

Public Meeting

VOLUME II

SUPPLEMENTARY MATERIALS

ASSEMBLY LABOR, BUSINESS AND INDUSTRY COMMITTEE

"To review State programs to maintain safe and healthy workplaces, with special attention to recent industrial accidents in Bergen County"

LOCATION: Bergen County
Freeholder Chambers
Hackensack, New Jersey

DATE: May 23, 1995
11:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Patrick J. Roma, Chairman
Assemblyman Stephen A. Mikulak, Vice-Chair

ALSO PRESENT:

Senator Byron M. Baer
District 37
Assembl woman Rose M. Heck
District 38
Assemblywoman Loretta Weinberg
District 37
Assemblyman Robert G. Smith
District 17

Gregory L. Williams
Office of Legislative Services
Aide, Assembly Labor, Business
and Industry Committee



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STEPHEN A. MIKULAN
VICE-CHAIR

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New Jersey State Legislature

ASSEMBLY LABOR, BUSINESS AND INDUSTRY COMMITTEE

STATE HOUSE ANNEX - CN-06S

TRENTON, NJ 08625-0068

(609) 984-0445

NOTICE OF PUBLIC HEARING

The Assembly Labor, Business and Industry Committee will hold a public hearing to review State programs to maintain safe and healthy workplaces, with special attention to recent industrial accidents in Bergen County. The hearing will also review State efforts to retain employment from the affected facilities. The committee is seeking constructive ideas from all interested parties on how to improve New Jersey's efforts to promote occupational safety and health.

The hearing will be held on Tuesday, May 23, 1995 at 11:00 AM in Bergen County Freeholder Chambers, Administration Building, Court Plaza South, Room 301E, 21 Main Street, Hackensack, New Jersey.

The public may address comments and questions to Gregory L. Williams, Committee Aide, or make bill status and scheduling inquiries to Ramona A. Morales, secretary, at (609) 984-0445.

- (SEE OTHER SIDE OF THIS NOTICE FOR DIRECTIONS) -

Issued 05/12/95

Assistive listening devices available upon 24 hours prior notice
to the committee aide(s) listed above

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NEW JERSEY GENERAL ASSEMBLY

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STATE EMPLOYMENT &
TRAINING COMMISSION

May 26, 1995

Commissioner Robert C. Shinn, Jr.
N.J. Department of Environmental Protection
401 E. State St.
7th Floor, E. Wing
CN 402
Trenton, New Jersey 08625-0402

Dear Commissioner Shinn:

Thank you very much for sending your representatives to participate in the public hearing that the Assembly Labor, Business and Industry Committee held on May 23, 1995 in Hackensack to review state workplace safety and health programs, the recent accidents in Lodi and Hackensack. Convey my appreciation to Dr. Nichols and the other attending department representatives for their assistance and their willingness to honor the committee's request to remain on hand through a rather long hearing.

Because of the large number of witnesses and the wide scope of the subject matter covered in the hearing, it was not possible to complete the questioning on these important topics. Consequently, I provided Dr. Nichols a copy of a full set of committee questions for the department. Another copy is enclosed. I would be very grateful if the department could provide written answers to the questions by June 6, 1995 to be used in the hearing transcript and further assist the Legislature in its deliberations.

Thank you again for your assistance.

Sincerely

Patrick J. Roma
Assemblyman-District 38

QUESTIONS FOR DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. What jurisdiction did your department have over the Lodi and Hackensack situations with respect to safety and health of the employees of the facilities, emergency personnel such as firefighters, and the surrounding community? Were those two situations covered by: Right to know labeling requirements? Right to know reporting requirements? -The Toxic Catastrophe Prevention Program?

2. Were the chemicals that caused the Lodi explosion, sodium hydrosulfite, benzaldehyde and powdered aluminum, covered? At what amounts? Is it true that the department has deleted most of the chemicals that used to be on the Right to Know list? Is it true that the deleted chemicals include some of the chemicals that caused the Lodi explosion? If so, why were they deleted? Why is the D.E.P.'s list of hazardous chemicals so much shorter than the Health Department's list? It has been reported that a proposal was made within D.E.P., but not adopted, that would have resulted in the Lodi plant being covered under the Toxic Catastrophe Prevention Program. Is that true? If so, why wasn't the proposal adopted?

3. What was the Napp Chemical plant's history of compliance with State laws and regulations?

4. Did your agency have staff on site during either incident? What role did they play? Is there a report of staff actions and an analysis of the incident? If so, please provide it to the committee. What criteria were used to decide when it was safe for people to return to their homes, businesses and schools? Why did D.E.P. assure people that things were safe when your information was incomplete?

5. Have the types and amounts of chemical exposures potentially received during the fires been measured or modeled? What is still unknown? Will all the exposures ever be known?

6. Has a registry of injured and chemically exposed individuals (plant workers, emergency responders and residents) been compiled to facilitate follow-up on injuries, acute and chronic health effects, and post-traumatic stress?

7. Have exposed individuals been told of the types and amounts of chemicals they were potentially exposed to during the fires and that some exposures are not known? Have all of them been provided with Hazardous Substance Fact Sheets on known chemicals?

8. How are you coordinating your efforts regarding workplace safety and health with the efforts of other State departments and the affected businesses, workers, unions, local governmental agencies and community members? Have you shared all relevant reports, inspections, complaints and other information with OSHA to assist their investigation? Have you coordinated your efforts to characterize chemical exposures and risks from the incidents with the efforts of the Health Department? Have D.E.P. physicians or toxicologists been involved?

9. What is your assessment of the short term and long term

impacts of the Lodi and Hackensack incidents on the environment, public health, and worker displacement? How much soot and chemical residues settled in local homes, yards, businesses and schools? Is clean-up and decontamination of these buildings needed? If so, how will it be done? Do residents utilize wells? If so, have they been contaminated? Has soil been contaminated? Is it safe for residents to drink well water or eat vegetables from gardens? Are tests of these things planned? With respect to Causeway Warehouse chemical fire that occurred in March of this year in Hackensack, it has been reported much of the residue is still on site and that it reignited two weeks ago. What action have you taken on that? Have any fines been levied? When will that clean-up be complete?

10. Please describe workplace and community safety and health programs in your department which may be of use in preventing tragedies like those in Hackensack and Lodi, including: the Right To Know program; the Toxic Catastrophe Prevention Program; and the Bureau of Emergency Response. Are the resources for these and other relevant programs sufficient to meet the need? What changes have there been in the manpower and funding for any of the programs over the last five years? What is the impact of any proposed Fiscal Year 1996 budget cuts and layoffs on each program? What can the legislature do to help in this area? What do you think of the proposal to increase the annual fees charged to employers to support the Right to Know program by \$1.00 per worker?



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STATE EMPLOYMENT &
TRAINING COMMISSION

May 26, 1995

Commissioner Leonard Fishman
N.J. Department of Health
CN 036
Trenton, New Jersey 08625

Dear Commissioner Fishman:

Thank you very much for sending your representatives to participate in the public hearing that the Assembly Labor, Business and Industry Committee held on May 23, 1995 in Hackensack to review state workplace safety and health programs, the recent accidents in Lodi and Hackensack. Convey my appreciation to Dr. Gursky and the other attending department representatives for their assistance and their willingness to honor the committee's request to remain on hand through a rather long hearing.

Because of the large number of witnesses and the wide scope of the subject matter covered in the hearing, it was not possible to complete the questioning on these important topics. Consequently, I provided Dr. Gursky a copy of a full set of committee questions for the department. Another copy is enclosed. I would be very grateful if the department could provide written answers to the questions by June 6, 1995 to be used in the hearing transcript and further assist the Legislature in its deliberations.

Thank you again for your assistance.

Sincerely,

Patrick J. Roma
Assemblyman-District 38

QUESTIONS FOR DEPARTMENT OF HEALTH

1. What jurisdiction did your department have over the Lodi and Hackensack situations with respect to safety and health of the employees of the facilities, emergency personnel such as firefighters, and the surrounding community? Were those two situations covered by: Right to Know labeling requirements? PEOSH standards on respiratory protection and emergency response?

2. Were the chemicals that caused the Lodi explosion, sodium hydrosulfite, benzaldehyde and powdered aluminum, covered by Right to Know requirements to produce Hazardous Substance Fact Sheets in English and Spanish? If so, were the sheets produced? Was there any change in their status in the most recent list of hazardous chemical proposed by your department in February 1994? Why wasn't that list adopted by the February 1995 deadline?

3. What was the Napp Chemical plant's history of compliance with State laws and regulations? Is it true that your department found that Napp was out of compliance with chemical labeling requirements? If so, what action did you take?

4. Did your agency have staff on site during either incident? What role did they play? Is it true that the emergency response capability of the Health Department has been severely curtailed? Why? Is there a report of staff actions and an analysis of the incident? If so, please provide it to the committee.

5. Have the types and amounts of chemical exposures potentially received during the fires been measured or modeled? What is still unknown? Will all the exposures ever be known?

6. Has a registry of injured and chemically exposed individuals (plant workers, emergency responders and residents) been compiled to facilitate follow-up on injuries, acute and chronic health effects, and post-traumatic stress?

7. Have exposed individuals been told of the types and amounts of chemicals they were potentially exposed to during the fires and that some exposures are not known? Have all of them been provided with Hazardous Substance Fact Sheets on known chemicals?

8. Has the PEOSH program investigated the safety and health of police and firefighting personnel during the Hackensack and Lodi incidents? If so, what are the findings of the investigation? Were proper measures taken to insure decontamination of the personnel and their equipment?

9. How are you coordinating your efforts regarding workplace safety and health with the efforts of other State departments and the affected businesses, workers, unions, local governmental agencies and community members? Have you shared all relevant reports, inspections, complaints and other information with OSHA to assist their investigation, in particular, your department's report that Napp was out of compliance with our chemical labeling law? Have you coordinated your efforts to characterize chemical exposures and risks from the incidents with the efforts of the D.E.P.? Is it true that

the Health Department has no physician with expertise in occupational and environmental health? If so, why?

10. What is your assessment of the short term and long term impacts of the Lodi and Hackensack incidents on the environment, public health, and worker displacement? Did exposed individuals get sick? Are they currently experiencing any increase in health problems or symptoms? Are there likely to be any long-term health effects among those exposed such as birth defects, cancer, or other health effects? Are health studies planned?

11. Please describe workplace and community safety and health programs in your department which may be of use in preventing tragedies like those in Hackensack and Lodi, including: the Environmental Health Program; the Right To Know program; and the PEOSH program, as it applies to fire, police and other emergency workers. Are the resources for these and other relevant programs sufficient to meet the need? What changes have there been in the manpower and funding for any of the programs over the last five years? What is the impact of any proposed Fiscal Year 1996 budget cuts and layoffs on each program? What can the legislature do to help in this area? What do you think of the proposal to increase the annual fees charged to employers to support the Right to Know program by \$1.00 per worker?



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TRAINING COMMISSION

May 26, 1995

Commissioner Peter J. Calderone
N.J. Department of Labor
CN 110
Trenton, New Jersey 08625

Dear Commissioner Calderone:

Thank you very much for sending your representatives to participate in the public hearing that the Assembly Labor, Business and Industry Committee held on May 23, 1995 in Hackensack to review state workplace safety and health programs, the recent accidents in Lodi and Hackensack and efforts to save the jobs of the survivors. Convey my appreciation to Mr. Katz and Mr. Drabik for their assistance and their willingness to honor the committee's request to remain on hand through a rather long hearing.

Because of the large number of witnesses and the wide scope of the subject matter covered in the hearing, it was not possible to complete the questioning on these important topics. Consequently, I provided Mr. Katz a copy of a full set of committee questions for the department. Another copy is enclosed. I would be very grateful if the department could provide written answers to the questions by June 6, 1995 to be used in the hearing transcript and further assist the Legislature in its deliberations.

Thank you again for your assistance.

Sincerely,


Patrick J. Roma
Assemblyman-District 38

QUESTIONS FOR DEPARTMENT OF LABOR:

1. Please describe any jurisdiction your department has over the Lodi and Hackensack incidents with respect to safety and health, including PEOSH jurisdiction over public emergency personnel.

2. Please describe workplace safety and health programs in your department that may be of use in preventing tragedies like those in Hackensack and Lodi. Include: the OSHA consultation program; your role in the Right To Know program; the PEOSH program, as it applies to fire, police and other public sector emergency workers; and Occupational Safety and Health training grants under the WDP. Are the resources for these programs sufficient to meet the need? Please describe and comment on any changes in the resources committed to each service and possible impacts of legislative proposals.

3. Has the PEOSH program investigated the safety and health of police and fire personnel during the Hackensack and Lodi incidents? If so, what are the findings of the investigation? Were proper measures taken to insure decontamination of the personnel and their equipment? Has there been any follow up to see whether the health of the personnel has been harmed?

4. Please describe any services that your department is providing, such as WDP customized training, to save the jobs which may be permanently lost because of the Lodi and Hackensack disasters. Are the resources for these programs sufficient to meet the need? What changes have there been in the manpower and funding for any of the programs over the last three years? What is the impact of any proposed Fiscal Year 1996 budget cuts and layoffs on each program? Describe any other legislative proposal which may have a positive or negative impact on the programs. What can the legislature do to help in this area?

5. What services are you providing to workers displaced by the Lodi and Hackensack disasters, such as assistance with unemployment insurance, and job training grants? Please describe and comment on any changes in the resources committed to those services and possible impacts of legislative proposals.

6. How are you coordinating your efforts regarding safety and health and saving the affected Hackensack and Lodi jobs with the efforts of other State departments and the affected businesses, workers, unions, local governmental agencies and community members?

7. What is your assessment of the short term and long term impacts of the Lodi and Hackensack incidents on the local economy, the environment, public health, and worker displacement?



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TRAINING COMMISSION

May 26, 1995

Commissioner Gualberto Medina
N.J. Department of Commerce and Economic Development
CN 820
Trenton, New Jersey 08625

Dear Commissioner Medina:

Thank you very much for sending your representatives to participate in the public hearing that the Assembly Labor, Business and Industry Committee held on May 23, 1995 in Hackensack to review state workplace safety and health programs, the recent accidents in Lodi and Hackensack. Convey my appreciation to Mr. Hollan and the other attending department representatives for their assistance and their willingness to honor the committee's request to remain on hand through a rather long hearing.

Because of the large number of witnesses and the wide scope of the subject matter covered in the hearing, it was not possible to complete the questioning on these important topics. Consequently, I provided Mr. Hollan a copy of a full set of committee questions for the department. Another copy is enclosed. I would be very grateful if the department could provide written answers to the questions by June 6, 1995 to be used in the hearing transcript and further assist the Legislature in its deliberations.

Thank you again for your assistance.

Sincerely,

Patrick J. Roma
Assemblyman-District 38

QUESTIONS FOR DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

1. Please describe any services, such as subsidized financing, that the department, and affiliated agencies like the Economic Development Authority, are providing to save the jobs which may be permanently lost because of the Lodi and Hackensack disasters. We are interested in knowing whether the resources for these programs are sufficient to meet the need. Any suggestions you have regarding how the legislature may play a constructive role are welcome.

2. How are you coordinating your department's efforts to retain the affected Hackensack and Lodi jobs with the efforts of other State departments and the affected businesses, workers, unions, local governmental agencies and community members?

3. What is your assessment of the short term and long term impacts of the Lodi and Hackensack incidents on the local economy, the environment, public health, and worker displacement?



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
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Trenton, NJ 08625-0402
Legislative and Program Coordination
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Trenton, New Jersey 08625

Robert C. Shinn, Jr.
Commissioner
Tel # (609) 292-2885
Fax # (609) 292-7695

June 22, 1995

Honorable Patrick Roma
Assembly - District 38
40 East Midland Avenue
Paramus, New Jersey 07652

Dear Assemblyman Roma:

Enclosed are the Department of Environmental Protection's responses to questions submitted to us at the conclusion of the Assembly Labor, Business and Industry Committee's hearing on May 23.

Please do not hesitate to contact us in the event that you have questions or require clarification of the enclosed.

Thank you for your consideration.

Very truly yours,

Jane Kelly Brickner
Assistant Commissioner

JKB:tg/pllpc44
Enclosure

11X

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Responses to the Assembly Labor, Business, and Industry
Committee's Questions concerning Lodi
and Hackensack Industrial Accidents**

1. What jurisdiction did your Department have over the Lodi and Hackensack situations with respect to safety and health of the employees of the facilities, emergency personnel such as firefighters, and the surrounding community? Were those two situations covered by: Right to Know labeling requirements? Right to Know reporting requirements? The Toxic Catastrophe Prevention Program?

The DEP's Bureau of Emergency of Response (BER) had very limited jurisdiction, which included the review of Bergen County's Local Emergency Planning Committee (LEPC) Disaster Plan's HazMat Annex and participation in training and responses with various Bergen County HazMat teams, and indirectly, the local first responders through the New Jersey State Police, Officer of Emergency Management Technicians Training Course.

During an emergency, the BER provides extensive technical advice to the Incident Commander in the Unified Command Structure concerning materials involved in the fire, products of combustion, hydrolization and synergistic effects. Additionally, BER advises on the appropriate level of personal protection for responders involved in the incidents. Finally, BER provides air sampling results to Incident Commander to determine need for evacuation or sheltering.

Neither the Hackensack nor the Lodi facility stored, handled, or used chemicals that would have subjected them to the requirements of the Toxic Catastrophe Prevention Act (TCPA). With respect to Right to Know, the incident in Hackensack occurred at a facility that had been assigned an SIC code (standard industrial classification code) that is not regulated pursuant to the Worker and Community Right to Know Act (W&CRTK) statute. The chemical plant in Lodi was subject to Right to Know and had filed its 1994 Community Right to Know survey with the DEP. However, the filing of a RTK survey bears no relationship to the issue of how process safety was conducted at the facility. Labelling requirements under RTK are within the purview of the Department of Health (DOH) and we, therefore, defer to DOH for response on that issue.

2. Were the chemicals that caused the Lodi explosion, sodium hydrosulfite, benzaldehyde and powdered aluminum covered? At what amounts? Is it true that the Department has deleted most of the chemicals that used to be on the Right to Know list? Is it true that the deleted chemicals include some of the chemicals that caused the Lodi explosion? If so, why were they deleted? Why

is the DEP's list of hazardous chemicals so much shorter than the Health Department's list? It has been reported that a proposal was made within DEP but not adopted, that would have resulted in the Lodi plant being covered under the Toxic Catastrophe Prevention Program. Is that true? If so, why wasn't the proposal adopted?

At the time of the explosion and fire, sodium hydrosulfite and benzaldehyde were not reportable under the DEP W&CRTK rules. They were, however, reportable at a 10,000 lb threshold under federal EPCRA regulations. Aluminum dust was reportable at a 500 lb threshold under DEP W&CRTK rules. None of these substances were reported on Napp's 1994 survey, received by DEP prior to March 1, 1995, as required by regulations. Based on what we know now, but absent the benefit of the forthcoming OSHA report on the Napp explosion and fire, there is no evidence to suggest that having sodium hydrosulfite and benzaldehyde on the W&CRTK list would have prevented or mitigated the Lodi tragedy.

The DEP's RTK list was revised last year to focus on the most hazardous substances present in New Jersey facilities. The list was reduced from approximately 3000 substances reportable at zero threshold to approximately 850 substances reportable at a threshold of 500 lbs. Sodium hydrosulfite and benzaldehyde were removed from the list while aluminum dust was retained. It is important to understand this revision in the context of existing state and federal community safety programs.

Right to Know chemical inventory reporting in New Jersey is achieved through the implementation of both the W&CRTK Act and the federal Emergency Planning and Community Right to Know Act (EPCRA) administered by the Environmental Protection Agency (EPA). The DEP collects, stores and disseminates the information required to be submitted under both statutes. Under the federal statute, all three chemicals in question are reportable substances at a 10,000 pound threshold. In fact, under the federal statute, any substance for which a material safety data sheet is required to be prepared under the OSHA Hazard Communication Standard is reportable. Thus, it is estimated that as many as 500,000 substances are reportable under the federal statute. The federal program also requires the reporting of some 361 extremely hazardous substances at thresholds ranging from one pound to 500 pounds. The three materials at Lodi are not listed as extremely hazardous substances.

During July 1994, the DEP adopted its administrative rules defining the list of chemicals to be reported for the 1994 survey year. A subsequent rule adoption in October 1994 established its 500 pound threshold. These adoptions were the first substantial changes to the rules since their initial adoption in 1984 and the creation of the federal program in 1986. These adoptions also implemented changes to the definition of an environmental hazardous substance that occurred when the legislature amended the statute in 1991. The RTK rules adopted in 1984 listed 156 "environmental hazardous substances" to be reported on the environmental survey and the 2,700 substances contained in the United States Department of Transportation (USDOT) 49 CFR 172.101-102 Hazardous

Material Tables to be reported on an Emergency Services Information Survey. In 1988 these surveys were administratively combined with the federal requirements into one survey. The list of substances to be reported each year at zero threshold was published as part of the survey booklet. The 1994 rule adoptions established a new list that consisted of lists recognizing what had occurred on both state and federal levels. The current list includes those chemicals on the Industrial Survey Project List (chemical and chemical compound categories determined by the DEP to pose a threat to the environment), the federal EPCRA section 302 list (EPA's extremely hazardous substances list for which community emergency response planning is required), the federal EPCRA section 313 list (Toxic Release Inventory list of substances), and chemicals listed pursuant to the Pollution Prevention Act rules not contained in the EPCRA 313 list, the Unusually Hazardous Substances List created pursuant to N.J.S.A. 52:27D-223 and the list of regulated substances adopted by EPA for the Accidental Release Prevention Program mandated under section 112(r) of the federal Clean Air Act Amendments. The section 112(r) list includes those toxics, National Fire Protection Association (NFPA) category 4 flammables and USDOT Div. 1.1 mass explosives for which facilities will be required to prepare risk management programs.

Thus, the DEP rules in combination with the federal rules require that the most toxic, flammable, and explosive chemical substances be reported at a threshold quantity of 500 pounds or less.

All of the other 500,000 OSHA defined hazardous substances become reportable at 10,000 pounds. Of the three chemicals involved at Lodi, benzaldehyde and sodium hydrosulfite were not listed on any of the lists DEP used to create the new environmental hazardous substance list, thus they are reportable at 10,000 pounds rather than 500. Aluminum (fume or dust) is listed on the new DEP environmental hazardous substance list and is reportable at 500 pounds. The issue is not whether or not these substances are reportable, but rather at what threshold they are reportable. Also, in the Lodi incident, if the materials in question were not brought on site until 1995, they would not have to be reported until March 1, 1996.

By statute, the DEP RTK list is a subset of the DOH RTK list. This is because of the fundamental difference in the two programs. The DOH program is a workplace safety program applicable to public sector workers while the DEP program is a community safety program. DOH surveys the public sector workplace for approximately 3,000 chemicals at a zero threshold. The DEP collects information relevant to community safety via the Community Right to Know survey for 850 chemicals at a 500 pound threshold or lower and for 500,000 chemicals at a 10,000 pound threshold. In actuality then, the combined EPA-DEP list of reportable substances is far greater than the DOH list. The difference is one of the thresholds at which substances become reportable. DOH is dealing with the workplace where the worker has daily intimate contact with the substances in question. DEP-EPA is dealing with the potential impact on the community, thus the reportable thresholds need to be different.

The Toxic Catastrophe Prevention Act requires that the DEP establish a list of "extraordinarily hazardous substances". These extraordinarily hazardous substances are those substances whose release into the environment would likely result in death or permanent disability. The legislature listed 11 highly toxic substances, the DEP in its initial rule making procedures added 93 chemicals to the list. All of the chemicals added were highly volatile, highly toxic materials. In its rule proposal, the DEP stated it would subsequently revisit the list and look at other toxics, flammables and explosives. Since the adoption of the TCPA rules, the federal Clean Air Act of 1990 became law and its section 112(r) requires EPA to create a TCPA type program at the federal level. EPA was to prepare its list and rules by November of 1993 and require facilities to have risk management programs in place by November of 1996. EPA adopted its list of regulated substances on January 14, 1994. It proposed the risk management program rules on October 20, 1993 and did a supplemental rule proposal on February 28, 1995. It is anticipated that the final rule will be adopted during the first quarter of 1996 with facility compliance during the first quarter of 1999. The draft TCPA rule proposal of July 1994 was written to reconcile the state and federal lists by adding additional toxics, flammables and explosives to the TCPA list. It would have also lowered the concentration thresholds for some of the substances currently regulated by TCPA, e.g., hydrochloric acid would become a TCPA chemical at 30% conc. instead of 36%. The EPA chose NFPA category 4 flammables for the list, along with USDOT Div. 1.1 mass explosives. Just prior to transmitting the proposal to Commissioner Shinn for his review, the TCPA program was alerted by its counterparts in Delaware that the definition of a regulated flammable mixture would cause every gas station in New Jersey to become a TCPA facility. As this clearly was not the intent of TCPA, the program immediately withdrew the proposal. The flammable mixture language has been re-written to clearly state that only those substances and mixtures that meet the requirements of hazard class 4 set by the N.F.P.A. are to be covered. Action on the proposal was subsequently delayed while the program reviewed and extensively commented on EPA's supplemental rule proposal of February 1995. As a result of that review, other minor changes have been made to the proposal. The list expansion will potentially add 550 facilities. Approximately 120 of those facilities use hydrochloric acid in concentrations between 30% and 36%, as did Napp. The initial rule proposal in 1988 caused the creation of a New Jersey TCPA grade of hydrochloric acid, 35%. Based on the New Jersey experience, EPA redefined the concentration limit to 30%. Napp, prior to the incident would have been in or out of the program, depending on how critical the use of 32% hydrochloric acid is to its operations. Even if the rule proposal had moved forward in its original form, Napp would not have been required to be in full compliance prior to the April incident.

3. What was the Napp Chemical plant's history of compliance with State laws and regulations?

The DEP's records on Napp dated back to 1970. There is no record of a predecessor company at that location. It should be noted that Napp Technologies, Inc. did change its name, formerly Napp Chemical, but there was no change in ownership.

15X

The following is the enforcement history of this facility.

A) RCRA Enforcement:

A Resource Conservation and Recovery Act (RCRA) inspection conducted on September 29, 1988,, revealed several paperwork documentation violations (i.e. N.J.A.C. 7:26-9.6(f)5),9.7(h),9.7(I)2, and 9.4(g)8. These violations were issued because (1) Napp failed to perform their semi-annual drill requirements, (2) did not notify local hospitals about the types of hazardous waste that they handled, (3) failed to conduct semi-annual fire inspections with local fire department, (4) failed to list emergency coordinators in the contingency plan, and (5) failed to submit a contingency plan to local authorities. The facility came into compliance after this inspection.

On April 23, 1994, another RCRA inspection was performed. Following this inspection, Napp was issued Notices of Violation (NOVs) for violating N.J.A.C. 7:27-7.4(a)4ii,7.4(a)5iii, and 7.4(a)4viii.

Violations included having the incorrect USEPA number on a manifest, failure to forward a copy of the manifest to the DEP, and failure to include all pertinent information on a manifest. The facility came into compliance after this inspection.

B) Water Enforcement:

Napp did have a fully operational, wastewater treatment operation on site. This operation treated all wastewaters generated onsite. The treated wastewater was then discharged to the Passaic Valley Sewerage Commission (PVSC) in Newark, New Jersey, under permit #17401142. There is no apparent history of water-related enforcement actions against Napp.

C) Air and Environmental Quality:

Below is detailed description and status report of each past violation.

- (a) Administrative Order and Notice of Civil Administrative Penalty Assessment (AONOCAPA) with Log # A940887, dated October 14, 1994. The company changed business name without first filing for an Amendment of the Permit(s) and Certificate(s), within 120 days of the occurrence of the change, in violation of N.J.A.C. 7:27-8.3(c)1. The company was ordered by the department to submit an Amendment to Permit(s) and Certificate(s) on or before November 13, 1994. Company made timely request for an adjudicatory hearing.
- (b) AONOCAPA with Log #A940886 dated October 14, 1994. The company operated the following equipment without fulfilling all

conditions and provisions of the Permit(s) and Certificate(s) in violation of N.J.A.C. 7:27-8.3(e)1 as follows:

- (1) Permit/Certificate #85793 - Hydroxyzin pommoate was being processed in dryers #4 and #5, and bismuth tribromphate was being processed in dryer #3. These products were not listed on the above Permit/Certificate.
- (2) Permit/Certificate #87225 - A Torit Dust Collector was installed to control emissions from a hopper and drumming operation. The Torit dust collector vents to the main dust collector which is covered by the above Permit/Certificate.

The company was ordered to cease operation of the equipment listed above or operate the equipment in accordance with the above Permit(s) and Certificate(s) or submit the required Permit and Certificate application(s) on or before November 13, 1994. The company made timely request for an adjudicatory hearing. The company has not achieved compliance with the above Administrative Order.

- (c) AONOCAPA with Log #A940885 dated October 14, 1994. The company installed the following equipment without obtaining the required Permit(s) in violation of N.J.A.C. 7:27-8.3(a):

- (1) Torit dust collector controlling emissions from a Fitamill and a drumming operation.
- (2) Ames 200 hp gas-fired boiler.
- (3) Cleaver Brooks model CB 700-100 gas-fired boiler.

The company was ordered to submit the required Permit and Certificate applications on or before November 13, 1994. The company made timely request for an adjudicatory hearing. The company has received a permit for the Cleaver Brooks boiler only. Compliance with the remainder of the Administrative Order has not been achieved.

- (d) AONOCAPA with Log #D940087, dated December 21, 1994. The company failed to conduct initial integrity testing by August 1, 1993, on three above-ground storage tanks with a capacity greater than 2,000 gallons and on all appurtenant piping to the first valve in violation of N.J.A.C. 7:1E-2.2(a)4. The company made timely request for an adjudicatory hearing. However, the matter was settled on January 18, 1995.

- (e) AONOCAPA with Log #A921072 dated September 28, 1992. Company did not fulfill all conditions and provisions of the Permit/Certificate #48799 by installing an ammonia tank and a receiver (R-4) and venting them to the scrubber covered by the above Permit/Certificate in violation of N.J.A.C. 7:27-8.3(e)1.

The company was ordered to cease operation of the equipment or operate the equipment in accordance with the above Permit/Certificate or submit the required Permit/Certificate applications on or before October 28, 1992. The company achieved compliance with the above AONOCAPA on March 30, 1993.

(f) AONOCAPA with Log #A921071 dated September 28, 1992. The Company installed a caustic scrubber and a precoat tank on a system covered by Permit/Certificate #71468 in violation of N.J.A.C. 7:27-8.3(a). The company was ordered to submit the required Permit/Certificate application(s) on or before October 28, 1992. The company achieved compliance with the above Administrative Order on February 26, 1993.

(g) AONOCAPA with Log #A880836 dated June 24, 1988. The company did not fulfill all conditions and provisions of the Permit/Certificate by installing a bagging machine and connecting it to the dust collector covered by the above Permit/Certificate #37530 in violation of N.J.A.C. 7:27-8.3(e)1. The company achieved compliance with the above AONOCAPA on October 27, 1988.

4. Did your agency have staff on site during either incident? What role did they play? Is there a report of staff actions and an analysis of the incident? If so, please provide it to the committee. What criteria were used to decide when it was safe for people to return to their homes, businesses and schools? Why did DEP assure people that things were safe when your information was incomplete?

The DEP's Bureau of Emergency Response (BER) deployed responders during both the Hackensack and Lodi incidents and acted as the State On Scene Coordinator (SOSC). The SOSC is responsible for coordinating the federal, State, County and local response to a chemical emergency. The SOSC at Lodi was a key advisor to the Incident Commander within the Unified Command Structure. He provided interpretation of BER responder data collection on: extensive air monitoring (EPA air sampling) hazard assessment (comprehensive list of chemicals involved, products of combustion and hydrolization) personal protective equipment requirements for first responders, general oversight of the chemical side of the response, and requirements for public sheltering or evacuation.

Case reports were prepared for both emergency incidents and are attached.

Air monitoring and preliminary results of the air sampling conducted during the fire did not detect any significant contaminants in the vicinity of the facility during the fire. That information was provided the Incident Commander and local officials. It served as the basis for terminating the precautionary evacuation of nearby residents.

5. Have the types and amounts of chemical exposures potentially received during the fires been measured or modeled? What is still unknown? Will all the exposures ever be known?

Currently, that effort is underway. An inventory of chemicals involved in the fire at Napp has been provided by the company. From this list, an inventory of the by-products of combustion and decomposition was ready by May 4, 1995. This information has been correlated to data generated from the on-site monitoring of air and water during the fire, and the known physical properties of the materials. From this data, a computer generated model of the fire will attempt to provide an average release rate of chemicals. Individual dose (the measured quantity of exposure) will vary depending upon concentration and time of exposure. Due to the dynamics of the fire and the varying time of exposure for each individual, the individual dose cannot be stated definitively, but will be estimated.

6. Has a registry of injured and chemically exposed individuals (plant workers, emergency responders and resident(s)) been compiled to facilitate follow-up on injuries, acute and chronic health effects, and post-traumatic stress?

An initial list of individuals injured and/or exposed to chemicals at the Napp fire was compiled the Incident Commander during the time of the incident. The list indicates the names and dispositions of patients treated at the scene and/or transported to area hospitals. Their records, although confidential, could be made available for study and statistical purposes. Likewise, the records of patients seen at the hospital or by referred physicians may be sought by the DOH for further study of the effects of exposure.

7. Have exposed individuals been told of the types and amounts of chemicals they were potentially exposed to during the fires and that some exposures are not known? Have all of them been provided with Hazardous Substance Fact Sheets on known chemicals?

A list of the types and quantities of chemicals stored at NAPP Technologies at the time of the fire/explosion has been compiled by utilizing Right-To-Know information and through direct interviews with NAPP Technologies personnel and managers. A list of chemicals actually involved in the fire, accompanied by their potential combustion products has been developed. Hazardous substances sheets have been made available by the Department of Health (DOH), to individuals and to doctors of exposed individuals upon request.

8. How are you coordinating your efforts regarding workplace safety and health with the efforts of other State departments and the affected businesses, workers, unions, local government agencies and community members? Have you shared all relevant reports, inspections, complaints and coordinated your efforts to characterize chemical exposures and risks from the incidents

with the efforts of the Health Department? Have DEP physicians or toxicologists been involved?

The DEP is cooperating and supporting all agencies, including OSHA which has primacy, and EPA regarding the workplace safety and health issues resulting from the Napp accident. The DEP has responded to all requests for information from government agencies, businesses, the public, and unions as well as the media. One TCPA staff chemical engineer is working with OSHA and EPA staff to review the process safety aspects of the incident. DEP will continue to cooperate with the DOH as that agency continues its efforts to characterize chemical exposures and risks from these incidents. DEP toxicologists as a general rule, are not directly involved in responses to emergencies. The DEP physician, who is responsible for DEP's Occupational Health and Safety program would be involved only with DEP emergency response personnel who were on scene during these incidents.

9. What is your assessment of the short term and long term impacts of the Lodi and Hackensack incidents on the environment, public health, and worker displacement? How much soot and chemical residues settled in local homes, yards, businesses and schools? Is clean-up and decontamination of these buildings needed? If so, how will it be done? Do residents use wells? If so, have they been contaminated? Has soil been contaminated? Is it safe for residents to drink well water or eat vegetables from gardens? Are tests of these things planned? With respect to the Causeway Warehouse chemical fire that occurred in March of this year in Hackensack, it has been reported much of the residue is still on site and that it reignited two weeks ago. What action have you taken on that? Have any fines been levied? When will that clean-up be complete?

(A) The short term environmental impacts of the Napp fire included a significant non-game fish kill in the Saddle River, elevated levels of contaminants during the fire which produced anticipated acute effects on those exposed of eye and throat irritation, and apparently very slight deposition of particulate matter. The long term environmental impacts of the Napp fire should be minimal. The Saddle River is rapidly recovering to include the return of fish. So far, no soil contamination has been discovered and daily air monitoring indicates no current impact on air quality.

(B) Initially, over 40 people were given emergency medical treatment, and since then, over 80 additional patients have been treated. A special procedure was arranged to handle some of the impacted first responders, and a meeting of state and local officials on May 24, 1995 at Hackensack Medical Center generated a working group to assess the community health risk and communicate the assessment to the public.

(C) Initial indications are that there is no significant deposition of soot or chemicals; rain events following the fire assisted in that regard. Nevertheless, Napp has been directed to conduct a sophisticated modelling exercise which may indicate structures in the vicinity where wipe samples

should be taken. Eaves, garrets and similar sheltered structural areas could possibly have depositions of soot/chemicals which the rain did not eliminate. If needed, decontamination (washing) would be done by the responsible party's cleanup contractor.

(D) There are no public or private wells in the area; there appears not to have been any contamination of drinking water.

(E) While there does not appear to be any reason why residents should not be able to plant gardens and safely harvest them, there is a specific area of concern for the health assessment working group.

(F) Initially, the responsible party at the Causeway Warehouse incident was conducting an appropriate cleanup under the supervision of the DEP and Bergen County Health Department. Subsequently, it became necessary to issue the responsible party a directive to complete the work under more intense supervision. The re-ignition took place in a pile of solid waste (garbage debris), was strictly a structural fire and did not impact chemicals on site. The responsible party has been instructed to get all chemicals off site; the work is progressing, but slowly. It is not clear how long the responsible party will require to finish the task of cleaning up the site. The solid waste was removed on May 30, 1995. Similarly, final overpacking was completed on May 30, 1995. Removal of the hazardous waste and Schaffer salts awaits analysis (2-4 weeks) but should be completed by June 30, 1995.

10. Please describe workplace and community safety and health programs in your Department which may be of use in preventing tragedies like those in Hackensack and Lodi, including: the Right to Know program; the Toxic Catastrophe Prevention Program; and the Bureau of Emergency Response. Are the resources for these and other relevant programs sufficient to meet the need? What changes have there been in the manpower and funding for any of the programs over the last five years? What is the impact of any proposed Fiscal Year 1996 budget cuts and layoffs on each program. What can the legislature do to help in this area? What do you think of the proposal to increase the annual fees charged to employers to support the Right to Know program by \$1.00 per worker?

The DEP's W&CRTK collects and disseminates chemical inventory and release information reported by private-sector businesses. The Community Right to Know survey is mailed to those 32,000 businesses that have Standard Industrial Classification (SIC) codes identified in the statute. The survey information is collected and sent by the regulated facility directly to local emergency response agencies: the police department, fire department and local emergency planning committee. This information is transmitted to these agencies for local emergency planning purposes. It is also transmitted to DEP where it is computerized and disseminated to any interested party requesting the information. Anyone may request the information from DEP or dial in to the computerized database and obtain the information directly. The reporting of chemical inventories present at a facility cannot prevent all accidents; rather the primary purpose of such reporting is to alert the local emergency

response agencies about specific hazardous substances in their community for which they should pre-plan their response to incidents at such facilities.

The DEP's W&CRTK program surveys chemical inventories for approximately 850 chemicals with a threshold for reporting of 500 pounds unless a lower federal threshold exists. The DEP also collects the chemical inventory data required by the federal RTK program. The federal program requires reporting of some 360 chemicals at a 500 pound or lower threshold and the reporting of all OSHA designated hazardous substances at 10,000 pounds. It is estimated that some 500,000 substances are reportable under the federal program. Thus, all chemicals are reportable, at varying thresholds, by New Jersey businesses.

The TCPA program is designed to regulate facilities that handle or store substances which, if released, could cause immediate death or permanent disabling injury to persons at the boundary of the facility. Facilities handling these extraordinarily hazardous substances (EHS) are required to identify the hazards and risks associated with the use of these EHSs and prepare a risk management program that details how those risks can be effectively managed and reduced. The risk management program includes standard operating procedures, operator training, accident investigation procedures, emergency response training, safety reviews of the facility, hazard analysis and risk assessment for EHS equipment and procedures and self audit procedures.

The TCPA program currently regulates some 115 facilities in New Jersey - chemical plants, potable and waste water treatment plants, and cold storage warehouses that store or use any of the 104 extraordinarily hazardous substances in quantities and concentrations established pursuant to the Act. Initially, some 650 New Jersey facilities were regulated, however, most of them decided to reduce their inventory of hazardous substances to below the threshold quantity, or reduce the concentration of the hazardous substance or switch to a less hazardous substance or process.

Consistent with the implementation of the federal Clean Air Act, the DEP will propose to expand the list of regulated substances to include all of the chemicals listed in EPA's Accident Release Prevention program rules. Additional toxics will be added, along with flammables and explosives. Thus, the most highly toxic, flammable and explosive chemicals that could pose a threat to a community will be included. The future list may add as many as 550 facilities to the program. However, we anticipate that many facilities will take risk reduction measures such as reducing quantities, concentrations or substituting less hazardous materials to avoid the regulatory process.

The issue of additional facilities and additional reporting requirements becomes critical when assessing the resources required to implement these programs versus the predicted result of list expansion. For the past five years the budgets of these two programs have remained fairly constant. Inflationary costs have been offset by reduction of operating costs through extensive computerization in RTK, and through staff reductions in TCPA as the number of regulated facilities declined. Beginning in FY-96, the two bureaus

that separately implement the RTK and T CPA programs will be consolidated to further achieve efficiency. Any additional requirements placed on the RTK program will require a reallocation of existing resources. The RTK programs in DEP, DOL and DOH are funded via the RTK trust fund, payments to which are made by covered New Jersey businesses. Additional requirements imposed on the RTK programs cannot be funded through existing Trust Fund revenues.

Increasing the Right to Know fee paid by covered employers to \$3 per employee with a \$75 minimum would generate approximately \$4 million in revenues. This would offset the increases in program costs and support program implementation. Currently, RTK funds are distributed to the departments based on specific percentages cited in the act. This distribution should be left to the budget process.

The DEP's Bureau of Emergency Response's mission is to respond and protect human health and the environment during the term of the emergency. Ancillary to that mission, under the County Environmental Health Act (CEHA), the BER helps county HazMat teams in training and support functions. While it does not directly prevent industrial accidents, it does assist in limiting their impact. The proposed fiscal year 1996 budget will not have an adverse impact as BER continues to evaluate and streamline its functions.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
EMERGENCY RESPONSE

Pollution Report

1. HEADING

Date: 3 May, 1995
From: SOSC
To: Stanley Delikat, Chief, BER
Subject: Napp Chemical Remediation
Polrep: One

2. Site Information

This site is the demolition and removal of the debris generated from the removal of the structure that was formerly the Napp Technologies Inc. production facility. The facility is located at 99 Main Street, Lodi Bergen County. The site is bordered by residential dwellings to the east at a distance of 50 feet and by the Saddle River to the West at a distance of approximately 60 feet. The facility is listed as a DPCC Facility based upon their storage capacity. The facility is engaged in the business of manufacturing pharmaceuticals and other specific compounds. On 21 April, 1995, an explosion and fire destroyed the facility and released an, as yet, undetermined quantity of chemicals into the environment. Following a massive response and effort from Private, Federal, State, County and Local Agencies the emergency declaration was rescinded on Friday 28 April, 1995 at 1200 hours. The remediation phase of the clean-up is currently underway.

3. Situation

Date of Notification: 21 April, 1995
Date of Action Started: 21 April, 1995
Material Involved: Sodium Hydrosulfite
(initial Explosion) Benzaldehyde
Aluminum
Sodium Bisulfite

Quantity Discharged: Chemical inventory of facility available
Undetermined.
Substantial Threat: Yes - Further potential exists.
Resource Effected: Lodi Creek, Saddle River, Passaic River
Source Identification: Napp Technologies Inc.
99 Main Street
Lodi, NJ

A. The Napp Technologies facility located on Main Street Lodi, Bergen County New Jersey is manufactured specialty pharmaceuticals and precursors. Chemical inventory is available as a separate

document due to the length of the list.

B. On 21 April, 1995 a mixing vessel containing Sodium Hyposulfite, Benzaldehyde, Powdered Aluminum and Sodium Bisulfite underwent rapid decomposition manifesting a powerful shock wave (explosion) that resulted in extensive damage and fire. Four (4) employees of Napp, in the vicinity of the vessel, were killed in the blast and 1 was critically injured. The resulting fire generated a plume that extended for approximately 10 miles and generated hazardous gases beyond those normally associated with a structure fire as the chemicals in the facility became involved in the fire. Run off from the fire scene contaminated the Saddle River and resulted in a significant fish kill.

C. The facility is now damaged and requires decontamination and debris clean up and dismantlement. Process chemicals and raw materials that were not damaged in the incident will be returned to vendors. The rest of the facility will be cleaned, decontaminated and dismantled. The Responsible Party will engage the services of ENSR to manage the project under a Memorandum of Agreement where oversight shall be provided by NJDEP BER.

D. Emergency and mitigative efforts up to 26 April, 1995 are detailed in the Case Description and Investigation reports.

4. Actions Taken

26 April, 1995

1. Continue demolition of structure on main St. Side of building.
2. erect fencing on Main St. and open Main Street.
3. Construct Decon Area at rear of building
4. Remove materials from storage area at rear of facility.

27 April, 1995

1. Site Safety Plan
2. Establish entry corridor and contamination reduction corridor.
3. Wash and open Main Street
4. Continue Air surveillance
5. Establish monitoring points at schools

28 April, 1995

1. Site Safety Plan
2. Decontamination of Main Street

3. Site discharges from rain event.

4. Removal of knowns.

Analysis of fire water run off: PCB 9 ppb Arochlor 1242
EPA Samples from 4/21/95 Chlorobenzene 5.9 ppb
Phenol 140 ppm
Chloroform 79 ppb

Materials removed: 75 Drums (Kramer Chemical)
Cylinders-9 Nitrogen
4 Hydrogen
2 Hydrogen Chloride
3 Acetylene

1 May, 1995

Over the weekend, Apollo Construction re-connected the fire suppression apparatus to the remaining structure. No other work was done during this time.

1. Continue removing materials from rear storage area.
2. Evaluate the facilities displaced by the contamination spread into their structures.
3. Meet with displaced businesses regarding the status of their facilities.
4. Structural report from Boswell Engineering is due.
5. Establish with PVSC, the parameters for which they will accept non-hazardous water (analytical and technical needs).
6. Continue establishment of 50' contamination reduction buffer zone.
7. Continue pumping out pit at Fine Organics.
8. DPW equipment decontamination.
9. Continue air monitoring and check with schools regarding their openings.

Sampling results available:

Fire Water	PCB	- ND
	Phenol	- 8.4 ppm
	Phenol	- 2.2 ppm (sampled near trailer)
Fine Organics	PCB	- 2.6 ppb
	Phenol	- 29.2 ppm
Black Tar	Phenol	- 4,000 ppm (covering much of site)

Materials removed to date:

30,000 gallons of water from Fine Organics pit.
2,000 gallons of water agglomerated from puddles on site
45 containers of solid waste (ID 27)
155 drums of product
19 cylinder
12 propane cylinders

5/2/95

1. Continue moving out materials in rear of facility.
2. Pump out NJ Bell manhole at Church and Main & decon.
3. Continue pumping out the pit at Fine Organics.
4. Air monitoring results due today.
5. Inspect and reengineer as necessary the berms.
6. Determine product levels in bulk storage tanks at rear of facility.
7. perform air monitoring at residence, 12 Church St. - report of strong odors.
8. Continue site monitoring
9. Permit access to Mugs plus to remove production items.

Materials removed to date:

50,000 gallons of water from Fine Organics pit.
2,000 gallons of water agglomerated from puddles on site
50 containers of solid waste (ID 27)
198 drums of product
25 cylinder
12 propane cylinders
90 wood palates
10,000 gallons of water removed from NJ Bell man hole.

5. Future Plans and Recommendations

Continuance of removal and demolition efforts.
Complete work at fine organics.
Establish evaluation procedure for ID27 wastes.
Finalize Site safety plan.
Evaluate and establish a procedure for draining WIP reactors.

New Jersey Department of Environmental Protection
Division of Responsible Party Site Remediation
Bureau of Emergency Response
Region I

INVESTIGATION

Case #: 95-03-25-2004

File #:
PAC CODE:

Date: April 19, 1995

Investigator: Christopher Gibbons
Hayder Camargo
Wade Wiarda
Bruce Doyle

Time Arrived:

Time Departed:

Location: Causeway Warehouse / Triple R Trucking Facility
Address: 55 Devoe Place
Hackensack, NJ

Responsible Party: Mr. William Rosenthal
Mailing Address: 2000 Lindwood Avenue
Apt. 23V
Fort Lee, NJ

Location Phone #: None

Health Dept. Rep: James Taradash, BCDOH Phone #: 599-6267

Origin of Complaint: Hackensack Fire Dept. Phone #:

Nature of Complaint: Structure fire at above location, unknown if chemicals are impacted. BCDOH en route.

Findings: BER I Duty Officer, Janicek was advised by the Hackensack Fire Dept. of a fire at the Causeway Warehouse and distribution facility located at 55 Devoe Place, Hackensack, NJ. BCDOH was enroute, but NJDEP assistance was not requested. Duty Officer Janicek established contact with the BCDOH, but no additional information could be obtained about materials or quantities of chemicals, if any inside the facility. BCDOH contacted Duty Officer Janicek and advised him of product contents and initial air monitoring results. At this time, it was only believed to be a structure fire, and that the chemicals were not involved. Region Chief Allen was updated and advised to deploy a Region I responder as a precaution.

Inspector Gibbons was contacted and immediately responded to the incident location. On scene, BER I met with Hackensack Fire Dept., Police Dept. and BCDOH and a unified command was established. BER I was advised at this time that the chemicals were suspected to be involved in the fire. Due to the construction of the warehouse, Hackensack Fire Dept. was only performing exterior fire fighting. BER I was advised that inside the warehouse was a large quantity of textiles as well as 120,000 lbs. of ammonium persulfate, sodium

persulfate (powdered) N-butyl alcohol, (stored in drums, quantity unknown) and assorted other materials such as oils, kerosene, engine cleaners and possible drinking alcohols (as the warehouse distributed the later). Also identified were numerous propane cylinders used to power fork lift. Hackensack Avenue was closed due to the extensive amount of fire fighting equipment and water supply hoses. Hackensack Fire Dept. was reporting a 7 block radius evacuation, number of persons were unknown. Prior to inspecting the fire scene, BER I was advised that the fire began around 1900 hours on the incident date, but only thought to be a structure fire. BER I arrived at 2215 hours. Mid-Bergen HazMat had been deployed and were stationed on Hackensack Avenue, obtaining information from Chem Treck on the suspected materials in the warehouse. Upon DEP's arrival, the smoke plume was hanging low due to the current weather conditions and was traveling across Hackensack Avenue towards the Hackensack River.

BCDOH was performing air monitoring along Hackensack Avenue in the plume utilizing Drager tubes and an HNu photionizer and were pulling Drager tubes for numerous products of combustion. Mid-Bergen HazMat obtained MSDS sheets for the ammonium persulfate and sodium persulfate. Both materials were identified as strong oxidizers which under heat produce nitrous fumes and acid gases (specifically sulfuric acid). When exposed to water both materials produce hydrogen peroxide and ozone. While BCDOH was performing air monitoring along Hackensack Avenue every 15 minutes. BER performed air monitoring along the facility utilizing an HNu and Drager tubes for Nitrous fumes, Acid gases, cyanide, CO, CO₂ and phosgene.

Directly adjacent to the building a slight positive (1-2 ppm) of acid gases was detected, but no other products were detected. Air monitoring along the fence line yielded no results above background.

Water samples from the fire water run-off were obtained and the pH was determined to be 0 to 1 pH. BER I secured the incident location and drove to the Fairleigh Dickerson College Campus along the Hackensack River and performed air monitoring with nothing detected.

BER I discussed the water run-off problem with the BCDOH, but they felt that due to the amount of fire run-off water, neutralizing would be impossible. As this was unacceptable, BER I began a search with the assistance of the Mid-Bergen HazMat team to identify the discharge points of the fire run-off water into the sewer system, then identify the suspected discharge point into the Hackensack River.

BER I requested that the Hackensack Sewer Dept. respond to the scene to assist with sewer tracing but BER I was advised that the sewer department could not respond and that no sewer maps were available. Entering Hackensack Water Co. property, which is located along the rear of the Causeway Warehouse facility, a sewer line was identified and pH testing identified the route of the fire water. Tracing the line back to the rear of the Causeway facility, BER I identified the storm drain which was draining all of the fire water.

Returning to the Command Post, BER I requested the Vice President of Causeway Warehouse, Mr. Rosenthal to discuss the immediate concern of the pH run-off.

Apparently during the early hours of the fire, the fire department allowed Mr. Rosenthal to return home. Inspector Gibbons immediately contacted Mr. Rosenthal and advised him of the pH of the

discharge and that a contractor was immediately needed to begin neutralizing the water run-off. Mr. Rosenthal was supplied 3 names of contractors and Clean Harbors from Edison was hired to respond to the scene with large amounts of neutralizing agents to begin the neutralization of the fire run-off water.

Inspector Gibbons contacted Region Chief Allen and advised him of the status up to this point. Inspector Gibbons requested a second responder due to the amount of activity on site and the required sewer tracing of the run-off water.

As approval occurred, BER I contacted Hayder Camargo, Emergency Response Specialist, who agreed to immediately respond to the scene and provide assistance.

Inspector Gibbons also contacted the US EPA Region II hotline and requested a FOSC and TAT Team to assist with air monitoring and the water run-off problem. The USEPA immediately agreed to respond and provide assistance.

Around 0100 hours, Hackensack Fire Fighters were able to enter the warehouse and begin interior fire-fighting, but soon discovered a very intense fire and a decision occurred to evacuate the building, establish a collapse zone and only fight the fire from the outside. Hackensack Fire Dept. at this time evaluated the fire as completely out of control and expected to lose the building. BCDON was still performing air monitoring along Hackensack Avenue and BER I was sampling at the fire scene and directly down plume at the college. The only readings detected were directly at the facility and no other locations. BER I contacted the US EPA Region II, and advised them of the above information. Due to the intensity of the fire once it was declared out of control, the plume rose straight up until the fire was knocked down a few hours later.

Arriving on scene, Hayder Camargo was advised of the incident from BER's arrival until the current time. Since the plume was once again settling down, BER I traveled to the Hackensack River near the Rothman Center to perform air monitoring with nothing detected. While at the river, numerous samples were obtained from the river and checked for pH with only neutral readings recorded. Due to a high tide condition, BER I determined that only at low tide could the discharge point be discovered.

Walking the river, BER identified the only potential discharge point from the storm line into the Hackensack River, which was behind the Burger King off of Hackensack River. BER I then drove into Teaneck at the opposite side of the river to perform air monitoring in a residential section of town off River Road, with nothing detected.

Returning to the incident location, BER I met with representatives from Mid Bergen Hazat and requested all of their neutralizing agents be applied to the run-off water to initiate neutralization. It was decided that neutralizing would occur at the first manhole in Hackensack water's property and that pH monitoring would occur at the second manhole approximately 50 feet away. This way the pH would not be shocked the opposite direction and cause additional problems to the river.

After a few hundred pounds of sodium bicarb were added, Clean Harbors arrived and took over the neutralizing duties.

At 0600 hours, Dwayne Harrington, USEPA and the TAT arrived and were briefed on the incident up to this point on water run-off and air monitoring results. Under direction of BER I, TAT obtained samples of the water run-off for lab analysis to determine contaminants entering the sewer system.

Throughout the morning, BER I and BCDOH performed air monitoring at numerous locations around the fire scene, with nothing of concern detected. Additionally, BER I placed sewer dye into the second manhole along Hackensack River. BER I pulled nearly every manhole to trace the dye, which eventually appeared behind the Burger King on Hackensack Avenue. At no time during this incident were any distressed wildlife identified or any fish kills observed.

BER I updated Region Chief Allen and due to the extent of the incident requested a back-up team for monitoring in the afternoon. Inspectors Wiarda and Doyle were contacted and agreed to respond.

At 0900 hours on April 26, BER I contacted Mr. Rosenthal and requested that he respond to the incident location so BER I could discuss his requirements under State law to provide for a clean-up of the property. Mr. Rosenthal complained that he was busy and probably would not respond to the scene today. BER stressed that both the NJDEP and USEPA required him on scene immediately to discuss further remediation/chemical clean-up on scene. Numerous phone calls were placed to Mr. Rosenthal but still no response was obtained. Finally, BER I met with the Bergen County Arson Unit and advised them of the above problem. The arson squad contacted Mr. Rosenthal and advised him that if he didn't show up he might be arrested for obstructing justice. Mr. Rosenthal guaranteed his arrival in about one hour.

Inspectors Gibbons and Camargo met with Inspector Wiarda and Doyle once they arrived on scene, and brought them around the incident location and introduced them to the fire command and brought them up to speed on the status of the incident.

While touring the neutralizing location at Hackensack Water's property, Clean Harbors advised BER I that they were running low of sodium Bi carb. BCDOH advised all present that they had over 1,000 lbs. located in storage and if Clean Harbors replaced the material in storage. BCDOH would provide as much as was needed. Clean Harbors sent a truck with BCDOH to retrieve the sodium bi carb.

Returning to the fire scene, BER I, BCDOH, BC Arson Squad and Dwayne Harrington, USEPA met with Mr. Rosenthal and his council. BER I and USEPA discussed his requirements to remove all hazardous substances/waste from the site and provide for a proper clean-up. Mr. Rosenthal was advised that should he not meet the financial obligation to pay for the clean-up, the NJDEP would request a USEPA removal action. As this was agreed to, it would be the Arson Squad decision on when the building could be safely entered and the chemicals could be removed.

At this time, Inspectors Gibbons and Camargo secured the scene, while Inspectors Wiarda and Doyle took over state involvement. During the afternoon, BER I provided additional air monitoring through out the entire area, as well as water pH monitoring. No air readings for products of concern or combustion were obtained. PH of the river was monitored with no substantial results.

Later in the afternoon, Inspectors Wiarda and Doyle had to secure the incident location and respond to a substantial acid spill in Hoboken, leaving BCDOH in charge on scene.

On 3/28/95 Inspectors Gibbons and Wiarda performed a follow-up inspection of the fire scene and performed air monitoring for the arson squad, with no readings of concern.

Located in the rear of the building were 4, 85 gallon over packs containing drums of unknown flammables. This was brought to the attention of the S & D environmental Supervisor. Apparently on 3/27/95 Causeway Warehouse / Triple R Trucking fired Clean Venture and council and hired Mr. Spadaro (908-634-0202) Attorney At Law and S & D Environmental services. S & D Environmental Services began cleaning up piles of the Persulfates and drumming as required.

Inspector Gibbons requested that Ed Twilley, S & D contact BER I should the financial obligation needed for the clean-up couldn't be met.

Conclusions: BER I responded to a suspected structure fire at the Causeway Warehouse and Distribution facility located at 55 Devoe Place, Hackensack.

Upon arrival, BER I was advised that inside the building were 120,000 lbs. of ammonium per sulfate, sodium per sulfate and assorted drums of N-Butly alcohol and oils and grease.

During the fire BER I along with BCDOH provided extensive air monitoring at the incident location and down wind to detect any associated off site impact caused by the fire. Air monitoring was performed with an HNu and Drager Tubes for Nitrous Fumes, Acid Gases, CO, CO₂, Phosgene and cyanide. Only slight elevated readings of acid gases were obtained along the facility but nothing was detected off-site. Extensive pH monitoring of the water run-off occurred with results in the pH 0-1 range. The responsible was contacted and Clean Harbors was hired to perform neutralization of the run-off water. This occurred on property owned by Hackensack Water Company. Two manholes were utilized. The first was were all neutralizing agents were added to the system and pH monitoring occurred in the second to prevent over shocking the river. At no time during this incident were any distressed fish or wildlife observed.

BER I requested assistance from the USEPA who responded to assist with obtaining water samples of the run-off for lab analysis.

Inspectors Wiarda and Doyle responded and relieved Inspectors Gibbons and Camargo on scene and additional air monitoring occurred throughout the afternoon of March 26 with assistance from BCDOH. BER I secured the scene to respond to a 10,000 gallon acid spill in Hoboken, Hudson County.

Due to this incident, there were 26 fire fighters injured ranging from chemical burns on hands and feet to respiratory problems associated with the smoke. All of the injured were transported to area hospitals for treatment.

Recommendations: Case will remain open with BER I pending removal of all hazardous materials located at the warehouse. Should responsible party refuse clean-up, then the case will be referred to the USEPA for removal action.

Case referred to, NJDEP, Division of Fish, Game & Wildlife for enforcement, New Jersey Division of Criminal Justice Environmental unit.

Christopher Gibbons

Date

Hayder Camargo

Date

Wade W. Wiarda

Date

Bruce Doyle

Date

Gary Allen, Region Chief

Date

New Jersey State Library



State of New Jersey
DEPARTMENT OF HEALTH

CN 360
TRENTON, N.J. 08625-0360

CHRISTINE TODD WHITMAN
GOVERNOR

July 3, 1995

LEN FISHMAN
COMMISSIONER OF HEALTH

Honorable Patrick J. Roma
Assemblyman District 38
40 East Midland Avenue
Paramus, NJ 07652-2915

Dear Assemblyman Roma:

Sincere apologies for the delay in responding to the questions posed at the May 23, 1995 hearing regarding the Napp Industries chemical explosion. The responses are attached for your review. The Department of Health would be pleased to respond to any additional questions you and the Assembly Labor, Business and Industry Committee might have.

Enclosed also for your review is a health "Q&A" compiled from the questions most frequently asked by residents in the Lodi area. Copies of these are being distributed to elected officials in Bergen County and to libraries and the Bergen County Department of Health Services.

The Department of Health shares your concern regarding the Napp incident and is working in concert with the Departments of Environmental Protection and Labor to investigate and identify measures which may prevent similar occurrences in the future.

Sincerely,

Len Fishman
Commissioner

Enc.

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**ASSEMBLY LABOR, BUSINESS AND INDUSTRY COMMITTEE
PUBLIC HEARING ON LODI AND HACKENSACK INDUSTRIAL ACCIDENTS
MAY 23, 1995
COMMITTEE QUESTIONS FOR STATE DEPARTMENTS**

Questions for Department of Health

Question

1. What jurisdiction did your department have over the Lodi and Hackensack situations with respect to safety and health of the employees of the facilities, emergency personnel such as firefighters, and the surrounding community? Were those two situations covered by: Right to Know labeling requirements? PEOSH standards on respiratory protection and emergency response?

Answer

1a. *Employees*

Napp Technologies in Lodi and Causeway Warehouse and Distribution Transport Company in Hackensack are private sector workplaces. The DOH has no jurisdiction regarding the occupational health and safety of the employees in the private sector. The State of New Jersey is specifically pre-empted by the federal OSHA Act from enforcing occupational safety and health standards in the private sector workplaces.

1b. *Emergency Personnel*

All public employees, including firefighters, police officers, DEP emergency personnel, and local health department staff are covered by the Public Employees Occupational Safety and Health Act. Under this Act, all federal OSHA safety and health standards were adopted and are enforced by the PEOSH programs in the Department of Health (health standards) and the Department of Labor (safety standards).

The PEOSH Act covers both paid and volunteer firefighters and first-aid squads. The Departments of Labor and Health enforce safety and health standards which directly affect emergency responders. For example, the Firefighter Standard contains provisions for protective clothing; respiratory protection requirements; personal alert safety systems; hearing protection, life-safety rope, harnesses and hardware; and fire apparatus operation.

The Bloodborne Pathogens Standard protects all public emergency responders who may have contact with blood or other potentially infectious material. The Hazardous Waste

Operations and Emergency Response Standard helps to reduce the injuries and illnesses which can occur among emergency responders from exposure to hazardous materials.

The DOH has published Guidelines for the Emergency Management of Firefighters. The Guidelines were developed to assist health-care providers in hospital emergency departments in the diagnosis and treatment of firefighters injured while performing lifesaving work.

1c. *Right to Know Labeling*

Under the New Jersey Worker and Right to Know (RTK) Act, Napp Technologies was required to label containers of hazardous substances. The Causeway Warehouse and Distribution Transport Company is not covered by the Right to Know Act because the Standard Industrial Classification for warehouses is not an employer group covered by the law.

Question

2. Were the chemicals that caused the Lodi explosion, sodium hydrosulfite, benzaldehyde, and powdered aluminum, covered by Right to Know requirements to produce Hazardous Substance Fact Sheets in English and Spanish? If so, were the sheets produced? Was there any change in their status in the most recent list of hazardous chemical proposed by your department in February 1994? Why wasn't that list adopted by the February 1995 deadline?

Answer

2a. *Fact Sheets*

The chemicals (sodium hydrosulfite, benzaldehyde, and powdered aluminum) are on the Right to Know Hazardous Substance List. The Department of Health does have completed Hazardous Substance Fact Sheets in English for sodium hydrosulfite and benzaldehyde and in English and Spanish for powdered aluminum.

2b. *Status*

There was no change in status of these chemicals in the most recent list of hazardous chemicals proposed by DOH in February 1994.

2c. *Adoption*

The DOH needed more time to review the changes made on the proposed List.

Question

3. What was the Napp Chemical plant's history of compliance with State laws and regulations? Is it true that your department found that Napp was out of compliance with chemical labeling requirements? If so, what action did you take?

Answer

The RTK Program in the DOH conducted an inspection for labeling at the Napp Technologies facility in March 1992. Some violations of the labeling requirements were identified during the inspection. These violations were corrected in April 1992, and the case investigation was closed in May 1992. No administrative orders were issued nor penalties collected from Napp Technologies because the violations were corrected by the company.

Question

4. Did your agency have staff on site during either incident? What role did they play? Is it true that the emergency response capability of the Health Department has been severely curtailed? Why? Is there a report of staff actions and an analysis of the incident? If so, please provide it to the committee.

Answer

- 4a. *Staff on Site*

The DOH did not have staff on site during either incident.

- 4b. *Role of DOH*

In response to request, the DOH faxed highlights from the 1993 Community Right to Know Survey submitted by Napp Technologies to the Bergen County Prosecutor's Office. In addition, the DOH requested the Bergen County RTK lead agency to hand deliver a copy of the entire survey to the Prosecutor's office. A copy of the survey was also forwarded to the OSHA Area Office in Hasbrouck Heights.

Information from a DOH publication, Guidelines for the Emergency Management of Firefighters, was faxed to the Hackensack Medical Center. A copy of the entire publication was also provided to the Hackensack Medical Center.

The Department of Health is currently engaged in several public health investigations regarding the Napp explosion. These include a survey of the scope and extent of health effects on residents of the Lodi and surrounding communities, a PEOSH investigation

regarding adherence to health and safety standards by the emergency-response personnel, and a study of the health sequelae of these personnel as associated with the degree and type of exposure to their activities during this event.

Question

5. Have the types and amounts of chemical exposures potentially received during the fires been measured or modeled? What is still unknown? Will all the exposures ever be known?

Answer

The DEP is responsible for the collection of air, water and soil samples from these two sites. The DOH is participating in reviewing the results of their analysis. To date, no health recommendations have been deemed necessary.

Question

6. Has a registry of injured and chemically exposed individuals (plant workers, emergency responders, and residents) been compiled to facilitate follow-up on injuries, acute and chronic health effects, and post-traumatic stress?

Answer

Please see the answer to 4b (above).

Question

7. Have exposed individuals been told of the types and amounts of chemicals they were potentially exposed to during the fires and that some exposures are not known. Have all of them been provided with Hazardous Substance Fact Sheets on known chemicals?

Answer

The DEP collected ambient air samples during the Lodi fire incident. The DEP provided this information to the medical staff at the Hackensack Medical Center and to the local and state agencies responding to this incident.

Hazardous Substance Fact Sheets have not been distributed to exposed individuals. Because only trace or low levels of decomposition products or air contaminants were found in these samples, the information contained in the Hazardous Substance Fact Sheets would not apply.

Question

8. Has the PEOSH program investigated the safety and health of police and firefighting personnel during the Hackensack and Lodi incidents? If so, what are the findings of the investigation? Were proper measures taken to insure decontamination of the personnel and their equipment?

Answer

Please see answer 4b (above)

Question

9. How are you coordinating your efforts regarding workplace safety and health with the efforts of other State departments and the affected businesses, workers, unions, local governmental agencies and community members? Have you shared all relevant reports, inspections, complaints, and other information with OSHA to assist their investigation, in particular, your department's report that Napp was out of compliance with our chemical labeling law? Have you coordinated your efforts to characterize chemical exposures and risks from the incidents with the efforts of the D.E.P.? Is it true that the Health Department has no physician with expertise in occupational and environmental health? If so, why?

Answer

- 9a. *Coordinating Effort*

Public Employees Occupational Safety and Health (PEOSH) Program

The DOH PEOSH Program, coordinates its inspection activities with the DOL and DCA. All relevant information is exchanged between the departments, and the necessary information is then conveyed to the employer and employees. The DOH PEOSH Program informs all public employees and public employee unions when changes are made to existing standards or new requirements are issued. To accomplish this, the Program does mass mailings of new regulations, develops educational bulletins, and conducts educational and training seminars on new regulations for employers and employees.

The PEOSH Advisory Board was created to assist the DOL in establishing standards for the occupational safety and health of public employees. The PEOSH Advisory Board meets quarterly and is available to receive information regarding matters of concern to public employees in the area of occupational health and safety.

Right to Know Interagency Task Force

To coordinate the activities of the Departments of Health, Environmental Protection, and

Labor, a RTK Interagency Task Force was formed. Representatives from each department meet regularly. They discuss and plan for coordinated efforts among the departments to implement the law, minimize inconsistent policies, eliminate duplication of effort, share resources and reduce the burden on employers/employees who must relate to three departments with respect to their legal obligations and rights under this law.

Right to Know Advisory Council

Members of the RTK Advisory Council are appointed by the Governor to represent various interest groups to oversee the activities of agencies implementing the RTK law. The council meets once a month and is made up of representatives from labor unions, environmental organizations, public interest groups, chemical industries, petroleum industries, fire departments, trade organizations, small business organizations, colleges and universities, and municipalities.

County Lead Agencies

A major emphasis of the law is to make the information generated by the RTK law available to the public. The RTK County Lead Agencies are responsible for increasing public awareness, educating employers and employees, and educating emergency responders in their own county about the New Jersey RTK law. Their duties include maintaining and providing copies of the Hazardous Substance Fact Sheets and the RTK and Community RTK Surveys, offering employer assistance, speaking at public engagements, and facilitating other forms of educational outreach.

Federal OSHA

The DOH has a cooperative working relationship with the federal OSHA Regional Office in New York City and the Area Offices in New Jersey. The two agencies have cooperated on a number of different efforts including 1) investigations of fatal injuries; 2) referrals from OHS to OSHA regarding workplaces where employers are exposed to lead and cadmium; 3) surveillance data of occupational diseases generated by the OHS has been shared with OSHA; and 4) technical consultation has been provided by OSHA to the PEOSH Program.

9b. *OSHA*

A copy of the report of the inspection conducted by the RTK Program at Napp Technologies has been forwarded to the OSHA area office in Hasbrouck Heights.

9c. *Coordination*

The DOH is participating on a scientific panel that will be thoroughly reviewing the air, water, and soil environmental monitoring data and the medical reports of the fire, police, and EMTs that responded to the incident in order to properly address that very question.

This group held its first meeting on May 23 and included experts from DEP, the DOH, USEPA, the Bergen County Health Department, and the Pulmonary Services, Department of the Hackensack Medical Center.

9d. *Physician*

In order to ensure a sufficiently broad-based physician staff complement, the DOH accesses medical consultation from many sources. One such source is the Division of Occupational Health at UMDNJ-Robert Wood Johnson Medical School; Additionally, the DOH can and does receive medical consultation from occupational medicine physicians at the National Institute for Occupational Safety and Health.

Question

10. What is your assessment of the short term and long term impacts of the Lodi and Hackensack incidents on the environment, public health, and worker displacement? Did exposed individuals get sick? As they currently experiencing any increase in health problems or symptoms? Are there likely to be any long-term health effects among those exposed such as birth defects, cancer, or other health effects? Are health studies planned?

Answer

The DOH is participating on a scientific panel that will be thoroughly reviewing the air, water, and soil environmental monitoring data and the medical reports of the fire, police, and EMTs who responded to the incident in order to properly address that very question. This group held its first meeting on May 23 and included experts from DEP, the DOH, USEPA, the Bergen County Health Department, and the Pulmonary Services, Department of the Hackensack Medical Center.

Please also see 4b (above)

Question

11. Please describe workplace and community safety and health programs in your department which may be of use in preventing tragedies like those in Hackensack and Lodi, including: the Environmental Health Program; the Right to Know Program; and the PEOSH Program, as it applies to fire, police, and other emergency workers. Are the resources for these and other relevant programs sufficient to meet the need? What changes have there been in the manpower and funding for any of the programs over the last five years? What is the impact of any proposed Fiscal Year 1996 budget cuts and layoffs on each program? What can the Legislature do to help in this area? What do you think of the proposal to increase the annual fees charged to employers to support the Right to Know Program by \$1.00 per worker?

Answer

11a. *Public Employees Occupational Safety and Health (PEOSH) Program*

The Public Employees Occupational Safety and Health (PEOSH) Program has the responsibility to implement the DOH's mandate under the 1984 New Jersey PEOSH Act. (N.J.S.A. 34:6A-25 et seq.). This mandate is to develop and enforce occupational health standards for public employees throughout the State and to encourage employers and employees in their efforts to improve the working environment. The DOL is the lead agency for this legislation and is responsible for enforcing the safety provisions of the law.

The PEOSH Program in the New Jersey DOH conducts industrial hygiene inspections in response to public employee complaints, referrals from other agencies, high hazard workplaces, and emergencies. Educational seminars and training programs are conducted for public employees. In addition, educational materials are developed and distributed across the State. The seminars and materials discuss methods for reducing occupational health hazards and review the requirements of health standards. Technical consultations are provided to employers and employees who are engaged in resolving health concerns at their workplace.

Approximately six years ago, the NJDOH, PEOSH Program, had 29 State positions to fill. As a result of continued budget shortfalls, the NJDOH, PEOSH Program, currently has a total of 19 personnel positions; 15 state funded positions, and 4 federal funded positions.

In FY-95, the PEOSH Program received \$885,000 in State appropriations. The Program anticipated receiving the same level of State funding in FY-96. As a result, no personnel reductions are anticipated. If the State submits a State Plan for PEOSH to OSHA this year, there is a potential for the PEOSH Program in the Departments of Labor and Health to receive up to a million dollars in federal funds.

11b. *Right to Know Program*

The New Jersey Worker and Community RTK (N.J.S.A. 34:5A-1 et seq.) was designed to protect workers, community residents, and emergency response personnel from exposure to hazardous substances produced, used, and stored in private and public facilities.

Responsibilities for the implementation of the Act are divided among the DOH (workplace and emergency services provisions of the Act), the DEP (community and emergency services provisions of the Act), and the DOL (worker discrimination and collection of RTK assessments).

The federal Hazard Communication Standard has modified the scope and implementation of the New Jersey Worker and Community RTK Act. The Hazard Communication Standard provides for the training of private workers about hazardous chemicals and for the labeling of containers

with hazard warnings. The implementation of the Hazard Communication Standard in private workplaces preempted New Jersey's requirement for private employers to file a survey with the State DOH and provide their workers with training. However, the labeling of containers pursuant to the New Jersey RTK law, for the benefit of emergency responders, must be completed in the private sector workplaces covered by the law.

Under the RTK Act, all public employees, including emergency responders, who are exposed or potentially exposed to hazardous chemical substances, must receive initial and annual training, which covers a variety of topics.

The RTK funds, available for distribution to the DOH, DEP, and DOL, will be reduced in FY-96. The exact amount of the reduction is not known at this time. The DOH has submitted a request to OMB for a resolution to increase the RTK funds, subject to availability, for the Program in FY'96.

Even though the RTK Program will experience a reduction in budget funds and personnel, the DOH plans to maintain a viable and responsive RTK Program in the DOH.

To decrease the impact on the RTK Program and staff, some personnel reassignments have already been completed or are in process. Seven staff have been reassigned; one staff person has resigned, and two staff are actively pursuing reassignments with assistance from the DOH.

The RTK Program will prioritize its mandated activities and implement its activities more efficiently. For example, the annual RTK Survey will be an "update" rather than a comprehensive survey. This will reduce the staff time required to process the survey while ensuring that employees and emergency responders will have access to the chemical inventory data collected through the survey.

The RTK Program will prioritize the number of Hazardous Substance Fact Sheets (HSFS) that will routinely be revised from 1,050 to 500 but will be able to provide updated information on all the HSFS, if so requested.

If a proposed State Plan for PEOSH is approved and funded by federal OSHA, some of the federal funds anticipated by the DOH will be used to support some of the RTK staff positions and reduce the impact of the RTK budget reductions.

11c. *Legislation*

If the legislation is introduced to increase the annual tax charged to employers to support the Right to Know Program, the DOH will review the legislation, as it does on every health bill, and prepare comments it.



State of New Jersey

DEPARTMENT OF LABOR
CN 110
TRENTON NJ 08625-0110

CHRISTINE TODD WHITMAN
Governor

PETER J. CALDERONE
Commissioner

June 6, 1995

Honorable Patrick J. Roma
Assemblyman-District 38
40 East Midland Avenue
Paramus, NJ 07652

Dear Assemblyman Roma:

I have conveyed your appreciation to Assistant Commissioner Leonard Katz and Assistant Director Tom Drabik for their participation in the public hearing that the Assembly Labor, Business and Industry Committee held to review State workplace safety and health programs relative to the recent accidents in Lodi and Hackensack.

In response to your request, we have prepared the attached responses to the full set of Committee questions you provided Mr. Katz. We have answered the questions in the order posed by the Committee.

Please do not hesitate to contact me if we can be of any further assistance.

Sincerely,

COMMISSIONER

DEPARTMENT OF LABOR RESPONSES TO ASSEMBLY LABOR,
BUSINESS AND INDUSTRY COMMITTEE QUESTIONS

(1) SAFETY AND HEALTH JURISDICTION OVER LODI AND HACKENSACK ACCIDENTS

Public Employees Occupational Safety and Health

N.J.S.A. 34:6A-25 et seq., New Jersey Public Employees Occupational Safety and Health Act (PEOSH), mandates that every public employer provide each of his employees with employment and a place of employment which are free from recognized hazards. The Commissioner of Labor is charged with making inspections in all regulated areas, except in areas specified under N.J.S.A. 34:6A-37a, which fall under the jurisdiction of the New Jersey Department of Health. The Commissioner of Labor is also charged with issuing all Orders to Comply when violations of the PEOSH standards are observed. In this capacity, the Department of Labor is responsible for overseeing the occupational health and safety of all non-private emergency responders to the Lodi and Hackensack incidents.

(2) WORKPLACE SAFETY AND HEALTH PROGRAMS

Occupational Safety and Health On-Site Consultation Program

The Occupational Safety and Health On-Site Consultation Program is a 90% federal, 10% State funded program specifically designed to provide occupational safety and health expertise for private employers who voluntarily want to comply with federal OSHA standards. Through this program, private employers, in concert with employees, are involved in hazard identification, hazard correction and safety and health training to reduce the possibility of old hazards reoccurring and new hazards appearing.

The On-Site Consultation Program receives in excess of \$1.2 million annually from the U.S. Department of Labor to provide in excess of 620 visits annually. Last year, the program conducted 628 initial visits, observed and caused to be corrected 6,300 occupational safety and health hazards and conducted occupational safety and health training at a rate exceeding four times the national average for consultation projects. In addition, 67 assistance visits and 89 return visits to verify hazard correction were conducted. For the record, a list of our training capabilities is attached.

As more and more private employers learn of this free service, the demand increases. Currently, there are 12 occupational safety and health consultants providing this valuable preventative service to New Jersey employers. Neither the Lodi site nor the Hackensack facility requested the services of the Department of Labor's Consultation Program prior to the incidents.

We do not envision any change from the State's standpoint on resources. A 3.5% recession in federal funding has been proposed for FY 1995.

Worker and Community Right-to-Know

The Department of Labor is assigned the responsibility of investigating public employee complaints regarding employee rights. Specifically, employees may request, in writing, a copy of a workplace survey, hazardous substances fact sheet, and, where applicable, an environmental survey. If the request is not honored, the employee has the right to refuse to work with the hazardous substance for which a request was made without loss of pay or forfeit of any other privilege until the request is honored. If the Commissioner of Labor finds that the employer discharged or penalized the employee for exercising his/her rights, he may initiate a civil action against the employer.

The Department of Labor also assesses and collects fees from employers for the purpose of maintaining the "Right-to-Know Fund."

Public Employees Occupational Safety and Health Act

The Office of Public Employees Safety, in concert with the Public Employees Occupational Safety and Health program in the Department of Health, conduct inspections at fire and first-aid facilities. The inspections are conducted either on the basis of receiving complaints, information received that gives reason to believe a safety and health violation may exist, and through special emphasis inspections at fire stations. The inspections, for the most part, are conducted prior to injuries with the intent of providing employees with the notice that hazards exist. The employer is given a reasonable time to correct the hazards before follow-up is conducted. The proactive approach is, in effect, a preventive maintenance program.

The annual budget is approximately \$800,000. Current staffing includes eight full time field investigators.

Since 1987, the Office of Public Employees Safety (DOL) conducted 1,255 fire department inspections both for personal protective equipment (turn-out gear) and fire house safety.

As you of course are aware, legislation is pending which, if passed, will enable us to change our PEOSH Act to make it more reflective of the federal Occupational Safety and Health Act. If this becomes law, New Jersey will be able to apply for federal funding to operate a public sector Occupational Safety and Health State Plan which would provide enforcement, consultation and safety and health training. If the plan is accepted by the U.S. Department of Labor, New Jersey will be eligible to receive up to 50% funding of all approved positions.

New Jersey State Industrial Safety Committee

In a cooperative effort with the New Jersey State Industrial Safety Committee, we have relied, in good part, on the voluntary offerings of the Committee's private sector experts to offer free safety and health training courses. Training courses include: confined space, lockout/tagout, excavations and back injury prevention. In addition, courses in personal protective equipment, fall protection, electrical hazards, bloodborne pathogens and workplace violence are in developmental stages. We will also ask the Committee to develop and give priority to a course on working with hazardous chemicals. These courses are available on a first come, first serve basis to both public and private employers and employees.

Workforce Development Partnership Program

The Workforce Development Partnership Act, effective with the law's passage in 1992, established that 3% of the Workforce Development Trust Fund would be dedicated to Safety and Health training. The legislation stated that "Occupational Safety and Health training means training or education which is designed to assist in the recognition and prevention of health and safety hazards related to an occupation which is the subject of vocational training."

The 3% allocation is equivalent to approximately \$1.5 million annually, and thus far has been used to support training within the parameters of the Workforce Development Partnership (WDP) legislation (which is that the training be an adjunct to vocational training). The Safety and Health training program has allocated funds for broad-based training programs for workers and more commonly to individual employers or organizations for health and safety training specifically related to that employer (or organization).

In the broad-based training categories, a total of \$1,069,943 has been allocated over FYs 1994, 1995 and 1996 to the Rutgers/Industrial Union Council to develop a "train-the-trainer" approach to safety and health training. The "train-the-trainer" concept will enable the program to have a multiplier effect, thereby increasing the number of individuals exposed to safety and health training. The Rutgers/Industrial Union Council is involved in the following: curriculum

development, materials development for use in training, training sessions on key safety and health topics, and in sponsoring an occupational safety and health conference. The Rutgers/Industrial Union Council has pointed out that a better trained workforce should lead to reduced accidents such as fires, explosions, major spills, toxic releases, or other events that could lead to business interruption or a shutdown and permanent job loss.

Another broad-based training program is being developed by the AFL-CIO. A total of \$983,402 has been allocated from WDP 3% funds for FY 1995 for the AFL-CIO to develop a general worker safety training program for its constituent affiliates.

A Request-for-Proposal (RFP) was also recently issued for applicants interested in obtaining health and safety training grant dollars. A total of 24 applications were received, of which 14 were approved. Approximately \$1.5 million will be awarded. Recipients include employers, community based organizations and labor organizations.

(3) INCIDENT INVESTIGATION

The New Jersey Department of Labor's Public Employees Occupational Safety and Health program is complaint driven. To date, we have not received a safety complaint from emergency personnel deployed at either the Lodi or Hackensack sites.

The issues of employee decontamination and follow-up are under the jurisdiction of the New Jersey Department of Health. We have not received any notification from the Department of Health citing an occupational health problem during or after the incidents.

(4) WORKFORCE DEVELOPMENT PARTNERSHIP - CUSTOMIZED TRAINING

The Customized Training program provides training grants to employers to upgrade the skills of workers to retain jobs and/or create new jobs. If jobs are permanently lost because facilities will not reopen due to the Lodi disaster, the displaced workers would fall under the purview of the Workforce Development Partnership individual grant program or the Job Training Partnership Act Title III Dislocated Worker program. If, however, the Lodi facility plans to reopen and training is needed to assist in that endeavor, Customized Training grants can be made available.

The resources available under the Customized Training program would be sufficient to meet the training needs of those involved in the disaster, but as to the overall available resources in Customized Training, the demand for training grants far exceeds the available supply of dollars allocated. Even with the prioritization of applicants that has resulted in increased denials, the FY 1995 training grant allocation has been expended and approximately \$5 million of the FY 1996 allocation has already been obligated in response to employer needs and in interests of program continuity.

The Customized Training program has been in existence since 1978, albeit with a \$2 million training budget. The Workforce Development Partnership Act increased available funding with the following annual allocation: 1993: \$8.3 million; 1994: \$13.9 million; and 1995: \$20 million. In response to the increased workload generated by the expanding budget, six additional Customized Training Representatives were added to the staff in 1995.

It is anticipated that the FY 1996 budget will retain the Customized Training allocation at approximately \$20 million. While, as stated previously, the demand will far exceed the \$20 million budget, it is essential that the \$20 million be made available to enable Customized Training to effectively maintain its important role.

(5) SERVICES TO DISPLACED WORKERS

The Hackensack warehouse fire did not result in any request for services from the Employment Service or Response Team, and it does not appear to have resulted in the loss of any employment. There were multiple tenants at the location, but it was primarily a warehouse operation.

The Lodi chemical plant explosion did cause some workers to become unemployed. The Department's Response Team provided services to company employees. Forty-six unemployment insurance claims were taken and company and union members were provided information on training and reemployment services available through the State Department of Labor. Employment Service records indicate that all 46 employees have been registered for

services which are ongoing. The Bergen County Private Industry Council is presently assessing workers who have expressed an interest in training. Employees are receiving continuation pay through July with management staff temporarily operating out of a Saddle Brook location.

(6) COORDINATING EFFORTS REGARDING SAFETY AND HEALTH AND SAVINGS JOBS

The Department's Business Resource Network is currently fully involved in working with the Department of Commerce and Economic Development, union leaders, NAPP Technologies representatives and various utilities to relocate the company and its workforce to a new location in New Jersey.

As indicated above, we will, of course, work with the New Jersey State Industrial Safety Committee to provide free training in working with hazardous chemicals and we will, of course, work with the Department of Health on any related PEOSH matters concerning firefighters and emergency responders.

(7) IMPACT ON WORKER DISPLACEMENT

From an employment and economic impact perspective, the loss of jobs resulting from the Lodi and Hackensack disasters will not severely impact those areas.

ACCIDENT INVESTIGATION
AERIAL LIFT SAFETY
AIDS IN THE WORKPLACE
BACK SAFETY
BENZENE SAFETY
BLOODBORNE PATHOGENS
BLOODBORNE PATHOGENS (SPANISH)
CONTAINER LABELING
CONTROLLING SPILLS
PREVENTING SPILLS
CONFINED SPACE - PERMIT REQUIRED
CONFINED SPACE - EMERGENCY RESCUE
CRANE SAFETY - OVERHEAD
CRANE SAFETY - MOBILE
CRANE SAFETY - RADIO CONTROL
DANGER ZONE - PPE
DECONTAMINATION
ELECTRICAL SAFETY - WHAT IS ELECTRICITY
ELECTRICAL SAFETY - SAFE WORK PRACTICE
ELECTRICAL SAFETY - QUALIFIED PERSONNEL
ERGONOMICS - EMPLOYEE MODULE
FIRE PREVENTION SAFETY
FORKLIFT SAFETY - PROFESSIONAL DRIVER
FORKLIFT SAFETY - BATTERY CHARGING/REFUELING
FORKLIFT SAFETY - PRINCIPLES OF OPERATION
FORKLIFT SAFETY - SAFE DRIVING
HAND INJURY PREVENTION
HAZARD COMMUNICATION
HAZARD COMMUNICATION (SPANISH)
HEARING CONSERVATION: A SOUND CHOICE
HEARING CONSERVATION (SPANISH)
HEAT STRESS
LAB SAFETY
LADDER SAFETY
LEAD SAFETY
LOCKOUT AND TAGOUT - AFFECTED EMPLOYEES
LOCKOUT AND TAGOUT - AUTHORIZED EMPLOYEES
LOCKOUT AND TAGOUT (SPANISH)
OSHA RECORDKEEPING
OFFICE ERGONOMICS
OFFICE SAFETY
PROCESS SAFETY MANAGEMENT
RESPIRATORY PROTECTION - THE INVISIBLE HAZARD
RESPIRATORY PROTECTION - AIR PURIFYING
RESPIRATORY PROTECTION - AIR SUPPLYING
RESPIRATORY PROTECTION - OVERVIEW (SPANISH)
RESPIRATORY PROTECTION - AIR PURIFYING (SPANISH)
RESPIRATORY PROTECTION - AIR SUPPLYING (SPANISH)
SAFETY AWARENESS
SAFETY SECRET
SIGNS ON SAFETY
SLIPS, TRIPS & FALLS
UNDERSTANDING ASBESTOS HAZARDS: 19 MIN.
UNDERSTANDING ASBESTOS HAZARDS: 9 MIN.
FALL PROTECTION



State of New Jersey

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
CN 820
TRENTON NJ 08625-0820

CHRISTINE TODD WHITMAN
Governor

GUALBERTO MEDINA, ESQUIRE, C.P.A.
Commissioner
(609) 984-2333

August 17, 1995

Assemblyman Patrick Roma
40 East Midland Ave.
Paramus, NJ 07652

Dear Assemblyman Roma:

Attached is a list of answers to questions raised during your Assembly Labor Committee Hearing in Hackensack. If any additional information is needed, please contact my office at 609-984-2326.

The Department of Commerce and Economic Development is eager to assist businesses affected by recent tragedies in your district.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Hollan".

Michael Hollan

Director of Intergovernmental Relations

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1) The Department of Commerce and Economic Development and the EDA have a wide range of loan and loan guarantee programs available to assist businesses affected by the recent events in Lodi and Hackensack. These include:

LONG TERM LOANS FOR FIXED ASSETS - Single, taxable financing for small, individual projects. No limit upon the amount of loan, subject to local letter of credit.

The Economic Growth Bond Program - A public/private partnership, where EDA sets aside its own funds as security for loans. This offers a way for smaller, unrated companies to access capital by way of Wall Street.

STATEWIDE LOAN POOL FOR SMALL BUSINESS - A public/private loan pool for small businesses. Loans of up to \$1 million are made.

NEW JERSEY WORLDWIDE is patterned after the Statewide Loan Pool. A line of credit up to \$1 million is available.

DIRECT LOANS - Loans are made for up to \$500,000 for fixed assets and up to \$250,000 for working capital.

EXPORT WORKING CAPITAL LOANS - A one-year revolving loan of credit to finance export opportunities.

Many services, such as business plan preparation, cost estimating and site location are also available through the Department of Commerce and Economic Development.

2) We have been in contact with local organizations and government to assist affected businesses. Our Division of Economic Development is currently working with several businesses.

3) Undetermined at this time.