

34:5A-8

7/30/84

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:5A-8, 34:5A-26.1

(Hazardous substances in the workplace--exempt "safe" businesses from fees)

LAWS OF: 1985

CHAPTER 534

BILL NO: A2963

Sponsor(s): Kalik and Pankok

Date Introduced: December 13, 1985

Committee: Assembly: Agriculture and Environment

Senate: -----

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: December 12, 1985

Senate: January 13, 1986

Date of Approval: January 21, 1986

Following statements are attached if available:

Sponsor statement: Yes Attached: Assembly amendments, adopted 12-09-85 (with statement)

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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534 LAW OF N.J. 85
1-21-86

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ASSEMBLY, No. 2963

STATE OF NEW JERSEY

INTRODUCED DECEMBER 13, 1984

By Assemblywoman KALIK and Assemblyman PANKOK

AN ACT concerning hazardous substances in the workplace, 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. Section 8 of P. L. 1983, c. 315 (C. 34:5A-8) is amended to
2 read as follows:

3 8. a. Upon receipt of a completed workplace survey from an
4 employer, the Department of Health shall transmit to that employer
5 a hazardous substance fact sheet for each hazardous substance
6 reported by the employer on the workplace survey. If an employer
7 makes a trade secret claim for information on the workplace sur-
8 vey pursuant to section 15 of this act, the department shall transmit
9 a hazardous substance fact sheet for that substance with the
10 identity of the substance concealed.

11 b. Any employer [having a Standard Industrial Classification
12 within certain subgroups of Major Group number 20, 51, or 80, as
13 designated by the Department of Health pursuant to the "Adminis-
14 trative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.),]
15 whose workplace survey transmitted to the Department of Health
16 pursuant to section 7 of this act indicates that no hazardous sub-
17 stances are present at the facility, shall be exempt from the pro-
18 visions of this act **for that facility**, except for the requirement to
19 annually update the workplace survey pursuant to section 10 of
20 this act, and except for the provisions of section 33 of this act.
21 Any employer exempted from the provisions of this act pursuant
22 to this subsection who transmits to the Department of Health an

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 committee amendment adopted September 12, 1985.

**—Assembly amendments adopted December 9, 1985.

23 update of the workplace survey which indicates that a hazardous
24 substance is present at the employer's facility shall immediately be
25 subject to the provisions of this act.

1 **2. (New section) The Department of Labor shall refund any fee
2 collected pursuant to section 26 of P. L. 1983, c. 315 (C. 34:5A-26)
3 to any employer who has paid this fee and is exempted from the fee
4 pursuant to section 8 of P. L. 1983, c. 315 (C. 34:5A-8).**

1 **[2.]** **3.** This act shall take effect immediately.

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STATE OF NEW JERSEY

INTRODUCED DECEMBER 13, 1984

By Assemblywoman KALIK and Assemblyman PANKOK

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amending P. L. 1983, c. 315.

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10 identity of the substance concealed.

11 b. Any employer **【**having a Standard Industrial Classification
12 within certain subgroups of Major Group number 20, 51, or 80, as
13 designated by the Department of Health pursuant to the "Adminis-
14 trative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.),**】**
15 whose workplace survey transmitted to the Department of Health
16 pursuant to section 7 of this act indicates that no hazardous sub-
17 stances are present at the facility, shall be exempt from the pro-
18 visions of this act, except for the requirement to annually update
19 the workplace survey pursuant to section 10 of this act, and except
20 for the provisions of section 33 of this act. Any employer exempted
21 from the provisions of this act pursuant to this subsection who
22 transmits to the Department of Health an update of the workplace
23 survey which indicates that a hazardous substance is present at
24 the employer's facility shall immediately be subject to the pro-
25 visions of this act.

1 2. This act shall take effect immediately.

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

STATEMENT

This bill amends the "Worker and Community Right To Know Act" P. L. 1983, c. 315 (C. 34:5A-1 et al) to provide that all employers who report on the workplace survey to the State that no hazardous substances are present at their places of business would be exempted from any fees imposed pursuant to the act.

A2963(1985)

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2963

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 1985

Currently the provisions of the "Worker and Community Right to Know Act," P. L. 1983, c. 315 (C. 34:5A-1 et al.), which were not overturned by federal district court require that certain employers submit workplace surveys indicating the presence or absence of hazardous substances. The act further provides that if the survey indicates the absence of hazardous substances at certain business establishments having Standard Industrial Classification numbers 20 (Food and kindred products), 51 (Nondurable goods), or 80 (Medical or health services), these businesses would be exempt from all of the provisions of the act except those which require the annual submission of workplace surveys. If any annual update of the workplace survey indicates the presence of a hazardous substance, the business would then be subject to the provisions of the act.

This bill would extend the exemptions to all businesses if no hazardous substances are indicated on the workplace survey.

The committee amended the bill to clarify that the requirement to submit workplace surveys would be facility specific.

ADOPTED
DEC 9 1985

11/18/85-R-60-tr

ok
K.C.
34:5A-26
14:5A-26
not
to
34:5A-8

Assembly Amendments
Proposed by Assemblywoman Kalik
to

Assembly Bill No. 2963 OCR
Sponsored by Assemblywoman Kalik

Amend:

Page	Sec.	Line
1	Title	2
1	Title	2
1	1	25
1	2	1

After "amending" insert "and supplementing"
After "c. 315" insert ":" *Printer's Error*
After line 25 insert new section

"2." as follows:

"2. (New section) The Department ^{*of Labor*} shall refund any fee collected pursuant to section 26 of P.L. 1983, c. 315 (C.34:5A-26) to any employer who has paid this fee and is exempted from the fee pursuant to section 8 of P.L. 1983, c. 315 (C.34:5A-8)."

Omit "2." insert "3."

STATEMENT

These amendments would provide that any employer which has paid the fee imposed under the "Worker and Community Right To Know Act", and who is now exempt from the fee pursuant to this bill, would receive a refund of the amount paid.