

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:5A-7 et al (Worker and Community Right to Know Act--postpone required surveys by schools and municipalities)

LAWS OF: 1985 **CHAPTER:** 64

Bill No: A3296

Sponsor(s): Paterniti

Date Introduced: February 14, 1985

Committee: **Assembly:** Revenue, Finance and Appropriations

Senate: ///

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** Feb. 28, 1985

Senate: Feb. 28, 1985

Date of Approval: March 1, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

See attached newspaper clippings: "'Right-to-know' deadline extension wins swift OK", (3-1-85, Star Ledger) and "Kean signs bill delaying part of 'right-to-know' law", (3-2-85, Trenton Times).

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 3296

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1985

By Assemblyman PATERNITI

AN ACT concerning ***[certain]*** employers covered by the "Worker and Community Right to Know Act*,*" ***[and]*** *amending and** supplementing P. L. 1983, c. 315.

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

1 .1 ***[a.** Notwithstanding the provisions of subsection a. of section
2 7 of P. L. 1983, c. 315 (C. 34:5A-7) or any other provisions of
3 that act (C. 34:5A-1 et seq.) to the contrary, an employer which
4 is a municipality or is engaged in business operations having a
5 Standard Industrial Classification number 82 (educational services)
6 shall have until June 30, 1985 or within 90 days of the employer's
7 receipt of the survey, whichever is later, to complete and transmit
8 any workplace survey to the Department of Health, the health de-
9 partment of the county in which the employer's facility is located,
10 the local fire department, and the local police department.

11 b. Notwithstanding the provisions of subsection b. of section 7
12 of P. L. 1983, c. 315 (C. 34:5A-7) or any other provisions of that
13 act (C. 34:5A-1 et seq.) to the contrary, an employer which is a
14 municipality or is engaged in business operations having a Stan-
15 dard Industrial Classification number 82 (educational services)
16 shall have until June 30, 1985 or within 90 days of the employer's
17 receipt of the survey, whichever is later, to complete and transmit
18 any environmental survey to the Department of Environmental
19 Protection, and the health department of the county in which the
20 employer's facility is located, and pertinent sections of the survey
21 to the local fire department, and the local police department.]*

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly amendments adopted February 25, 1985.**

22 *Section 7 of P. L. 1983, c. 315 (C. 34:5A-7) is amended to
23 read as follows:

24 7. a. Except as otherwise provided in section 15 of this act,
25 **【within 90 days of receipt of a workplace survey,】** an employer
26 shall *have until June 30, 1985, or within 90 days of the employer's*
27 *receipt of the survey, whichever is later, to* complete the survey
28 and transmit a copy of the completed survey to the Department of
29 Health, the health department of the county in which the employer's
30 facility is located, the local fire department, and the local police
31 department. If an employer has reason to believe that a mixture
32 present at his facility contains a hazardous substance as a compo-
33 nent, but is unable to obtain from the manufacturer or supplier of
34 the mixture the chemical names and Chemical Abstracts Service
35 numbers of the components of the mixture, he shall list the mixture
36 by its common name in the space provided on the survey. The de-
37 partment shall have the responsibility to obtain the chemical names
38 and Chemical Abstracts Service numbers of the components of the
39 mixture so listed, and, upon obtaining this information, shall trans-
40 mit it to the employer along with any appropriate hazardous sub-
41 stance fact sheet or sheets and directions to the employer on how
42 to communicate this information to his employees.

43 b. Except as otherwise provided in section 15 of this act, **【within**
44 **90 days of receipt of an environmental survey,】** an employer shall
45 *have until June 30, 1985, or within 90 days of the employer's re-*
46 *ceipt of the survey, whichever is later, to* complete the survey and
47 transmit a copy of the completed survey to the Department of En-
48 vironmental Protection and the health department of the county
49 in which the employer's facility is located, and pertinent sections
50 of the survey to the local fire department and the local police de-
51 partment.*

1 *2. Section 13 of P. L. 1983, c. 315 (C. 34:5A-13) is amended
2 to read as follows:

3 13. a. Every employer shall *have until June 30, 1985 to* establish
4 an education and training program for his employees, which shall
5 be designed to inform employees in writing and orally of the nature
6 of the hazardous substances to which they are exposed in the course
7 of their employment and the potential health risks which the haz-
8 ardous substances pose, and to train them in the proper and safe
9 procedures for handling the hazardous substances under all cir-
10 cumstances. An employer shall provide **【current】** *his* employees
11 with the **【education and training】** program **【within six months of**
12 **the effective date of this act】** *not later than December 31, 1985,*

13 and annually thereafter. ~~Beginning six months after the effective~~
 14 ~~date of this act, all new employees~~ *Any person who becomes an*
 15 *employee after the conclusion of the initial program* shall be pro-
 16 vided with the ~~training and education~~ program within the first
 17 month of employment. Prior to entering an employment agreement
 18 with a prospective employee an employer shall notify a prospective
 19 employee of the availability of workplace surveys and appropriate
 20 hazardous substance fact sheets for the facility at which the pro-
 21 spective employee will be employed; *except that this notification*
 22 *requirement shall not be applicable to employers before October 1,*
 23 *1985.*

24 b. Any employer who has established an employee education and
 25 training program for hazardous substances prior to the effective
 26 date of this act may request the Department of Health to certify
 27 that education and training program, which certification shall con-
 28 stitute compliance with subsection a. of this section.

29 c. Every employer shall establish an education and training pro-
 30 gram for his employees who work in a research and development
 31 laboratory, which shall be designed to inform employees in writing
 32 and orally of the nature of the hazardous substances to which they
 33 are exposed in the course of their employment and the potential
 34 health risks which the hazardous substances pose, and to train them
 35 in the proper and safe procedure for handling the hazardous sub-
 36 stances under all circumstances. An employer shall provide ~~cur-~~
 37 ~~rent~~ *his* employees with the ~~education and training~~ program
 38 ~~within six months of the effective date of this act~~ *not later than*
 39 *December 31, 1985, and annually thereafter.* ~~Beginning six months~~
 40 ~~after the effective date of this act, all new employees~~ *Any person*
 41 *who becomes an employee after the conclusion of the initial pro-*
 42 *gram* shall be provided with the ~~training and education~~ program
 43 within the first month of employment.

1 3. Section 14 of P. L. 1983, c. 315 (C. 34:5A-14) is amended
 2 to read as follows:

3 14. a. ~~Within six months of the effective date of this act, every~~
 4 *Every* employer shall *have until June 30, 1985 to* take any action
 5 necessary to assure that every container at his facility containing
 6 a hazardous substance shall bear a label indicating the chemical
 7 name and Chemical Abstracts Service number of the hazardous
 8 substance or the trade secret registry number assigned to the haz-
 9 ardous substance. Employers may label containers in a research
 10 and development laboratory by means of a code or number system,
 11 if the code or number system will enable an employee to readily

12 make a cross-reference to a hazardous substance fact sheet which
13 will provide the employee with the chemical name and Chemical
14 Abstracts Service number of the hazardous substance contained in
15 the container, or the trade secret registry number assigned to the
16 hazardous substance. The code or number system shall be designed
17 to allow the employee free and ready access at all times to the
18 chemical name and Chemical Abstracts Service number of the
19 hazardous substance in the container, shall be designed to allow
20 the employee access to this information without the permission or
21 assistance of management, and shall be available to the employee
22 at close proximity to his specific job location or locations. Em-
23 ployers shall be required to label pipelines only at the valve or
24 valves located at the point at which a hazardous substance enters a
25 facility's pipeline system, and at normally operated valves, outlets,
26 vents, drains and sample connections designed to allow the release
27 of a hazardous substance from the pipeline.

28 b. Within two years of the effective date of this act, every em-
29 ployer shall take any action necessary to assure that every con-
30 tainer at his facility bears a label indicating the chemical name
31 and Chemical Abstracts Service number of the substance in the
32 container, except as provided in subsection d. of this section, or
33 the trade secret registry number assigned to the substance. Em-
34 ployers may label containers in a research and development labora-
35 tory by means of a code or number system, if the code or number
36 system will enable an employee to readily make a cross-reference
37 to documentary material retained on file by the employer at the
38 facility which will provide the employee with the chemical name
39 and Chemical Abstracts Service number of the substance contained
40 in the container, except as provided in subsection d. of this section,
41 or the trade secret registry number assigned to the substance. The
42 code or number system shall be designed to allow the employee
43 free and ready access at all times to the chemical name and Chem-
44 ical Abstracts Service number of the substance in the container,
45 shall be designed to allow the employee access to this information
46 without the permission or assistance of management, and shall be
47 available to the employee at close proximity to his specific job
48 location or locations. If a container contains a mixture, an em-
49 ployer shall be required to insure that the label identify the chem-
50 ical names and Chemical Abstracts Service numbers, except as pro-
51 vided in subsection d. of this section, or the trade secret registry
52 numbers, of the five most predominant substances contained in the
53 mixture. The provisions of this subsection shall not apply to any

54 substance constituting less than 1% of a mixture unless the sub-
55 stance is present at the facility in an aggregate amount of 500
56 pounds or more. Employers shall be required to label pipelines only
57 at the valve or valves located at the point at which a substance
58 enters a facility's pipeline system, and at normally operated valves,
59 outlets, vents, drains and sample connections designed to allow the
60 release of a substance from the pipeline. One year after the effec-
61 tive date of this act the Department of Health shall establish criteria
62 for containers which, because of the finished and durable character-
63 istics of their contents, shall be exempt from the provisions of this
64 subsection. These standards shall be consistent with the intent of
65 this subsection to provide for the labeling of every container which
66 may contain a substance which is potentially hazardous.

67 c. The labeling requirements of subsections a. and b. of this sec-
68 tion shall not apply to containers labeled pursuant to the "federal
69 Insecticide, Fungicide, and Rodenticide Act," 61 Stat. 163 (7 U.S.C.
70 § 121 et al.). The Department of Health may, by rule and regula-
71 tion, certify containers labeled pursuant to any other federal act
72 as labeled in compliance with the provisions of this section.

73 d. One year after the effective date of this act the Department of
74 Health shall adopt, pursuant to the "Administrative Procedure
75 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), a list of substances
76 the containers of which may be labeled with the common name and
77 Chemical Abstracts Service number of their contents. The depart-
78 ment shall include on the list adopted pursuant to this subsection
79 only substances which are widely recognized by their common
80 names. An employer shall provide the chemical name of a sub-
81 stance in a container labeled pursuant to this subsection within
82 five working days of the request therefor.*

1 **4. (New section) Notwithstanding the provisions of section 13*
2 *of P. L. 1983, c. 315 (C. 34:5A-13) or any other provisions of that*
3 *act to the contrary, an employer which is a municipality or is en-*
4 *gaged in business operations having a Standard Industrial Classi-*
5 *fication number 82 (educational services) shall have until June 30,*
6 *1985 to establish any education and training program required*
7 *under section 13 of that act; and shall provide his employees with*
8 *the program before August 1, 1985, and annually thereafter. Any*
9 *person who becomes an employee after the conclusion of the initial*
10 *program shall be provided with the program within the first month*
11 *of employment. The notification requirement for prospective em-*
12 *ployees, under subsection a. of section 13 of that act, shall not be*
13 *applicable to these employers before July 1, 1985.*

1 5. (New section) Notwithstanding the provisions of subsection
2 a. of section 14 of P. L. 1983, c. 315 (C. 34:5A-14) or any other
3 provisions of that act to the contrary, an employer which is a mu-
4 nicipality or is engaged in business operations having a Standard
5 Industrial Classification number 82 (educational services) shall
6 have until June 30, 1985 to label every container at the employer's
7 facility containing a hazardous substance, as required under sub-
8 section a. of section 14 of that act.*

1 ***[2.]*** *6.* This act shall take effect immediately and shall be
2 retroactive to August 29, 1984.

ASSEMBLY, No. 3296

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1985

By Assemblyman PATERNITI

AN ACT concerning certain employers covered by the "Worker and Community Right to Know Act" and supplementing P. L. 1983, c. 315.

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

1 1. a. Notwithstanding the provisions of subsection a. of section
2 7 of P. L. 1983, c. 315 (C. 34:5A-7) or any other provisions of
3 that act (C. 34:5A-1 et seq.) to the contrary, an employer which
4 is a municipality or is engaged in business operations having a
5 Standard Industrial Classification number 82 (educational services)
6 shall have until June 30, 1985 or within 90 days of the employer's
7 receipt of the survey, whichever is later, to complete and transmit
8 any workplace survey to the Department of Health, the health de-
9 partment of the county in which the employer's facility is located,
10 the local fire department, and the local police department.

11 b. Notwithstanding the provisions of subsection b. of section 7
12 of P. L. 1983, c. 315 (C. 34:5A-7) or any other provisions of that
13 act (C. 34:5A-1 et seq.) to the contrary, an employer which is a
14 municipality or is engaged in business operations having a Stan-
15 dard Industrial Classification number 82 (educational services)
16 shall have until June 30, 1985 or within 90 days of the employer's
17 receipt of the survey, whichever is later, to complete and transmit
18 any environmental survey to the Department of Environmental
19 Protection, and the health department of the county in which the
20 employer's facility is located, and pertinent sections of the survey
21 to the local fire department, and the local police department.

1 2. This act shall take effect immediately and shall be retroactive
2 to August 29, 1984.

STATEMENT

Schools and municipalities in the State are having difficulty taking inventories of the various hazardous substances located on their premises in order to comply with the "Worker and Community Right to Know Act," P. L. 1983, c. 315 (C. 34:5A-1 et seq.). That act gave certain employers only 90 days to complete certain surveys required by the act. Giving schools and municipalities an extension until June 30, 1985 or until the 90th day after the employer's receipt of the survey, whichever is later, to complete these surveys will afford these employers the time to take accurate inventories of their hazardous substances.

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: PAUL WOLCOTT
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TRENTON, N.J. 08625

Release: FRIDAY, MARCH 1, 1985

Governor Thomas H. Kean has signed legislation which extends certain deadlines contained in the Worker and Community Right to Know Act of 1983, providing employers, notably boards of education, with additional time to meet those deadlines.

The bill, A-3296, was sponsored by Assemblyman Thomas H. Paterniti, D-Middlesex.

Under the terms of the original act, employers were required to provide the Departments of Health and Environmental Protection, as well as local and county agencies, with copies of their completed workplace surveys within 90 days of receipt of the survey forms by the employer. This bill extends that deadline by requiring return within 90 days or by June 30, 1985, whichever is later.

The bill also extends the original March 1, 1985, deadline for establishing training programs for employees to June 30, 1985, and requiring that employees receive the training no later than December 31, 1985.

Also extended from March 1 to June 30 of this year is a requirement for labeling containers containing hazardous substances.

The bill also adds a provision that all employees beginning work after December 31, 1985, receive their required training within the first month of employment.

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185 W. State Street
Trenton, N. J.

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