

# LEGISLATIVE HISTORY CHECKLIST

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## *LAWS of 1999*

**CHAPTER:** 100

**NJSA:**26:2C-2

(Hospital disinfectants -- emissions -- est. effectiveness as primary concern)

**BILL NO:** S986(Substituted for A2433)

**SPONSOR(S):**Singer

**DATE INTRODUCED:**April 2, 1998

**COMMITTEE:**

*ASSEMBLY:*Environment

*SENATE:*Environment

**AMENDED DURING PASSAGE:**No

**DATES OF PASSAGE:**

*ASSEMBLY:*March 15, 1999

*SENATE:*March 22, 1999

**DATE OF APPROVAL:**May 6, 1999

### THE FOLLOWING ARE ATTACHED IF AVAILABLE:

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**FINAL TEXT OF BILL:** *Yes*Assembly Committee Substitute  
(Amendments during passage denoted by superscript numbers)

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### **ACS for S986**

**SPONSORS STATEMENT:** *No*

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes*

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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## **S986**

**SPONSORS STATEMENT:** *Yes (Begins on page 6 of original bill)*

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *No*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**FIRST REPRINT (last version)** *Yes*

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## **A2433**

**SPONSORS STATEMENT:** *Yes (Begins on page 6 of original bill)*

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes*

**Identical to Assembly Statement for ACS for S986**

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

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### **GOVERNOR'S ACTIONS**

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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### **THE FOLLOWING WERE PRINTED:**

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**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

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P.L. 1999, CHAPTER 100, *approved May, 6, 1999*  
Assembly Committee Substitute for  
Senate, No. 986

1 AN ACT concerning the control of air pollution from certain sources  
2 and amending P.L.1954, c.212.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.1954, c.212 (C.26:2C-2) is amended to read  
8 as follows:

9 2. As used in this act:

10 "Air contaminant" means any substance, other than water or  
11 distillates of air, present in the atmosphere as solid particles, liquid  
12 particles, vapors, or gases~~].~~;

13 "Air pollution" means the presence in the outdoor atmosphere of  
14 one or more air contaminants in such quantities and duration as are, or  
15 tend to be, injurious to human health or welfare, animal or plant life,  
16 or property, or would unreasonably interfere with the enjoyment of life  
17 or property throughout the State and in those areas of the State as  
18 shall be affected thereby, and excludes all aspects of an  
19 employer-employee relationship as to health and safety hazards~~].~~;

20 "Antimicrobial pesticide" means a product that destroys or repels,  
21 or prevents or mitigates the growth of, any bacteria, fungus, virus or  
22 other micro-organism that is defined as a pest pursuant to 7 U.S.C.  
23 s.136w (c)(1), and includes any product required to be registered as  
24 an antimicrobial pesticide pursuant to the "Federal Insecticide,  
25 Fungicide and Rodenticide Act," 7 U.S.C. s.136 et seq.;

26 "Commissioner" means the Commissioner of Environmental  
27 Protection~~].~~;

28 "Construct" or "construction" means to fabricate or erect  
29 equipment or control apparatus at a facility where it is intended to be  
30 used, but shall not include the dismantling of existing equipment or  
31 control apparatus, site preparation, or the ordering, receiving,  
32 temporary storage, or installation of equipment or control apparatus.  
33 Unless otherwise prohibited by federal law, "construct" or  
34 "construction" shall also not include the pouring of footings or  
35 placement of a foundation where equipment or control apparatus is  
36 intended to be used~~].~~;

37 "Consumer Price Index" or "CPI" means the annual Consumer  
38 Price Index for a calendar year as determined year to year using the  
39 decimal increase in the September through August, 12-month average  
40 for the previous year of the Consumer Price Index for All Urban

**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 Consumers (CPI-U), as published by the United States Department of  
2 Labor[.];

3 "Control apparatus" means any device that prevents or controls the  
4 emission of any air contaminant[.];

5 "Council" means the Clean Air Council created pursuant to section  
6 3 of P.L.1967, c.106 (C.26:2C-3.2)[.];

7 "Department" means the Department of Environmental  
8 Protection[.];

9 "Emission fee" means an annual fee that is based on the emission  
10 of any regulated air contaminant[.];

11 "Emission statement" means an annual reporting of actual  
12 emissions of air contaminants as prescribed by rules and regulations  
13 therefor that shall be adopted by the department pursuant to the  
14 "Administrative Procedure Act, " P.L.1968, c.410 (C.52:14B-1 et  
15 seq.)[.];

16 "EPA" means the United States Environmental Protection  
17 Agency[.];

18 "Equipment" means any device capable of causing the emission of  
19 an air contaminant either directly or indirectly into the outdoor  
20 atmosphere, and any stack, chimney, conduit, flue, duct, vent, or  
21 similar device connected or attached to, or serving, the equipment, and  
22 shall include, but need not be limited to, any equipment in which the  
23 preponderance of the air contaminants emitted is caused by a  
24 manufacturing process[.];

25 "Facility" means the combination of all structures, buildings,  
26 equipment, control apparatus, storage tanks, source operations, and  
27 other operations that are located on a single site or on contiguous or  
28 adjacent sites and that are under common control of the same person  
29 or persons. Research and development facilities that are located with  
30 other facilities shall be considered separate and independent entities  
31 for the purposes of complying with the operating permit requirements  
32 of P.L.1954, c.212 (C.26:2C-1 et seq.) or any codes, rules, or  
33 regulations adopted pursuant thereto[.];

34 "Federal Clean Air Act" means the federal "Clean Air Act" (42  
35 U.S.C.s.7401 et seq.) and any subsequent amendments or supplements  
36 to that act[.];

37 "Grandfathered" means construction, reconstruction, or  
38 modification of equipment or control apparatus prior to the date of  
39 enactment of section 13 of P.L.1967, c.106 (C.26:2C-9.2) on June 15,  
40 1967, or prior to the subsequent applicable revisions to rules and  
41 regulations codified at N.J.A.C.7:27-8.1 et seq. that occurred  
42 March 5, 1973, June 1, 1976, April 5, 1985, and October 31, 1994[.];

43 "HAP" or hazardous air pollutant" means any air pollutant listed  
44 in or pursuant to subsection (b) of section 112 of the federal Clean Air  
45 Act (42 U.S.C. s.7412)[.];

1 "Hospital or medical disinfectant" means an antimicrobial product  
 2 registered with the United States Environmental Protection Agency  
 3 that qualifies to bear the name or claim to be a "hospital or medical  
 4 environment disinfectant" pursuant to United States Environmental  
 5 Protection Agency guidelines published pursuant to 7 U.S.C. s.136a  
 6 (c)(2)(A), and shall include, but shall not be limited to, antimicrobial  
 7 pesticides used in hospitals, doctor and dentist offices, and other  
 8 medical environments;

9 "Install" or "installation" means to carry out final setup activities  
 10 necessary to provide equipment or control apparatus with the capacity  
 11 for use or service, and shall include, but need not be limited to,  
 12 connection of equipment or control apparatus, associated utilities,  
 13 piping, duct work, or conveyor systems, but shall not include  
 14 construction or reconfiguration of equipment or control apparatus to  
 15 an alternate configuration specified in a permit application and  
 16 approved by the department[.];

17 "Major facility" means a major source, as that term is defined by  
 18 the EPA in rules and regulations adopted pursuant to the federal Clean  
 19 Air Act at 40 CFR 70.2 or any subsequent amendments thereto, that  
 20 has the potential to emit any of the air contaminants listed below in an  
 21 amount that is equal to or exceeds the applicable major facility  
 22 threshold levels as follows:

<u>Air Contaminant</u>	<u>Threshold level</u>
24 Carbon monoxide	100 tons per year
25 Particulate matter (PM-10)	100 tons per year
26 Total suspended particulates	100 tons per year
27 Sulfur dioxide	100 tons per year
28 Oxides of nitrogen	25 tons per year
29 VOC	25 tons per year
30 Lead	10 tons per year
31 Any HAP	10 tons per year
32 All HAPs collectively	25 tons per year
33 Any other air contaminant	100 tons per year[.];

34 "Modify" or "modification" means any physical change in, or  
 35 change in the method of operation of, existing equipment or control  
 36 apparatus that increases the amount of any air contaminant emitted by  
 37 that equipment or control apparatus or that results in the emission of  
 38 any air contaminant not previously emitted, but shall not include  
 39 normal repair and maintenance[.];

40 "Operating permit" means the permit described in Title V of the  
 41 federal Clean Air Act (42 U.S.C. s.7661 et seq.)[.];

42 "Person" means an individual, public or private corporation,  
 43 company, partnership, firm, association, society, joint stock company,  
 44 international entity, institution, county, municipality, state, interstate  
 45 body, the United States of America, or any agency, board,  
 46 commission, employee, agent, officer, or political subdivision of a

1 state, an interstate body, or the United States of America[.];

2 "Potential to emit" means the same as that term is defined by the  
3 EPA in rules and regulations adopted pursuant to the federal Clean Air  
4 Act at 40 CFR 70.2 or any subsequent amendments thereto[.];

5 "Process unit" means equipment assembled to produce intermediate  
6 or final products. A process unit can operate independently if supplied  
7 with sufficient feed or raw materials and sufficient storage facilities for  
8 the product. The storage and transfer of product or raw materials to  
9 and from the process unit shall be considered separate from the  
10 process unit for the purposes of making reconstruction determinations.  
11 Product recovery equipment shall be considered to be part of the  
12 process unit, not part of the control apparatus[.];

13 "Reconstruct" or "reconstruction" means the replacement of parts  
14 of equipment included in a process unit, or the replacement of control  
15 apparatus, if the fixed capital cost of replacing the parts exceeds both  
16 of the following amounts: (1) Fifty percent of the fixed capital cost  
17 that would be required to construct a comparable new process unit or  
18 control apparatus; and (2) \$80,000 (in 1995 dollars) adjusted by the  
19 Consumer Price Index[.];

20 "Regulated air contaminant" means the same as the term "regulated  
21 air pollutant" as defined by the EPA in rules and regulations adopted  
22 pursuant to the federal Clean Air Act at 40 CFR 70.2 or any  
23 subsequent amendments thereto[.];

24 "Research and development facility" means any facility the primary  
25 purpose of which is to conduct research and development into new  
26 processes and products, including academic and technological research  
27 and development, provided that such a facility is operated under the  
28 close supervision of technically trained personnel and is not engaged  
29 in the manufacture of products for commercial sale, except in a de  
30 minimis manner[.]; and

31 "VOC" or "volatile organic compound" means the same as that  
32 term is defined by the EPA in rules and regulations adopted pursuant  
33 to the federal Clean Air Act at 40 CFR 51.100 or any subsequent  
34 amendments thereto.

35 (cf: P.L.1995, c.188, s.2)

36

37 2. Section 8 of P.L.1954, c.212 (C.26:2C-8) is amended to read  
38 as follows:

39 8. a. The department shall have power to formulate and  
40 promulgate, amend and repeal codes and rules and regulations  
41 preventing, controlling and prohibiting air pollution throughout the  
42 State or in such territories of the State as shall be affected thereby,  
43 except as provided in subsection b. of this section; provided, however,  
44 that no such code, rule or regulation and no such amendment or repeal  
45 shall be adopted except after public hearing to be held after 30 days  
46 prior notice thereof by public advertisement of the date, time and place

1 of such hearing, at which opportunity to be heard by the department  
2 with respect thereto shall be given to the public; and provided, further,  
3 that no such code, rule or regulation and no such amendment or repeal  
4 shall be or become effective until 60 days after the adoption thereof as  
5 aforesaid. Any person heard at such public hearing shall be given  
6 written notice of the determination of the department.

7 All codes, rules and regulations heretofore adopted by the Air  
8 Pollution Control Commission shall continue in full force and effect  
9 subject to the power of the department to amend and repeal such  
10 codes, rules and regulations as provided by this act.

11 b. Unless otherwise required by federal law, rule or regulation, no  
12 code, regulation, rule or standard may be adopted by the department  
13 that diminishes the efficacy of a hospital or medical disinfectant in  
14 killing or inactivating agents of infectious diseases, including, but not  
15 limited to, restrictions on the volatile organic compound content or  
16 emissions caused by the use of such products. No federal requirement  
17 to reduce volatile organic compound content or emissions in general  
18 may be construed to permit the department to regulate the volatile  
19 organic compounds found in, or released in the use of, a hospital or  
20 medical disinfectant, unless the federal law, rule or regulation  
21 establishing the federal requirement specifically requires the reduction  
22 of volatile organic compounds found in, or released in the use of,  
23 hospital or medical disinfectants.

24 (cf: P.L.1967, c.106, s.6)

25

26 3. This act shall take effect immediately.

27

28

29

30

31 Prohibits DEP from regulating emissions from hospital disinfectants if  
32 regulation diminishes efficacy of disinfectant.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 986**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 11, 1999

The Assembly Environment Committee reports favorably an Assembly committee substitute for Senate Bill No. 986.

This committee substitute provides that unless otherwise required by federal law, rule or regulation, no code, regulation, rule or standard may be adopted by the Department of Environmental Protection that diminishes the efficacy of a hospital or medical disinfectant in killing or inactivating agents of infectious diseases, including, but not limited to, restrictions on the volatile organic compound content or emissions caused by the use of such products. The committee substitute further clarifies that no federal requirement to reduce volatile organic compound content or emissions in general may be construed to permit the department to regulate the volatile organic compounds found in, or released in the use of, a hospital or medical disinfectant, unless the federal law, rule or regulation establishing the federal requirement specifically requires the reduction of volatile organic compounds found in, or released in the use of, hospital or medical disinfectants.

As reported by the committee, this committee substitute is identical to Assembly Bill No. 2433 of 1998 as amended and also reported by the committee.



ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
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**STATE OF NEW JERSEY**

DATED: FEBRUARY 11, 1999

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As reported by the committee, this committee substitute is identical to Assembly Bill No. 2433 of 1998 as amended and also reported by the committee.

**SENATE, No. 986**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED APRIL 2, 1998

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**SYNOPSIS**

Prohibits DEP from regulating emissions from hospital disinfectants if regulation diminishes efficacy of disinfectant.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the control of air pollution from certain sources  
2 and amending P.L.1957, c.212.

3

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

6

7 1. Section 2 of P.L.1954, c.212 (C.26:2C-2) is amended to read as  
8 follows:

9 2. As used in this act:

10 "Air contaminant" means any substance, other than water or  
11 distillates of air, present in the atmosphere as solid particles, liquid  
12 particles, vapors, or gases~~].~~];

13 "Air pollution" means the presence in the outdoor atmosphere of  
14 one or more air contaminants in such quantities and duration as are, or  
15 tend to be, injurious to human health or welfare, animal or plant life,  
16 or property, or would unreasonably interfere with the enjoyment of life  
17 or property throughout the State and in those areas of the State as  
18 shall be affected thereby, and excludes all aspects of an  
19 employer-employee relationship as to health and safety hazards~~].~~];

20 "Antimicrobial pesticide" means a product that destroys or repels,  
21 or prevents or mitigates the growth of, any bacteria, fungus, virus or  
22 other micro-organism that is defined as a pest pursuant to  
23 7U.S.C.136w (c)(1), and includes any product required to be  
24 registered as an antimicrobial pesticide pursuant to the "Federal  
25 Insecticide, Fungicide and Rodenticide Act," 7U.S.C. sec.136, et seq.,  
26 known and referred to as "FIFRA;"

27 "Commissioner" means the Commissioner of Environmental  
28 Protection~~].~~];

29 "Construct" or "construction" means to fabricate or erect  
30 equipment or control apparatus at a facility where it is intended to be  
31 used, but shall not include the dismantling of existing equipment or  
32 control apparatus, site preparation, or the ordering, receiving,  
33 temporary storage, or installation of equipment or control apparatus.  
34 Unless otherwise prohibited by federal law, "construct" or  
35 "construction" shall also not include the pouring of footings or  
36 placement of a foundation where equipment or control apparatus is  
37 intended to be used~~].~~];

38 "Consumer Price Index" or "CPI" means the annual Consumer Price  
39 Index for a calendar year as determined year to year using the decimal  
40 increase in the September through August, 12-month average for the  
41 previous year of the Consumer Price Index for All Urban Consumers  
42 (CPI-U), as published by the United States Department of Labor.

43 "Control apparatus" means any device that prevents or controls the

**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 emission of any air contaminant[.];

2 "Council" means the Clean Air Council created pursuant to section  
3 3 of P.L.1967, c.106 (C.26:2C-3.2)[.];

4 "Department" means the Department of Environmental  
5 Protection[.];

6 "Emission fee" means an annual fee that is based on the emission of  
7 any regulated air contaminant[.];

8 "Emission statement" means an annual reporting of actual emissions  
9 of air contaminants as prescribed by rules and regulations therefor that  
10 shall be adopted by the department pursuant to the "Administrative  
11 Procedure Act, " P.L.1968, c.410 (C.52:14B-1 et seq.)[.];

12 "EPA" means the United States Environmental Protection  
13 Agency[.];

14 "Equipment" means any device capable of causing the emission of  
15 an air contaminant either directly or indirectly into the outdoor  
16 atmosphere, and any stack, chimney, conduit, flue, duct, vent, or  
17 similar device connected or attached to, or serving, the equipment, and  
18 shall include, but need not be limited to, any equipment in which the  
19 preponderance of the air contaminants emitted is caused by a  
20 manufacturing process[.];

21 "Facility" means the combination of all structures, buildings,  
22 equipment, control apparatus, storage tanks, source operations, and  
23 other operations that are located on a single site or on contiguous or  
24 adjacent sites and that are under common control of the same person  
25 or persons. Research and development facilities that are located with  
26 other facilities shall be considered separate and independent entities  
27 for the purposes of complying with the operating permit requirements  
28 of P.L.1954, c.212 (C.26:2C-1 et seq.) or any codes, rules, or  
29 regulations adopted pursuant thereto[.];

30 "Federal Clean Air Act" means the federal "Clean Air Act"  
31 (42U.S.C. 7401 et seq.) and any subsequent amendments or  
32 supplements to that act[.];

33 "Grandfathered" means construction, reconstruction, or  
34 modification of equipment or control apparatus prior to the date of  
35 enactment of section 13 of P.L.1967, c.106 (C.26:2C-9.2) on June 15,  
36 1967, or prior to the subsequent applicable revisions to rules and  
37 regulations codified at N.J.A.C.7:27-8.1 et seq. that occurred March  
38 5, 1973, June 1, 1976, April 5, 1985, and October 31, 1994[.];

39 "HAP" or hazardous air pollutant" means any air pollutant listed in  
40 or pursuant to subsection (b) of section 112 of the federal Clean Air  
41 Act (42U.S.C.7412)[.];

42 "Hospital or medical disinfectant" means an antimicrobial product  
43 registered with the United States Environmental Protection Agency  
44 that qualifies to bear the name or claim to be a "hospital or medical  
45 environment disinfectant" pursuant to United States Environmental

1 Protection Agency guidelines published pursuant to 7U.S.C.136a  
 2 (2)(A), and shall include, but shall not be limited to, antimicrobial  
 3 pesticides used in hospitals, doctor and dentist offices, and other  
 4 medical environments:

5 "Install" or "installation" means to carry out final setup activities  
 6 necessary to provide equipment or control apparatus with the capacity  
 7 for use or service, and shall include, but need not be limited to,  
 8 connection of equipment or control apparatus, associated utilities,  
 9 piping, duct work, or conveyor systems, but shall not include  
 10 construction or reconfiguration of equipment or control apparatus to  
 11 an alternate configuration specified in a permit application and  
 12 approved by the department[.];

13 "Major facility" means a major source, as that term is defined by the  
 14 EPA in rules and regulations adopted pursuant to the federal Clean Air  
 15 Act at 40CFR70.2 or any subsequent amendments thereto, that has the  
 16 potential to emit any of the air contaminants listed below in an amount  
 17 that is equal to or exceeds the applicable major facility threshold levels  
 18 as follows:

19 Air Contaminant	Threshold level
20 Carbon monoxide	100 tons per year
21 Particulate matter (PM-10)	100 tons per year
22 Total suspended particulates	100 tons per year
23 Sulfur dioxide	00 tons per year
24 Oxides of nitrogen	25 tons per year
25 VOC	25 tons per year
26 Lead	10 tons per year
27 Any HAP	10 tons per year
28 All HAPs collectively	25 tons per year
29 Any other air contaminant	100 tons per year[.];

30 "Modify" or "modification" means any physical change in, or  
 31 change in the method of operation of, existing equipment or control  
 32 apparatus that increases the amount of any air contaminant emitted by  
 33 that equipment or control apparatus or that results in the emission of  
 34 any air contaminant not previously emitted, but shall not include  
 35 normal repair and maintenance[.];

36 "Operating permit" means the permit described in Title V of the  
 37 federal Clean Air Act (42U.S.C.7661 et seq.)[.];

38 "Person" means an individual, public or private corporation,  
 39 company, partnership, firm, association, society, joint stock company,  
 40 international entity, institution, county, municipality, state, interstate  
 41 body, the United States of America, or any agency, board,  
 42 commission, employee, agent, officer, or political subdivision of a  
 43 state, an interstate body, or the United States of America[.];

44 "Potential to emit" means the same as that term is defined by the  
 45 EPA in rules and regulations adopted pursuant to the federal Clean Air  
 46 Act at 40CFR70.2 or any subsequent amendments thereto[.];

1 "Process unit" means equipment assembled to produce intermediate  
2 or final products. A process unit can operate independently if supplied  
3 with sufficient feed or raw materials and sufficient storage facilities for  
4 the product. The storage and transfer of product or raw materials to  
5 and from the process unit shall be considered separate from the  
6 process unit for the purposes of making reconstruction determinations.  
7 Product recovery equipment shall be considered to be part of the  
8 process unit, not part of the control apparatus[.];

9 "Reconstruct" or "reconstruction" means the replacement of parts  
10 of equipment included in a process unit, or the replacement of control  
11 apparatus, if the fixed capital cost of replacing the parts exceeds both  
12 of the following amounts: (1) Fifty percent of the fixed capital cost  
13 that would be required to construct a comparable new process unit or  
14 control apparatus; and (2) \$80,000 (in 1995 dollars) adjusted by the  
15 Consumer Price Index[.];

16 "Regulated air contaminant" means the same as the term "regulated  
17 air pollutant" as defined by the EPA in rules and regulations adopted  
18 pursuant to the federal Clean Air Act at 40CFR70.2 or any subsequent  
19 amendments thereto[.];

20 "Research and development facility" means any facility the primary  
21 purpose of which is to conduct research and development into new  
22 processes and products, including academic and technological research  
23 and development, provided that such a facility is operated under the  
24 close supervision of technically trained personnel and is not engaged  
25 in the manufacture of products for commercial sale, except in a de  
26 minimis manner[.]and;

27 "VOC" or "volatile organic compound" means the same as that term  
28 is defined by the EPA in rules and regulations adopted pursuant to the  
29 federal Clean Air Act at 40CFR51.100 or any subsequent amendments  
30 thereto.

31 (cf: P.L.1995, c.188, s.2.)

32

33 2. Section 8 of P.L.1954, c.212 (C.26:2C-8) is amended to read as  
34 follows:

35 8. a. The department shall have power to formulate and  
36 promulgate, amend and repeal codes and rules and regulations  
37 preventing, controlling and prohibiting air pollution throughout the  
38 State or in such territories of the State as shall be affected thereby,  
39 except as provided in subsection b. of this section; provided, however,  
40 that no such code, rule or regulation and no such amendment or repeal  
41 shall be adopted except after public hearing to be held after 30 days  
42 prior notice thereof by public advertisement of the date, time and  
43 place of such hearing, at which opportunity to be heard by the  
44 department with respect thereto shall be given to the public; and  
45 provided, further, that no such code, rule or regulation and no such  
46 amendment or repeal shall be or become effective until 60 days after

1 the adoption thereof as aforesaid. Any person heard at such public  
2 hearing shall be given written notice of the determination of the  
3 department.

4 All codes, rules and regulations heretofore adopted by the Air  
5 Pollution Control Commission shall continue in full force and effect  
6 subject to the power of the department to amend and repeal such  
7 codes, rules and regulations as provided by this act.

8 b. No code, regulation, rule or standard may be adopted by the  
9 department that diminishes the efficacy of a hospital or medical  
10 environment disinfectant in killing or inactivating agents of infectious  
11 diseases, including, but not limited to, restrictions on the volatile  
12 organic compound content or emissions caused by the use of such  
13 products.

14 (cf: P.L.1967, c.106, s.6.)

15

16 3. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill prohibits the Department of Environmental Protection from  
22 adopting any code, regulation, rule, or standard that diminishes the  
23 efficacy of a hospital or medical environment disinfectant in killing or  
24 inactivating agents of infectious diseases, including, but not limited to,  
25 restrictions on the volatile organic compound content or emissions  
26 caused by the use of such products.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

**SENATE, No. 986**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 14, 1998

The Senate Environment Committee favorably reports Senate Bill No. 986 with committee amendments.

This bill, as amended, prohibits the Department of Environmental Protection from adopting any code, regulation, rule, or standard that diminishes the efficacy of a hospital or medical environment disinfectant in killing or inactivating agents of infectious diseases, including, but not limited to, restrictions on the volatile organic compound content or emissions caused by the use of such products unless otherwise required by federal law, rule or regulation.

The committee amended the bill to allow regulation of the disinfectants if required by federal law, rule or regulation and to make technical corrections.



[First Reprint]

**SENATE, No. 986**

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**STATE OF NEW JERSEY**

**208th LEGISLATURE**

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INTRODUCED APRIL 2, 1998

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Monmouth and Ocean)**

**SYNOPSIS**

Prohibits DEP from regulating emissions from hospital disinfectants if regulation diminishes efficacy of disinfectant.

**CURRENT VERSION OF TEXT**

As reported by the Senate Environment Committee on May 14, 1998, with amendments.



1 AN ACT concerning the control of air pollution from certain sources  
2 and amending P.L.1957, c.212.

3

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

6

7 1. Section 2 of P.L.1954, c.212 (C.26:2C-2) is amended to read as  
8 follows:

9 2. As used in this act:

10 "Air contaminant" means any substance, other than water or  
11 distillates of air, present in the atmosphere as solid particles, liquid  
12 particles, vapors, or gases~~].~~;

13 "Air pollution" means the presence in the outdoor atmosphere of  
14 one or more air contaminants in such quantities and duration as are, or  
15 tend to be, injurious to human health or welfare, animal or plant life,  
16 or property, or would unreasonably interfere with the enjoyment of life  
17 or property throughout the State and in those areas of the State as  
18 shall be affected thereby, and excludes all aspects of an  
19 employer-employee relationship as to health and safety hazards~~].~~;

20 "Antimicrobial pesticide" means a product that destroys or repels,  
21 or prevents or mitigates the growth of, any bacteria, fungus, virus or  
22 other micro-organism that is defined as a pest pursuant to 7 U.S.C.  
23 <sup>1</sup>s. <sup>1</sup>136w (c)(1), and includes any product required to be registered  
24 as an antimicrobial pesticide pursuant to the "Federal Insecticide,  
25 Fungicide and Rodenticide Act," 7 U.S.C. <sup>1</sup>[sec.136,] s.136<sup>1</sup> et seq.  
26 <sup>1</sup>[, known and referred to as "FIFRA;"] <sup>1</sup>;

27 "Commissioner" means the Commissioner of Environmental  
28 Protection~~].~~;

29 "Construct" or "construction" means to fabricate or erect  
30 equipment or control apparatus at a facility where it is intended to be  
31 used, but shall not include the dismantling of existing equipment or  
32 control apparatus, site preparation, or the ordering, receiving,  
33 temporary storage, or installation of equipment or control apparatus.  
34 Unless otherwise prohibited by federal law, "construct" or  
35 "construction" shall also not include the pouring of footings or  
36 placement of a foundation where equipment or control apparatus is  
37 intended to be used~~].~~;

38 "Consumer Price Index" or "CPI" means the annual Consumer Price  
39 Index for a calendar year as determined year to year using the decimal  
40 increase in the September through August, 12-month average for the  
41 previous year of the Consumer Price Index for All Urban Consumers

**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:**

<sup>1</sup> Senate SEN committee amendments adopted May 14, 1998.

1 (CPI-U), as published by the United States Department of Labor <sup>1</sup> [.]  
2 :<sup>1</sup>

3 "Control apparatus" means any device that prevents or controls the  
4 emission of any air contaminant [.] ;

5 "Council" means the Clean Air Council created pursuant to section  
6 3 of P.L.1967, c.106 (C.26:2C-3.2) [.] ;

7 "Department" means the Department of Environmental  
8 Protection [.] ;

9 "Emission fee" means an annual fee that is based on the emission of  
10 any regulated air contaminant [.] ;

11 "Emission statement" means an annual reporting of actual emissions  
12 of air contaminants as prescribed by rules and regulations therefor that  
13 shall be adopted by the department pursuant to the "Administrative  
14 Procedure Act, " P.L.1968, c.410 (C.52:14B-1 et seq.) [.] ;

15 "EPA" means the United States Environmental Protection  
16 Agency [.] ;

17 "Equipment" means any device capable of causing the emission of  
18 an air contaminant either directly or indirectly into the outdoor  
19 atmosphere, and any stack, chimney, conduit, flue, duct, vent, or  
20 similar device connected or attached to, or serving, the equipment, and  
21 shall include, but need not be limited to, any equipment in which the  
22 preponderance of the air contaminants emitted is caused by a  
23 manufacturing process [.] ;

24 "Facility" means the combination of all structures, buildings,  
25 equipment, control apparatus, storage tanks, source operations, and  
26 other operations that are located on a single site or on contiguous or  
27 adjacent sites and that are under common control of the same person  
28 or persons. Research and development facilities that are located with  
29 other facilities shall be considered separate and independent entities  
30 for the purposes of complying with the operating permit requirements  
31 of P.L.1954, c.212 (C.26:2C-1 et seq.) or any codes, rules, or  
32 regulations adopted pursuant thereto [.] ;

33 "Federal Clean Air Act" means the federal "Clean Air Act" (42  
34 U.S.C. 7401 et seq.) and any subsequent amendments or supplements  
35 to that act [.] ;

36 "Grandfathered" means construction, reconstruction, or  
37 modification of equipment or control apparatus prior to the date of  
38 enactment of section 13 of P.L.1967, c.106 (C.26:2C-9.2) on June 15,  
39 1967, or prior to the subsequent applicable revisions to rules and  
40 regulations codified at N.J.A.C.7:27-8.1 et seq. that occurred March  
41 5, 1973, June 1, 1976, April 5, 1985, and October 31, 1994 [.] ;

42 "HAP" or hazardous air pollutant" means any air pollutant listed in  
43 or pursuant to subsection (b) of section 112 of the federal Clean Air  
44 Act (42U.S.C.7412) [.] ;

45 "Hospital or medical disinfectant" means an antimicrobial product

1 registered with the United States Environmental Protection Agency  
 2 that qualifies to bear the name or claim to be a "hospital or medical  
 3 environment disinfectant" pursuant to United States Environmental  
 4 Protection Agency guidelines published pursuant to 7 U.S.C. 's. 136a  
 5 '(c)' (2)(A), and shall include, but shall not be limited to, antimicrobial  
 6 pesticides used in hospitals, doctor and dentist offices, and other  
 7 medical environments;

8 "Install" or "installation" means to carry out final setup activities  
 9 necessary to provide equipment or control apparatus with the capacity  
 10 for use or service, and shall include, but need not be limited to,  
 11 connection of equipment or control apparatus, associated utilities,  
 12 piping, duct work, or conveyor systems, but shall not include  
 13 construction or reconfiguration of equipment or control apparatus to  
 14 an alternate configuration specified in a permit application and  
 15 approved by the department[.];

16 "Major facility" means a major source, as that term is defined by the  
 17 EPA in rules and regulations adopted pursuant to the federal Clean Air  
 18 Act at 40 CFR 70.2 or any subsequent amendments thereto, that has  
 19 the potential to emit any of the air contaminants listed below in an  
 20 amount that is equal to or exceeds the applicable major facility  
 21 threshold levels as follows:

Air Contaminant	Threshold level
Carbon monoxide	100 tons per year
Particulate matter (PM-10)	100 tons per year
Total suspended particulates	100 tons per year
Sulfur dioxide	00 tons per year
Oxides of nitrogen	25 tons per year
VOC	25 tons per year
Lead	10 tons per year
Any HAP	10 tons per year
All HAPs collectively	25 tons per year
Any other air contaminant	100 tons per year[.];

33 "Modify" or "modification" means any physical change in, or  
 34 change in the method of operation of, existing equipment or control  
 35 apparatus that increases the amount of any air contaminant emitted by  
 36 that equipment or control apparatus or that results in the emission of  
 37 any air contaminant not previously emitted, but shall not include  
 38 normal repair and maintenance[.];

39 "Operating permit" means the permit described in Title V of the  
 40 federal Clean Air Act (42 U.S.C. 7661 et seq.)[.];

41 "Person" means an individual, public or private corporation,  
 42 company, partnership, firm, association, society, joint stock company,  
 43 international entity, institution, county, municipality, state, interstate  
 44 body, the United States of America, or any agency, board,  
 45 commission, employee, agent, officer, or political subdivision of a  
 46 state, an interstate body, or the United States of America[.];

1 "Potential to emit" means the same as that term is defined by the  
2 EPA in rules and regulations adopted pursuant to the federal Clean Air  
3 Act at 40 CFR 70.2 or any subsequent amendments thereto[.];

4 "Process unit" means equipment assembled to produce intermediate  
5 or final products. A process unit can operate independently if supplied  
6 with sufficient feed or raw materials and sufficient storage facilities for  
7 the product. The storage and transfer of product or raw materials to  
8 and from the process unit shall be considered separate from the  
9 process unit for the purposes of making reconstruction determinations.  
10 Product recovery equipment shall be considered to be part of the  
11 process unit, not part of the control apparatus[.];

12 "Reconstruct" or "reconstruction" means the replacement of parts  
13 of equipment included in a process unit, or the replacement of control  
14 apparatus, if the fixed capital cost of replacing the parts exceeds both  
15 of the following amounts: (1) Fifty percent of the fixed capital cost  
16 that would be required to construct a comparable new process unit or  
17 control apparatus; and (2) \$80,000 (in 1995 dollars) adjusted by the  
18 Consumer Price Index[.];

19 "Regulated air contaminant" means the same as the term "regulated  
20 air pollutant" as defined by the EPA in rules and regulations adopted  
21 pursuant to the federal Clean Air Act at 40 CFR 70.2 or any  
22 subsequent amendments thereto[.];

23 "Research and development facility" means any facility the primary  
24 purpose of which is to conduct research and development into new  
25 processes and products, including academic and technological research  
26 and development, provided that such a facility is operated under the  
27 close supervision of technically trained personnel and is not engaged  
28 in the manufacture of products for commercial sale, except in a de  
29 minimis manner[.]<sup>1</sup> [and:] ; and<sup>1</sup>

30 "VOC" or "volatile organic compound" means the same as that term  
31 is defined by the EPA in rules and regulations adopted pursuant to the  
32 federal Clean Air Act at 40 CFR 51.100 or any subsequent  
33 amendments thereto.

34 (cf: P.L.1995, c.188, s.2)

35  
36 2. Section 8 of P.L.1954, c.212 (C.26:2C-8) is amended to read as  
37 follows:

38 8. a. The department shall have power to formulate and  
39 promulgate, amend and repeal codes and rules and regulations  
40 preventing, controlling and prohibiting air pollution throughout the  
41 State or in such territories of the State as shall be affected thereby,  
42 except as provided in subsection b. of this section; provided, however,  
43 that no such code, rule or regulation and no such amendment or repeal  
44 shall be adopted except after public hearing to be held after 30 days  
45 prior notice thereof by public advertisement of the date, time and  
46 place of such hearing, at which opportunity to be heard by the

1 department with respect thereto shall be given to the public; and  
2 provided, further, that no such code, rule or regulation and no such  
3 amendment or repeal shall be or become effective until 60 days after  
4 the adoption thereof as aforesaid. Any person heard at such public  
5 hearing shall be given written notice of the determination of the  
6 department.

7 All codes, rules and regulations heretofore adopted by the Air  
8 Pollution Control Commission shall continue in full force and effect  
9 subject to the power of the department to amend and repeal such  
10 codes, rules and regulations as provided by this act.

11 b. <sup>1</sup>~~Unless otherwise required by federal law, rule or~~  
12 ~~regulation, no~~ <sup>1</sup> code, regulation, rule or standard may be adopted by  
13 ~~the department that diminishes the efficacy of a hospital or medical~~  
14 ~~environment~~ <sup>1</sup> ~~disinfectant in killing or inactivating agents of~~  
15 ~~infectious diseases, including, but not limited to, restrictions on the~~  
16 ~~volatile organic compound content or emissions caused by the use of~~  
17 ~~such products.~~

18 (cf: P.L.1967, c.106, s.6)

19

20 3. This act shall take effect immediately.

# ASSEMBLY, No. 2433

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED SEPTEMBER 17, 1998

**Sponsored by:**

**Assemblyman GUY R. GREGG**

**District 24 (Sussex, Hunterdon and Morris)**

**SYNOPSIS**

Prohibits DEP from regulating emissions from hospital disinfectants if regulation diminishes efficacy of disinfectant.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the control of air pollution from certain sources  
2 and amending P.L.1954, c.212.

3

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

6

7 1. Section 2 of P.L.1954, c.212 (C.26:2C-2) is amended to read as  
8 follows:

9 2. As used in this act:

10 "Air contaminant" means any substance, other than water or  
11 distillates of air, present in the atmosphere as solid particles, liquid  
12 particles, vapors, or gases~~].~~;

13 "Air pollution" means the presence in the outdoor atmosphere of  
14 one or more air contaminants in such quantities and duration as are, or  
15 tend to be, injurious to human health or welfare, animal or plant life,  
16 or property, or would unreasonably interfere with the enjoyment of life  
17 or property throughout the State and in those areas of the State as  
18 shall be affected thereby, and excludes all aspects of an  
19 employer-employee relationship as to health and safety hazards~~].~~;

20 "Antimicrobial pesticide" means a product that destroys or repels,  
21 or prevents or mitigates the growth of, any bacteria, fungus, virus or  
22 other micro-organism that is defined as a pest pursuant to 7 U.S.C. s.  
23 136w (c)(1), and includes any product required to be registered as an  
24 antimicrobial pesticide pursuant to the "Federal Insecticide, Fungicide  
25 and Rodenticide Act," 7 U.S.C. s.136 et seq.;

26 "Commissioner" means the Commissioner of Environmental  
27 Protection~~].~~;

28 "Construct" or "construction" means to fabricate or erect  
29 equipment or control apparatus at a facility where it is intended to be  
30 used, but shall not include the dismantling of existing equipment or  
31 control apparatus, site preparation, or the ordering, receiving,  
32 temporary storage, or installation of equipment or control apparatus.  
33 Unless otherwise prohibited by federal law, "construct" or  
34 "construction" shall also not include the pouring of footings or  
35 placement of a foundation where equipment or control apparatus is  
36 intended to be used~~].~~;

37 "Consumer Price Index" or "CPI" means the annual Consumer Price  
38 Index for a calendar year as determined year to year using the decimal  
39 increase in the September through August, 12-month average for the  
40 previous year of the Consumer Price Index for All Urban Consumers  
41 (CPI-U), as published by the United States Department of Labor~~].~~;

42 "Control apparatus" means any device that prevents or controls the

**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 emission of any air contaminant[.];

2 "Council" means the Clean Air Council created pursuant to section  
3 3 of P.L.1967, c.106 (C.26:2C-3.2)[.];

4 "Department" means the Department of Environmental  
5 Protection[.];

6 "Emission fee" means an annual fee that is based on the emission of  
7 any regulated air contaminant[.];

8 "Emission statement" means an annual reporting of actual emissions  
9 of air contaminants as prescribed by rules and regulations therefor that  
10 shall be adopted by the department pursuant to the "Administrative  
11 Procedure Act, " P.L.1968, c.410 (C.52:14B-1 et seq.)[.];

12 "EPA" means the United States Environmental Protection  
13 Agency[.];

14 "Equipment" means any device capable of causing the emission of  
15 an air contaminant either directly or indirectly into the outdoor  
16 atmosphere, and any stack, chimney, conduit, flue, duct, vent, or  
17 similar device connected or attached to, or serving, the equipment, and  
18 shall include, but need not be limited to, any equipment in which the  
19 preponderance of the air contaminants emitted is caused by a  
20 manufacturing process[.];

21 "Facility" means the combination of all structures, buildings,  
22 equipment, control apparatus, storage tanks, source operations, and  
23 other operations that are located on a single site or on contiguous or  
24 adjacent sites and that are under common control of the same person  
25 or persons. Research and development facilities that are located with  
26 other facilities shall be considered separate and independent entities  
27 for the purposes of complying with the operating permit requirements  
28 of P.L.1954, c.212 (C.26:2C-1 et seq.) or any codes, rules, or  
29 regulations adopted pursuant thereto[.];

30 "Federal Clean Air Act" means the federal "Clean Air Act" (42  
31 U.S.C. s.7401 et seq.) and any subsequent amendments or supplements  
32 to that act[.];

33 "Grandfathered" means construction, reconstruction, or  
34 modification of equipment or control apparatus prior to the date of  
35 enactment of section 13 of P.L.1967, c.106 (C.26:2C-9.2) on June 15,  
36 1967, or prior to the subsequent applicable revisions to rules and  
37 regulations codified at N.J.A.C.7:27-8.1 et seq. that occurred  
38 March 5, 1973, June 1, 1976, April 5, 1985, and October 31, 1994[.];

39 "HAP" or hazardous air pollutant" means any air pollutant listed in  
40 or pursuant to subsection (b) of section 112 of the federal Clean Air  
41 Act (42 U.S.C. s.7412)[.];

42 "Hospital or medical disinfectant" means an antimicrobial product  
43 registered with the United States Environmental Protection Agency  
44 that qualifies to bear the name or claim to be a "hospital or medical  
45 environment disinfectant" pursuant to United States Environmental

1 Protection Agency guidelines published pursuant to 7 U.S.C. s.136a  
 2 (c)(2)(A), and shall include, but shall not be limited to, antimicrobial  
 3 pesticides used in hospitals, doctor and dentist offices, and other  
 4 medical environments:

5 "Install" or "installation" means to carry out final setup activities  
 6 necessary to provide equipment or control apparatus with the capacity  
 7 for use or service, and shall include, but need not be limited to,  
 8 connection of equipment or control apparatus, associated utilities,  
 9 piping, duct work, or conveyor systems, but shall not include  
 10 construction or reconfiguration of equipment or control apparatus to  
 11 an alternate configuration specified in a permit application and  
 12 approved by the department[.];

13 "Major facility" means a major source, as that term is defined by the  
 14 EPA in rules and regulations adopted pursuant to the federal Clean Air  
 15 Act at 40 CFR 70.2 or any subsequent amendments thereto, that has  
 16 the potential to emit any of the air contaminants listed below in an  
 17 amount that is equal to or exceeds the applicable major facility  
 18 threshold levels as follows:

19 <u>Air Contaminant</u>	<u>Threshold level</u>
20 Carbon monoxide	100 tons per year
21 Particulate matter (PM-10)	100 tons per year
22 Total suspended particulates	100 tons per year
23 Sulfur dioxide	100 tons per year
24 Oxides of nitrogen	25 tons per year
25 VOC	25 tons per year
26 Lead	10 tons per year
27 Any HAP	10 tons per year
28 All HAPs collectively	25 tons per year
29 Any other air contaminant	100 tons per year[.];

30 "Modify" or "modification" means any physical change in, or  
 31 change in the method of operation of, existing equipment or control  
 32 apparatus that increases the amount of any air contaminant emitted by  
 33 that equipment or control apparatus or that results in the emission of  
 34 any air contaminant not previously emitted, but shall not include  
 35 normal repair and maintenance[.];

36 "Operating permit" means the permit described in Title V of the  
 37 federal Clean Air Act (42 U.S.C. s.7661 et seq.)[.];

38 "Person" means an individual, public or private corporation,  
 39 company, partnership, firm, association, society, joint stock company,  
 40 international entity, institution, county, municipality, state, interstate  
 41 body, the United States of America, or any agency, board,  
 42 commission, employee, agent, officer, or political subdivision of a  
 43 state, an interstate body, or the United States of America[.];

44 "Potential to emit" means the same as that term is defined by the  
 45 EPA in rules and regulations adopted pursuant to the federal Clean Air  
 46 Act at 40 CFR 70.2 or any subsequent amendments thereto[.];

1 "Process unit" means equipment assembled to produce intermediate  
2 or final products. A process unit can operate independently if supplied  
3 with sufficient feed or raw materials and sufficient storage facilities for  
4 the product. The storage and transfer of product or raw materials to  
5 and from the process unit shall be considered separate from the  
6 process unit for the purposes of making reconstruction determinations.  
7 Product recovery equipment shall be considered to be part of the  
8 process unit, not part of the control apparatus[.];

9 "Reconstruct" or "reconstruction" means the replacement of parts  
10 of equipment included in a process unit, or the replacement of control  
11 apparatus, if the fixed capital cost of replacing the parts exceeds both  
12 of the following amounts: (1) Fifty percent of the fixed capital cost  
13 that would be required to construct a comparable new process unit or  
14 control apparatus; and (2) \$80,000 (in 1995 dollars) adjusted by the  
15 Consumer Price Index[.];

16 "Regulated air contaminant" means the same as the term "regulated  
17 air pollutant" as defined by the EPA in rules and regulations adopted  
18 pursuant to the federal Clean Air Act at 40 CFR 70.2 or any  
19 subsequent amendments thereto[.];

20 "Research and development facility" means any facility the primary  
21 purpose of which is to conduct research and development into new  
22 processes and products, including academic and technological research  
23 and development, provided that such a facility is operated under the  
24 close supervision of technically trained personnel and is not engaged  
25 in the manufacture of products for commercial sale, except in a de  
26 minimis manner[.]; and

27 "VOC" or "volatile organic compound" means the same as that term  
28 is defined by the EPA in rules and regulations adopted pursuant to the  
29 federal Clean Air Act at 40 CFR 51.100 or any subsequent  
30 amendments thereto.

31 (cf: P.L.1995, c.188, s.2)

32

33 2. Section 8 of P.L.1954, c.212 (C.26:2C-8) is amended to read as  
34 follows:

35 8. a. The department shall have power to formulate and  
36 promulgate, amend and repeal codes and rules and regulations  
37 preventing, controlling and prohibiting air pollution throughout the  
38 State or in such territories of the State as shall be affected thereby,  
39 except as provided in subsection b. of this section; provided, however,  
40 that no such code, rule or regulation and no such amendment or repeal  
41 shall be adopted except after public hearing to be held after 30 days  
42 prior notice thereof by public advertisement of the date, time and place  
43 of such hearing, at which opportunity to be heard by the department  
44 with respect thereto shall be given to the public; and provided, further,  
45 that no such code, rule or regulation and no such amendment or repeal  
46 shall be or become effective until 60 days after the adoption thereof as

1 aforesaid. Any person heard at such public hearing shall be given  
2 written notice of the determination of the department.

3 All codes, rules and regulations heretofore adopted by the Air  
4 Pollution Control Commission shall continue in full force and effect  
5 subject to the power of the department to amend and repeal such  
6 codes, rules and regulations as provided by this act.

7 b. No code, regulation, rule or standard may be adopted by the  
8 department that diminishes the efficacy of a hospital or medical  
9 disinfectant in killing or inactivating agents of infectious diseases,  
10 including, but not limited to, restrictions on the volatile organic  
11 compound content or emissions caused by the use of such products.  
12 Notwithstanding any other provision of law, to the extent that the  
13 United States Environmental Protection Agency adopts a rule or  
14 regulation concerning volatile organic compound content in or  
15 emissions from a hospital or medical environment disinfectant under  
16 Section 183 (e) of the Federal Clean Air Act, the department is  
17 authorized to adopt a measure similar to the EPA rule or regulation as  
18 a State regulation, rule or standard.

19 (cf: P.L.1967, c.106, s.6)

20

21 3. This act shall take effect immediately.

22

23

24

#### STATEMENT

25

26 This bill prohibits the Department of Environmental Protection from  
27 adopting any code, regulation, rule, or standard that diminishes the  
28 efficacy of a hospital or medical disinfectant in killing or inactivating  
29 agents of infectious diseases, including, but not limited to, restrictions  
30 on the volatile organic compound content or emissions caused by the  
31 use of such product, except as authorized under the bill. The bill  
32 authorizes the Department of Environmental Protection to adopt as a  
33 State regulation, rule or standard a measure similar to a rule or  
34 regulation adopted by the United States Environmental Protection  
35 Agency, pursuant to the federal "Clean Air Act" (42 U.S.C. s.7401 et  
36 seq.) and any subsequent amendments or supplements to that act,  
37 concerning volatile organic compound content in or emissions from a  
38 hospital or medical environment disinfectant.

# ASSEMBLY ENVIRONMENT COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2433**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 11, 1999

The Assembly Environment Committee reports favorably Assembly Bill No. 2433 with committee amendments.

This bill, as amended by the committee, provides that unless otherwise required by federal law, rule or regulation, no code, regulation, rule or standard may be adopted by the Department of Environmental Protection that diminishes the efficacy of a hospital or medical disinfectant in killing or inactivating agents of infectious diseases, including, but not limited to, restrictions on the volatile organic compound content or emissions caused by the use of such products. The bill, as amended by the committee, further clarifies that no federal requirement to reduce volatile organic compound content or emissions in general may be construed to permit the department to regulate the volatile organic compounds found in, or released in the use of, a hospital or medical disinfectant, unless the federal law, rule or regulation establishing the federal requirement specifically requires the reduction of volatile organic compounds found in, or released in the use of, hospital or medical disinfectants.

As amended and reported by the committee, this bill is identical to the Assembly Committee Substitute for Senate Bill No. 986 (1R) of 1998 as also reported by the committee.

*Office of the Governor*  
**NEWS RELEASE**

PO BOX 004  
TRENTON, NJ 08625

CONTACT: Gene Herman  
609-777-2600

RELEASE: May 6, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

**A-29**, sponsored by assembly Members Jack Collins (R-Salem/Cumberland/Gloucester) and Kenneth Faulkner (R-Burlington/Camden) and Senators Diane B. Allen (R-Burlington/Camden) and Leonard T. Connors, Jr. (R-Atlantic/Burlington/Ocean), appropriates \$17.5 million to the New Jersey Commerce and Economic Growth Commission for loans and grants for eight economic development sites in the Delaware River and Bay Region. The funds will be appropriated from the 1996 Economic Development Site Fund. The funds will be allocated in the following manner:

- A loan of \$515,000 for the Coriel Institute for Medical Research in Camden County for a new laboratory;
- A loan of \$1,250,000 and a grant of \$250,000 for the Barnegat Bay Decoy and Baymen's Museum in Ocean County for the construction of a waterfront site in Tuckerton;
- A loan of \$2.5 million and a grant of \$1 million to Rutgers and the Cooper's Ferry Development Association for capital improvements to the Nipper Building that would enable the Nutraceuticals Institute to be located with the Urban Enterprise Zone on the Camden waterfront;
- A loan of \$485,000 and a grant of \$500,000 for Wheaton Village located in Cumberland County to expand its facility;
- A loan of \$1 million for Del Lines, L. L. C. to create a marine terminal and a distribution center in Camden County;
- A grant of \$5 million to Burlington County to capitalize a revolving loan fund for projects along the Route 130 corridor;
- A grant of \$5 million to Salem County for the development of the Salem County Industrial Park.

The loans authorized in the bill would be zero-interest loans, with a maximum repayment term of 20 years. In a line item veto, the Governor eliminated the line item appropriation for the loan of \$2.5 million for Camden Iron and Metal, Incorporated, out of concern that the proposed project would result in a negative fiscal impact to the Southern Jersey Port Corporation, which receives state funding.

**A-1656**, sponsored by Assembly Member Barbara Wright (R-Mercer/Middlesex), amends current law to extend the provisions governing certification of homemaker-home health aides by the New Jersey Board of Nursing to homemaker-home health aides working in assisted living residences, comprehensive personal care homes, assisted living programs and alternate family care sponsored agencies licensed by the Department of Health and Senior Services. The bill expands the definition of home care services agency to include these other settings, in addition to the traditional licensed home health agencies as previously provided in the law. Thus, all certified homemaker-home health aides employed in these other settings would qualify for recertification. Under previous law, certified homemaker-home health aides may have been faced with the prospect of losing their certification if, at

the time they needed to be recertified, they were employed in a health care setting other than through a traditional home care services agency. In addition, the bill changed previous law to provide that a fee may be charged, but does not have to be charged (as was required under the previous statute) by a health care service firm for procuring employment for a homemaker-home health aide in order for that aide to be eligible for certification by virtue of the aide's relationship with the health care service firm.

**S-986**, sponsored by Senator Robert W. Singer (R-Burlington/Monmouth/Ocean), prohibits the Department of Environmental Protection from adopting any code, regulation, rule or standard that diminishes the efficacy of a hospital medical disinfectant in killing or inactivating agents of infectious diseases, including, but not limited to, restrictions on the volatile organic compound (VOC) content or emissions caused by the use of such products, unless otherwise required by federal law, rule or regulation.

**A-1669**, sponsored by Assembly Members E. Scott Garrett (R-Sussex/Hunterdon/Morris) and Micheal J. Arnone (R-Monmouth) and Senators Diane B. Allen (R-Burlington/Camden) and Louis F. Kosco (R-Bergen), provides a Neighborhood and Business Child Care Tax Incentive Program. The bill allows the corporate and individual contributors to the eight new child care centers established pursuant to two related bills to receive tax credits based on their expenditures toward child care facilities and operations for the three-year life of the pilot initiatives.

**A-1771**, sponsored by Assembly Members John C. Gibson (R-Cape May/Atlantic/Cumberland) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland), reappropriates \$645,000 from the Jobs, Education and Competitiveness Fund to the Commission on Higher Education. The bill rescinds prior appropriations totaling \$645,000 for the construction of child care facilities at Cumberland, Hudson, Ocean, Union and Warren County community colleges. The five institutions initially received the funds under a portion of the Jobs, Education and Competitiveness Fund that by statute is to be used for statewide or regional purposes. The five colleges requested the reallocation of their allotment because either there was no longer a need for child care facilities or the amounts appropriated were insufficient to fund the projects. The funds could not be reallocated to other projects at the five colleges because the Commission on Higher Education determined that no other statewide or regional projects were being done by those institutions. The bill reappropriates the rescinded amounts to the commission for the provision of community college services to the residents of Cape May County and the surrounding area, services the commission deemed important to the region. The funds will be used to support the capital needs resulting from the joint agreement between Cape May and Atlantic County to form a community college.