

58:10A-15 to 58:10A-20

LEGISLATIVE HISTORY CHECKLIST

NJSA 58:10A-15 to 58:10A-20 (Sewer system cleaners--halogenated and aromatic hydrocarbons--prohibit sale and use)

LAWS 1981 CHAPTER 253

Bill No. S365

Sponsor(s) Hagedorn and others

Date Introduced Pre-filed

Committee: Assembly Energy and Natural Resources

Senate Energy and Environment

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 14, 1981

Senate Feb. 19, 1981

Date of approval Aug. 12, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~ Also attached: Senate amendments, adopted 2-9-81 (with statement)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

6/22/81  
MAY

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SENATE, No. 365

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senators HAGEDORN, DODD, SCARDINO, VREELAND,  
DORSEY, A. RUSSO and HAMILTON

A SUPPLEMENT to the "Water Pollution Control Act," approved  
April 25, 1977 (P. L. 1977, c. 74, C. 58:10A-1 et seq.).

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

1 1. The Legislature finds that *\*certain\** halogenated hydrocarbon  
2 chemicals and aromatic hydrocarbon chemicals used as sewage  
3 system cleaners are a significant and unnecessary source of water  
4 pollution and groundwater contamination. These chemicals are  
5 toxic and generally nonbiodegradable. When used **\*[by home-**  
6 **owners]\*** to unblock sewage systems they are introduced into the  
7 groundwater where they have adverse effects on the health and  
8 environment of the citizens of this State. It is declared to be the  
9 policy of this State to eliminate the introduction of these toxic  
10 chemicals into the groundwaters of this State.

1 2. As used in this act:

2 a. "Sewage system cleaner **\*[or additive]\***" means any solid or  
3 liquid material intended or used *\*primarily\** for the purpose of  
4 cleaning, treating, *\*degreasing,\** unclogging, disinfecting or de-  
5 odorizing any part of a sewage system *\*but excluding those liquid*  
5A *or solid products intended or used primarily for manual cleaning,*  
5B *scouring, treating, deodorizing or disinfecting the surfaces of com-*  
5C *mon plumbing fixtures\*.*

6 b. "Sewage system" means any part of a wastewater disposal  
7 system, including but not limited to all toilets, piping, drains,  
8 sewers, septic tanks, distribution boxes, absorption fields, seepage  
9 pits, cesspools, and dry wells.

10 c. "Restricted chemical material" means *\*any chemical*  
11 *material\*\*[or combination thereof,]\*\* which contains concentra-*  
12 *tions in excess of one part per hundred, by weight of\** (1) any halo-  
13 genated hydrocarbon chemical, aliphatic or aromatic, including but

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

14 not limited to trichloroethane, *\*trichloroethylene,\** tetrachloro-  
 15 ethylene, methylene chloride, halogenated benzenes\***[,]**\* *\*and\**  
 16 carbon tetrachloride\***[, and]**\* \*;\* (2) any aromatic hydrocarbon  
 17 chemical, including but not limited to benzene, toluene, and **\*[their**  
 18 derivatives]**\*** *\*naphthalene;* (3) any phenol derivative in which a  
 19 hydroxy group and two or more halogen atoms are bonded directly  
 20 to a six-carbon aromatic ring, including but not limited to trichloro-  
 21 phenol or pentachlorophenol; or (4) acrolein, acrylonitrile, or  
 22 benzidine\*. **\*\*Restricted chemical material does not, however,**  
 23 *include any chemical material which is (1) biodegradable; and (2)*  
 24 *not a significant source, of contamination of the groundwaters of*  
 25 *the State.\*\**

1 3. a. No person shall distribute, sell, offer or expose for sale *\*in*  
 2 *this State\** any sewage system cleaner **\*[or additive]**\* containing  
 3 any restricted chemical material.

4 b. No person shall use, introduce or apply or cause any other  
 5 person to use, introduce or apply in any sewage system, surface  
 6 waters, or groundwaters, any sewage system cleaner **\*[or addi-**  
 7 **tive]**\* containing any restricted chemical material.

1 **\*[4. No person shall distribute, sell, offer or expose for sale any**  
 2 sewage system cleaner or additive unless its wrapper and container  
 3 shall be plainly labelled as provided herein. The wrapper and  
 4 container of every sewage system cleaner or additive shall list  
 5 each chemical component. The chemical components shall be listed  
 6 in order of their percentage of total weight of such product,  
 7 expressed to at least two significant figures or as specified by the  
 8 commissioner. Labelling of ingredients shall be in accordance with  
 9 regulations promulgated by the commissioner. Analysis to deter-  
 10 mine actual composition shall be performed in accordance with  
 11 regulations promulgated by the commissioner.]\*

1 **\*[5.]\* \*4.\*** a. The commissioner shall, within 90 days *\*of the*  
 2 *effective date of this act\**, promulgate regulations establishing  
 3 **\*[labelling and analytical standards for]**\* *\*methods for identifica-*  
 4 *tion and quantification of ingredients in\** sewage system cleaners  
 5 **\*[and additives]**\* *\*\*containing any restricted chemical material\*\*.*

6 b. The commissioner shall, within **\*[90]\* \*180\*** days *\*of the*  
 7 *effective date of this act\**, promulgate regulations requiring manu-  
 8 facturers of sewage system cleaners **\*[or additives]**\* distributed,  
 9 sold or offered for sale in this State to furnish to the commis-  
 10 sioner**\*[, in a form the commissioner may prescribe,]**\* *\*any*  
 11 *existing\** information regarding chemical components **\*[and other**  
 12-13 **data about]**\* *\*of\** such products, including the nature and extent of

14 investigations and research performed by the manufacturer con-  
 15 cerning the effects of such products on \***[health and the environ-**  
 16 **ment]**\* *\*the quality of the groundwaters of the State, provided*  
 17 *that, in lieu of furnishing this information, the manufacturers may*  
 18 *refer the commissioner to any available information which has*  
 19 *already been obtained by any Federal or State agency\*.*

20 c. Whenever the commissioner finds, after investigation and  
 21 public hearing, that any ingredient other than a restricted chem-  
 22 ical material in a sewage system cleaner **\*[or additive]**\* distrib-  
 23 uted, sold, offered or exposed for sale in this State **\*[may have an**  
 24 **adverse effect on human health or the environment]**\* *\*is*  
 25 *\*\*[likely]\*\* \*shown\* to be dangerous, deleterious or injurious*  
 26 *to the public health in its impact on the quality of the groundwaters*  
 27 *of the State\**, he shall prohibit or restrict the sale, distribution,  
 28 offer or exposure for sale or use by any person of sewage system  
 29 cleaners **\*[or additives]**\* containing such ingredients.

30 d. Whenever the commissioner finds, after investigation and  
 31 public hearing, that any restricted chemical material will not  
 32 **\*[have an adverse effect on human health or the environment]**\*  
 33 *\*be dangerous, deleterious or injurious to the public health in its*  
 34 *impact on the quality of the groundwaters of the State\** when used  
 35 in a sewage system cleaner **\*[or additive]**\*, he may authorize the  
 36 use of such chemical material in such products.

1 *\*5. The commissioner shall hold confidential any information*  
 2 *obtained pursuant to subsection b. of section 4 of this act when*  
 3 *shown by any manufacturer that the information, if made public,*  
 4 *would divulge competitive business information, methods or proc-*  
 5 *esses entitled to protection as trade secrets of the manufacturer.\**

1 6. Any person who violates any provision of this act or any rule  
 2 or regulation promulgated hereunder shall be subject to the  
 3 provisions of P. L. 1977, c. 74, s. 10 (C. 58:10A-10).

1 7. This act shall take effect immediately\***[**, except section 4, which  
 2 shall take effect 6 months after enactment**]**\*.

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SENATE, No. 365

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senators HAGEDORN, DODD, SCARDINO, VREELAND,  
DORSEY, A. RUSSO and HAMILTON

A SUPPLEMENT to the "Water Pollution Control Act," approved  
April 25, 1977 (P. L. 1977, c. 74, C. 58:10A-1 et seq.).

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

1 1. The Legislature finds that halogenated hydrocarbon chem-  
2 cals and aromatic hydrocarbon chemicals used as sewage system  
3 cleaners are a significant and unnecessary source of water pollution  
4 and groundwater contamination. These chemicals are toxic and  
5 generally nonbiodegradable. When used by homeowners to unblock  
6 sewage systems they are introduced into the groundwater where  
7 they have adverse effects on the health and environment of the  
8 citizens of this State. It is declared to be the policy of this State to  
9 eliminate the introduction of these toxic chemicals into the ground-  
10 waters of this State.

1 2. As used in this act:

2 a. "Sewage system cleaner or additive" means any solid or  
3 liquid material intended or used for the purpose of cleaning,  
4 treating, unclogging, disinfecting or deodorizing any part of a  
5 sewage system.

6 b. "Sewage system" means any part of a wastewater disposal  
7 system, including but not limited to all toilets, piping, drains,  
8 sewers, septic tanks, distribution boxes, absorption fields, seepage  
9 pits, cesspools, and dry wells.

10 c. "Restricted chemical material" means (1) any halogenated  
11 hydrocarbon chemical, aliphatic or aromatic, including but not  
12 limited to trichloroethane, tetrachloroethylene, methylene chloride,  
13 halogenated benzenes, carbon tetrachloride, and (2) any aromatic  
14 hydrocarbon chemical, including but not limited to benzene, toluene,  
15 and their derivatives.

1 3. a. No person shall distribute, sell, offer or expose for sale any  
2 sewage system cleaner or additive containing any restricted chem-  
3 ical material.

4 b. No person shall use, introduce or apply or cause any other  
5 person to use, introduce or apply in any sewage system, surface  
6 waters, or groundwaters, any sewage system cleaner or additive  
7 containing any restricted chemical material.

1 4. No person shall distribute, sell, offer or expose for sale any  
2 sewage system cleaner or additive unless its wrapper and container  
3 shall be plainly labelled as provided herein. The wrapper and  
4 container of every sewage system cleaner or additive shall list  
5 each chemical component. The chemical components shall be listed  
6 in order of their percentage of total weight of such product,  
7 expressed to at least two significant figures or as specified by the  
8 commissioner. Labelling of ingredients shall be in accordance with  
9 regulations promulgated by the commissioner. Analysis to deter-  
10 mine actual composition shall be performed in accordance with  
11 regulations promulgated by the commissioner.

1 5. a. The commissioner shall, within 90 days, promulgate regula-  
2 tions establishing labelling and analytical standards for sewage  
3 system cleaners and additives.

4 b. The commissioner shall, within 90 days, promulgate regula-  
5 tions requiring manufacturers of sewage system cleaners or addi-  
6 tives distributed, sold or offered for sale in this State to furnish  
7 to the commissioner, in a form the commissioner may prescribe,  
8 information regarding chemical components and other data about  
9 such products, including the nature and extent of investigations  
10 and research performed by the manufacturer concerning the  
11 effects of such products on health and the environment.

12 c. Whenever the commissioner finds, after investigation and  
13 public hearing, that any ingredient other than a restricted chem-  
14 ical material in a sewage system cleaner or additive distributed,  
15 sold, offered or exposed for sale in this State may have an adverse  
16 effect on human health or the environment, he shall prohibit or  
17 restrict the sale, distribution, offer or exposure for sale or use by  
18 any person of sewage system cleaners or additives containing such  
19 ingredients.

20 d. Whenever the commissioner finds, after investigation and  
21 public hearing, that any restricted chemical material will not have  
22 an adverse effect on human health or the environment when used  
23 in a sewage system cleaner or additive, he may authorize the use  
24 of such chemical material in such products.

1 6. Any person who violates any provision of this act or any rule  
2 or regulation promulgated hereunder shall be subject to the  
3 provisions of P. L. 1977, c. 74, s. 10 (C. 58:10A-10).

1 7. This act shall take effect immediately, except section 4, which  
2 shall take effect 6 months after enactment.

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#### STATEMENT

The bill eliminates significant and unnecessary contamination of the groundwaters of this State. Halogenated hydrocarbons and aromatic hydrocarbons are presently being used as sewer system cleaners. These chemicals are toxic and generally nonbiodegradable. When used by homeowners to unblock cesspools and sewer systems they are introduced into the groundwater where they will have adverse effects on the health and environment of the citizens of this State for decades.

The bill prohibits the sale, use, or introduction of halogenated hydrocarbons and aromatic hydrocarbons as sewer system cleaners. It gives authority to the Commissioner of the Department of Environmental Protection to ban the use of any other sewer system cleaners should they be found to be toxic. This bill also provides for labelling of the ingredients on the product package, and written notification, of such ingredients by the manufacturer to the commissioner.

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ASSEMBLY COMMITTEE  
STATEMENT TO  
**SENATE, No. 365**  
[SECOND OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

DATED: APRIL 27, 1981

As originally introduced, this bill would (1) prohibit the sale or use of halogenated hydrocarbons and aromatic hydrocarbons as sewer system cleaners; (2) authorize the Commissioner of the Department of Environmental Protection to ban the use of any other sewer system cleaners found to be toxic; (3) provide for labelling of the ingredients on the product package; and (4) require the manufacturer to provide written notification of these ingredients to the commissioner.

Senate committee amendments (1) establish a threshold of one part per hundred for restricted chemical materials; (2) exclude products intended or used primarily for manual cleaning; scouring, treating, deodorizing or disinfecting the surfaces of common plumbing fixtures; (3) delete the labelling requirement; (4) revise the standard to be utilized by the commissioner in determining the toxicity of sewer system cleaners; and (5) provide for the protection of trade secrets contained in information required to be submitted to the commissioner pursuant to subsection b. of Section 4.

Senate floor amendments (1) provide that the threshold definition of restricted chemical materials applies to individual chemical materials and not to combinations thereof; and (2) allow the sale or distribution of sewage system cleaners which contain ingredients which are biodegradable and not a significant source, or potential source, of groundwater contamination.



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SENATE AMENDMENTS TO  
**SENATE, No. 365**  
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**STATE OF NEW JERSEY**

ADOPTED FEBRUARY 9, 1981

Amend page 1, section 2, line 10, after "material", omit ",".

Amend page 1, section 2, line 11, omit "or combination thereof,".

Amend page 2, section 2, line 22, after "benzidine." insert "Restricted chemical material does not, however, include any chemical material which is (1) biodegradable; and (2) not a significant source, or potential source, of contamination of the groundwaters of the State.".

Amend page 2, section 4, line 4, after "cleaners", insert "containing any restricted chemical material".

Amend page 3, section 4, line 24, omit "likely", insert "shown".

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STATEMENT

These amendments would (1) provide that the threshold definition of restricted chemical materials applies to individual chemical materials and not to combinations thereof; and (2) allow the sale or distribution of sewage system cleaners which contain ingredients which are biodegradable and not a significant source, or potential source, of groundwater contamination.

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SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

**SENATE, No. 365**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 29, 1981

As originally introduced, this bill would (1) prohibit the sale or use of halogenated hydrocarbons and aromatic hydrocarbons as sewer system cleaners; (2) authorize the Commissioner of the Department of Environmental Protection to ban the use of any other sewer system cleaners found to be toxic; (3) provide for labelling of the ingredients on the product package; and (4) require the manufacturer to provide written notification of these ingredients to the commissioner.

Senate committee amendments (1) establish a threshold of one part per hundred for restricted chemical materials; (2) exclude products intended or used primarily for manual cleaning, scouring, treating, deodorizing or disinfecting the surfaces of common plumbing fixtures; (3) delete the labelling requirement; (4) revise the standard to be utilized by the commissioner in determining the toxicity of sewer system cleaners; and (5) provide for the protection of trade secrets contained in information required to be submitted to the commissioner pursuant to subsection b. of section 4.

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

AUGUST 12, 1981

DAVID DeMAIO

Governor Brendan Byrne today signed the following bills:

S-26, sponsored by Senator James S. Cafiero (R-Cape May), eliminating the 102-year-old requirement that the Commissioner of Human Services approve the incorporation of private charitable and fundraising organizations.

The original law was enacted before the State became a provider of social services and is considered archaic. The Secretary of State's office now determines the status of charitable organizations wishing to incorporate, and the elimination of the Department of Human Services' approval requirement will eliminate an unnecessary administrative step.

S-365, sponsored by Senator Garrett W. Hagedorn (R-Bergen), amending the Water Pollution Control Act to prohibit the sale and use of certain aromatic or halogenated hydrocarbon chemicals used to clean and disinfect sewer and septic systems.

The bill specifies, in a non-exclusive list, thirteen chemicals not to be used for sewer cleaning - chemicals believed to play a large part in toxic pollution of New Jersey groundwaters due to septic tank discharges.

Sections of the bill exempt certain surface and biodegradable household cleaners, such as Comet and Draino, from the prohibition.

S-1569, sponsored by Senator Steven P. Perskie (D-Atlantic), updating the statutory language concerning prohibitions on the issuance of marriage licenses, where either party involved is mentally incompetent or infected with venereal disease.

The bill deletes references to three specific types of venereal disease and substitutes more general language prohibiting licensure when a person is infected with any type of venereal disease in a communicable stage. In addition, the language regarding mental competency is revised to describe a mentally incompetent person as one who has been judged to be "incapable of handling his own affairs."

-more-