

34:5A-3

LEGISLATIVE HISTORY CHECKLIST  
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NJSA: 34:5A-3

(Worker &  
Community Right  
to Know Act--  
fees--exempt  
non-public  
schools)

LAWS OF: 1991

CHAPTER: 25

Bill No: S2542

Sponsor(s): Dalton

Date Introduced: March 29, 1990

Committee: Assembly: Energy & Environment

Senate: Environmental Quality

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

Date of Passage: Assembly: January 10, 1991

Senate: May 17, 1990

Date of Approval: February 19, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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MAY 17 1990

[FIRST REPRINT]  
SENATE, No. 2542

STATE OF NEW JERSEY

INTRODUCED MARCH 29, 1990

By Senator DALTON

1 AN ACT concerning fees imposed pursuant the "Worker and  
2 Community Right To Know Act," and amending P.L.1983, c.315.

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

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

8 3. As used in this act:

9 a. "Chemical Abstracts Service number" means the unique  
10 identification number assigned by the Chemical Abstracts Service  
11 to chemicals.

12 b. "Chemical name" means the scientific designation of a  
13 chemical in accordance with the nomenclature system developed  
14 by the International Union of Pure and Applied Chemistry or the  
15 Chemical Abstracts Service rules of nomenclature.

16 c. "Common name" means any designation or identification  
17 such as a code name, code number, trade name, brand name or  
18 generic name used to identify a chemical other than by its  
19 chemical name.

20 d. "Container" means a receptacle used to hold a liquid, solid,  
21 or gaseous substance, including, but not limited to, bottles,  
22 pipelines, bags, barrels, boxes, cans, cylinders, drums, cartons,  
23 vessels, vats, and stationary or mobile storage tanks.  
24 "Container" shall not include process containers.

25 e. "Council" means the Right to Know Advisory Council  
26 created pursuant to section 18 of this act.

27 f. "County health department" means a county health agency  
28 established pursuant to P.L.1975, c.329 (C.26:3A2-1 et seq.), or  
29 the office of a county clerk in a county which has not established  
30 a department.

31 g. "Employee representative" means a certified collective  
32 bargaining agent or an attorney whom an employee authorizes to  
33 exercise his rights to request information pursuant to the  
34 provisions of this act, or a parent or legal guardian of a minor  
35 employee.

36 h. "Employer" means any person or corporation in the State  
37 engaged in business operations which has a Standard Industrial  
38 Classification, as designated in the Standard Industrial  
39 Classification Manual prepared by the federal Office of

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 SEQ committee amendments adopted April 26, 1990.

1 Management and Budget, within the following Major Group  
2 Numbers, Group Numbers, or Industry Numbers, as the case may  
3 be, except as otherwise provided herein: Major Group Number 07  
4 (Agricultural Services), only Industry Number 0782--Lawn and  
5 garden services; Major Group Numbers 20 through 39 inclusive  
6 (manufacturing industries); Major Group Number 45  
7 (Transportation by Air), only Industry Number 4511--Air  
8 Transportation, certified carriers, and Group Number 458--Air  
9 Transportation Services; Major Group Number 46 (Pipelines,  
10 Except Natural Gas); Major Group Number 47 (Transportation  
11 Services), only Group Numbers 471--Freight Forwarding,  
12 474--Rental of Railroad Cars, and 478--Miscellaneous Services  
13 Incidental to Transportation; Major Group Number 48  
14 (Communication), only Group Numbers 481--Telephone  
15 Communication, and 482--Telegraph Communication; Major  
16 Group Number 49 (Electric, Gas and Sanitary Services); Major  
17 Group Number 50 (Wholesale Trade--Durable Goods), only  
18 Industry Numbers 5085--Industrial Supplies, 5087--Service  
19 Establishment Equipment and Supplies, and 5093--Scrap and  
20 Waste Materials; Major Group Number 51 (Wholesale trade,  
21 nondurable goods), only Group Numbers 512--Drugs, Drug  
22 Proprietaries and Druggist's Sundries, 516--Chemicals and Allied  
23 Products, 517--Petroleum and petroleum products, 518--Beer,  
24 Wine and Distilled Alcoholic Beverages, and 519--Miscellaneous  
25 Nondurable Goods; Major Group Number 55 (Automobile Dealers  
26 and Gasoline Service Stations), only Group Numbers 551--Motor  
27 Vehicle Dealers (New and Used), 552--Motor Vehicle Dealers  
28 (Used only), and 554--Gasoline Service Stations; Major Group  
29 Number 72 (Personal Services), only Industry Numbers 7216--Dry  
30 Cleaning Plants, Except Rug Cleaning, 7217--Carpet and  
31 Upholstery Cleaning, and 7218--Industrial Launderers; Major  
32 Group Number 73 (Business Services), only Industry Number 7397  
33 Commercial testing laboratories; Major Group Number 75  
34 (automotive repair, services, and garages), only Group Number  
35 753--Automotive Repair Shops; Major Group Number 76  
36 (miscellaneous repair services), only Industry Number  
37 7692--Welding Repair; Major Group Number 80 (health services),  
38 only Group Number 806--Hospitals; and Major Group Number 82  
39 (educational services), only Group Numbers 821--Elementary and  
40 Secondary Schools and 822--Colleges and Universities, and  
41 Industry Number 8249--Vocational Schools. Except for the  
42 purposes of section 26 of this act, "employer" means the State  
43 and local governments, or any agency, authority, department,  
44 bureau, or instrumentality thereof, or any <sup>1</sup>non-profit,<sup>1</sup>  
45 non-public school, college or university.

46 i. "Environmental hazardous substance" means any substance  
47 on the environmental hazardous substance list.

48 j. "Environmental hazardous substance list" means the list of  
49 environmental hazardous substances developed by the

1 Department of Environmental Protection pursuant to section 4 of  
2 this act.

3 k. "Environmental survey" means a written form prepared by  
4 the Department of Environmental Protection and transmitted to  
5 an employer, on which the employer shall provide certain  
6 information concerning each of the environmental hazardous  
7 substances at his facility, including, but not limited to, the  
8 following:

9 (1) The chemical name and Chemical Abstracts Service  
10 number of the environmental hazardous substance;

11 (2) A description of the use of the environmental hazardous  
12 substance at the facility;

13 (3) The quantity of the environmental hazardous substance  
14 produced at the facility;

15 (4) The quantity of the environmental hazardous substance  
16 brought into the facility;

17 (5) The quantity of the environmental hazardous substance  
18 consumed at the facility;

19 (6) The quantity of the environmental hazardous substance  
20 shipped out of the facility as or in products;

21 (7) The maximum inventory of the environmental hazardous  
22 substance stored at the facility, the method of storage, and the  
23 frequency and methods of transfer;

24 (8) The total stack or point-source emissions of the  
25 environmental hazardous substance;

26 (9) The total estimated fugitive or nonpoint-source emissions  
27 of the environmental hazardous substance;

28 (10) The total discharge of the environmental hazardous  
29 substance into the surface or groundwater, the treatment  
30 methods, and the raw wastewater volume and loadings;

31 (11) The total discharge of the environmental hazardous  
32 substance into publicly owned treatment works;

33 (12) The quantity, and methods of disposal, of any wastes  
34 containing an environmental hazardous substance, the method of  
35 on-site storage of these wastes, the location or locations of the  
36 final disposal site for these wastes, and the identity of the hauler  
37 of the wastes.

38 l. "Facility" means the building, equipment and contiguous  
39 area at a single location used for the conduct of business. Except  
40 for the purposes of subsection c. of section 13, section 14, and  
41 subsection b. of section 25 of this act, "facility" shall not include  
42 a research and development laboratory.

43 m. "Hazardous substance" means any substance, or substance  
44 contained in a mixture, included on the workplace hazardous  
45 substance list developed by the Department of Health pursuant to  
46 section 5 of this act, introduced by an employer to be used,  
47 studied, produced, or otherwise handled at a facility. "Hazardous  
48 substance" shall not include:

49 (1) Any article containing a hazardous substance if the

1 hazardous substance is present in a solid form which does not  
2 pose any acute or chronic health hazard to an employee exposed  
3 to it;

4 (2) Any hazardous substance constituting less than 1% of a  
5 mixture unless the hazardous substance is present in an aggregate  
6 amount of 500 pounds or more at a facility;

7 (3) Any hazardous substance which is a special health hazard  
8 substance constituting less than the threshold percentage  
9 established by the Department of Health for that special health  
10 hazard substance when present in a mixture; or

11 (4) Any hazardous substance present in the same form and  
12 concentration as a product packaged for distribution and use by  
13 the general public to which an employee's exposure during  
14 handling is not significantly greater than a consumer's exposure  
15 during the principal use of the toxic substance.

16 n. "Hazardous substance fact sheet" means a written  
17 document prepared by the Department of Health for each  
18 hazardous substance and transmitted by the department to  
19 employers pursuant to the provisions of this act, which shall  
20 include, but not be limited to, the following information:

21 (1) The chemical name, the Chemical Abstracts Service  
22 number, the trade name, and common names of the hazardous  
23 substance;

24 (2) A reference to all relevant information on the hazardous  
25 substance from the most recent edition of the National Institute  
26 for Occupational Safety and Health's Registry of Toxic Effects  
27 of Chemical Substances;

28 (3) The hazardous substance's solubility in water, vapor  
29 pressure at standard conditions of temperature and pressure, and  
30 flash point;

31 (4) The hazard posed by the hazardous substance, including its  
32 toxicity, carcinogenicity, mutagenicity, teratogenicity,  
33 flammability, explosiveness, corrosivity and reactivity, including  
34 specific information on its reactivity with water;

35 (5) A description, in nontechnical language, of the acute and  
36 chronic health effects of exposure to the hazardous substance,  
37 including the medical conditions that might be aggravated by  
38 exposure, and any permissible exposure limits established by the  
39 federal Occupational Safety and Health Administration;

40 (6) The potential routes and symptoms of exposure to the  
41 hazardous substance;

42 (7) The proper precautions, practices, necessary personal  
43 protective equipment, recommended engineering controls, and  
44 any other necessary and appropriate measures for the safe  
45 handling of the hazardous substance, including specific  
46 information on how to extinguish or control a fire that involves  
47 the hazardous substance; and

48 (8) The appropriate emergency and first aid procedures for  
49 spills, fires, potential explosions, and accidental or unplanned

- 1 emissions involving the hazardous substance.
- 2 o. "Label" means a sign, emblem, sticker, or marker affixed to  
3 or stenciled onto a container listing the information required  
4 pursuant to section 14 of this act.
- 5 p. "Mixture" means a combination of two or more substances  
6 not involving a chemical reaction.
- 7 q. "Process container" means a container, excluding a  
8 pipeline, the content of which is changed frequently; a container  
9 of 10 gallons or less in capacity, into which substances are  
10 transferred from labeled containers, and which is intended only  
11 for the immediate use of the employee who performs the  
12 transfer; a container on which a label would be obscured by heat,  
13 spillage or other factors; or a test tube, beaker, vial, or other  
14 container which is routinely used and reused.
- 15 r. "Research and development laboratory" means a specially  
16 designated area used primarily for research, development, and  
17 testing activity, and not primarily involved in the production of  
18 goods for commercial sale, in which hazardous substances or  
19 environmental hazardous substances are used by or under the  
20 direct supervision of a technically qualified person.
- 21 s. "Special health hazard substance" means any hazardous  
22 substance on the special health hazard substance list.
- 23 t. "Special health hazard substance list" means the list of  
24 special health hazard substances developed by the Department of  
25 Health pursuant to section 5 of this act for which an employer  
26 may not make a trade secret claim.
- 27 u. "Trade secret" means any formula, plan, pattern, process,  
28 production data, information, or compilation of information,  
29 which is not patented, which is known only to an employer and  
30 certain other individuals, and which is used in the fabrication and  
31 production of an article of trade or service, and which gives the  
32 employer possessing it a competitive advantage over businesses  
33 who do not possess it, or the secrecy of which is certified by an  
34 appropriate official of the federal government as necessary for  
35 national defense purposes. The chemical name and Chemical  
36 Abstracts Service number of a substance shall be considered a  
37 trade secret only if the employer can establish that the substance  
38 is unknown to competitors. In determining whether a trade  
39 secret is valid pursuant to section 15 of this act, the Department  
40 of Health, or the Department of Environmental Protection, as the  
41 case may be, shall consider material provided by the employer  
42 concerning (1) the extent to which the information for which the  
43 trade secret claim is made is known outside the employer's  
44 business; (2) the extent to which the information is known by  
45 employees and others involved in the employer's business; (3) the  
46 extent of measures taken by the employer to guard the secrecy of  
47 the information; (4) the value of the information, to the employer  
48 or the employer's competitor; (5) the amount of effort or money  
49 expended by the employer in developing the information; and

1 (6) the ease or difficulty with which the information could be  
2 disclosed by analytical techniques, laboratory procedures, or  
3 other means.

4 v. "Trade secret registry number" means a code number  
5 temporarily or permanently assigned to the identity of a  
6 substance in a container by the Department of Health pursuant to  
7 section 15 of this act.

8 w. "Trade secret claim" means a written request, made by an  
9 employer pursuant to section 15 of this act, to withhold the  
10 public disclosure of information on the grounds that the  
11 disclosure would reveal a trade secret.

12 x. "Workplace hazardous substance list" means the list of  
13 hazardous substances developed by the Department of Health  
14 pursuant to section 5 of this act.

15 y. "Workplace survey" means a written document, prepared by  
16 the Department of Health and completed by an employer  
17 pursuant to this act, on which the employer shall report each  
18 hazardous substance present at his facility.

19 (cf: P.L.1985, c.543, s.1)

20 2. This act shall take effect immediately.

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#### ENVIRONMENT

24

25 Exempts non-public schools from right to know fee.

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## 22 STATEMENT

23

24 This bill would exempt non-public schools, colleges and  
25 universities from the payment of the fee imposed pursuant to the  
26 "Worker and Community Right To Know Act," P.L.1983, c.315  
27 (C.34:5A-1 et seq.). Public schools, colleges, and universities are  
28 currently exempted from the fee.

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## 31 ENVIRONMENT

32

33 Exempts non-public schools from right to know fee.



ASSEMBLY ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

**SENATE, No. 2542**

**STATE OF NEW JERSEY**

DATED: AUGUST 6, 1990

The Assembly Energy and Environment Committee favorably reports Senate Bill No. 2542.

Senate Bill No. 2542 exempts non-profit, non-public schools, colleges and universities from the fee requirements of the Worker and Community Right to Know Act. This bill affords to non-profit, non-public schools, colleges and universities the same exemption as is currently enjoyed by public schools, colleges and universities. The bill does not exempt non-profit, nonpublic schools, colleges or universities from other applicable provisions of the Worker and Community Right to Know Act.

This bill is identical to Assembly Bill No. 3782.

SENATE ENVIRONMENTAL QUALITY COMMITTEE

STATEMENT TO

**SENATE, No. 2542**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: APRIL 26, 1990

The Senate Environmental Quality Committee favorably reports Senate Bill No. 2542 with Senate Committee amendments.

As amended by the committee, this bill would exempt non-profit, non-public schools, colleges, and universities from the payment of the fee imposed pursuant to the "Worker and Community Right To Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), from which public schools, colleges, and universities are already exempt. The committee amended the bill to specify that only non-profit, non-public schools are exempt from payment of the fee.