

VETO MESSAGE: Yes

GOVERNOR'S PRESS RELEASE ON SIGNING: No

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LAW/RWH

(CORRECTED COPY)

P.L.2011, CHAPTER 212, *approved January 17, 2012*
 Assembly, No. 1448 (*Second Reprint*)

1 AN ACT concerning certain road markings, amending P.L.1951,
 2 c.23, and supplementing Title 27 and Title 39 of the Revised
 3 Statutes.

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

7
 8 1. (New section) The Legislature finds and declares that
 9 inorganic arsenic is a hazardous substance and is recognized by the
 10 United States Environmental Protection Agency and the United
 11 States Occupational Safety and Health Administration as a human
 12 carcinogen; that release of this substance to the environment may
 13 lead to contamination of soil and water; that the ingestion or
 14 inhalation of soil, water, plant material, or animal tissues
 15 contaminated with inorganic arsenic may lead to lung cancer,
 16 damage to the nervous system, or, in extreme cases, death from
 17 systemic poisoning; that reflective glass beads are used to reflect
 18 light when applied to roadway markers; that glass beads which
 19 contain more than ²[75] 100² parts per million inorganic arsenic
 20 may represent a danger to workers who handle and apply them and
 21 a contamination potential to soil and water surrounding roadways.

22 The Legislature therefore determines that it is in the public
 23 interest to prohibit the manufacture, sale, or use of glass beads
 24 containing more than ²[75] 100² parts per million inorganic arsenic
 25 used to reflect light when applied to markings on roadways.

26
 27 2. (New section) a. On or after ²[January] July² 1, ¹[2009]
 28 ²[2011¹] 2012² no person shall manufacture, sell, offer for sale, or
 29 offer for promotional purposes in this State reflective glass beads
 30 containing more than ²[75] 100² parts per million inorganic arsenic,
 31 as determined by ²[the United States Environmental Protection
 32 Agency Method 6010B in conjunction with the United States
 33 Environmental Protection Agency Method 3052 modified] x-ray

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted June 14, 2010.

²Assembly amendments adopted in accordance with Governor's recommendations January 9, 2012.

1 fluorescence², used to reflect light when applied to markings on
2 roadways.

3 b. Any person who violates this section shall be subject to a
4 penalty of not less than \$500 nor more than \$1,000 for each offense,
5 to be collected in a civil action by a summary proceeding under the
6 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10
7 et seq.). The municipal court and the Superior Court shall have
8 jurisdiction of proceedings for the enforcement of the penalty
9 provided by this section.

10 If the violation is of a continuing nature, each day during which
11 it continues constitutes an additional, separate, and distinct offense.

12

13 3. (New section) a. Notwithstanding the provisions of
14 P.L.1948, c.454 (C.27:23-1 et seq.) or any rule or regulation to the
15 contrary, no markings made with paint that has been mixed, in
16 whole or in part, with reflective glass beads containing more than
17 ²[75] 100² parts per million inorganic arsenic, as determined by
18 ²[the United States Environmental Protection Agency Method
19 6010B in conjunction with the United States Environmental
20 Protection Agency Method 3052 modified] x-ray fluorescence² ,
21 shall be placed on ¹₂ or along ¹₂ any New Jersey Turnpike
22 Authority highway ¹project¹ , right-of-way, or other real property
23 owned by or under the administration, jurisdiction, or control of the
24 New Jersey Turnpike Authority.

25 b. The New Jersey Turnpike Authority shall adopt, pursuant to
26 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
27 et seq.), any rules and regulations that may be necessary to
28 implement the provisions of this section.

29

30 4. (New section) a. Notwithstanding the provisions of
31 P.L.1991, c.252 (C.27:25A-1 et seq.) or any rule or regulation to the
32 contrary, no markings made with paint that has been mixed, in
33 whole or in part, with reflective glass beads containing more than
34 ²[75] 100² parts per million inorganic arsenic, as determined by
35 ²[the United States Environmental Protection Agency Method
36 6010B in conjunction with the United States Environmental
37 Protection Agency Method 3052 modified] x-ray fluorescence² ,
38 shall be placed on ¹₂ or along ¹₂ any South Jersey Transportation
39 Authority ¹[highway] expressway project¹ , right-of-way, or other
40 real property owned by or under the administration, jurisdiction, or
41 control of the South Jersey Transportation Authority.

42 b. The South Jersey Transportation Authority shall adopt,
43 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
44 (C.52:14B-1 et seq.), any rules and regulations that may be
45 necessary to implement the provisions of this section.

46

1 5. Section 100 of P.L.1951, c.23 (C.39:4-191.1) is amended to
2 read as follows:

3 100. a. Markings shall be placed only by the authority of a
4 public body or official having jurisdiction as authorized by law, and
5 only for the purpose of regulating, warning, or guiding traffic.
6 Where used, these markings shall be uniform in design, position,
7 and application. The ¹[director] Commissioner of Transportation¹
8 may adopt a uniform system of markings consistent with the
9 provisions of this act for use upon public highways within the State.
10 Such a uniform system of markings shall correlate with and so far
11 as possible conform to the current "Manual on Uniform Traffic
12 Control Devices for Streets and Highways."

13 b. No markings made from paint that has been mixed, in whole
14 or in part, with reflective glass beads containing more than ²[75]
15 100² parts per million inorganic arsenic, as determined by ²[the
16 United States Environmental Protection Agency Method 6010B in
17 conjunction with the United States Environmental Protection
18 Agency Method 3052 modified] x-ray fluorescence², shall be placed
19 on or along any State highway, right-of-way, or other real property
20 owned by or under the administration, jurisdiction, or control of the
21 ¹[department] Department of Transportation¹.

22 (cf: P.L.1951, c.23, s.100)

23

24 6. Section 105 of P.L.1951, c.23 (C.39:4-191.6) is amended to
25 read as follows:

26 105. All markings may be reflectorized, and all obstructions,
27 within the roadway, shall be properly illuminated or reflectorized.
28 The following markings shall normally be reflectorized:

29 a. Center lines on pavement.

30 b. "No Passing" lines.

31 c. Striping or checkerboard squares on vertical surfaces of
32 obstructions in or adjacent to the roadway.

33 d. Reflector markers.

34 In conformance with the provisions of section 100 of P.L.1951,
35 c.23 (C.39:4-191.1) no reflectorized markings made from paint that
36 has been mixed, in whole or in part, with reflective glass beads
37 containing more than ²[75] 100² parts per million inorganic arsenic,
38 as determined by ²[the United States Environmental Protection
39 Agency Method 6010B in conjunction with the United States
40 Environmental Protection Agency Method 3052 modified] x-ray
41 fluorescence², shall be placed on or along any State highway, right-
42 of-way, or other real property owned by or under the
43 administration, jurisdiction, or control of the ¹[department]
44 Department of Transportation¹.

45 (cf: P.L.1951, c.23, s.105)

46

1 7. This act shall take effect immediately.

2

3

4

5

6 Prohibits manufacture or sale of reflective glass beads with high
7 arsenic content; prohibits DOT and State's toll road authorities from
8 using paint mixed with reflective glass beads for roadway markings.

ASSEMBLY, No. 1448

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman SCOTT RUDDER

District 8 (Burlington)

Co-Sponsored by:

**Assemblymen Rumpf, Amodeo, Rumana, Assemblywoman Evans and
Assemblyman Chivukula**

SYNOPSIS

Prohibits manufacture or sale of reflective glass beads with high arsenic content; prohibits DOT and two State toll road authorities from using paint mixed with reflective glass beads for roadway markings.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning certain road markings, amending P.L.1951,
2 c.23, and supplementing Title 27 and Title 39 of the Revised
3 Statutes.

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

7
8 1. (New section) The Legislature finds and declares that
9 inorganic arsenic is a hazardous substance and is recognized by the
10 United States Environmental Protection Agency and the United
11 States Occupational Safety and Health Administration as a human
12 carcinogen; that release of this substance to the environment may
13 lead to contamination of soil and water; that the ingestion or
14 inhalation of soil, water, plant material, or animal tissues
15 contaminated with inorganic arsenic may lead to lung cancer,
16 damage to the nervous system, or, in extreme cases, death from
17 systemic poisoning; that reflective glass beads are used to reflect
18 light when applied to roadway markers; that glass beads which
19 contain more than 75 parts per million inorganic arsenic may
20 represent a danger to workers who handle and apply them and a
21 contamination potential to soil and water surrounding roadways.

22 The Legislature therefore determines that it is in the public
23 interest to prohibit the manufacture, sale, or use of glass beads
24 containing more than 75 parts per million inorganic arsenic used to
25 reflect light when applied to markings on roadways.

26
27 2. (New section) a. On or after January 1, 2009 no person shall
28 manufacture, sell, offer for sale, or offer for promotional purposes
29 in this State reflective glass beads containing more than 75 parts per
30 million inorganic arsenic, as determined by the United States
31 Environmental Protection Agency Method 6010B in conjunction
32 with the United States Environmental Protection Agency Method
33 3052 modified, used to reflect light when applied to markings on
34 roadways.

35 b. Any person who violates this section shall be subject to a
36 penalty of not less than \$500 nor more than \$1,000 for each offense,
37 to be collected in a civil action by a summary proceeding under the
38 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
39 et seq.). The municipal court and the Superior Court shall have
40 jurisdiction of proceedings for the enforcement of the penalty
41 provided by this section.

42 If the violation is of a continuing nature, each day during which
43 it continues constitutes an additional, separate, and distinct offense.

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 3. (New section) a. Notwithstanding the provisions of
2 P.L.1948, c.454 (C.27:23-1 et seq.) or any rule or regulation to the
3 contrary, no markings made with paint that has been mixed, in
4 whole or in part, with reflective glass beads containing more than
5 75 parts per million inorganic arsenic, as determined by the United
6 States Environmental Protection Agency Method 6010B in
7 conjunction with the United States Environmental Protection
8 Agency Method 3052 modified, shall be placed on or along any
9 New Jersey Turnpike Authority highway, right-of-way, or other real
10 property owned by or under the administration, jurisdiction, or
11 control of the New Jersey Turnpike Authority.

12 b. The New Jersey Turnpike Authority shall adopt, pursuant to
13 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
14 et seq.), any rules and regulations that may be necessary to
15 implement the provisions of this section.

16

17 4. (New section) a. Notwithstanding the provisions of
18 P.L.1991, c.252 (C.27:25A-1 et seq.) or any rule or regulation to the
19 contrary, no markings made with paint that has been mixed, in
20 whole or in part, with reflective glass beads containing more than
21 75 parts per million inorganic arsenic, as determined by the United
22 States Environmental Protection Agency Method 6010B in
23 conjunction with the United States Environmental Protection
24 Agency Method 3052 modified, shall be placed on or along any
25 South Jersey Transportation Authority highway, right-of-way, or
26 other real property owned by or under the administration,
27 jurisdiction, or control of the South Jersey Transportation
28 Authority.

29 b. The South Jersey Transportation Authority shall adopt,
30 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
31 (C.52:14B-1 et seq.), any rules and regulations that may be
32 necessary to implement the provisions of this section.

33

34 5. Section 100 of P.L.1951, c.23 (C.39:4-191.1) is amended to
35 read as follows:

36 100. a. Markings shall be placed only by the authority of a
37 public body or official having jurisdiction as authorized by law, and
38 only for the purpose of regulating, warning, or guiding traffic.
39 Where used, these markings shall be uniform in design, position,
40 and application. The director may adopt a uniform system of
41 markings consistent with the provisions of this act for use upon
42 public highways within the State. Such a uniform system of
43 markings shall correlate with and so far as possible conform to the
44 current "Manual on Uniform Traffic Control Devices for Streets
45 and Highways."

46 b. No markings made from paint that has been mixed, in whole
47 or in part, with reflective glass beads containing more than 75 parts

1 per million inorganic arsenic, as determined by the United States
2 Environmental Protection Agency Method 6010B in conjunction
3 with the United States Environmental Protection Agency Method
4 3052 modified, shall be placed on or along any State highway,
5 right-of-way, or other real property owned by or under the
6 administration, jurisdiction, or control of the department.

7 (cf: P.L.1951, c.23, s.100)

8

9 6. Section 105 of P.L.1951, c.23 (C.39:4-191.6) is amended to
10 read as follows:

11 105. All markings may be reflectorized, and all obstructions,
12 within the roadway, shall be properly illuminated or reflectorized.
13 The following markings shall normally be reflectorized:

14 a. Center lines on pavement.

15 b. "No Passing" lines.

16 c. Striping or checkerboard squares on vertical surfaces of
17 obstructions in or adjacent to the roadway.

18 d. Reflector markers.

19 In conformance with the provisions of section 100 of P.L.1951,
20 c.23 (C.39:4-191.1) no reflectorized markings made from paint that
21 has been mixed, in whole or in part, with reflective glass beads
22 containing more than 75 parts per million inorganic arsenic, as
23 determined by the United States Environmental Protection Agency
24 Method 6010B in conjunction with United States Environmental
25 Protection Agency Method 3052 modified, shall be placed on or
26 along any State highway, right-of-way, or other real property owned
27 by or under the administration, jurisdiction, or control of the
28 department.

29 (cf: P.L.1951, c.23, s.105)

30

31 7. This act shall take effect immediately.

32

33

34

STATEMENT

35

36 This bill would prohibit, on or after January 1, 2009, any
37 reflective glass beads containing more than 75 parts per million
38 inorganic arsenic, as determined by the United States
39 Environmental Protection Agency Method 6010B in conjunction
40 with United States Environmental Protection Agency Method 3052
41 modified, used to reflect light when applied to markings on
42 roadways to be manufactured, sold, offered for sale, or offered for
43 promotional purposes in this State.

44 The bill would prohibit the Department of Transportation, the
45 New Jersey Turnpike Authority, and the South Jersey
46 Transportation Authority from using paint that has been mixed, in
47 whole or in part, with reflective glass beads containing more than

1 75 parts per million inorganic arsenic for markings placed along or
2 on roads, right-of-ways, or other real property owned by or under
3 the administration, jurisdiction, or control of the department or the
4 toll road authorities.

5 Inorganic arsenic is a hazardous substance and is recognized by
6 the United States Environmental Protection Agency and the United
7 States Occupational Safety and Health Administration as a human
8 carcinogen. Reflective glass beads which contain more than 75
9 parts per million inorganic arsenic may represent a danger to
10 workers who handle and apply them and a contamination potential
11 to soil and water surrounding roadways.

ASSEMBLY TRANSPORTATION, PUBLIC WORKS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1448

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2010

The Assembly Transportation, Public Works and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 1448.

As reported, this amended bill would prohibit, on or after January 1, 2011, any reflective glass beads containing more than 75 parts per million inorganic arsenic, as determined by the United States Environmental Protection Agency Method 6010B in conjunction with United States Environmental Protection Agency Method 3052 modified, used to reflect light when applied to markings on roadways to be manufactured, sold, offered for sale, or offered for promotional purposes in this State.

The bill would prohibit the Department of Transportation, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority from using paint that has been mixed, in whole or in part, with reflective glass beads containing more than 75 parts per million inorganic arsenic for markings placed on, or along, the toll roads, State highways, right-of-ways, or other real property owned by or under the administration, jurisdiction, or control of the department or the toll road authorities.

Inorganic arsenic is a hazardous substance and is recognized by the United States Environmental Protection Agency and the United States Occupational Safety and Health Administration as a human carcinogen. Reflective glass beads which contain more than 75 parts per million inorganic arsenic may represent a danger to workers who handle and apply them and a contamination potential to soil and water surrounding roadways.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended to bill to update the date to January 1, 2011, on which glass beads containing more than 75 parts per million

inorganic arsenic are prohibited from being to be manufactured, sold, offered for sale, or offered for promotional purposes in this State.

The committee also made technical amendments to the bill to properly refer to highway and expressway projects of the toll road authorities, to clarify that State highways are under the control of the Department of Transportation, and to add punctuation to the bill.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1448

STATE OF NEW JERSEY

DATED: JULY 19, 2010

The Senate Transportation Committee reports favorably Assembly Bill No. 1448(1R).

This bill would prohibit, on or after January 1, 2011, any reflective glass beads containing more than 75 parts per million inorganic arsenic, as determined by the United States Environmental Protection Agency Method 6010B in conjunction with United States Environmental Protection Agency Method 3052 modified, used to reflect light when applied to markings on roadways to be manufactured, sold, offered for sale, or offered for promotional purposes in this State.

The bill would prohibit the Department of Transportation, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority from using paint that has been mixed, in whole or in part, with reflective glass beads containing more than 75 parts per million inorganic arsenic for markings placed on, or along, the toll roads, State highways, right-of-ways, or other real property owned by or under the administration, jurisdiction, or control of the department or the toll road authorities.

Inorganic arsenic is a hazardous substance and is recognized by the United States Environmental Protection Agency and the United States Occupational Safety and Health Administration as a human carcinogen. Reflective glass beads which contain more than 75 parts per million inorganic arsenic may represent a danger to workers who handle and apply them and a contamination potential to soil and water surrounding roadways.

The provisions of this bill are identical to those of Senate Bill No. 2124, as amended and reported by the committee this day.

SENATE, No. 2124

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 24, 2010

Sponsored by:
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS

Prohibits manufacture or sale of reflective glass beads with high arsenic content; prohibits DOT and State's toll road authorities from using paint mixed with reflective glass beads for roadway markings.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain road markings, amending P.L.1951,
2 c.23, and supplementing Title 27 and Title 39 of the Revised
3 Statutes.

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

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8 1. (New section) The Legislature finds and declares that
9 inorganic arsenic is a hazardous substance and is recognized by the
10 United States Environmental Protection Agency and the United
11 States Occupational Safety and Health Administration as a human
12 carcinogen; that release of this substance to the environment may
13 lead to contamination of soil and water; that the ingestion or
14 inhalation of soil, water, plant material, or animal tissues
15 contaminated with inorganic arsenic may lead to lung cancer,
16 damage to the nervous system, or, in extreme cases, death from
17 systemic poisoning; that reflective glass beads are used to reflect
18 light when applied to roadway markers; that glass beads which
19 contain more than 75 parts per million inorganic arsenic may
20 represent a danger to workers who handle and apply them and a
21 contamination potential to soil and water surrounding roadways.

22 The Legislature therefore determines that it is in the public
23 interest to prohibit the manufacture, sale, or use of glass beads
24 containing more than 75 parts per million inorganic arsenic used to
25 reflect light when applied to markings on roadways.

26
27 2. (New section) a. On or after January 1, 2011 no person
28 shall manufacture, sell, offer for sale, or offer for promotional
29 purposes in this State reflective glass beads containing more than 75
30 parts per million inorganic arsenic, as determined by the United
31 States Environmental Protection Agency Method 6010B in
32 conjunction with the United States Environmental Protection
33 Agency Method 3052 modified, used to reflect light when applied
34 to markings on roadways.

35 b. Any person who violates this section shall be subject to a
36 penalty of not less than \$500 nor more than \$1,000 for each offense,
37 to be collected in a civil action by a summary proceeding under the
38 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
39 et seq.). The municipal court and the Superior Court shall have
40 jurisdiction of proceedings for the enforcement of the penalty
41 provided by this section.

42 If the violation is of a continuing nature, each day during which
43 it continues constitutes an additional, separate, and distinct offense.

44
45 3. (New section) a. Notwithstanding the provisions of
46 P.L.1948, c.454 (C.27:23-1 et seq.) or any rule or regulation to the
47 contrary, no markings made with paint that has been mixed, in
48 whole or in part, with reflective glass beads containing more than

1 75 parts per million inorganic arsenic, as determined by the United
2 States Environmental Protection Agency Method 6010B in
3 conjunction with the United States Environmental Protection
4 Agency Method 3052 modified, shall be placed on , or along , any
5 New Jersey Turnpike Authority highway project, right-of-way, or
6 other real property owned by or under the administration,
7 jurisdiction, or control of the New Jersey Turnpike Authority.

8 b. The New Jersey Turnpike Authority shall adopt, pursuant to
9 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
10 et seq.), any rules and regulations that may be necessary to
11 implement the provisions of this section.

12

13 4. (New section) a. Notwithstanding the provisions of
14 P.L.1991, c.252 (C.27:25A-1 et seq.) or any rule or regulation to the
15 contrary, no markings made with paint that has been mixed, in
16 whole or in part, with reflective glass beads containing more than
17 75 parts per million inorganic arsenic, as determined by the United
18 States Environmental Protection Agency Method 6010B in
19 conjunction with the United States Environmental Protection
20 Agency Method 3052 modified, shall be placed on, or along, any
21 South Jersey Transportation Authority expressway project, right-of-
22 way, or other real property owned by or under the administration,
23 jurisdiction, or control of the South Jersey Transportation
24 Authority.

25 b. The South Jersey Transportation Authority shall adopt,
26 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
27 (C.52:14B-1 et seq.), any rules and regulations that may be
28 necessary to implement the provisions of this section.

29

30 5. Section 100 of P.L.1951, c.23 (C.39:4-191.1) is amended to
31 read as follows:

32 100. a. Markings shall be placed only by the authority of a
33 public body or official having jurisdiction as authorized by law, and
34 only for the purpose of regulating, warning, or guiding traffic.
35 Where used, these markings shall be uniform in design, position,
36 and application. The Commissioner of Transportation may adopt a
37 uniform system of markings consistent with the provisions of this
38 act for use upon public highways within the State. Such a uniform
39 system of markings shall correlate with and so far as possible
40 conform to the current "Manual on Uniform Traffic Control
41 Devices for Streets and Highways."

42 b. No markings made from paint that has been mixed, in whole
43 or in part, with reflective glass beads containing more than 75 parts
44 per million inorganic arsenic, as determined by the United States
45 Environmental Protection Agency Method 6010B in conjunction
46 with the United States Environmental Protection Agency Method
47 3052 modified, shall be placed on or along any State highway,
48 right-of-way, or other real property owned by or under the

1 administration, jurisdiction, or control of the Department of
2 Transportation.

3 (cf: P.L.1951, c.23, s.100)

4

5 6. Section 105 of P.L.1951, c.23 (C.39:4-191.6) is amended to
6 read as follows:

7 105. All markings may be reflectorized, and all obstructions,
8 within the roadway, shall be properly illuminated or reflectorized.
9 The following markings shall normally be reflectorized:

10 a. Center lines on pavement.

11 b. "No Passing" lines.

12 c. Striping or checkerboard squares on vertical surfaces of
13 obstructions in or adjacent to the roadway.

14 d. Reflector markers.

15 In conformance with the provisions of section 100 of P.L.1951,
16 c.23 (C.39:4-191.1) no reflectorized markings made from paint that
17 has been mixed, in whole or in part, with reflective glass beads
18 containing more than 75 parts per million inorganic arsenic, as
19 determined by the United States Environmental Protection Agency
20 Method 6010B in conjunction with United States Environmental
21 Protection Agency Method 3052 modified, shall be placed on or
22 along any State highway, right-of-way, or other real property owned
23 by or under the administration, jurisdiction, or control of the
24 Department of Transportation.

25 (cf: P.L.1951, c.23, s.105)

26

27 7. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill would prohibit, on or after January 1, 2011, any
33 reflective glass beads containing more than 75 parts per million
34 inorganic arsenic, as determined by the United States
35 Environmental Protection Agency Method 6010B in conjunction
36 with United States Environmental Protection Agency Method 3052
37 modified, used to reflect light when applied to markings on
38 roadways to be manufactured, sold, offered for sale, or offered for
39 promotional purposes in this State.

40 The bill would prohibit the Department of Transportation, the
41 New Jersey Turnpike Authority, and the South Jersey
42 Transportation Authority from using paint that has been mixed, in
43 whole or in part, with reflective glass beads containing more than
44 75 parts per million inorganic arsenic for markings placed on, or
45 along, the toll roads, State highways, right-of-ways, or other real
46 property owned by or under the administration, jurisdiction, or
47 control of the department or the toll road authorities.

S2124 WHELAN

5

1 Inorganic arsenic is a hazardous substance and is recognized by
2 the United States Environmental Protection Agency and the United
3 States Occupational Safety and Health Administration as a human
4 carcinogen. Reflective glass beads which contain more than 75
5 parts per million inorganic arsenic may represent a danger to
6 workers who handle and apply them and a contamination potential
7 to soil and water surrounding roadways.

SENATE TRANSPORTATION COMMITTEE

STATEMENT TO

SENATE, No. 2124

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 19, 2010

The Senate Transportation Committee reports favorably Senate Bill No. 2124 with committee amendments.

This amended bill would prohibit, on or after January 1, 2011, any reflective glass beads containing more than 75 parts per million inorganic arsenic, as determined by the United States Environmental Protection Agency Method 6010B in conjunction with United States Environmental Protection Agency Method 3052 modified, used to reflect light when applied to markings on roadways to be manufactured, sold, offered for sale, or offered for promotional purposes in this State.

The bill would prohibit the Department of Transportation, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority from using paint that has been mixed, in whole or in part, with reflective glass beads containing more than 75 parts per million inorganic arsenic for markings placed on, or along, the toll roads, State highways, right-of-ways, or other real property owned by or under the administration, jurisdiction, or control of the department or the toll road authorities.

Inorganic arsenic is a hazardous substance and is recognized by the United States Environmental Protection Agency and the United States Occupational Safety and Health Administration as a human carcinogen. Reflective glass beads which contain more than 75 parts per million inorganic arsenic may represent a danger to workers who handle and apply them and a contamination potential to soil and water surrounding roadways.

The committee amended the bill to make a technical correction to an amendatory section so that the bill is identical to A-1448(1R), released by the committee on the same date.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

JAN 9

Received from the Office of the Governor on *Monday 1/9/12*
at *11:15 am* the return of Assembly Bill No. 1448 (First Reprint) to the Legislature
with the Governor's Conditional Veto Message attached.

Dana M. Burley / AD
Clerk of the General Assembly

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STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 9, 2012

ASSEMBLY BILL NO. 1448
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1448 (First Reprint) with my recommendations for reconsideration.

This bill would address the level of arsenic contained in reflective glass beads which are embedded in pavement markings to provide retroreflectivity. Elevated concentrations of inorganic arsenic in reflective glass beads may represent a danger to workers who handle them, and a contamination potential to soil and water surrounding roadways. To remedy these dangers, this bill would prohibit, after January 1, 2011, the manufacture, sale, offer for sale or offer for promotional purposes, of glass beads used to reflect light when applied to markings on roadways containing more than 75 parts per million (ppm) inorganic arsenic as determined by the United States Environmental Protection Agency methods. The penalty for violating these provisions would be a civil penalty of not less than \$500 nor more than \$1,000 for each offense. The bill would also prohibit the Department of Transportation, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority from using paint that has been mixed, in whole or in part, with reflective glass beads containing more than 75 ppm inorganic arsenic on certain roads.

While I agree that the public and the environment should be protected from the potential consequences of reflective glass beads containing elevated levels of arsenic, the bill does not conform with the findings of a March 2011 New Jersey Department of Transportation study of reflective glass beads, conducted by New Jersey Institute of Technology and Rowan University, which developed recommendations regarding appropriate levels of metals, including arsenic, and testing procedures for reflective glass beads. Instead, the permissible level of arsenic in

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reflective glass beads in the bill (75 ppm) is lower than the level recommended by the Department of Transportation study (100 ppm). Moreover, the sole required methodology for testing the level of arsenic in reflective glass beads in the bill requires the use of a hazardous acid. In contrast, the Department of Transportation study reviewed a number of methods for testing metal levels in glass beads and concluded that a less-expensive, more rapid and less-dangerous test (X-ray fluorescence) provides an accurate measure of metal concentrations. The bill should be revised so that the requirements regarding arsenic levels in reflective glass beads and the method of testing conform to the findings in the Department of Transportation study

Finally, the bill prohibits the manufacture and sale of reflective glass beads with a level of inorganic arsenic in excess of the level prescribed in the bill beginning January 1, 2011. Any such prohibition should be prospective.

Therefore, I herewith return Assembly Bill No. 1448 (First Reprint) and recommend that it be amended as follows:

<u>Page 2, Section 1, Line 19:</u>	Delete "75" and insert "100"
<u>Page 2, Section 1, Line 24:</u>	Delete "75" and insert "100"
<u>Page 2, Section 2, Line 27:</u>	Delete "January" and insert "July"; Delete " <u>2011</u> " and insert "2012"
<u>Page 2, Section 2, Line 30:</u>	Delete "75" and insert "100"
<u>Page 2, Section 2, Lines 31-32:</u>	Delete in their entirety
<u>Page 2, Section 2, Line 33:</u>	Delete "Agency Method 3052 modified" and insert "x-ray fluorescence"
<u>Page 3, Section 3, Line 5:</u>	Delete "75" and insert "100"
<u>Page 3, Section 3, Line 5:</u>	Delete "the United"
<u>Page 3, Section 3, Lines 6-7:</u>	Delete in their entirety
<u>Page 3, Section 3, Line 8:</u>	Delete "Agency Method 3052 modified" and insert "x-ray fluorescence"
<u>Page 3, Section 4, Line 21:</u>	Delete "75" and insert "100"
<u>Page 3, Section 4, Line 21:</u>	Delete "the United"

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Page 3, Section 4, Lines 22-23: Delete in their entirety

Page 3, Section 4, Line 24: Delete "Agency Method 3052 modified" and insert "x-ray fluorescence"

Page 3, Section 5, Line 47: Delete "75" and insert "100"

Page 4, Section 5, Line 1: Delete "the United States"

Page 4, Section 5, Lines 2-3: Delete in their entirety

Page 4, Section 5, Line 4: Delete "3052 modified" and insert "x-ray fluorescence"

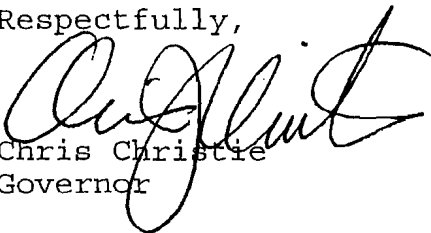
Page 4, Section 6, Line 23: Delete "75" and insert "100"

Page 4, Section 6, Line 24: Delete "the United States Environmental Protection Agency"

Page 4, Section 6, Line 25: Delete it its entirety

Page 4, Section 6, Line 26: Delete "Protection Agency Method 3052 modified" and insert "x-ray fluorescence"

Respectfully,



Chris Christie
Governor

Attest:



Kevin M. O'Dowd
Deputy Chief Counsel to the Governor