

**CHAPTER 1G**

**WORKER AND COMMUNITY RIGHT TO KNOW REGULATIONS**

**Authority**

N.J.S.A. 34:5A-1 et seq., 13:1D et seq. and 52:27D-223.

**Source and Effective Date**

R.1994 d.349, effective June 16, 1994.  
See: 26 N.J.R. 123(a), 26 N.J.R. 2930(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 1G, Worker and Community Right to Know Regulations, expires on December 13, 2004. See: 36 N.J.R. 3376(a).

**Chapter Historical Note**

Chapter 1G formerly contained the interim rules of the Pinelands Commission, subchapter 1 of which was filed and became effective on August 20, 1979 as R.1979 d.333. See: 11 N.J.R. 320(b), 11 N.J.R. 502(b). Subchapter 2 of the interim rules was filed and became effective on August 20, 1979 as R.1979 d.332. See: 11 N.J.R. 504(a). A comprehensive Management Plan for the Preservation Area was filed on August 15, 1980 to become effective on September 23, 1980 as R.1980 d.370. See: 12 N.J.R. 309(a), 12 N.J.R. 575(c). Regulations which superseded the interim rules contained in N.J.A.C. 7:1G and the Plan for the Preservation Area were filed and became effective on January 14, 1981 as R.1981 d.13. See: 12 N.J.R. 309(a), 12 N.J.R. 513(b), 13 N.J.R. 91(e). These superseding rules are codified as N.J.A.C. 7:50.

This chapter subsequently contained the drought crises emergency rules which were filed on an emergency basis and became effective on March 10, 1981 as R.1981 d.93 see: 13 N.J.R. 195(c). Subsequent amendments to the drought rules concerning car washing became effective on March 16, 1981 and were filed on March 18, 1981 as R.1981 d.105 see: 13 N.J.R. 204(c). Subsequent amendments concerning the watering of non-commercial crops, home vegetable gardens, the washing of refuse/garbage vehicles and street sweeping were filed and became effective on May 1, 1981 as R.1981 d.147 see: 13 N.J.R. 334(c). Amendments concerning the use of fresh water for horticultural purposes became effective on May 6, 1981 and were filed on May 7, 1981 as R.1981 d.159 see: 13 N.J.R. 335(a). Subsequent amendments to various sections of the drought rules were filed and became effective on May 20, 1981 as R.1981 d.203 see: 13 N.J.R. 397(d). Amendments concerning nonessential use of fresh water were filed and became effective on June 8, 1981 as R.1981 d.222 see: 13 N.J.R. 399(a). Amendments concerning the use of fresh water for watering lawns, plants, shrubs and gardens were filed and became effective on June 19, 1981 as R.1981 d.266 see: 13 N.J.R. 400(a). Amendments concerning excess use charges for landlords/tenants were filed and became effective on June 3, 1981 as R.1981 d.217 see: 13 N.J.R. 400(b). The drought crisis rules were repealed by Executive Order No. 5, sec. 6, on April 27, 1982.

On October 3, 1983 Water Supply Bond Loan Regulations for the Interconnection of Water Supply Systems were adopted at N.J.A.C. 7:1G pursuant to the Water Supply Bond Act, P.L. 1981, c.261, section 4, and became effective as R.1983 d.425. See: 14 N.J.R. 1012(a), 15 N.J.R. 1650(b). On June 18, 1984, R.1984 d.232 repealed the text of these rules except N.J.A.C. 7:1G-2.3, "Eligibility and criteria", and N.J.A.C. 7:1G-2.12, "Priority determination", which were recodified under Chapter 1A as N.J.A.C. 7:1A-4.1 and 4.2, respectively. Pursuant to amendments to the Water Supply Bond Act of 1981 (P.L. 1983, c.499), all Water Supply Bond Loan Programs were consolidated in Chapter 1A. See: 16 N.J.R. 631(a), 16 N.J.R. 1479(b).

Chapter 1G, Worker and Community Right to Know Regulations, Subchapters 1 through 5, was adopted as R.1984 d.278, effective July 2, 1984. See: 16 N.J.R. 646(a), 16 N.J.R. 1732(a). Subchapter 6, Trade Secrets, was adopted as R.1984 d.437, effective October 1, 1984. See: 16 N.J.R. 1854(a), 16 N.J.R. 1924(a), 16 N.J.R. 2530(b). Subchapter 7, Assessment of Civil Administrative Penalties, was adopted as R.1988 d.90, effective February 16, 1988. See: 19 N.J.R. 703(a), 20 N.J.R. 388(a). Pursuant to Executive Order No. 66(1978), Chapter 1G was readopted as R.1989 d.544, effective September 29, 1989. See: 21 N.J.R. 1944(a), 21 N.J.R. 3478(a).

Pursuant to Executive Order No. 66(1978), Chapter 1G was readopted as R.1994 d.349. See: Source and Effective Date. See, also, section annotations.

Petition for Rulemaking. See: 30 N.J.R. 1638(a), 1863(a).

The Executive Order No. 66(1978) expiration date of Chapter 1G, Worker and Community Right to Know Regulations, was extended by gubernatorial directive from June 16, 1999 to June 16, 2000. See: 31 N.J.R. 1803(a).

The expiration date of Chapter 1G, Worker and Community Right to Know Regulations, was extended by gubernatorial directive from June 16, 2000 to June 16, 2001. See: 32 N.J.R. 2591(a).

The expiration date of Chapter 1G, Worker and Community Right to Know Regulations, was extended by gubernatorial directive from June 16, 2001 to June 16, 2002. See: 33 N.J.R. 2341(a).

**Law Review and Journal Commentary**

Products Liability With No Sales or Products? Lee Henig-Elona, 154 N.J.L.J. 668 (1998).

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**7:1G-1.1 Scope**

Unless otherwise provided by rule or statute, this chapter shall constitute the rules of the Department implementing the Worker and Community Right to Know Act, P.L. 1983 c.315, N.J.S.A. 34:5A-1 et seq.

**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.

“Act” means the Worker and Community Right to Know Act, P.L. 1983 c.315, N.J.S.A. 34:5A-1 et seq.

“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.

“Chemical name” means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the Chemical Abstracts Service rules of nomenclature.

“Common name” means any designation or identification such as a code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

“Community Right to Know Survey” means the reporting form which combines the chemical inventory reporting requirements of the Environmental Survey, formerly Part I, 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.

“Container” means a receptacle used to hold a liquid, solid, or gaseous substance, including, but not limited to, bottles, pipelines, bags, barrels, boxes, cans, cylinders, drums, cartons, vessels, vats, and stationary or mobile storage tanks. “Container” shall not include process containers.

“Department” means the New Jersey Department of Environmental Protection, however, for the purpose of N.J.A.C. 7:1G-6, it shall mean both the New Jersey Department of Environmental Protection 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 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 the following United States North American Industry Classification System (NAICS) codes, dated and published in 2002 by the Executive Office of the President, Office of Management and Budget, ISBN 0-934213-87-9 (NTIS PB2002-502024), subject to the specified exceptions and limitations:

<u>Subsector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>
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11	Agriculture, Forestry, Fishing and Hunting		Meat and meat products (boxed beef); groceries and related products, not elsewhere classified (processed bottled water manufacturing);
111998	All Other Miscellaneous Crop Farming	Limited to facilities that reduce maple sap to maple syrup	
113310	Logging	No exceptions or limitations	and except
21	Mining		Candy, nut and confectionery stores (chocolate candy stores preparing on premises, nonchocolate candy stores, preparing on premises);
211112	Natural Gas Liquid Extraction	Limited to facilities that recover sulfur from natural gas	
212324	Kaolin and Ball Clay Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating kaolin and clay	Retail bakeries (bread, cake and related products baked and sold on premises);
212325	Clay and Ceramic and Refractory Minerals Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating clay, ceramic and refractory minerals	Miscellaneous apparel and accessory stores (custom tailors, custom dress-makers);
212393	Other Chemical and Fertilizer Mineral Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating chemical or fertilizer mineral raw materials	Furniture stores (custom wood cabinets, custom made upholstered household furniture, custom made nonupholstered wood household furniture);
212399	All Other Nonmetallic Mineral Mining	Limited to facilities operating without a mine or quarry and that are primarily engaged in beneficiating nonmetallic minerals	Drapery, curtain and upholstery stores (custom drapes, custom slip-covers); Miscellaneous home furnishing stores (manufacturing and selling pottery on site);
22	Utilities	No exceptions or limitations	Optical goods stores (optical laboratories grinding lenses to prescription);
31-33	Manufacturing	Except facilities engaged in wholesale distribution of:  Piece goods, notions and other dry goods (broadwoven converters, piece goods converters); and	Miscellaneous retail stores (manufacture of orthopedic devices to prescription in a retail environment);

		and	424340	Footwear Merchant Wholesalers	Limited to merchant wholesalers of footwear cut-stock
		Except facilities engaged in the following services:			
		Photocopying and duplicating services (quick printing);	4246	Chemical and Allied Products Wholesalers	No exceptions or limitations
		Business services (embroidery of advertising on shirts and rug binding for the trade, aerosol packaging, solvent recovery service-contract, tobacco sheeting service, sponging, shrinking, etc., fabric for tailors and dressmakers, batik work);	4247	Petroleum and Petroleum Merchant Wholesalers	No exceptions or limitations
		Armature rewinding stores (remanufacturing); Services allied to motion picture production (reproduction of video);	424810	Beer and Ale Merchant Wholesalers	No exceptions or limitations
		Dental laboratories	424820	Wine and Distilled Alcoholic Beverage Merchants Wholesalers	No exceptions or limitations
			4249	Miscellaneous Non-durable Goods Merchants Wholesalers	No exceptions or limitations
			425110	Business to Business Electronic Markets	Limited to facilities engaged in the wholesale distribution of the following:  Industrial supplies (business to business electronic markets);
42	Wholesale Trade				
423830	Industrial Machinery and Equipment Merchant Wholesalers	Except facilities engaged in sales of industrial machinery and equipment (merchant wholesalers)			Service establishments equipment and supplies (business to business electronic markets);
423840	Industrial Supplies Merchant Wholesalers	No exceptions or limitations			Scrap and waste metals (business to business electronic markets);
423850	Service Establishment Equipment and Supplies Merchant Wholesalers	No exceptions or limitations			Drugs, drug proprietaries, and druggists' sundries (business to business electronic markets);
423930	Recyclable Material Merchant Wholesalers	No exceptions or limitations			Plastic materials and basic forms sundries (business to business electronic markets);
4242	Drugs and Druggists' Sundries Merchant Wholesalers	No exceptions or limitations			Chemical and allied products, not otherwise classified (business to business electronic markets);
424310	Piece Goods, Notions and Other Dry Goods Merchant Wholesalers	Limited to merchant wholesalers of yarn, except industrial			

		Petroleum and petroleum products wholesalers, except bulk stations and terminals (business to business electronic markets);			Drugs, drug proprietaries, and druggists' sundries (agents and brokers);
		Beer, wine and distilled alcoholic beverages;			Plastic materials and basic forms and shapes (agents and brokers);
		Farm supplies (business to business electronic markets);			Chemical and allied products, not otherwise classified (agents and brokers);
		Books, periodicals and newspapers (business to business electronic markets);			Petroleum and petroleum products wholesalers, except bulk stations and terminals (agents and brokers);
		Flowers, nursery stock and florists' supplies (business to business electronic markets);			Beer, wine and distilled alcoholic beverages; and
		Tobacco and tobacco products (business to business electronic markets);			Farm supplies (business to business electronic markets);
		Paints, varnishes and supplies (business to business electronic markets);			Books, periodicals and newspapers (business to business electronic markets);
		Nondurable goods, not elsewhere classified (business to business electronic markets);			Flowers, nursery stock and florists' supplies (business to business electronic markets);
425120	Wholesale Trade Agents and Brokers	Limited to facilities engaged in wholesale distribution of the following:			Tobacco and tobacco products (business to business electronic markets);
		Industrial supplies, not elsewhere classified (agents and brokers);			Paints, varnishes and supplies (business to business electronic markets);
		Service establishments equipment and supplies (agents and brokers);	44-45	Retail Trade	Nondurable goods, not elsewhere classified (business to business electronic markets);
		Scrap and waste metals (agents and brokers);	441110	New Car Dealers	No exceptions or limitations

441120	Used Car Dealers	No exceptions or limitations	453910	Pet and Pet Supplies Stores	Limited to wholesale facilities engaged in sales of pets, pet supplies and tropical fish (sold via retail method)
444220	Nurseries, Garden Centers and Farm Supply Stores	Limited to wholesale facilities engaged in sales of the following:  Farm supplies (lawn and garden supplies sold via retail method); and  Flowers, nursery stock and florists' supplies (sold via retail method)	453991	Tobacco Stores	Limited to wholesale facilities engaged in sales of tobacco and tobacco products (sold via retail method), and  Smokers' supplies (sold via retail method)
445310	Beer, Wine and Liquor Stores	Limited to wholesale facilities engaged in sales of beer, wine and distilled alcoholic beverages via retail method	453998	All Other Miscellaneous Store Retailers (Except Tobacco Stores)	Limited to wholesale facilities engaged in sales of industrial supplies (sold via retail method), and plastic materials and basic forms and shapes (sold via retail method)
446110	Pharmacies and Drug Stores	Limited to wholesale facilities engaged in sales of drugs, drug proprietaries, and druggists' sundries (drugs and sundries sold via retail method)	454311	Heating Oil Dealers	Limited to petroleum bulk stations and terminals engaged in the distribution of heating oil sold to final customer
446120	Cosmetics, Beauty Supplies and Perfume Stores	Except wholesale facilities engaged in retail sales of cosmetics and perfumes	454312	Liquid Petroleum Gas (Bottled Gas) Dealers	Limited to petroleum bulk stations and terminals engaged in distribution of liquid petroleum gas sold to final customer
446191	Food (Health) Supplement Stores	Except wholesale facilities engaged in retail sales of food supplements	48-49	Transportation and Warehousing	
4471	Gasoline Stations	Except convenience stores with gas	4811	Scheduled Air Transportation	No exceptions or limitations
451211	Book Stores	Limited to wholesale facilities engaged in sales of books, periodicals and newspapers (sold via retail method)	486	Pipeline Transportation Industry	No exceptions or limitations
			487110	Scenic and Sightseeing Transportation, Land	Limited to facilities engaged in horse-drawn cabs and carriages services
453220	Gift, Novelty, and Souvenir Stores	Limited to wholesale facilities engaged in sales of curios, statuary, gifts, novelties, and souvenirs sold via retail method	488111	Air Traffic Control	No exceptions or limitations
			488119	Other Airport Operations	Except facilities engaged in flying fields operated by aviation clubs

488190	Other Support Activities for Air Transportation	Limited to facilities engaged in aircraft servicing and repairing	51113	Book Publishers	No exceptions or limitations
			51114	Directory and Mailing List publishers	Except direct mail advertising services (mailing list compilers)
488210	Support Activities for Rail Transportation	Except facilities engaged in railroad switching and terminal establishments (all but short line railroads)	511191	Greeting Card Publishers	No exceptions or limitations
			511199	All Other Publishers	No exceptions or limitations
488390	Other Support Activities for Water Transportation	Except facilities engaged in water transportation services (all but lighthouse operations, piloting vessels in and out of harbors, boat and ship rental, marine salvage, lighterage, marine surveyor services, and canal operations); and	512220	Integrated Record Production/Distribution	No exceptions or limitations
			512230	Music Publishers	Except facilities primarily engaged in music copyright authorizing use, music copyright buying and licensing, and music publishers working on their own account
		Repair shops and related services engaged in ship scaling	516110	Internet Publishing and Broadcasting	Except facilities engaged in internet broadcasting, special interest web sites, entertainment sites and interactive game sites
488490	Other Support Activities for Road Transportation	Except terminal and service facilities for motor vehicle passenger transportation;	517110	Wired Telecommunication Carriers	No exceptions or limitations
		Terminal and joint terminal maintenance facilities for motor freight transportation;	517212	Cellular and Other Wireless Telecommunications	Except facilities engaged as ship to shore broadcasting carriers
		Arrangement of passenger services (arrangement of carpools and vanpools); and	517310	Telecommunication Resellers	No exceptions or limitations
		Driving services, for example, auto or truck delivery and pilot car services	53	Real Estate and Rental and Leasing	
			532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	Limited to facilities engaged in rental of railroad cars
492110	Couriers	Limited to air courier services	54	Professional, Scientific and Technical Services	
51	Information				
51111	Newspaper Publishers	No exceptions or limitations	541380	Testing Laboratories	No exceptions or limitations
51112	Periodical Publishers	No exceptions or limitations	541614	Process, Physical Distribution, and Logistics Consulting Services	Except facilities engaged in management consulting services (manufac-

		turing management, physical distribution, and site location consulting)	56221	Hazardous Waste Treatment and Disposal	No exceptions or limitations
541710	Research and Development in the Physical, Engineering and Life Sciences	Except facilities engaged in commercial physical and biological research; and noncommercial research organizations (physical engineering and life sciences)	562910	Remediation Services	Except facilities engaged in asbestos abatement and lead paint removal contractors
			562920	Materials Recovery Facilities	No exceptions or limitations
541890	Other Services Related to Advertising	Except facilities engaged in sign painting and lettering, showcard painting, mannequin decorating service and other advertising related business services	562998	All Other Miscellaneous Waste Management Services	Except facilities engaged in sewer cleaning and rodding
			61	Educational Services	
			611110	Elementary and Secondary Schools	No exceptions or limitations
541940	Veterinary Services	Limited to facilities engaged as veterinary testing laboratories	611210	Junior Colleges	No exceptions or limitations
			611310	Colleges, Universities and Professional Schools	No exceptions or limitations
56	Administrative and Support and Waste Management and Remediation Services		611512	Flight Training	Except schools and educational services (flying instruction)
5617	Services to Buildings and Dwellings	Except facilities engaged in ornamental shrub and tree services;	611513	Apprenticeship Training	No exceptions or limitations
		Power washing building exteriors, not associated with construction;	611519	Other Technical and Trade Schools	Limited to facilities engaged as vocational schools (except aviation and flight training and apprenticeship training)
		Disinfecting and pest control services (exterminating and pest control);	62	Health Care and Social Assistance	
		Building cleaning and maintenance services (janitorial services, and services to building and dwellings, except janitorial services);	622	Hospitals	No exceptions or limitations
			72	Accommodation and Food Services	
		Swimming pool cleaning and maintenance; and	722310	Food Service Contractors	Limited to facilities engaged in dining car operations on a fee or contract basis
		Furnace, duct, gutter, and drain cleaning services	81	Other Services (Except Public Administration)	

81111	Automotive, Mechanical and Electrical Repair and Maintenance	No exceptions or limitations
811121	Automotive Body, Paint and Interior Repair and Maintenance and Glass Repair	No exceptions or limitations
811122	Automotive Glass Replacement Shops	Except facilities engaged in automotive window tinting
811198	All Other Automotive Repair and Maintenance	Except automotive services
8113	Commercial and Industrial Machinery and Equipment (Except Automotive and Electronic) Repair and Maintenance	Limited to facilities engaged in welding repair
811420	Reupholstery and Furniture Repair	Limited to facilities engaged in aircraft upholstery repair
811490	Other Personal and Household Goods Repair and Maintenance	Limited to facilities engaged in pleasure boat repair
812320	Drycleaning and Laundry Services (Except Coin-operated)	Limited to facilities engaged as dry-cleaning plants, except rug cleaning
812332	Industrial Launderers	No exceptions or limitations

ous substances at the facility, including, but not limited to, the following:

1. The chemical name and the Chemical Abstracts Service number of the environmental hazardous substance;
2. A description of the use of the environmental hazardous substance at the facility;
3. The quantity of the environmental hazardous substance produced at the facility;
4. The quantity of the environmental hazardous substance brought into the facility;
5. The quantity of the environmental hazardous substance consumed at the facility;
6. The quantity of the environmental hazardous substance shipped out of the facility, as or in, products;
7. The maximum inventory of the environmental hazardous substance stored at the facility, the methods of storage, and the frequency and methods of transfer;
8. The total stack or point-source emissions of the environmental hazardous substance;
9. The total estimated fugitive or non point-source emissions of the environmental hazardous substance;
10. The total discharge of the environmental hazardous substance into the surface or groundwater, the treatment methods, and the raw wastewater volume and loadings;
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.

“Environmental Hazardous Substance” or “EHS” means any substance designated by the Department in N.J.A.C. 7:1G-2.

“Environmental Hazardous Substance list” means the list of Environmental Hazardous Substances 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, comprised of the Community Right to Know Survey, and the Release and Pollution Prevention Report, prepared by the Department of Environmental Protection and transmitted to an employer, on which the employer shall provide certain information concerning each of the environmental hazard-

“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).

“Facility” means the building, equipment and contiguous area at a single location used for the conduct of business. For the purpose of this chapter, “Facility” shall not include a research and development laboratory.

“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.

“Mixture” means a combination of two or more substances not involving a chemical reaction.

“Person” includes an individual, corporation, company, partnership, firm, association, trust, estate, public or private institution, group, society, joint stock company, municipality, county, all political subdivisions of this State or any agency or instrumentality thereof, including health department, any agency or instrumentality of the State and any legal successor, representative agent or agency of the foregoing.

“Pilot plant” means pilot facility as that term is defined at N.J.S.A. 13:1D.

“Release and Pollution Prevention Report” means the reporting form which is used to fulfill the environmental release and pollution prevention reporting requirements of the environmental survey, formerly known as Part II of the environmental survey.

“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.

“Special health hazard substance” means any substance defined by the State Department of Health in N.J.A.C. 8:59-10.

“Special health hazard substance list” means the list of substances defined by the State Department of Health in N.J.A.C. 8:59-10.

“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” means any formula, plan, pattern, process, production data, information, or compilation of information, which is not patented, which is known only to an employer and certain other individuals, and which is used in the fabrication and production of an article of trade or service, and which gives the employer possessing it a competitive advantage over businesses who do not possess it, or the secrecy of which is certified by an appropriate official of the federal government as necessary for national defense purposes. The chemical name and the Chemical Abstracts Service number of a substance shall be considered a trade secret only if the employer can establish that the substance is unknown to competitors.

“Trade secret claim” means a written request, made by an employer pursuant to N.J.S.A. 34:5A-15, to withhold the public disclosure of information on the grounds that the disclosure would reveal a trade secret.

“Trade secret docket number” means a code number temporarily or permanently assigned to the identity of information on the Community Right to Know Survey or Release and Pollution Prevention Report by the Department of Environmental Protection.

“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 determines will make a substance an uncommon danger to firefighters and the surrounding community in the event of its exposure to a fire.

Amended by R.1984 d.437, effective October 1, 1984.

See: 16 N.J.R. 1854(a), 16 N.J.R. 2530(a).

Substantially amended.

Amended by R.1993 d.386, effective August 2, 1993.

See: 25 N.J.R. 858(a), 25 N.J.R. 3537(a).  
 Amended by R.1994 d.3, effective January 3, 1994.  
 See: 25 N.J.R. 1631(a), 26 N.J.R. 200(a).  
 Administrative Correction.  
 See: 26 N.J.R. 1337(a).  
 Amended by R.1994 d.349, effective July 18, 1994.  
 See: 26 N.J.R. 123(a), 26 N.J.R. 2930(a).  
 Special amendment, R.2004 d.7, effective December 4, 2003 (to expire August 15, 2004).  
 See: 36 N.J.R. 212(a).  
 Rewrote "Employer".  
 Administrative correction.  
 See: 36 N.J.R. 2762(b).

### 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, make available information to the Department to 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. The employer shall make this information available to the Department within 30 days of notification.

New Rule, R.1994 d.3, effective January 3, 1994.  
 See: 25 N.J.R. 1631(a), 26 N.J.R. 200(a).

### 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."

New Rule, R.1994 d.3, effective January 3, 1994.  
 See: 25 N.J.R. 1631(a), 26 N.J.R. 200(a).

### 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.

New Rule, R.1994 d.3, effective January 3, 1994.  
 See: 25 N.J.R. 1631(a), 26 N.J.R. 200(a).

### 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-1.7 Revisions to North American Industry Classification System Codes for purposes of definition of "employer"

In the event that the Executive Office of the President, Office of Management and Budget, publishes new or revised North American Industry Classification System (NAICS) codes modifying the 2002 list of NAICS codes on which the definition of "employer" at N.J.A.C. 7:1G-1.2 is based, the Department shall modify the NAICS codes in the definition as necessary to ensure that, as required by N.J.S.A. 13:1D-139, the generally equivalent universe of employers continues to be regulated under this chapter. Specifically, the Department shall provide limitations and/or exceptions to the NAICS codes as required to maintain the regulated universe as of August 15, 2003. The Department shall publish in the New Jersey Register a notice of the new or revised NAICS code(s) and the corresponding administrative change(s) to the definition.

Special New Rule, R.2004 d.7, effective December 4, 2003 (to expire August 15, 2004).  
 See: 36 N.J.R. 212(a).  
 Administrative correction.  
 See: 36 N.J.R. 2762(b).

## SUBCHAPTER 2. ENVIRONMENTAL HAZARDOUS SUBSTANCE LIST

### 7:1G-2.1 Designation of environmental hazardous substances

(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 Appendix A of this chapter, incorporated herein by reference, for Industrial Survey Project reporting.

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
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. Regulated Substances on the list at 40 CFR 68.130 established by the United States Environmental Protection Agency for accidental release prevention under Section 112(r) of the Federal Clean Air Act Amendments, incorporated herein by reference, as from time to time supplemented or amended.

(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.

Amended by R.1984 d.416, effective September 17, 1984.  
See: 16 N.J.R. 1861(a), 16 N.J.R. 2432(a).

Added amitrol, 1,1-dimethyl hydrazine, hexachlorocyclopentadiene, vinylidene chloride.

Amended by R.1988 d.89, effective February 16, 1988.  
See: 19 N.J.R. 438(a), 20 N.J.R. 387(a).

Added bromine, chlorine, hydrogen chloride, hydrogen fluoride, hydrogen sulfide, methyl isocyanate and phosphorus trichloride.

Petition for Rulemaking: Three pigments excluded from list: C.I. Pigment Blue 15, Phthalocyanine Blue CAS No. 147-14-8, C.I. Pigment Green 7, Phthalocyanine Green CAS No. 1328-53-6 and C.I. Pigment Green 36, Phthalocyanine Green CAS No. 14302-13-7.

See: 24 N.J.R. 2636(a), 24 N.J.R. 3440(c).  
Amended by R.1993 d.408, effective August 16, 1993.  
See: 25 N.J.R. 2166(a), 25 N.J.R. 3754(a).

Amended by R.1994 d.3, effective January 3, 1994.  
See: 25 N.J.R. 1631(a), 26 N.J.R. 200(a).

Amended by R.1994 d.349, effective July 18, 1994.  
See: 26 N.J.R. 123(a), 26 N.J.R. 2930(a).

Amended by R.1994 d.576, effective November 21, 1994.  
See: 26 N.J.R. 2833(a), 26 N.J.R. 4606(a).

Public Notice: Petition for rulemaking.  
See: 27 N.J.R. 4010(b).

Public Notice: Copper phthalocyanine compounds.  
See: 27 N.J.R. 5054(a).

Amended by R.1997 d.191, effective May 19, 1997.  
See: 29 N.J.R. 725(a), 29 N.J.R. 2274(a).

### Case Notes

Asbestos tort defendants were jointly and severally liable. *Stevenson v. Keene Corp.*, 254 N.J.Super. 310, 603 A.2d 521 (A.D.1992), appeal granted 130 N.J. 2, 611 A.2d 643, affirmed 131 N.J. 393, 620 A.2d 1047.

### 7:1G-2.2 (Reserved)

Amended by R.1988 d.89, effective February 16, 1988.

See: 19 N.J.R. 438(a), 20 N.J.R. 387(a).

Added 34 Halogens and 35 Inorganic Acids.

Repealed by R.1994 d.3, effective January 3, 1994.

See: 25 N.J.R. 1631(a), 26 N.J.R. 200(a).

Section was "chemical group and group numbers".

## 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 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) A threshold of 500 pounds or the Federal SARA 302 threshold planning quantity, 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. 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.