

ASSEMBLY, No. 4416

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED SEPTEMBER 13, 2018

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblyman Johnson, Assemblywoman Pinkin, Assemblyman Moriarty,

Assemblywoman McKnight and Assemblyman Schaer

SYNOPSIS

Prohibits sale or distribution of products containing asbestos.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/30/2018)

1 AN ACT concerning the sale or distribution of products containing
2 asbestos, and supplementing Title 13 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. No person shall sell, offer for sale, or distribute in the
8 State any product that contains asbestos.

9 b. As used in this section: "asbestos" means the same as the
10 term is defined in section 3 of P.L.1984, c.173 (C.34:5A-34).

11
12 2. a. The Department of Environmental Protection shall
13 establish a public education program to assure the widespread
14 dissemination of information concerning the prohibition contained
15 in section 1 of this act.

16 b. The department shall have the right to enter, at any time
17 during normal business hours, and upon presentation of appropriate
18 credentials, any retail establishment in order to determine
19 compliance with the provisions of this act.

20
21 3. a. Any person convicted of a violation of this act shall be
22 subject to a penalty of up to \$2,500 for each offense, to be collected
23 by the State in a civil action by a summary proceeding under the
24 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
25 et seq.). The Superior Court and the municipal court shall have
26 jurisdiction over proceedings for the enforcement of the penalty
27 provided by this section.

28 b. The department may institute a civil action for injunctive
29 relief in the Superior Court to enforce this act and to prohibit and
30 prevent a violation of this act, and the court may proceed in the
31 action in a summary manner.

32
33 4. This act shall take effect on the first day of the fourth month
34 following the date of enactment.

35

36

37 **STATEMENT**

38

39 This bill would prohibit the sale, offering for sale, or distribution
40 of products containing asbestos in New Jersey. The prohibition in
41 the bill would take effect on the first day of the fourth month after
42 the bill is enacted into law.

43 The bill would also grant the DEP authority to enter, during
44 normal business hours, and upon presentation of appropriate
45 credentials, any retail establishment in order to determine
46 compliance.

1 Under the bill, a person who violates this bill would be subject to
2 a penalty of up to \$2,500 for each offense. The bill would also
3 allow the DEP to seek an injunction against a violator.

4 Asbestos is a mineral fiber that occurs in rock and soil. Because
5 of its fiber strength and heat resistance, asbestos has been used in a
6 variety of building construction materials for insulation and as a fire
7 retardant. Asbestos has also been used in a wide range of
8 manufactured goods, mostly in building materials (roofing shingles,
9 ceiling and floor tiles, paper products, and asbestos cement
10 products), friction products (automobile clutch, brake, and
11 transmission parts), heat-resistant fabrics, packaging, gaskets, and
12 coatings. While most uses of asbestos are banned by federal
13 regulation, some uses of asbestos are not banned in the United
14 States.

15 Exposure to asbestos increases the risk of developing lung
16 disease. In general, the greater the exposure to asbestos, the greater
17 the chance of developing harmful health effects, such as: lung
18 cancer; mesothelioma, a rare form of cancer that is found in the thin
19 lining of the lung, chest, abdomen, and heart; and asbestosis, a
20 serious progressive, long-term, non-cancer disease of the lungs.

21 The United States Environmental Protection Agency recently
22 adopted a new rule that may allow the manufacture of new products
23 containing asbestos on a case-by-case basis. Due to the well-known
24 and devastating health effects of exposure to asbestos, it is
25 appropriate for this State to act to prohibit the sale or distribution of
26 products containing asbestos in the State.