



SENATE, No. 2091

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1971

By Senators SCHIAFFO, WALLWORK, WOODCOCK, WALDOR,  
DUMONT, RINALDO and ITALIANO

Referred to Committee on Air and Water Pollution and Public Health

AN ACT to amend and supplement the "Radiation Protection Act,"  
approved July 8, 1958 (P. L. 1958, c. 116, C. 26:2D-1 et seq.).

1 BE IT ENACTED by the Senate and General Assembly of the State  
2 of New Jersey:

1 1. Section 2 of P. L. 1958, C. 116 (C. 26:2D-2) is amended to  
2 read as follows:

3 2. As used in this act, unless the context indicates another or  
4 different meaning or intent:

5 (a) "Commission" means the Commission on Radiation Protec-  
6 tion created pursuant to this act;

7 (b) "Department" means the Department of **[Health]** Environ-  
7A *mental Protection*;

8 (c) "Unnecessary radiation" means the use of **[gamma rays,**  
9 **X-rays, alpha and beta particles, high speed]** *electromagnetic*  
10 *radiation including microwave, infrared, visible, ultraviolet, X-ray,*  
11 *and gamma-ray; sonic, infrasonic, or ultrasonic waves; and particle*  
12 *radiation including alphas, betas, high energy electrons, neutrons,*  
13 *protons and other atomic or nuclear particles in such manner as to*  
14 *be or tend to be injurious or dangerous to the health of the people*  
15 *or the industrial or agriculture potentials of the State, or to the*  
16 *ecology of the State and its wildlife.*

1 2. Section 3 of P. L. 1958, c. 116 (C. 26:2D-3) is amended to read  
2 as follows:

3 3. There is hereby created in the Department of **[Health]** *En-*  
4 *vironmental Protection* the Commission on Radiation Protection  
5 which shall consist of **[five]** *eight* members, *three of whom shall be*  
6 *the Commissioner of Environmental Protection, the Commissioner*  
7 *of Health, and the Commissioner of Labor and Industry, or their*  
8 *designees, who shall serve ex officio and five members with scientific*

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

9 training in medicine, radiology, *nonionizing radiation, infrasonics,*  
10 *ultrasoncis*, radiation physics, atomic energy or biology or engi-  
11 neering to be appointed by the Governor, with the advice and con-  
12 sent of the Senate~~[,]~~. ~~[and the Commissioner of the Department~~  
13 ~~of Health and the commissioner of the Department of Labor and~~  
14 ~~Industry or their designated representatives.]~~

1 3. Section 6 of P. L. 1958, c. 116 (C. 26:2D-6) is amended to  
2 read as follows:

3 6. The commission annually shall organize as soon as possible  
4 after July 1, and shall elect a chairman, *vice-chairman* and a  
5 secretary from its own membership. Four members of the commis-  
6 sion shall constitute a quorum to transact its business ~~[,]~~. ~~[except~~  
7 ~~that codes,] Codes~~, rules and regulations shall be adopted, amended  
8 or repealed by ~~[a]~~ *an affirmative* vote of at least five members.

1 4. Notwithstanding any other remedy available to the depart-  
2 ment, whenever an agent of the department finds or has probable  
3 cause to believe that any material, machine, appliance, apparatus  
4 or device, or any part thereof, is a radiation hazard or danger of  
5 such nature as to constitute a threat to public health or welfare,  
6 he may embargo such article by affixing thereto a tag or other  
7 appropriate marking, giving notice that such article is, or is sus-  
8 pected to be, a radiation hazard or danger and has been detained or  
9 embargoed, and warning all persons not to use, remove or dispose  
10 of such article by sale or otherwise until permission for use, re-  
11 moval or disposal is given by the department. It shall be a violation  
12 of this act for any person to remove or dispose of such detained or  
13 embargoed article by sale or otherwise without such permission.

1-14 5. Any person aggrieved by an embargo imposed under the pro-  
15 visions of this act who shall apply therefor within 30 days after  
16 the imposition of such embargo, shall be granted a hearing before  
17 the department. Pending the determination by the department  
18 before or after such hearing, the department may stay the operation  
19 of the embargo upon such terms and conditions, including per-  
20 formance bonds, as it may deem proper.

1 6. Any person who uses, removes, or disposes of any property  
2 in violation of an embargo imposed under the provisions of this  
3 act shall be liable to a penalty of not more than \$2,500.00 for each  
4 offense, to be collected by a summary proceeding under The Penalty  
5 Enforcement Law (N. J. S. 2A:58-1 et seq.) or in any case before  
6 a court of competent jurisdiction wherein injunctive relief has been  
7 requested. The Superior Court, County Court, and county district  
8 court shall have jurisdiction to enforce said Penalty Enforcement  
9 Law. If the violation is of a continuing nature, each day which it

10 continues shall constitute an additional, separate and distinct  
11 offense.

12 The department is hereby authorized and empowered to com-  
13 promise and settle any claim for a penalty under this section in  
14 such amount in the the discretion of the department as may appear  
15 appropriate and equitable under all of the circumstances.

1 7. This act shall take effect immediately.

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*SPONSORS* STATEMENT

These amendments to the "Radiation Protection Act" clarify the membership of the Radiation Protection Commission. The Department of Environmental Protection is also given the authority to embargo any material or machine which is a radiation hazard.

References to the Department of Health as the responsible agency for the enforcement of the act have been changed to the Department of Environmental Protection in accordance with P. L. 1970, c. 33.