

CHAPTER 1G

**WORKER AND COMMUNITY RIGHT TO KNOW
REGULATIONS**

Authority

N.J.S.A. 13:1B-3, 13:1D-9, 13:1D-125 et seq., 26:2C-1 et seq., 34:5A-1 et seq. and 52:27D-222 through 228.

Source and Effective Date

R.2005 d.27, effective December 13, 2004.
See: 36 N.J.R. 3376(a), 37 N.J.R. 275(a).

Chapter Expiration Date

Chapter 1G, Worker and Community Right to Know Regulations, expires on December 13, 2009.

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 Regulations which superseded the interim rules contained in N.J.A.C. 7:1G and the Plan for the Preservation Area were filed and became effective on January 14, 1981 as R.1981 d.13.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: 26 N.J.R. 123(a), 26 N.J.R. 2930(a).

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).

Chapter 1G, Worker and Community Right to Know Regulations, was readopted as R.2005 d.27, effective December 13, 2004. See: Source and Effective Date. See, also, section annotations.

Law Review and Journal Commentary

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

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:1G-1.1 Scope
- 7:1G-1.2 Definitions
- 7:1G-1.3 Burden of proof for exemptions
- 7:1G-1.4 Certification
- 7:1G-1.5 Department right of entrance and inspection
- 7:1G-1.6 Severability
- 7:1G-1.7 Revisions to North American Industry Classification System Codes for purposes of definition of "employer"

**SUBCHAPTER 2. ENVIRONMENTAL HAZARDOUS
SUBSTANCE LIST**

- 7:1G-2.1 Designation of environmental hazardous substances
- 7:1G-2.2 (Reserved)

**SUBCHAPTER 3. COMMUNITY RIGHT TO KNOW
SURVEY**

- 7:1G-3.1 Completion of Community Right to Know Portion of the Environmental Survey
- 7:1G-3.2 Reporting exemptions
- 7:1G-3.3 (Reserved)

**SUBCHAPTER 4. RELEASE AND POLLUTION
PREVENTION REPORT**

- 7:1G-4.1 Completion of Release and Pollution Prevention Report
- 7:1G-4.2 (Reserved)

**SUBCHAPTER 5. SUBMITTAL OF THE COMMUNITY
RIGHT TO KNOW SURVEY AND RELEASE AND
POLLUTION PREVENTION REPORT**

- 7:1G-5.1 Survey submittal
- 7:1G-5.2 Submittal of clarifying information

- 7:1G-5.3 Electronic reporting
7:1G-5.4 (Reserved)

SUBCHAPTER 6. TRADE SECRETS

- 7:1G-6.1 Authority
7:1G-6.2 Purpose
7:1G-6.3 Definitions
7:1G-6.4 General provisions
7:1G-6.5 Prohibited claims
7:1G-6.6 Procedure for filing trade secret claims and maintaining trade secret information
7:1G-6.7 Confidentiality and security of trade secret information
7:1G-6.8 Decision-making agency on a trade secret claim
7:1G-6.9 Criteria for determination of the validity of a trade secret claim
7:1G-6.10 Request for trade secret information
7:1G-6.11 Notification of determination of the validity of a trade secret claim
7:1G-6.12 (Reserved)
7:1G-6.13 Appeal of determination
7:1G-6.14 Disclosure of information determined not to be a trade secret
7:1G-6.15 Restricted access to trade secret information retained by the Department
7:1G-6.16 Penalties for unauthorized disclosure of trade secret information

SUBCHAPTER 7. ISSUANCE OF ADMINISTRATIVE ORDERS AND NOTICES OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

- 7:1G-7.1 Authority and scope
7:1G-7.2 (Reserved)
7:1G-7.3 Procedures for the issuance of Administrative Orders and Notices of Civil Administrative Penalty Assessments
7:1G-7.4 Compromise of penalties
7:1G-7.5 Alternative remedies
7:1G-7.6 (Reserved)
7:1G-7.7 Penalties
7:1G-7.8 through 7:1G-7.9 (Reserved)

APPENDIX A. SELECTED SUBSTANCES

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 New Jersey Department of Health and Senior Services, 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: