

34:5A-7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:5A-7, 34:5A-13, 34:5A-14

("Worker and Community
Right to Know"--extend
compliance dates)

LAWS OF: 1985

CHAPTER: 216

Bill No: S3142

Sponsor(s): Dalton

Date Introduced: June 20, 1985

Committee: Assembly: -----

Senate: Energy and Environment

Amended during passage: No Substituted for A3908 (not attached
since identical to S3142)

Date of Passage: Assembly: June 24, 1985

Senate: June 27, 1985

Date of Approval: June 29, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ yes.

Following were printed:

Reports: No

Hearings: No

SENATE, No. 3142

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1985

By Senator DALTON

Referred to Committee on Energy and Environment

AN ACT concerning employers covered under the "Worker and Community Right to Know Act," amending P. L. 1983, c. 315, and repealing sections 4 and 5 of P. L. 1985, c. 64.

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

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

3 7. a. Except as otherwise provided in section 15 of this act, an
4 employer shall have until **[June]** *October* 30, 1985, or within 90
5 days of the employer's receipt of the *workplace* survey, whichever
6 is later, to complete the survey and transmit a copy of the com-
7 pleted survey to the Department of Health, the health department
8 of the county in which the employer's facility is located, the local
9 fire department, and the local police department. If an employer
10 has reason to believe that a mixture present at his facility con-
11 tains a hazardous **[usubstance]** *substance* as a component, but is
12 unable to obtain from the manufacturer or supplier of the mixture
13 the chemical names and Chemical Abstracts Service numbers of
14 the components of the mixture, he shall list the mixture by its
15 common name in the space provided on the survey. The depart-
16 ment shall have the responsibility to obtain the chemical names
17 and Chemical Abstracts Service numbers of the components of the
18 mixture so listed, and, upon obtaining this information, shall trans-
19 mit it to the employer along with any appropriate hazardous sub-
20 stance fact sheet or sheets and directions to the employer on how
21 to communicate this information to his employees.

22 b. Except as otherwise provided in section 15 of this act, an
23 employer shall have until **[June]** *October* 30, 1985, or within 90

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

24 days of the employer's receipt of the *environmental* survey, which-
25 ever is later, to complete the survey and transmit a copy of the
26 completed survey to the Department of Environmental Protection
27 and the health department of the county in which the employer's
28 facility is located, and pertinent sections of the survey to the local
29 fire department and the local police department.

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

3 13. a. Every employer shall have until ~~June~~ *October 30, 1985*
4 to establish an education and training program for his employees,
5 which shall be designed to inform employees in writing and orally
6 of the nature of the hazardous substances to which they are ex-
7 posed in the course of their employment and the potential health
8 risks which the hazardous substances pose, and to train them in the
9 proper and safe procedures for handling the hazardous substances
10 under all circumstances. An employer shall provide his employees
11 with the program not later than December 31, 1985, and annually
12 thereafter. Any person who becomes an employee after the con-
13 clusion of the initial program shall be provided with the program
14 within the first month of employment. Prior to entering an em-
15 ployment agreement with a prospective employee an employer
16 shall notify a prospective employee of the availability of work-
17 place surveys and appropriate hazardous substance fact sheets for
18 the facility at which the prospective employee will be employed;
19 except that this notification requirement shall not be applicable
20 to employers before ~~October 1,~~ *December 31, 1985.*

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

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

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

3 14. a. Every employer shall have until ~~June~~ *October* 30, 1985
4 to take any action necessary to assure that every container at his
5 facility containing a hazardous substance shall bear a label indicat-
6 ing the chemical name and Chemical Abstracts Service number of
7 the hazardous substance or the trade secret registry number as-
8 signed to the hazardous substance. Employers may label containers
9 in a research and development laboratory by means of a code or
10 number system, if the code or number system will enable an em-
11 ployee to readily make a cross-reference to a hazardous substance
12 fact sheet which will provide the employee with the chemical name
13 and Chemical Abstracts Service number of the hazardous sub-
14 stance contained in the container, or the trade secret registry num-
15 ber assigned to the hazardous substance. The code or number
16 system shall be designed to allow the employee free and ready
17 access at all times to the chemical name and Chemical Abstracts
18 Service number of the hazardous substance in the container, shall
19 be designed to allow the employee access to this information with-
20 out the permission or assistance of management, and shall be avail-
21 able to the employee at close proximity to his specific job location
22 or locations. Employers shall be required to label pipelines only at
23 the valve or valves located at the point at which a hazardous sub-
24 stance enters a facility's pipeline system, and at normally operated
25 valves, outlets, vents, drains and sample connections designed to
26 allow the release of a hazardous substance from the pipeline.

27 b. Within two years of the effective date of this act, every em-
28 ployer shall take any action necessary to assure that every con-
29 tainer at his facility bears a label indicating the chemical name
30 and Chemical Abstracts Service number of the substance in the
31 container, except as provided in subsection d. of this section, or
32 the trade secret registry number assigned to the substance. Em-
33 ployers may label containers in a research and development labora-
34 tory by means of a code or number system, if the code or number
35 system will enable an employee to readily make a cross-reference
36 to documentary material retained on file by the employer at the
37 facility which will provide the employee with the chemical name
38 and Chemical Abstracts Service number of the substance contained
39 in the container, except as provided in subsection d. of this section,
40 or the trade secret registry number assigned to the substance. The
41 code or number system shall be designed to allow the employee
42 free and ready access at all times to the chemical name and Chem-
43 ical Abstracts Service number of the substance in the container,

44 shall be designed to allow the employee access to this information
45 without the permission or assistance of management, and shall be
46 available to the employee at close proximity to his specific job
47 location or locations. If a container contains a mixture, an em-
48 ployer shall be required to insure that the label identify the chem-
49 ical names and Chemical Abstracts Service numbers, except as pro-
50 vided in subsection d. of this section, or the trade secret registry
51 numbers, of the five most predominant substances contained in the
52 mixture. The provisions of this subsection shall not apply to any
53 substance constituting less than 1% of a mixture unless the sub-
54 stance is present at the facility in an aggregate amount of 500
55 pounds or more. Employers shall be required to label pipelines only
56 at the valve or valves located at the point at which a substance
57 enters a facility's pipeline system, and at normally operated valves,
58 outlets, vents, drains and sample connections designed to allow the
59 release of a substance from the pipeline. One year after the effec-
60 tive date of this act the Department of Health shall establish criteria
61 for containers which, because of the finished and durable character-
62 istics of their contents, shall be exempt from the provisions of this
63 subsection. These standards shall be consistent with the intent of
64 this subsection to provide for the labeling of every container which
65 may contain a substance which is potentially hazardous.

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

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

1 4. Sections 4 and 5 of P. L. 1985, c. 64 (C. 34:5A-13.1) are
2 repealed.

1 5. This act shall take effect immediately, and sections 1 through
3 3, inclusive, shall be retroactive to August 29, 1984.

STATEMENT

This bill would extend the dates of compliance with certain provisions of the "Worker and Community Right to Know Act," P. L. 1983, c. 315 (C. 34:5A-1 et al.). Employers required to complete a workplace survey or environmental survey would have until October 30, 1985, or within 90 days of receipt of the survey, whichever is later, to complete the survey. In addition, employers would have until October 30, 1985 to establish education and training programs for the handling of hazardous substances and to label containers containing hazardous substances.

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S 3142 (1985)

SENATE ENERGY AND ENVIRONMENT' COMMITTEE

STATEMENT TO

SENATE, No. 3142

STATE OF NEW JERSEY

DATED: JUNE 24, 1985

Senate Bill No. 3142 would extend the dates of compliance with certain provisions of the "Worker and Community Right to Know Act," P. L. 1983, c. 315 (C. 34:5A-1 et al.). Employers required to complete a workplace survey or environmental survey would have until October 30, 1985, or within 90 days of receipt of the survey, whichever is later, to complete the survey. In addition, employers would have until October 30, 1985, to establish education and training programs for the handling of hazardous substances and to label containers containing hazardous substances.

SENATE, No. 3143

STATE OF NEW JERSEY



OFFICE OF THE GOVERNOR
NEWS RELEASE

CN-001

Contact: CARL GOLDEN
609-292-8956

TRENTON, N.J. 08625

Release: TUESDAY, JULY 2, 1985

Governor Thomas H. Kean today signed legislation extending to October 30 the deadline for employers subject to the State's Worker and Community Right to Know Act to complete and submit detailed information on hazardous substances to appropriate State agencies.

The legislation also extends to October 30 the deadline for the employers to establish employee training programs in the handling of hazardous substances and to label such substances.

The legislation, S-3142, was sponsored by Senator Daniel Dalton, D-Camden.

Other bills signed by Kean are:

S-2537, sponsored by Senator Francis McManimon, D-Mercer, to appropriate \$200,000 for the construction of a new gymnasium at the Jamesburg Training School.

A-3683, sponsored by Assemblyman Walter Kavanaugh, R-Somerset, to permit up to four years of credit for military service when computing seniority credit for teachers.

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