

<u>Subsector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>	<u>Subsector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>
		Industrial supplies, not elsewhere classified (agents and brokers); Service establishments equipment and supplies (agents and brokers); Scrap and waste metals (agents and brokers); Drugs, drug proprietaries, and druggists' sundries (agents and brokers); Plastic materials and basic forms and shapes (agents and brokers); Chemical and allied products, not otherwise classified (agents and brokers); Petroleum and petroleum products wholesalers, except bulk stations and terminals (agents and brokers); Beer, wine and distilled alcoholic beverages (agents and brokers); Farm supplies (agents and brokers); Books, periodicals and newspapers (agents and brokers); Flowers, nursery stock and florists' supplies (agents and brokers); Tobacco and tobacco products (agents and brokers); Paints, varnishes and supplies (agents and brokers); Nondurable goods, not elsewhere classified (agents and brokers);	445310	Beer, Wine and Liquor Stores	Limited to wholesale facilities engaged in sales of beer, wine and distilled alcoholic beverages via retail method
			446110	Pharmacies and Drug Stores	Limited to wholesale facilities engaged in sales of drugs, drug proprietaries, and druggists' sundries (drugs and sundries sold via retail method)
			446120	Cosmetics, Beauty Supplies and Perfume Stores	Limited to wholesale facilities engaged in retail sales of cosmetics and perfumes
			446191	Food (Health) Supplement Stores	Limited to wholesale facilities engaged in retail sales of food supplements
			4471	Gasoline Stations	Except convenience stores with gas
			451211	Book Stores	Limited to wholesale facilities engaged in sales of books, periodicals and newspapers (sold via retail method)
			453220	Gift, Novelty, and Souvenir Stores	Limited to wholesale facilities engaged in sales of curios, statuary, gifts, novelties, and souvenirs sold via retail method
			453910	Pet and Pet Supplies Stores	Limited to wholesale facilities engaged in sales of pets, pet supplies and tropical fish (sold via retail method)
44-45 441110	Retail Trade New Car Dealers	No exceptions or limitations	453991	Tobacco Stores	Limited to wholesale facilities engaged in sales of tobacco and tobacco products (sold via retail method), and
441120	Used Car Dealers	No exceptions or limitations			
444220	Nurseries, Garden Centers and Farm	Limited to wholesale facilities en-			

<u>Subsector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>	<u>Subsector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>
453998	All Other Miscellaneous Store Retailers (Except Tobacco Stores)	Limited to wholesale facilities engaged in sales of industrial supplies (sold via retail method), and plastic materials and basic forms and shapes (sold via retail method)	488490	Other Support Activities for Road Transportation	Repair shops and related services engaged in ship scaling Except terminal and service facilities for motor vehicle passenger transportation; Terminal and joint terminal maintenance facilities for motor freight transportation; Arrangement of passenger services (arrangement of carpools and vanpools); and Driving services, for example, auto or truck delivery and pilot car services Limited to air courier services
454311	Heating Oil Dealers	Limited to petroleum bulk stations and terminals engaged in the distribution of heating oil sold to final consumer	492110	Couriers	No exceptions or limitations
454312	Liquid Petroleum Gas (Bottled Gas) Dealers	Limited to petroleum bulk stations and terminals engaged in distribution of liquid petroleum gas sold to final consumer	51	Information	No exceptions or limitations
48-49	Transportation and Warehousing		51111	Newspaper Publishers	No exceptions or limitations
4811	Scheduled Air Transportation	No exceptions or limitations	51112	Periodical Publishers	No exceptions or limitations
486	Pipeline Transportation Industry	No exceptions or limitations	51113	Book Publishers	No exceptions or limitations
487110	Scenic and Sightseeing Transportation, Land	Limited to facilities engaged in horse-drawn cabs and carriages services	51114	Directory and Mailing List publishers	Except direct mail advertising services (mailing list compilers)
488111	Air Traffic Control	No exceptions or limitations	511191	Greeting Card Publishers	No exceptions or limitations
488119	Other Airport Operations	Except facilities engaged in flying fields operated by aviation clubs	511199	All Other Publishers	No exceptions or limitations
488190	Other Support Activities for Air Transportation	Limited to facilities engaged in aircraft servicing and repairing	512220	Integrated Record Production/Distribution	No exceptions or limitations
488210	Support Activities for Rail Transportation	Except facilities engaged in railroad switching and terminal establishments (all but short line railroads)	512230	Music Publishers	Except facilities primarily engaged in music copyright authorizing use, music copyright buying and licensing, and music publishers working on their own account
488390	Other Support Activities for Water Transportation	Except facilities engaged in water transportation services (all but lighthouse operations, piloting vessels in and out of harbors, boat and ship rental, marine salvage, lighterage, marine surveyor services, and canal operations); and	516110	Internet Publishing and Broadcasting	Except facilities engaged in internet broadcasting, special interest web sites, entertainment sites and interactive game sites
			517110	Wired Telecommunication Carriers	No exceptions or limitations
			517212	Cellular and Other Wireless Telecommunications	Except facilities engaged as ship to shore broadcasting carriers

<u>Subsector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>	<u>Subsector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>
517310	Telecommunication Resellers	No exceptions or limitations			and dwellings, except janitorial services);
53	Real Estate and Rental and Leasing				Swimming pool cleaning and maintenance; and
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	Limited to facilities engaged in rental of railroad cars			Furnace, duct, gutter, and drain cleaning services
54	Professional, Scientific and Technical Services		56221	Hazardous Waste Treatment and Disposal	No exceptions or limitations
541380	Testing Laboratories	No exceptions or limitations	562910	Remediation Services	Except facilities engaged in asbestos abatement and lead paint removal contractors
541614	Process, Physical Distribution, and Logistics Consulting Services	Except facilities engaged in management consulting services (manufacturing management, physical distribution, and site location consulting)	562920	Materials Recovery Facilities	No exceptions or limitations
			562998	All Other Miscellaneous Waste Management Services	Except facilities engaged in sewer cleaning and rodding
541710	Research and Development in the Physical, Engineering and Life Sciences	Except facilities engaged in commercial physical and biological research; and Noncommercial research organizations (physical engineering and life sciences)	61	Educational Services	
			611110	Elementary and Secondary Schools	No exceptions or limitations
			611210	Junior Colleges	No exceptions or limitations
			611310	Colleges, Universities and Professional Schools	No exceptions or limitations
541890	Other Services Related to Advertising	Except facilities engaged in sign painting and lettering, showcard painting, mannequin decorating service and other advertising related business services	611512	Flight Training	Except schools and educational services (flying instruction)
			611513	Apprenticeship Training	No exceptions or limitations
			611519	Other Technical and Trade Schools	Limited to facilities engaged as vocational schools (except aviation and flight training and apprenticeship training)
541940	Veterinary Services	Limited to facilities engaged as veterinary testing laboratories			
56	Administrative and Support and Waste Management and Remediation Services		62	Health Care and Social Assistance	
			622	Hospitals	No exceptions or limitations
5617	Services to Buildings and Dwellings	Except facilities engaged in ornamental shrub and tree services; Power washing building exteriors, not associated with construction; Disinfecting and pest control services (exterminating and pest control); Building cleaning and maintenance services (janitorial services, and services to building	72	Accommodation and Food Services	
			722310	Food Service Contractors	Limited to facilities engaged in dining car operations on a fee or contract basis
			81	Other Services (Except Public Administration)	
			81111	Automotive, Mechanical and Electrical Repair and Maintenance	No exceptions or limitations
			811121	Automotive Body, Paint and Interior Repair and Maintenance	No exceptions or limitations

<u>Subsector Code or Industry Code</u>	<u>Description</u>	<u>Exceptions and/or Limitations</u>
811122	nance and Glass Repair Automotive Glass Replacement Shops	Except facilities engaged in automotive window tinting
811198	All Other Automotive Repair and Maintenance	Except automotive services
8113	Commercial and Industrial Machinery and Equipment (Except Automotive and Electronic) Repair and Maintenance	Limited to facilities engaged in welding repair
811420	Reupholstery and Furniture Repair	Limited to facilities engaged in aircraft upholstery repair
811490	Other Personal and Household Goods Repair and Maintenance	Limited to facilities engaged in pleasure boat repair
812320	Drycleaning and Laundry Services (Except Coin-operated)	Limited to facilities engaged as dry-cleaning plants, except rug cleaning
812332	Industrial Launderers	No exceptions or limitations

Except for the purposes of N.J.S.A. 34:5A-26, "employer" also means the State and local governments, or any agency, authority, department, bureau, or instrumentality thereof, or any non-profit, non-public school, college or university.

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

"Environmental Hazardous Substance list" means the list of Environmental Hazardous Substances in N.J.A.C. 7:1G-2.

"Environmental Hazardous Substance Number" means the unique number assigned by the Department to each EHS.

"Environmental Survey" means a written form, comprised of the Community Right to Know Survey, and the Release and Pollution Prevention Report, prepared by the Department of Environmental Protection and transmitted to an employer, on which the employer shall provide certain information concerning each of the environmental hazardous substances at the facility, including, but not limited to, the following:

1. The chemical name and the Chemical Abstracts Service number of the environmental hazardous substance;
2. A description of the use of the environmental hazardous substance at the facility;

3. The quantity of the environmental hazardous substance produced at the facility;

4. The quantity of the environmental hazardous substance brought into the facility;

5. The quantity of the environmental hazardous substance consumed at the facility;

6. The quantity of the environmental hazardous substance shipped out of the facility, as or in, products;

7. The maximum inventory of the environmental hazardous substance stored at the facility, the methods of storage, and the frequency and methods of transfer;

8. The total stack or point-source emissions of the environmental hazardous substance;

9. The total estimated fugitive or non point-source emissions of the environmental hazardous substance;

10. The total discharge of the environmental hazardous substance into the surface or groundwater, the treatment methods, and the raw wastewater volume and loadings;

11. The total discharge of the environmental hazardous substance into publicly owned treatment works;

12. The quantity and methods of disposal, of any wastes containing an environmental hazardous substance, the methods of on-site storage of these wastes, the location or locations of the final disposal site for these wastes, and the identity of the hauler of the waste;

13. The total quantity of environmental hazardous substances (EHSs) generated at the facility, including hazardous substances generated as nonproduct output;

14. The quantity of environmental hazardous substances (EHSs) recycled on-site and off-site; and

15. Information pertaining to pollution prevention activities at the facility.

"Extremely hazardous substances" means chemicals on the list developed by the United States Environmental Protection Agency (USEPA) pursuant to Section 302 of Title III of the Federal Superfund Amendments and Reauthorization Act (SARA).

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

"Hazard Code" means a number assigned by the Department to represent each hazard category established by the US Environmental Protection Agency pursuant to the Superfund Amendments and Reauthorization Act (SARA), Title III.

"Hazardous substance" means any substance defined by the State Department of Health in N.J.A.C. 8:58-9.

"Hazardous waste" means any solid waste defined as hazardous waste by the Department pursuant to P.L. 1970, c.39 (N.J.S.A. 13:1E-1 et seq.)

"Input" means the total of starting inventory, quantity produced on site, quantity brought on site, and quantity recycled out of process and reused on site.

"Inventory range" means the upper and lower limits of the quantity of a hazardous substance used, stored or manufactured on site.

"Inventory range code" is a representation of an inventory range for reportable hazardous substances.

"Local Emergency Planning Committee" means a committee formed pursuant to Title III of the Federal Superfund Amendments and Reauthorization Act.

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

"Output" means the total of quantity consumed, quantity shipped off site as (or in) product, ending inventory, quantity recycled out of process and reused on site, quantity destroyed through on site treatment, quantity destroyed through on-site energy recovery, air emissions, water discharges, quantity disposed of on site, and other off site transfers.

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

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

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

"Research and development (R & D) laboratory" means a specially designated area, including pilot plants, used primarily for research, development, and testing activity, and not primarily involved in the production of goods for commercial sale, in which environmental hazardous substances are used by or under the direct supervision of a technically qualified person. For the purpose of reporting on the Community Right to Know Survey, "primarily" means greater than 50 percent.

"Right to Know Survey" means a survey prepared by the Department of Health and completed by a public sector employer pursuant to the Act, on which the employer shall report each hazardous substance present at his facility.

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

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

"Superfund Amendments and Reauthorization Act" or "SARA" means the Federal Act (PL 99-499) establishing the "Emergency Planning and Community Right to Know Act of 1986" at Title III (42 USC 11001).

"Technically qualified person" in a research and development (R & D) laboratory means a person who has a bachelors degree in industrial hygiene, environmental science, health education, chemistry, or a related field and understands the health risks associated with exposure to the hazardous substances used in the R & D laboratory.

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

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

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

"Transmit" means to send via first-class mail or otherwise distribute.

"Unstaffed site" means a remotely operated site, not contiguous to any other staffed sites and at which no full-time or part-time employees are assigned at any time except for maintenance or emergency repair. An unstaffed site includes, but is not limited to, a cellular telephone tower,

telecommunications relay box, switching box, telephone pole, and well station.

“Unusually hazardous” means likely to explode due to a highly volatile nature, a propensity to produce toxic fumes, or a tendency to react with water or common firefighting chemicals and any other property which the Department of Environmental Protection determines will make a substance an uncommon danger to firefighters and the surrounding community in the event of its exposure to a fire.

Amended by R.1984 d.437, effective October 1, 1984.
See: 16 N.J.R. 1854(a), 16 N.J.R. 2530(a).

Substantially amended.

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

See: 25 N.J.R. 858(a), 25 N.J.R. 3537(a).

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

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

Administrative Correction.

See: 26 N.J.R. 1337(a).

Amended by R.1994 d.349, effective July 18, 1994.

See: 26 N.J.R. 123(a), 26 N.J.R. 2930(a).

Special amendment, R.2004 d.7, effective December 4, 2003 (to expire August 15, 2004).

See: 36 N.J.R. 212(a).

Rewrote “Employer”.

Administrative correction.

See: 36 N.J.R. 2762(b).

Adopted concurrent amendment, R.2004 d.328, effective July 29, 2004, changes effective September 7, 2004.

See: 36 N.J.R. 212(a), 36 N.J.R. 4121(a).

Rewrote “Employer”.

Amended by R.2005 d.27, effective January 18, 2005.

See: 36 N.J.R. 3376(a), 37 N.J.R. 275(a).

Added “Input”, “Output”, and “Unstaffed site”.

7:1G-1.3 Burden of proof for exemptions

(a) A person claiming that they qualify for any exemption under this chapter or that they are not otherwise subject to the rules of this chapter shall demonstrate and appropriately document entitlement to such exemption.

(b) Employers claiming that a certain chemical, hazardous substance, or mixture is not an EHS, as designated or delineated in N.J.A.C. 7:1G-2, shall, at a minimum, submit in support of such claim, a Material Safety Data Sheet (MSDS) for the substance or mixture in question.

(c) Employers shall, upon request, make available information to the Department to verify any statement made on the Community Right to Know Survey, Release and Pollution Prevention Report or in a request for an exemption. This information may include, but is not limited to: purchase records, sales records, production records, inventory records, or other business records or documents utilized by the employer or person. The employer shall make this information available to the Department within 30 days of notification.

New Rule, R.1994 d.3, effective January 3, 1994.

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

7:1G-1.4 Certification

An employer shall submit a Community Right to Know Survey and/or Release and Pollution Prevention Report, or a Research and Development laboratory exemption to the Department which shall include an original certification signed by the employer or a duly authorized representative, which states the following:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.”

New Rule, R.1994 d.3, effective January 3, 1994.

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

7:1G-1.5 Department right of entrance and inspection

Pursuant to N.J.S.A. 13:1D-9 and 34:5A-29b, the Department shall have the authority to enter any business premises or building during normal hours or other reasonable time to determine compliance with the rules and regulations of the Department hereunder. Failure to permit such inspection after presentation of official credentials is an offense punishable under N.J.S.A. 2C:29-1.

New Rule, R.1994 d.3, effective January 3, 1994.

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

7:1G-1.6 Severability

If any provision of these rules or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of these rules and to this end, the provisions of these rules are declared to be severable.

7:1G-1.7 Revisions to North American Industry Classification System Codes for purposes of definition of “employer”

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

Special New Rule, R.2004 d.7, effective December 4, 2003 (to expire August 15, 2004).

See: 36 N.J.R. 212(a).