

SENATE, No. 255

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator KOSCO

1 AN ACT concerning hazardous substances and amending and
2 supplementing P.L.1983, c.315.

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

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7 1. (New section) a. For the purposes of this section, "business"
8 means every employer engaged in a business operation that has a
9 Standard Industrial Classification, as designated in the Standard
10 Industrial Classification Manual prepared by the federal Office of
11 Management and Budget, within the following Major Group Numbers,
12 or Industry Numbers, as the case may be: Major Group Numbers 28
13 (Chemicals and Allied Products-manufacturing) and 29 (Petroleum
14 Refining and related industries-manufacturing), and Industry Group
15 Numbers 516 (Chemicals and Allied Products-wholesale trade) and
16 517 (Petroleum and Petroleum Products-wholesale trade).

17 b. Every business that uses a hazardous substance that is flammable
18 or explosive, or that, when combined with another hazardous
19 substance, is flammable or explosive, shall employ a person on each
20 work shift who shall have received, at a minimum, a Bachelor of
21 Science degree or a four-year chemical engineering degree from an
22 accredited college or university in the United States.

23 c. A business subject to the requirements of this section shall
24 submit in writing to the Department of Environmental Protection
25 documentation certifying that a person who meets the requirements of
26 subsection b. of this section is employed during each work shift.

27 d. The Department of Environmental Protection shall adopt,
28 pursuant to the "Administrative Procedure Act," P.L. 1968, c.410
29 (C.52:14B-1 et seq.), and in consultation with the Department of
30 Health and the Right to Know Advisory Council established pursuant
31 to section 18 of P.L. 1983, c.315 (C.34:5A-18), any rules and
32 regulations necessary to implement the provisions of this section.

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34 2. Section 4 of P.L.1983, c.315 (C.34:5A-4) is amended to read as

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 follows:

2 4. a. The Department of Environmental Protection shall develop
3 an environmental hazardous substance list which shall include the list
4 of substances developed and used by the department for the purposes
5 of the Industrial Survey Project, established pursuant to P.L.1970,
6 c.33 (C.13:1D-1 et seq.), [and] any substance on the list established
7 by the United States Environmental Protection Agency for reporting
8 pursuant to 42 U.S.C. §11023 , sodium hydrosulfate, and aluminum
9 powder, and may include other substances which the department,
10 based on documented scientific evidence, determines pose a threat to
11 the public health and safety. Within 30 days after the date of
12 enactment of P.L. , c. (C.) (now before the Legislature as this
13 bill), the department shall review the list and make any necessary
14 additions or other modifications. The department shall review, revise,
15 and update the list at least every two years, or sooner if necessary.

16 b. The department shall develop an environmental survey, which
17 shall be designed to enable employers to report information about
18 environmental hazardous substances at their facilities.

19 c. The department shall prepare and, upon request, make available
20 to employers, county health departments, or the public a Spanish
21 translation of the environmental survey. The department shall also
22 prepare and make available a Spanish translation of any written
23 material prepared by the department to inform the public of the
24 information available pursuant to the provisions of this act.

25 d. Three months prior to the effective date of [this act] P.L. 1983,
26 c.315, the department shall adopt, pursuant to the "Administrative
27 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the
28 environmental hazardous substance list.

29 (cf: P.L.1991, c.235, s.18)

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31 3. Section 25 of P.L.1983, c.315 (C.34:5A-25) is amended to read
32 as follows:

33 25. a. No local police department or local fire department
34 receiving workplace surveys or environmental surveys pursuant to the
35 provisions of this act shall make the surveys available to the public.
36 Any county health department, local police department, or local fire
37 department may request from an employer submitting surveys to it
38 further information concerning the surveys, and the employer shall
39 provide the additional information upon the request therefor. The
40 employer may require the requester to sign an agreement protecting
41 the confidentiality of any additional information provided pursuant to
42 this section.

43 b. Every employer with a research and development laboratory at
44 his facility , and every business subject to the requirements of section
45 1 of P.L. , c. (C.) (now before the Legislature as this bill),
46 shall establish a communications program with the local fire

1 department, which shall be designed to assist the fire department in
2 adequately preparing to respond to emergencies at the research and
3 development laboratory or business operation.

4 (cf: P.L.1983, c.315, s.25)

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6 4. This act shall take effect immediately.

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9 STATEMENT

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11 This bill would amend and supplement the “worker and Community
12 Right to Know Act,” P.L. 1983, c.315 (C.34:5A-1 et seq.), to require
13 certain businesses that use a hazardous substance that is flammable or
14 explosive, or that when combined with another hazardous substance
15 is flammable or explosive, to employ a person on each work shift who
16 has a Bachelor of Science degree or a four-year chemical engineering
17 degree from an accredited college or university in the United States.
18 The provisions of the bill would apply to businesses within the
19 chemical or petroleum industry at both the manufacturing and
20 wholesale levels, as listed in the Standard Industrial Classification
21 Manual prepared by the federal Office of Management and Budget. A
22 business subject to this requirement would have to submit
23 documentation to the Department of Environmental Protection
24 certifying that the educational requirements noted above have been
25 met.

26 The bill would also require these businesses to establish a
27 communications program with the local fire department to assist in the
28 preparation of emergency response plans. P.L. 1983, c.315 already
29 requires this of every employer with a research and development
30 laboratory at his facility.

31 Finally, the bill would add sodium hydrosulfate and aluminum
32 powder to the environmental hazardous substance list established
33 pursuant to section 4 of P.L. 1983, c.315 (C.34:5A-4). The bill
34 requires the DEP to review the list within 30 days of enactment, and
35 to review, revise and update the list at least every two years, or sooner
36 if necessary.

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42 Requires certain businesses to employ full-time chemist, assist local
43 fire departments in emergency planning; expands environmental
hazardous substance list.