Camden County)	July 9, 1984
Wayne, Township of 07470 (Passaic County)	October 6, 1986
Weehawken, Township of 07087 (Hudson County)	August 14, 1986
Wenonah, Borough of 08090 (Gloucester County)	July 1, 1985
West Deptford, Township of 08086 (Gloucester County)	November 14, 1988
Westfield, Town of 07090 (Union County)	July 15, 1992
Westhampton, Township of 08060 (Burlington County)	June 4, 1979
West New York, Town of 07093 (Hudson County)	March 16, 1979
Westville, Borough of 08093 (Gloucester County)	March 18, 1988
West Orange, Town of 07052 (Essex County)	February 26, 1979
Westwood, Borough of 07675 (Bergen County)	November 28, 1991
Wildwood, City of 08260 (Cape May County)	December 5, 1984
Willingboro, Township of 08046 (Burlington County)	April 17, 1980
Winslow, Township of 08037 (Camden County)	November 13, 1980
Woodbury, City of 08086 (Gloucester County)	January 7, 1986
Woodlynne, Borough of 08107 (Camden County)	June 7, 1982
Woodridge, Borough of 07075 (Bergen County)	July 9, 1984
Woodstown, Borough of 08079 (Salem County)	September 8, 1983

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS

Notice of Receipt of Petition for Rulemaking and Action Thereon
N.J.A.C. 13:42-7.2(d) and 10.14(b)
Partnership or Professional Association
Prohibition on kickbacks and rebates

Petitioner: New Jersey Psychological Association

Take notice that on November 22, 1993, the Board of Psychological Examiners (the "Board") received a petition for rulemaking from Nina

K. Thomas, Ph.D., President of the New Jersey Psychological Association ("petitioner"), requesting amendments to N.J.A.C. 13:42-7.2(d) and 10.14(b).

N.J.A.C. 13:42-7.2(d) prohibits, as misleading, use of the term "Associate" in a professional entity name when it would include an independent contractor who, in fact, is not an intergral part of the professional office. N.J.A.C. 13:42-10.14(d) prohibits a psychologist from splitting a patient's fee with one who is hired by the psychologist to provide professional services on an "independent contractor" basis, which by its terms insulates the hiring psychologist from legal or professional accountability for the conduct of the independent contractor.

Petitioner asserts that:

1. To prohibit the use of independent contractors would increase costs to psychologists practicing in groups, who would be faced with providing employee benefits in the amount of 10 to 13 percent of salary. Such costs, petitioner argues, "can only be expected to be passed on to the consumer with the net effect of higher costs for psychological services or psychologists pricing themselves out of the marketplace."

2. Current health care practice will involve a variety of configurations of groups of practitioners including psychiatrists, psychologists and social workers. Psychologists who are unable to form such associations of independent contractors "will again be left out of new organizations of practice."

Petitioner therefore requested the Board to amend its rules as follows:

N.J.A.C. 13:42-7.2(d): The term "Associates" in the name of a professional office connotes an actual group enterprise such as a professional association or partnership. The term "Associates" shall not be utilized to refer to individuals sharing office expenses or rental space but practicing independently of each other, [or having the relationship of independent contractor] **except that independent contractors may be included within the term "Associates" under the following conditions: (1) the fact of a business relationship between the professional office and the independent contractor is disclosed in writing to the consumer; and (2) all consumer payments are made to the professional office, which then compensates the independent contractor.**

N.J.A.C. 13:42-10.14(b): A licensee shall not permit the division of fees for professional services other than among licensees engaged in a bona fide [partnership or professional service corporation or employment relationship. A licensee shall not divide fees for professional services rendered to a client with a psychologist practicing as an independent contractor] **business relationship, including partnership, professional service corporation, employment or independent contractor (as specified in 13:42-7.2(d).**

Take further notice that the Board discussed the petition at its November 29, 1993 meeting. Upon consideration, the Board noted that its intent was to prohibit an arrangement in which (1) a licensee would have no control over or responsibility for the work of an independent licensed health care practitioner with whom the licensee is associated (the legal definition of "independent contractor"); and (2) the professional rendering the service is paid directly by the patient or pays back to the "referring" association a percentage of the fees collected as a result of the referral. The Board did not intend, however, to prohibit a licensee's association with another health care practitioner where the licensee maintains such responsibility, the consumer is made aware of the relationship between the individuals and there is no fee-splitting of the charge to the patient. Accordingly, the Board referred this petition to a subcommittee to reconsider use of the term "independent contractor" and to consider amendments which will clarify the Board's position in this regard.

The Board cannot estimate with any certainty at this time when the subcommittee will conclude its deliberations but anticipates that amendments to these regulations will be proposed in the New Jersey Register in the near future.

A copy of this notice has been mailed to the petitioner, as required by N.J.A.C. 1:30-3.6.

(a)

DIVISION OF CRIMINAL JUSTICE
STATE OFFICE OF VICTIM-WITNESS ADVOCACY

Notice of Availability of Applications for Determination of Eligibility to Apply for Grant Funds

Victim and Witness Advocacy Fund, Qualified Public Entities and Qualified Not-For-Profit Organizations, Application for Eligibility

Take notice that, in compliance with P.L.1991, c.329, §20, which supplements N.J.S.A. 2C:43-3.1, the Division of Criminal Justice, State Office of Victim-Witness Advocacy announces the following availability of funds for qualified public entities and qualified not-for-profit organizations, determined to be eligible, to apply for awards, pursuant to N.J.S.A. 52:4B-43.1 for State Fiscal Year 1994-1995.

A. Name of the program that has funds available: Victim and Witness Advocacy Fund, established pursuant to N.J.S.A. 2C:43-3.1, and administered pursuant to N.J.S.A. 52:4B-43.1.

B. Purpose of the program: Pursuant to N.J.S.A. 52:4B-43.1, in order to support the development and provision of services to victims and witnesses of crimes and for related administrative costs, qualified public entities and qualified not-for-profit organizations that provide direct services to victims and witnesses of crimes, including, but not limited to, such services as: (1) shelter, food and clothing; (2) medical and legal advocacy services; (3) 24-hour crisis response services and 24-hour hotlines; (4) information and referral and community education; (5) psychiatric treatment programs; (6) expanded services for victim's families and significant others; (7) short and long term counseling and support groups; (8) emergency locksmith and carpentry services; or (9) financial services, shall be permitted to apply for eligibility to apply for an award from the Victim and Witness Advocacy Fund.

C. Amount of money in the program: The awards to qualified public entities and qualified not-for-profit organizations shall be up to a maximum amount of $7,000 per award.

D. Groups or entities which may apply for eligibility to apply for an award under the program: Qualified public entities and qualified not-for-profit organizations providing direct services to victims and witnesses of crimes as described in B above may apply to the Director of the Division of Criminal Justice for a determination of eligibility.

E. Qualification of an applicant to be considered for the program: In order to apply for an award of moneys from the Victim and Witness Advocacy Fund, qualified public entities and qualified not-for-profit organizations, including qualified not-for-profit organizations listed at N.J.S.A. 52:4B-43.1d, must submit an application to determine eligibility to the Director of the Division of Criminal Justice. Eligibility of a qualified public entity or qualified not-for-profit organization shall be determined based upon the submission of qualifying criteria to the Director of the Criminal Justice. The burden of demonstrating eligibility shall be on the public entity or not-for-profit organization making the application. Public entity includes any public corporation or political subdivision of this State or agency of local government of this state providing direct services to victims or witnesses of crimes. Not-for-profit organization includes any corporation or other organization organized under Title 15A of the New Jersey Revised Statutes or otherwise qualified for non-profit tax exemption providing direct services to victims or witnesses of crimes.

F. Procedure for a qualified public entity or qualified not-for-profit organization to apply for eligibility to apply for an award: To be eligible a qualified public entity or qualified not-for-profit organization must submit an eligibility application on forms prescribed by the Director, with supporting documentation.

Eligibility applications may be requested by writing to:

Pamela J. Fisher, Chief
Office of Victim-Witness Advocacy
Division of Criminal Justice
Richard J. Hughes Justice Complex
CN 085
Trenton, N.J. 08625-0085

or by telephone:

609-984-3880

G. Address of Division, office or official receiving the application: Same as F above.

H. Deadline by which eligibility applications must be submitted to the office: Eligibility applications must be received at the State Office of Victim-Witness Advocacy, on or before 5:00 P.M., Thursday, March 31, 1994.

I. Date by which a qualified public entity or a qualified not-for-profit organization shall be notified of its eligibility to apply for an award: A qualified public entity or a qualified not-for-profit organization shall be notified of its eligibility status no later than Monday, May 2, 1994. A qualified public entity or a qualified not-for-profit organization determined to be eligible shall receive an application to apply for an award along with the notification of eligibility.

OTHER AGENCIES

(a)

ELECTION LAW ENFORCEMENT COMMISSION

Notice of Public Hearings
Public Financing of Primary and General Elections for the Office of Governor:
N.J.A.C. 19:25-15 and N.J.A.C. 19:25-16

Take notice that the New Jersey Election Law Enforcement Commission will hold two **public hearings** to seek public comments upon the operation and effect of the 1993 primary and general election Gubernatorial Public Financing Program.

The public hearings will be held on Tuesday, February 15, 1994 and Tuesday, March 15, 1994 at 10:00 A.M. at a location to be noticed in the January 18, 1994 New Jersey Register.

Persons wishing to make oral presentations are asked to limit their comments to a 10-minute time period. Presenters should bring a copy of their comments to the hearing for use by the Commission. The hearing record will be kept open for a period of seven days following the date of the second public hearing so that additional written comments can be received.

To reserve time to speak, telephone the Commission offices at (609) 292-8700 by Tuesday, February 8, 1994.

Interested persons may submit written comments until March 22, 1994 to:

Nedda Gold Massar, Esq.
Election Law Enforcement Commission
CN-185
Trenton, New Jersey 08625-0185

REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the November 1, 1993 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to adopt a proposed rule on a timely basis requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(c).

Terms and abbreviations used in this Index:

N.J.A.C. Citation. The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

Proposal Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of promulgation of the rule and its chronological ranking in the Registry. As an example, R.1993 d.1 means the first rule filed for 1993.

Adoption Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

Transmittal. A series number and supplement date certifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

N.J.R. Citation Locator. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: SUPPLEMENT OCTOBER 18, 1993

NEXT UPDATE: SUPPLEMENT NOVEMBER 15, 1993

Note: If no changes have occurred in a Title during the previous month, no update will be issued for that Title.

N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
25 N.J.R. 1 and 218	January 4, 1993	25 N.J.R. 3051 and 3276	July 19, 1993
25 N.J.R. 219 and 388	January 19, 1993	25 N.J.R. 3277 and 3582	August 2, 1993
25 N.J.R. 389 and 616	February 1, 1993	25 N.J.R. 3583 and 3884	August 16, 1993
25 N.J.R. 619 and 736	February 16, 1993	25 N.J.R. 3885 and 4360	September 7, 1993
25 N.J.R. 737 and 1030	March 1, 1993	25 N.J.R. 4361 and 4540	September 20, 1993
25 N.J.R. 1031 and 1308	March 15, 1993	25 N.J.R. 4541 and 4694	October 4, 1993
25 N.J.R. 1309 and 1620	April 5, 1993	25 N.J.R. 4695 and 4812	October 18, 1993
25 N.J.R. 1621 and 1796	April 19, 1993	25 N.J.R. 4813 and 4980	November 1, 1993
25 N.J.R. 1797 and 1912	May 3, 1993	25 N.J.R. 4981 and 5382	November 15, 1993
25 N.J.R. 1913 and 2150	May 17, 1993	25 N.J.R. 5383 and 5728	December 6, 1993
25 N.J.R. 2151 and 2620	June 7, 1993	25 N.J.R. 5729 and 6084	December 20, 1993
25 N.J.R. 2621 and 2794	June 21, 1993	26 N.J.R. 1 and 280	January 3, 1994
25 N.J.R. 2795 and 3050	July 6, 1993		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
ADMINISTRATIVE LAW—TITLE 1				
1:10-1.1, 9.1, 9.2, 14.1, 14.2, 14.3, 18.1	Family Development hearings	25 N.J.R. 3888(a)		
1:13A	Lemon law hearings	25 N.J.R. 5387(a)		
	Most recent update to Title 1: TRANSMITTAL 1993-2 (supplement September 20, 1993)			
AGRICULTURE—TITLE 2				
2:2	Animal Disease Control Program	25 N.J.R. 5387(b)		
2:6	Animal health: biologics for diagnostic or therapeutic purposes	25 N.J.R. 4985(a)		
2:68	Commercial feeding stuffs	25 N.J.R. 3889(a)	R.1993 d.606	25 N.J.R. 5462(a)
2:69	Commercial fertilizers and soil conditioners	25 N.J.R. 4544(a)	R.1993 d.688	25 N.J.R. 5917(a)
2:69-1.11	Commercial values of primary plant nutrients	25 N.J.R. 3585(a)	R.1993 d.600	25 N.J.R. 5917(b)
2:76-5.1-5.4	Soil and water conservation project cost-sharing	25 N.J.R. 3279(a)	R.1993 d.521	25 N.J.R. 4899(a)
2:76-6.11	Farmland Preservation Program: acquisition of development easements	25 N.J.R. 3890(a)		
2:76-6.11	Farmland Preservation Program: correction to proposal and extension of comment period regarding acquisition of development easements	25 N.J.R. 4697(a)		
	Most recent update to Title 2: TRANSMITTAL 1993-5 (supplement August 16, 1993)			
BANKING—TITLE 3				
3:1-13.2	Mortgage loans: fire insurance amount	25 N.J.R. 3585(b)	R.1993 d.520	25 N.J.R. 4900(a)
3:3-2.2, 2.3	Release of bank examination reports to independent auditors	25 N.J.R. 4819(a)		
3:4-1.6	Capital for interim conversion in merger or acquisition	25 N.J.R. 4545(a)	R.1993 d.661	25 N.J.R. 5917(c)
3:4-2	Payment of stock options to directors, officers and employees of State depositories	25 N.J.R. 3586(a)	R.1993 d.565	25 N.J.R. 5145(a)
3:4-3	Banking institutions: sale of alternative investments	25 N.J.R. 5733(a)		
3:6-15.2	Disqualification of savings bank directors	25 N.J.R. 3586(b)		
3:11-7.11	Disqualification of bank directors	25 N.J.R. 3586(b)		
3:28-4.7, 4.12	Repair and improvement loans	25 N.J.R. 3587(a)	R.1993 d.517	25 N.J.R. 4900(b)
3:31	Repeal (see 3:28-4.7, 4.12)	25 N.J.R. 3587(a)	R.1993 d.517	25 N.J.R. 4900(b)
3:32	Conversion of associations and savings banks	25 N.J.R. 2799(a)	R.1993 d.535	25 N.J.R. 4900(c)
3:38-1.1, 1.10, 5.1	Mortgage banker non-servicing	25 N.J.R. 1035(a)		
3:41-2.1, 11	Cemetery Board: location of interment spaces and path access	25 N.J.R. 623(a)	R.1993 d.632	25 N.J.R. 5462(b)
3:41-5.1	Cemetery Board: cemetery company price lists	25 N.J.R. 4819(b)	R.1994 d.19	26 N.J.R. 197(a)
	Most recent update to Title 3: TRANSMITTAL 1993-7 (supplement September 20, 1993)			
CIVIL SERVICE—TITLE 4				
	Most recent update to Title 4: TRANSMITTAL 1992-1 (supplement September 21, 1992)			
PERSONNEL—TITLE 4A				
4A:1-5	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1314(c)	R.1993 d.614	25 N.J.R. 5464(a)
4A:1-5.3, 5.4	Coordinator address: administrative change	_____	_____	26 N.J.R. 197(b)
4A:2-2.11	Bankruptcy interest: administrative correction	_____	_____	26 N.J.R. 198(a)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
4A:3-4.10	State service: demotional pay adjustments	25 N.J.R. 4821(a)		
4A:4-2.2, 2.14	Equal employment opportunity	25 N.J.R. 4821(b)		
4A:4-2.9	Make-up examinations	25 N.J.R. 4823(a)		
4A:4-2.11	Residence requirements: administrative correction	_____	_____	25 N.J.R. 5145(b)
4A:4-7.8	Voluntary demotions	25 N.J.R. 4823(b)		
4A:6-1.2, 1.6, 1.11, 1.12, 1.13	Leaves of absence	25 N.J.R. 4824(a)		
4A:6-1.3	Equal employment opportunity	25 N.J.R. 4821(b)		
4A:7-1.1, 2.1, 2.2, 2.3, 3.1	Equal employment opportunity	25 N.J.R. 4821(b)		

Most recent update to Title 4A: TRANSMITTAL 1993-6 (supplement October 18, 1993)

COMMUNITY AFFAIRS—TITLE 5

5:10-1.12	Hotels and multiple dwellings: administrative correction	_____	_____	25 N.J.R. 4901(a)
5:18-1.4, 1.5, 2.1, 2.3, 2.5, 2.6, 2.11, 2.14, 4.1, 4.3	Uniform Fire Code	25 N.J.R. 4363(a)	R.1993 d.628	25 N.J.R. 5466(a)
5:18-3.2, 3.3, 3.13, 3.19, App. 3A	Fire Prevention Code: junk yards, recycling centers, and other exterior storage sites	25 N.J.R. 1315(b)		
5:18-4.3, 4.7	Fire Safety Code: fire suppression systems in hospitals and nursing homes	25 N.J.R. 1316(a)		
5:18A-1.4, 2.2, 2.3, 2.5–2.11, 3.3, 3.4, 3.6, 4.2–4.6, 4.9, 4.10	Fire Code enforcement	25 N.J.R. 4363(a)	R.1993 d.628	25 N.J.R. 5466(a)
5:18B-2.8	High level alarms	25 N.J.R. 4363(a)	R.1993 d.628	25 N.J.R. 5466(a)
5:18C-1.4, 1.5, 1.7, 1.8, 1.9, 2.3	Fire service training and certification	25 N.J.R. 4363(a)	R.1993 d.628	25 N.J.R. 5466(a)
5:23-1.4, 2.7, 2.17A	Uniform Construction Code: minor work; ordinary repairs	25 N.J.R. 3692(a)	R.1993 d.580	25 N.J.R. 5145(c)
5:23-2.6, 2.14, 2.23, 3.2, 3.4, 3.8A, 3.11A, 3.14–3.18, 3.20, 3.20A, 3.21, 4.3A, 4A.8, 4A.11, 12.2	Uniform Construction Code: subcodes	25 N.J.R. 3891(a)	R.1993 d.662	25 N.J.R. 5918(a)
5:23-2.17A	Uniform Construction Code: reroofing work	25 N.J.R. 4546(a)	R.1993 d.663	25 N.J.R. 5927(a)
5:23-2.18A, 3.11, 4.20	UCC: utility load management device permits; mausoleum plan review; Department fees	25 N.J.R. 4546(b)		
5:23-2.22, 4.18, 4.20, 4.22, 4.26, 4.29, 4.31, 4.39, 4A.1-4A.5, 4A.7-4A.2, 4B, 4C	Uniform Construction Code: industrialized/modular buildings	25 N.J.R. 5388(a)		
5:23-4.4, 4.5, 4.5A, 4.12, 4.14, 4.18, 4.20	Uniform Construction Code: private on-site inspection agencies	25 N.J.R. 2162(a)		
5:23-4.5	Uniform Construction Code: "Notice of Elevator Device Sealed Out of Operation"	25 N.J.R. 3693(a)	R.1993 d.581	25 N.J.R. 5146(a)
5:23-4.18	UCC: subcode training registration fee	25 N.J.R. 4548(a)	R.1993 d.665	25 N.J.R. 5928(a)
5:25-5.5	New home warranties and builder registration: claims procedure	25 N.J.R. 4986(a)		
5:26-8.2	Meetings of community associations	25 N.J.R. 3693(b)	R.1993 d.522	25 N.J.R. 4901(b)
5:27-1.3, 1.4, 1.6, 2.1, 12.2	Rooming and boarding houses: administrative corrections	_____	_____	25 N.J.R. 5928(b)
5:28	Foreword State Housing Code: administrative correction	_____	_____	25 N.J.R. 5928(b)
5:80-23.9	Housing and Mortgage Finance Agency: Housing Incentive Note Purchase Program fees	25 N.J.R. 3053(a)		
5:80-24	Housing and Mortgage Finance Agency: Lease-Purchase Program	25 N.J.R. 4826(a)		
5:80-26.19	Housing and Mortgage Finance Agency: affordable housing controls	25 N.J.R. 4369(a)	R.1993 d.640	25 N.J.R. 5471(a)
5:80-29	Housing and Mortgage Finance Agency: investment of housing project funds	25 N.J.R. 4830(a)		
5:80-32	Housing and Mortgage Finance Agency: housing investment sales	25 NJ.R. 4828(a)		
5:91-1.3	Counseling on Affordable Housing: substantive rules	25 N.J.R. 5763(a)		
5:92-1.1, 13.1	Council on Affordable Housing: substantive rules	25 N.J.R. 5763(a)		
5:93	Council on Affordable Housing: substantive rules	25 N.J.R. 5763(a)		

Most recent update to Title 5: TRANSMITTAL 1993-10 (supplement October 18, 1993)

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
MILITARY AND VETERANS' AFFAIRS—TITLE 5A				
5A:7-1	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1317(a)	R.1993 d.615	25 N.J.R. 5472(a)
	Most recent update to Title 5A: TRANSMITTAL 1992-2 (supplement September 21, 1992)			
EDUCATION—TITLE 6				
6:1 et seq.	Title 6, New Jersey Administrative Code: opportunity for public comment	25 N.J.R. 4369(b)		
6:2	Appeals to State Board of Education	25 N.J.R. 4548(b)	R.1994 d.17	26 N.J.R. 198(b)
6:22A	School facility lease purchase agreements	25 N.J.R. 3588(a)	R.1993 d.544	25 N.J.R. 4901(c)
6:28	Special education	25 N.J.R. 5734(a)		
6:78	Marie H. Katzenbach School for the Deaf	25 N.J.R. 3592(a)	R.1993 d.543	25 N.J.R. 4904(a)
	Most recent update to Title 6: TRANSMITTAL 1993-7 (supplement October 18, 1993)			
ENVIRONMENTAL PROTECTION AND ENERGY—TITLE 7				
7:0	Green glass marketing and recycling: request for public input on feasibility study	25 N.J.R. 1654(a)		
7:0	Regulated Medical Waste Management Plan: public hearing and opportunity for comment	25 N.J.R. 1654(b)		
7:0	Site Remediation Program: analysis of strict, joint and several liability under the New Jersey Spill Compensation Act	25 N.J.R. 3694(a)		
7:1E	Discharges of petroleum and other hazardous substances: request for public comment on draft amendments	25 N.J.R. 2636(a)		
7:1G-1–5, 7	Worker and Community Right to Know	25 N.J.R. 1631(a)	R.1994 d.3	26 N.J.R. 200(a)
7:1I	Sanitary Landfill Facility Closure and Contingency Fund: processing of damage claims	25 N.J.R. 5116(a)		
7:1K-1.5, 3.1, 3.4, 3.9-3.11, 4.3, 4.5, 4.7, 5.1, 5.2, 6.1, 6.2, 7.2, 7.3, 9.2-9.5, 9.7, 12.6-12.9	Pollution Prevention Program requirements	25 N.J.R. 1849(a)		
7:2-2.20, 3.6, 6.4, 8.4, 8.6, 10.2, 16.5, 17.1, 17.3, 17.4, 17.5	State Park Service Code	25 N.J.R. 2799(b)	R.1993 d.657	25 N.J.R. 5953(a)
7:4B	Historic Preservation Revolving Loan Program	25 N.J.R. 748(a)	R.1993 d.637	25 N.J.R. 5694(a)
7:7A-1.4, 2.7	Freshwater Wetlands Protection Act rules: definition of project	25 N.J.R. 1642(a)	R.1993 d.646	25 N.J.R. 5954(a)
7:7E-7.4	Coastal zone management: Outer Continental Shelf oil and gas exploration and development	25 N.J.R. 5(a)	R.1993 d.549	25 N.J.R. 5146(b)
7:9-1.1	Treatment works approval, sewer bans and sewer ban exemptions	25 N.J.R. 3282(a)		
7:9-4 (7:9B)	Surface water quality standards; draft Practical Quantitation Levels; total phosphorus limitations and criteria: extension of comment periods and notice of roundtable discussion	25 N.J.R. 404(a)		
7:9-4 (7:9B-1), 6.3	Surface water quality standards	24 N.J.R. 3983(a)	R.1993 d.610	25 N.J.R. 5569(a)
7:9-4.14, 4.15 (7:9B-1.14, 1.15)	Surface water quality standards: administrative corrections to proposal	24 N.J.R. 4471(a)		
7:9-4.15	Water surface quality standards: Wallkill River	25 N.J.R. 3755(a)		
7:11-2.1-2.4, 2.9, 2.10, 2.13	Delaware and Raritan Canal—Spruce Run/Round Valley Reservoirs System: sale of water	25 N.J.R. 5742(a)		
7:11-4.3, 4.4	Sale of water from Manasquan Reservoir Water Supply System: administrative corrections	———	———	25 N.J.R. 5956(a)
7:11-4.3, 4.4, 4.9	Manasquan Reservoir Water Supply System: sale of water	25 N.J.R. 5744(a)		
7:13-7.1	Delaware River, Pohatcong Township: flood plain redelineation	25 N.J.R. 4370(a)	R.1994 d.10	26 N.J.R. 212(a)
7:13-7.1	Overpeck Creek, Englewood: flood plain redelineation	25 N.J.R. 4371(a)	R.1994 d.11	26 N.J.R. 212(b)
7:13-7.1	Poplar Brook, Deal: flood plain redelineation	25 N.J.R. 4372(a)	R.1994 d.9	26 N.J.R. 211(a)
7:14-8.3	Clean Water Enforcement Act: financial assurance for penalty payment schedules	25 N.J.R. 5395(a)		
7:14A	NJPDES Program: opportunity for interested party review of permitting system	25 N.J.R. 411(a)		
7:14A	NJPDES Program: extension of comment period for interested party review of permitting system	25 N.J.R. 1863(a)		
7:14A-1.9, 3.14	Surface water quality standards	24 N.J.R. 3983(a)	R.1993 d.610	25 N.J.R. 5569(a)
7:14A-1.9, 12, 22, 23	Treatment works approval, sewer bans and exemptions	25 N.J.R. 3282(a)		
7:14B-1.6, 2.2, 2.6, 2.7, 2.8, 3.1–3.8	Underground Storage Tanks Program fees	25 N.J.R. 1363(a)		

N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
7:15-5.18	Treatment works approval, sewer bans and exemptions	25 N.J.R. 3282(a)		
7:20A	Water usage certifications for agricultural or horticultural purposes	25 N.J.R. 3956(a)	R.1994 d.12	26 N.J.R. 212(c)
7:25-6	1994-95 Fish Code	25 N.J.R. 3053(b)	R.1993 d.526	25 N.J.R. 4905(a)
7:25-7.13, 14.1, 14.2, 14.4–14.8, 14.10–14.13	Crab management	25 N.J.R. 4831(a)		
7:25-18.1, 18.14	Summer flounder permit conditions	25 N.J.R. 2167(a)		
7:25-18.5, 18.6, 18.12	Delaware Bay gill net permits	25 N.J.R. 5397(a)		
7:25A-1.2, 1.4, 1.9, 4.3	Oyster management	25 N.J.R. 754(a)		
7:26-1.4, 9.3	Hazardous waste management: satellite accumulation areas	25 N.J.R. 1864(a)		
7:26-6.6	Procedure for modification of waste flows	25 N.J.R. 991(a)		
7:26-8.8, 8.12, 8.19	Handling of substances displaying the Toxicity Characteristic	25 N.J.R. 753(a)		
7:26-12.3	Hazardous waste management: interim status facilities	24 N.J.R. 4253(a)	R.1993 d.638	25 N.J.R. 5664(a)
7:26B-1.3, 1.10, 1.11, 1.12	Environmental Cleanup Responsibility Act Program fees	25 N.J.R. 1375(a)		
7:26C	Site Remediation Program: opportunity for comment on draft remedial priority system	25 N.J.R. 4551(c)		
7:27-1, 8, 18, 22	Air pollution control: facility operating permits	25 N.J.R. 3963(a)		
7:27-1, 8, 18, 21, 22	Air pollution control: extension of comment period regarding facility operating permits, emission statements, and penalties	25 N.J.R. 4836(a)		
7:27-1.4, 2.1, 8.1, 8.2, 16, 17.1, 17.3, 17.4, 23.1-23.7, 25.1, 25.7	Air pollution by volatile organic compounds: control and prohibition	25 N.J.R. 3339(a)	R.1993 d.666	25 N.J.R. 6002(a)
7:27-1.4, 2.1, 8.1, 8.2, 16, 17.1, 17.3, 17.4, 23.1–23.7, 25.1, 25.7	Air pollution control: extension of comment period	25 N.J.R. 4551(a)		
7:27-15.1, 15.2, 15.4-15.10	Air quality management: enhanced inspection and maintenance program	25 N.J.R. 3322(a)		
7:27-15.1, 15.4	Enhanced Inspection and Maintenance (I/M) program	25 N.J.R. 5400(a)		
7:27-15.4	Air quality management: enhanced Inspection and Maintenance program	25 N.J.R. 5130(a)		
7:27-19	Control and prohibition of air pollution from oxides of nitrogen	25 N.J.R. 631(a)	R.1993 d.682	25 N.J.R. 5957(a)
7:27-21.1–21.5, 21.8, 21.9, 21.10	Air pollution control: facility emission statements	25 N.J.R. 4033(a)		
7:27-25.1, 25.3, 25.4, 25.9, 25.10, 25.11, 25.12	Oxygenated fuels program	25 N.J.R. 4039(a)		
7:27-26	Low Emissions Vehicle Program	25 N.J.R. 1381(a)		
7:27A-3.2, 3.5, 3.10	Air pollution control: administrative penalties and requests for adjudicatory hearings	25 N.J.R. 4045(a)		
7:27A-3.2, 3.10	Air pollution civil administrative penalties	25 N.J.R. 3339(a)	R.1993 d.666	25 N.J.R. 6002(a)
7:27A-3.2, 3.10	Air pollution civil administrative penalties: extension of comment period	25 N.J.R. 4551(a)		
7:27A-3.5, 3.10	Control and prohibition of air pollution from oxides of nitrogen: civil administrative penalties	25 N.J.R. 631(a)	R.1993 d.682	25 N.J.R. 5957(a)
7:27A-3.10	Air pollution control: facility emission statement penalties	25 N.J.R. 4033(a)		
7:27A-3.10	Oxygenated fuels program penalties	25 N.J.R. 4039(a)		
7:27A-3.10	Air quality management: enhanced Inspection and Maintenance program	25 N.J.R. 5130(a)		
7:27A-3.10	Enhanced I/M program	25 N.J.R. 5400(a)		
7:27B-3.1, 3.10	Air pollution sampling and analytical procedures	25 N.J.R. 3339(a)	R.1993 d.666	25 N.J.R. 6002(a)
7:27B-3.1, 3.10	Air pollution sampling and analytical procedures: extension of comment period	25 N.J.R. 4551(a)		
7:27B-4.1, 4.5–4.10	Air quality management: enhanced inspection and maintenance program	25 N.J.R. 3322(a)		
7:27B-4.1, 4.5, 4.6, 4.9	Enhanced I/M program	25 N.J.R. 5400(a)		
7:27B-4.5, 4.6, 4.9	Air quality management: enhanced Inspection and Maintenance program	25 N.J.R. 5130(a)		
7:28-1.4	Radiation protection: administrative corrections	_____	_____	25 N.J.R. 5665(a)
7:28-15	Medical diagnostic X-ray installations: administrative correction	_____	_____	25 N.J.R. 5148(a)
7:28-48	Non-ionizing radiation producing sources: registration fees	25 N.J.R. 5422(a)		
7:36	Green Acres Program: opportunity to review draft rule revisions	25 N.J.R. 1473(a)		

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7:36	Green Acres Grant Program	25 N.J.R. 3405(a)	R.1993 d.609	25 N.J.R. 5666(a)
7:45	Delaware and Raritan Canal State Park Review Zone	25 N.J.R. 4836(b)		

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HEALTH—TITLE 8

8:2A-1	Access to death records	25 N.J.R. 3115(a)	R.1993 d.667	25 N.J.R. 6012(a)
8:21-10.1, 10.2, 10.4, 10.6, 10.12	Milk and fluid milk products	25 N.J.R. 4373(a)	R.1993 d.689	25 N.J.R. 6013(a)
8:23-6	Pilot low-cost spaying and neutering clinic surgery fees	25 N.J.R. 3116(a)	R.1993 d.568	25 N.J.R. 5148(a)
8:24	Packing of refrigerated foods in reduced oxygen packages by retail establishments: preproposal	25 N.J.R. 660(b)		
8:31B	Hospital financing	25 N.J.R. 3117(a)	R.1993 d.593	25 N.J.R. 5149(a)
8:31B	Hospital financing: correction to proposal	25 N.J.R. 3566(a)		
8:31B-3.41, 4.38, 4.39, 4.40, 7	Hospital reimbursement: uncompensated care	25 N.J.R. 3125(a)	R.1993 d.668	25 N.J.R. 6016(a)
8:31B-4.41-4.41N	Hospital reimbursement: charity care audit functions	25 N.J.R. 3707(a)	R.1993 d.592	25 N.J.R. 5154(a)
8:33A-1.2, 1.16	Hospital Policy Manual: applicant preference; equity requirement	24 N.J.R. 4476(a)	R.1993 d.669	25 N.J.R. 6019(a)
8:33A-1.10, 1.16, 1.29	Hospital Policy Manual: capital cap and review process	25 N.J.R. 3710(a)	R.1993 d.570	25 N.J.R. 5161(a)
8:33E	Cardiac diagnostic facilities and surgery centers: certificate of need	25 N.J.R. 3712(a)	R.1993 d.670	25 N.J.R. 6019(b)
8:33H	Long-term care services: certificate of need policy	25 N.J.R. 3719(a)	R.1993 d.671	25 N.J.R. 6031(a)
8:34	Nursing home administrators: standards for licensing	25 N.J.R. 3727(a)	R.1993 d.545	25 N.J.R. 4908(a)
8:36	Assisted living residences and comprehensive personal care homes: standards for licensure	25 N.J.R. 3734(a)	R.1993 d.672	25 N.J.R. 6037(a)
8:40-1.1, 2.3, 2.7, 3.1, 4.12, 5.23, 6.26	Invalid coach and ambulance services: licensure; street EMS	25 N.J.R. 2663(a)	R.1993 d.594	25 N.J.R. 5163(a)
8:41-4.1, 10.5-10.13, 11	Mobile intensive care programs: standing orders; paramedic clinical training objectives	25 N.J.R. 2665(a)		
8:44	Operation of clinical laboratories	25 N.J.R. 3904(a)	R.1993 d.595	25 N.J.R. 5164(a)
8:44-2.1, 2.14	Clinical laboratory licensure: HIV testing	25 N.J.R. 2184(a)		
8:44-2.11	Clinical laboratories: reporting by supervisors	25 N.J.R. 3751(a)		
8:57-3.2	Physician reporting of occupational and environmental diseases and injuries	25 N.J.R. 2186(a)	R.1993 d.569	25 N.J.R. 5164(b)
8:59-5.6	Worker and Community Right to Know: exclusions from labeling requirements	25 N.J.R. 3441(a)	R.1994 d.21	26 N.J.R. 217(a)
8:59-App. A, B	Worker and Community Right to Know Act: preproposal concerning Hazardous Substance List and Special Health Hazard Substance List	25 N.J.R. 792(a)		
8:71	Interchangeable drug products (see 24 N.J.R. 2557(b), 3173(a), 4260(b); 25 N.J.R. 582(a))	24 N.J.R. 1674(a)	R.1993 d.226	25 N.J.R. 1970(b)
8:71	Interchangeable drug products (see 24 N.J.R. 3174(c), 3728(a), 4262(a); 25 N.J.R. 583(a))	24 N.J.R. 2414(b)	R.1993 d.338	25 N.J.R. 2882(b)
8:71	Interchangeable drug products (see 24 N.J.R. 4261(a); 25 N.J.R. 582(b))	24 N.J.R. 2997(a)	R.1993 d.225	25 N.J.R. 1970(a)
8:71	Interchangeable drug products (see 25 N.J.R. 580(b), 2883(a))	24 N.J.R. 4009(a)	R.1993 d.468	25 N.J.R. 4497(a)
8:71	Interchangeable drug products (see 25 N.J.R. 1221(a), 1969(c), 2882(a), 4496(b))	25 N.J.R. 55(a)	R.1993 d.677	25 N.J.R. 6061(b)
8:71	Interchangeable drug products (see 25 N.J.R. 1970(c), 2881(b), 4497(b))	25 N.J.R. 875(a)	R.1993 d.673	25 N.J.R. 6060(b)
8:71	Interchangeable drug products (see 25 N.J.R. 2881(a), 4496(a))	25 N.J.R. 1814(b)	R.1993 d.676	25 N.J.R. 6061(a)
8:71	Interchangeable drug products	25 N.J.R. 1815(a)	R.1993 d.334	25 N.J.R. 2879(c)
8:71	Interchangeable drug products (see 25 N.J.R. 4495(b))	25 N.J.R. 2802(b)	R.1993 d.678	25 N.J.R. 6062(a)
8:71	Interchangeable drug products	25 N.J.R. 3906(a)	R.1993 d.675	25 N.J.R. 6060(c)
8:71	List of Interchangeable Drug Products	25 N.J.R. 4377(a)	R.1993 d.674	25 N.J.R. 6060(a)
8:71	Interchangeable drug products	25 N.J.R. 4844(a)		

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HIGHER EDUCATION—TITLE 9

9:1	Licensing and degree approval standards	25 N.J.R. 3057(a)	R.1993 d.523	25 N.J.R. 4915(a)
9:2-11	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1323(a)		
9:5-2.1, 2.2, 2.3, 2.5, 2.7	Job training program: unemployed persons tuition waiver	25 N.J.R. 3593(a)		
9:7-9	Paul Douglas Teacher Scholarship Program	25 N.J.R. 3594(a)	R.1994 d.13	26 N.J.R. 219(a)
9:11-1.4	Educational Opportunity Fund Program: financial eligibility for undergraduate grants	25 N.J.R. 4886(a)	R.1994 d.23	26 N.J.R. 221(a)
9:17	Implementing the Higher Education Equipment Leasing Fund	25 N.J.R. 5747(a)		

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
HUMAN SERVICES—TITLE 10				
10:3	Contract administration	25 N.J.R. 3694(b)	R.1993 d.597	25 N.J.R. 5165(a)
10:4	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1323(b)	R.1993 d.616	25 N.J.R. 5526(a)
10:8	Patient advance directives; DNR orders; declaration of death	25 N.J.R. 2669(a)	R.1994 d.14	26 N.J.R. 221(a)
10:31-1.4, 2.1, 2.2, 2.3, 8.1, 9.1	Screening and Screening Outreach Programs: mental health services	25 N.J.R. 1324(a)	R.1993 d.607	25 N.J.R. 5945(b)
10:37-5.37–5.43	Repeal (see 10:37A)	25 N.J.R. 2672(a)		
10:37A	Community residences for mentally ill adults	25 N.J.R. 2672(a)		
10:37B	Psychiatric community residences for youth	25 N.J.R. 2197(a)		
10:37C	Community mental health clinical case management	25 N.J.R. 4845(a)		
10:38-1.4, 2.1, 2.2, 3.3, 3.4, 3.6, 3.8, 4.3, 5.2, 7.2, 7.4, 7.5, App. C, E, G	Interim Assistance Program for discharged State psychiatric hospital clients	25 N.J.R. 3697(a)		
10:39	Repeal (see 10:37A)	25 N.J.R. 2672(a)		
10:44A	Licensed community residences to developmentally disabled	25 N.J.R. 4378(a)	R.1993 d.633	25 N.J.R. 5528(a)
10:49-19.1, 19.4, 19.7, 19.11	State-defined HMOs	25 N.J.R. 4793(a)	R.1994 d.4	26 N.J.R. 224(a)
10:51-5.6	Pharmaceutical services: income eligibility limits	25 N.J.R. 3407(a)	R.1993 d.608	25 N.J.R. 5528(b)
10:52-1.9, 1.13	Reimbursement methodology for distinct units in acute care hospitals and for private psychiatric hospitals	24 N.J.R. 4477(a)	R.1993 d.647	25 N.J.R. 5947(a)
10:52-1.23	Inpatient hospital services: adjustments to Medicaid payer factors	24 N.J.R. 4478(a)		
10:53-1.1	Reimbursement methodology for special hospitals	24 N.J.R. 4477(a)		
10:60-1.1–1.17, 2.2, 2.4, 2.5, 2.8, 2.9, 2.10, 2.12, 2.14, 2.15, 2.16, 3.2, 3.3, 3.6, 4.2, 6, App. A, H	Home Care Services Manual	25 N.J.R. 2803(a)	R.1993 d.588	25 N.J.R. 5167(a)
10:62	Vision care services	25 N.J.R. 3907(a)	R.1994 d.6	26 N.J.R. 225(a)
10:66	Independent clinic services: Medicaid program services	25 N.J.R. 4379(a)	R.1993 d.641	25 N.J.R. 5528(c)
10:66-6.5	Independent clinic services; HealthStart; administrative correction	————	26 N.J.R. 235(a)	
10:69-5.1	HAAAD income eligibility limits	25 N.J.R. 3407(a)	R.1993 d.608	25 N.J.R. 5528(b)
10:69A-1.2, 6.2	PAAD income eligibility limits	25 N.J.R. 3407(a)	R.1993 d.608	25 N.J.R. 5528(b)
10:69A-1.2, 6.2	PAAD eligibility: exclusion of reparation payments as countable income	25 N.J.R. 5750(a)		
10:69B	Lifeline Programs	25 N.J.R. 3701(a)	R.1993 d.586	25 N.J.R. 5167(b)
10:69B-4.2	Lifeline programs: income eligibility limits	25 N.J.R. 3407(a)	R.1993 d.608	25 N.J.R. 5528(b)
10:80	Organization of the Division of Family Development	Exempt	R.1993 d.518	25 N.J.R. 4931(a)
10:81-2.2, 2.3, 5.1, 7.40-7.47, 15	Fraudulent receipt of AFDC assistance; disqualification penalties	25 N.J.R. 3408(a)		
10:81-8.22	Medicaid eligibility of dependent child of adolescent parent	25 N.J.R. 2815(a)	R.1993 d.519	25 N.J.R. 4931(b)
10:81-10.7, 10.8	Refugee Resettlement Program: eligibility limitations	25 N.J.R. 3919(a)	R.1993 d.648	25 N.J.R. 5948(a)
10:81-11.4, 11.16A, 11.20	Public Assistance Manual: closing criteria for IV-D cases; application fee for non-AFDC applicants	25 N.J.R. 881(a)	R.1993 d.634	25 N.J.R. 5951(a)
10:81-11.7, 11.9	Non-AFDC child support orders	25 N.J.R. 2816(a)	R.1993 d.649	25 N.J.R. 5949(a)
10:81-11.9	CWA/CSP Unit paternity services: administrative corrections	————	————	25 N.J.R. 5950(a)
10:81-11.21	Review and adjustment of child support orders in AFDC, foster care, and Medicaid Only cases	25 N.J.R. 2818(a)	R.1993 d.627	25 N.J.R. 5567(a)
10:81-14.18A	Child care services: payment rates and co-payment fees	25 N.J.R. 1692(a)	R.1993 d.396	26 N.J.R. 3772(b)
10:82-3.14	Deeming income of parents or guardians of adolescent parent	25 N.J.R. 2819(a)	R.1993 d.566	25 N.J.R. 5168(a)
10:82-5.3	Child care services: payment rates and co-payment fees	25 N.J.R. 1692(a)	R.1993 d.396	25 N.J.R. 3772(b)
10:83-1.11	New Jersey Supplemental Security Income payment levels: administrative change	————	————	26 N.J.R. 235(b)
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10:86-10.2, 10.6	Child care services: payment rates and co-payment fees	25 N.J.R. 1692(a)	R.1993 d.396	25 N.J.R. 3772(b)
10:87	Food Stamp Program	25 N.J.R. 4697(b)		
10:89-2.3, 3.1, 3.2, 3.3	Home Energy Assistance: income eligibility guidelines	Emergency (expires 2-7-94)	R.1994 d.20	26 N.J.R. 256(a)
10:97-1.3, 3.1	Commission for the Blind and Visually Impaired: licensing procedure for Business Enterprise Program	25 N.J.R. 4551(d)		
10:121A-5.10	Requirements for adoption agencies: searches	25 N.J.R. 3415(a)	R.1993 d.532	25 N.J.R. 4932(a)
10:122	Manual of Requirements for Child Care Centers	25 N.J.R. 4987(a)		
10:126	Family day care registration: manual of requirements	25 N.J.R. 3703(a)	R.1993 d.533	25 N.J.R. 4932(b)

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10:127-2.1, 3.7, 3.8, 5.2, 8.1, 8.4, 9.1, 9.10, 10.4, 10.13, 10.15, 10.16, 10.25	Residential child care facilities requirements: administrative correction	———	———	25 N.J.R. 4932(c)
10:127-6.5	Residential child care facilities: money and allowance	25 N.J.R. 5751(a)		
10:133D-2	DYFS case management: case plan	25 N.J.R. 2209(a)	R.1993 d.534	25 N.J.R. 4934(a)
10:133D-4	DYFS case management: in-person visits with clients and substitute care providers	25 N.J.R. 2210(a)	R.1993 d.587	25 N.J.R. 5168(b)
10:133H-3	Review of children in out-of-home placement	25 N.J.R. 5752(a)		
10:140	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1326(a)		
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10A:1-3	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1326(b)	R.1993 d.617	25 N.J.R. 5474(a)
10A:2-2.2	Inmate accounts: transaction fees	25 N.J.R. 4849(a)	R.1994 d.8	26 N.J.R. 235(a)
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10A:4-5.1, 5.2, 5.3	Sanctions for prohibited acts committed by inmates	25 N.J.R. 4435(a)	R.1993 d.584	25 N.J.R. 5169(a)
10A:9-5.5	Restoration to inmates of forfeited commutation credits	25 N.J.R. 4553(a)	R.1993 d.636	25 N.J.R. 5476(a)
10A:16-9.1	Blood donation by inmates: autologous donations	25 N.J.R. 3920(a)	R.1993 d.567	25 N.J.R. 5170(a)
10A:22	Inmate and parolee records	25 N.J.R. 5754(a)		
10A:31-6.13	Reimbursement for copying costs	25 N.J.R. 4552(a)	R.1993 d.635	25 N.J.R. 5475(a)
10A:33	Manual of Standards for Juvenile Detention Commitment Programs	25 N.J.R. 5749(a)		
10A:71-3.21	State Parole Board: future parole eligibility terms	25 N.J.R. 4703(a)		
10A:71-3.47	State Parole Board: victim input	25 N.J.R. 4705(a)		
10A:71-7.16	State Parole Board: general conditions of parole and future eligibility upon revocation	25 N.J.R. 3597(a)	R.1994 d.18	26 N.J.R. 236(a)
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11:1-7	New Jersey Property-Liability Insurance Guaranty Association: plan of operation	25 N.J.R. 1045(a)		
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11:1-34	Surplus lines: exportable list procedures	24 N.J.R. 4331(a)	R.1994 d.7	26 N.J.R. 236(b)
11:1-36	Examination of insurers	25 N.J.R. 4284(a)	R.1993 d.555	25 N.J.R. 5180(a)
11:1-37	Public adjusters' licensing	25 N.J.R. 5432(a)		
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11:2-27	Determination of insurers in a hazardous financial condition	25 N.J.R. 4286(a)	R.1993 d.556	25 N.J.R. 5182(a)
11:2-28	Credit for reinsurance	25 N.J.R. 4289(a)	R.1993 d.557	25 N.J.R. 5184(a)
11:2-34	Surplus lines: allocation of premium tax and surcharge	25 N.J.R. 1826(a)	R.1993 d.582	25 N.J.R. 5194(a)
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11:3-29.6	Personal auto injury fee schedule: physician's services	25 N.J.R. 4554(a)		
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11:3-42.2, 42.9	Producer Assignment Program: request for exemption	25 N.J.R. 2215(a)		
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11:5-1.10	Real Estate Commission: compensation and licensure requirement	25 N.J.R. 4851(a)		
11:5-1.27	Real Estate Commission: educational requirements for broker and salesperson licensure	25 N.J.R. 4852(a)		
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11:5-1.43	Real Estate Commission: extension of comment period regarding licensee provision of Agency Information Statement	25 N.J.R. 2645(a)		
11:13-7.4, 7.5	Commercial lines: exclusions from coverage; refiling policy forms	25 N.J.R. 1053(a)		
11:16-1.2	Statement of liability for fraud on claim forms: administrative correction	————	————	25 N.J.R. 5229(b)
11:17-6	Managing general agents	25 N.J.R. 4318(a)	R.1993 d.563	25 N.J.R. 5229(c)
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11:20-11	Individual Health Insurance Reform Act: relief from obligations	25 N.J.R. 4559(a)	R.1993 d.654	25 N.J.R. 5930(b)
11:21	Small Employer Health Benefits Program	25 N.J.R. 3599(a)	R.1993 d.553	25 N.J.R. 5253(a)
11:21-1.2, 4.1, App. Exhibits	Small Employer Health Benefits Program	25 N.J.R. 5017(a)		
11:21-1.3, 1.4, 1.5, 6, 7, 7A, 17, 18, App. Exh. N–T	Small Employer Health Benefits Program	25 N.J.R. 4437(a)	R.1993 d.644	25 N.J.R. 5668(a)
11:21-2	Small Employer Health Benefits Program: Plan of Operation	25 N.J.R. 4563(a)		
11:21-2	Small Employer Health Benefits Program: public hearing on Plan of Operation	25 N.J.R. 4678(a)		
11:21-9	Small Employer Health Benefits Program: informational rate filings	25 N.J.R. 5757(a)	R.1994 d.25	26 N.J.R. 245(a)
11:21-14	Small Employer Health Benefits Program: declaration and approval of reinsuring or risk-assuming carrier status	25 N.J.R. 4572(a)	R.1993 d.551	25 N.J.R. 5347(a)
11:21-15	Small Employer Health Benefits Program: relief from obligations	25 N.J.R. 4577(a)	R.1993 d.629	25 N.J.R. 5692(a)
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12:7	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA): extension of comment period	25 N.J.R. 2216(a)		
12:15-1.3, 1.4, 1.5, 1.6, 1.7	Unemployment Compensation and Temporary Disability: 1994 maximum benefit rates, taxable wage base, government entity contribution rate, base week, and alternative earnings test	25 N.J.R. 3922(a)	R.1993 d.589	25 N.J.R. 5351(a)
12:17-11.2	Offset of unemployment benefits by retirement and pension income	25 N.J.R. 3923(a)	R.1993 d.590	25 N.J.R. 5352(a)

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12:23	Workforce Development Partnership Program: application and review process for customized training services	25 N.J.R. 449(a)		
12:23-3	Workforce Development Partnership Program: application and review process for individual training grants	25 N.J.R. 884(a)		
12:23-4	Workforce Development Partnership Program: application and review process for approved training	25 N.J.R. 886(a)		
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12:23-6	Workforce Development Partnership Program: application and review process for employment and training grants for services to disadvantaged workers	25 N.J.R. 1054(a)		
12:41	Job Training Partnership Act: grievance, hearing, and review procedures	25 N.J.R. 5456(a)		
12:45	Vocational Rehabilitation Services: waiver of sunset provision of Executive Order No. 66(1978)	25 N.J.R. 2216(b)		
12:45	Division of Vocational Rehabilitation Services	25 N.J.R. 5130(b)		
12:175	Ski lift safety	25 N.J.R. 4581(a)	R.1993 d.639	25 N.J.R. 5478(a)
12:235-1.6	Workers' Compensation: 1994 maximum benefit rate	25 N.J.R. 3925(a)	R.1993 d.591	25 N.J.R. 5352(b)
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12A:10-1	Goods and services contracts for small businesses, minority businesses, and female businesses	25 N.J.R. 4889(a)		
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12A:11-1.2, 1.3, 1.4, 1.7	Certification of women-owned and minority-owned businesses	25 N.J.R. 2484(a)		
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13:37-7	Certification of nurse practitioners/clinical nurse specialists	25 N.J.R. 2829(a)		
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13:37-14	Homemaker-home health aide competency evaluation: public hearing	25 N.J.R. 3704(b)		
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13:39A-1.4	Board of Physical Therapy: fees and charges	25 N.J.R. 5446(a)		
13:39A-2.5	Board of Physical Therapy: referral of patients from chiropractors	25 N.J.R. 3938(a)	R.1993 d.642	25 N.J.R. 5488(a)
13:39A-5.2, 5.4, 5.6	Board of Physical Therapy: examination standards for therapists and assistants	25 N.J.R. 5447(a)		
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13:42-1.2	Board of Psychological Examiners: written examination fee	25 N.J.R. 3929(a)	R.1994 d.22	26 N.J.R. 249(a)
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13:44C-2.2	Audiology and Speech-Language Pathology Advisory Committee: fees and charges	25 N.J.R. 5448(a)		
13:44D-2.4	Advisory Board of Public Movers and Warehousemen: late renewal and reinstatement fee timeframes	25 N.J.R. 3931(a)	R.1993 d.643	25 N.J.R. 5489(a)
13:44D-4.1, 4.2	Advisory Board of Public Movers and Warehousemen: bill of lading and insurance legal liability	25 N.J.R. 5449(a)		
13:44E-1.1	Board of Chiropractic Examiners: scope of chiropractic practice	25 N.J.R. 3931(b)		
13:44E-2.1	Board of Chiropractic Examiners: licensee advertising	25 N.J.R. 3932(a)		
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13:44E-2.9	Board of Chiropractic Examiners: notification of change of address; service of process	25 N.J.R. 3936(a)		
13:44E-2.10, 2.11	Board of Chiropractic Examiners: display of license; right to licensure hearing	25 N.J.R. 3936(b)		
13:44E-2.13	Board of Chiropractic Examiners: overutilization of services; excessive fees	25 N.J.R. 3937(a)		
13:44E-2.14	Board of Chiropractic Examiners: referral of patients to physical therapists	25 N.J.R. 3938(a)	R.1993 d.642	25 N.J.R. 5488(a)
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13:45A-21, 22	Kosher Enforcement Bureau: sale of food represented as kosher	25 N.J.R. 3086(a)		
13:45A-26	Automotive dispute resolution	25 N.J.R. 3939(a)		
13:46-2	Athletic Control Board: participant health and safety in boxing and combative sports events	25 N.J.R. 4717(a)		
13:47B	Weights and measures	25 N.J.R. 5102(a)		
13:49	State Medical Examiner: standards for procedures and investigations	25 N.J.R. 5104(a)		
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