

26:3A2-21 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA 26:3A2-21 et al ("County Environmental Health Act.")

Laws of 1977 Chapter 443

Bill No. S1224

Sponsor(s) McGahn and others

Date Introduced April 12, 1976

Committee: Assembly Agriculture and Environment

Senate Energy and Environment; Revenue, Finance, Appropriations

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

Date of passage: Assembly December 19, 1977

Senate September 29, 1977

Date of approval March 2, 1978

Following statements are attached if available:

Sponsor statement	Yes	x a
Committee Statement:	Assembly Yes	x a
	Senate Yes	a
Fiscal Note	x a	No
Veto message	Yes	a x
Message on signing	x a	No

Following were printed:

Reports	x a	No
Hearings	x a	No

Do Not Remove From Library
DEPOSITION COPY

10/4/76

443
APPROVED 3/2/78
L. S. OF N. J. 1977

[FIFTH OFFICIAL COPY REPRINT]

SENATE, No. 1224

STATE OF NEW JERSEY

INTRODUCED APRIL 12, 1976

By Senators McGAHN, RUSSO, DWYER, MUSTO and PARKER

Referred to Committee on Energy and Environment

AN ACT concerning environmental health, *****[establishing]*****
*****authorizing the establishment of***** county boards of health
and county departments of health, providing for their functions,
powers, duties and financing, providing responsibilities to the
Commissioner of Environmental Protection, establishing a State
aid program, amending and supplementing P. L. 1975, c. 329
(C. 26:3A2-1 et seq.) and making an appropriation.

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

1 1. (New section) This act shall be known and may be cited as the
2 "County Environmental Health Act."

1 2. (New section) The Legislature finds that environmental health
2 programs for the control of air pollution, solid waste, noise*****[**
3 pesticides**]***** and water pollution are inherently regional in nature
4 and that the 14 existing county health departments have experience
5 administering environmental health programs on a regional basis
6 and that they are among the most efficient health units in the State.
7 The Legislature, therefore, declares that it is the policy of this
8 State to provide for the administration of environmental health
9 services by county departments of health throughout the State in a
10 manner which is consistent with certain overall performance
11 standards to be promulgated by the Department of Environmental
12 Protection. The environmental health services shall include the
13 monitoring and enforcement of environmental health standards,
14 the operation of a technical resource center and the enactment and
15 enforcement of environmental health ordinances on a countywide

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

16 basis to control air pollution, solid waste, noise***[, pesticides]***
 17 and water pollution.

1 3. (New section) As used in this act unless otherwise specifically
 2 indicated:

3 a. "Air pollution" means the presence in the atmosphere of one
 4 or more air contaminants of any composition whatsoever, in such
 5 quantities and duration as are, or tend to be, injurious to the
 6 human health or welfare, animal or plant life, or property, or would
 7 unreasonably interfere with the enjoyment of life or property
 8 within any portion of this State;

9 b. "County board" means a county board of health established
 10 pursuant to P. L. 1975, c. 329 (C. 26:3A2-1 et seq.) as amended
 11 and supplemented and having all the powers of a county board of
 12 health provided pursuant to law;

13 c. "County department" means a county department of health
 14 established pursuant to P. L. 1975, c. 329 (C. 26:3A2-1 et seq.) as
 15 amended and supplemented with the purpose of providing environ-
 16 mental health programs throughout the county and other local
 17 health programs in any municipality which contracts therefor with
 18 the county board;

19 d. "Environmental health" means those health and environ-
 20 mental programs relating to the control of air pollution, solid waste,
 21 noise***[, pesticides]*** and water pollution.

22 e. "Monitor" means check, test, observe, survey or inspect to
 23 determine compliance with environmental health standards;

24 f. "Noise" means any sounds of such level and duration as to
 25 be or tend to be injurious to human health or welfare, or which
 26 would unreasonably interfere with the enjoyment of life or prop-
 27 erty throughout the State or in any portions thereof, but excludes
 28 all aspects of the employer-employee relationship concerning health
 29 and safety hazards within the confines of a place of employment.

30 ***[g. "Pesticides" means and includes any substance or mixture
 31 of substances labeled, designed, intended for or capable of use in
 32 preventing, destroying, repelling, sterilizing or mitigating any
 33 insects, rodents, nematodes, predatory animals, fungi, weeds and
 34 other forms of plant or animal life or viruses, except viruses on
 35 or in living man or other animals. The term "pesticide" shall also
 36 include any substance or mixture of substances labeled, designed
 37 or intended for use as a defoliant, desiccant or plant regulator.]***

38 ***[h.]*** ***g.*** "Solid waste" means garbage, refuse, and
 39 other discarded materials resulting from industrial, commercial and
 40 agricultural operations, and from domestic and community activi-

41 ties, and shall include all other waste materials including liquids
 42 except for liquids which are treated in public sewage treatment
 43 plants and except for solid animal and vegetable wastes collected by
 44 swine producers licensed by the State Department of Agriculture to
 45 collect, prepare and feed such wastes to swine on their own farms.

46 ***[i.]*** ***h.*** "Water pollution" means the presence in or
 47 upon the surface or ground waters of this State of one or more con-
 48 taminants, including any form of solid or liquid waste of any compo-
 49 sition whatsoever, in such quantities and duration as are, or tend to
 50 be, injurious to the human health or welfare, animal or plant life, or
 51 property, or would unreasonably interfere with the enjoyment of
 52 life or property within any portion of the State.

1 4. Section 4 of P. L. 1975, c. 329 (C. 26:3A2-4) is amended to
 2 read as follows:

3 4. a. The board of chosen freeholders of any county in this State,
 4 on its own initiative [or upon petition from three or more munici-
 5 palities in that county], after public hearing [may] ***[shall]***
 6 ***may***, by ordinance or resolution, establish a county board of
 7 health. Notice of the public hearing shall be published at least 15
 8 days prior to that hearing in a newspaper circulated throughout
 8A the county.

9 b. In any county in which the board of chosen freeholders has
 10 established a county health agency there ****[shall]****
 11 ****may**** be established a county board of health, pursuant to
 12 this act. Said existing county health agency shall be continued as a
 13 county health department, as provided herein. In any county hav-
 14 ing a board of health and vital statistics, organized pursuant to
 15 chapter 11 of Title 26 of the Revised Statutes, that board shall be
 16 continued as a county board of health as provided herein.

1 5. Section 6 of P. L. 1975, c. 329 (C. 26:3A2-6) is amended to
 2 read as follows:

3 6. ***a.*** The county board of health ***[or the board of chosen
 4 freeholders, if the members of the county board of health have not
 5 yet been appointed,]*** shall***[, by October 1, 1977]*** establish
 6 a county health department, under the administration of a full-time
 7 health officer, which provides public health activities meeting
 8 "Standards of Performance."

9 ***b. The board of chosen freeholders of any county in this State
 10 may establish a county health department.

11 c. In any county in which a county health department has not been
 12 established pursuant to subsections a. or b. hereof, the county board
 13 of freeholders shall prepare *****[by January 1, 1978]*****

14 *****within 90 days of the effective date of this act*****, a detailed
 15 report indicating the manner in which health services meeting the
 16 standards of performance and the standards promulgated pursuant
 16A to section 10 hereof shall be provided for the territorial area of the
 17 county. Such report shall include a description of the administrative
 18 organization for providing the environmental health services and
 19 such other information as may be required by the Commissioner of
 20 Environmental Protection. Within 30 days following the completion
 21 of the report, the board of chosen freeholders shall conduct a public
 22 hearing to receive public comment concerning the contents of the
 23 report. Notice of the public hearing shall be published at least 15
 24 days prior to that hearing in a newspaper circulated throughout
 25 the county. Within 30 days following the completion of the public
 26 hearing the board of chosen freeholders shall give due consideration
 27 to the comments presented at the public hearing and shall revise the
 28 report accordingly. A copy of the revised report shall be submitted
 29 to the Commissioners of Environmental Protection and of
 30 Health.***

1 6. (New section) The county department shall provide environ-
 2 mental health services, which meet the performance and administra-
 3 tive standards authorized in section 10 of this act, for the territorial
 4 area of the county, under the direction of a full-time employee
 5 trained and experienced in managing environmental health
 6 programs*, provided, however, that such environmental health
 7 services shall be provided by any municipal or regional health
 8 agency certified by the Commissioner of Environmental Protection
 9 pursuant to section 15 within its area of jurisdiction**.

1 7. (New section) The county department shall investigate citizen
 2 complaints and provide public information and citizen education
 3 services in all matters concerning environmental health. The county
 4 department shall monitor the various State statutes, rules and
 5 regulations concerning environmental health; shall report any
 6 violation of said statutes, rules and regulations to the Department
 7 of Environmental Protection for enforcement; shall gather evidence
 8 of said violations as required; and shall provide witnesses for
 9 any resultant court action as needed. The county department may
 10 maintain an action in a court of competent jurisdiction against
 11 any other person to enforce, or to restrain the violation of, any
 12 statute, regulation or ordinance which is designed to prevent or
 13 minimize pollution, impairment or destruction of the environment
 14 as provided in the "Environmental Rights Act," (P. L. 1974, c. 169;
 15 C. 2A :35A-1 et seq.).

1 8. (New section) The county department may operate a technical
 2 resource center for environmental health services to provide: a.
 3 training programs for public and private persons or groups con-
 4 cerned with environmental health; b. laboratory services for
 5 analyzing materials to determine compliance with environmental
 6 health standards; c. technical assistance; d. library services; e. data
 7 collection and exchange services, concerning the results of all
 8 monitoring activities within the county; and, f. any other function
 9 or service deemed necessary to effectuate the purposes of this act.
 10 The technical resource center may be established at the county
 11 college, if any, within the county.

1 9. (New section) The county board may formulate, adopt, amend,
 2 repeal and enforce environmental health ordinances to control air
 3 pollution, solid waste, noise*****[, pesticides,]***** and water pollution
 4 for the territorial area of the county. Such ordinances shall be con-
 5 sistent with all applicable statutes, rules and regulations and with
 6 any areawide water quality management plan and any solid waste
 7 management plan adopted pursuant to law and approved by the
 8 Commissioner of Environmental Protection. Each such ordinance
 9 shall be mailed to said commissioner within 1 working day of its
 10 passage and shall take effect within 30 days of its passage, unless
 11 said commissioner disapproves said ordinance during that period.
 12 Said ordinances shall supersede any environmental health ordi-
 13 nances on the same subject adopted by the individual municipali-
 14 ties within the county.

1 10. (New section) a. The Commissioner of Environmental Pro-
 2 tection shall promulgate, after consultation with the Commissioner
 3 of Health, environmental health performance standards and stan-
 4 dards of administrative procedure for county departments of
 5 health pursuant to the "Administrative Procedure Act" (P. L.
 6 1968, c. 410; C. 52:14B-1 et seq.). Such standards shall include
 7 provisions for the delivery to the Department of Environmental
 8 Protection of periodic reports on the results of the monitoring
 9 and enforcement activities of the county departments.

10 b. The Commissioner of Environmental Protection may, in the
 11 same manner, delegate the administration of one or more aspects
 12 of the environmental health laws of this State or of the rules and
 13 regulations adopted thereto, which are administered by the De-
 14 partment of Environmental Protection, to a county department,
 15 after he has adopted specific standards and guidelines for the
 16 administration of such programs by the county departments, for
 17 so long as he determines that the county department has the

18 capability and determination to adhere to those specific standards
19 and guidelines.

20 c. The Commissioner of Environmental Protection is authorized
21 and directed to develop one or more comprehensive model ordi-
22 nances dealing with the control of air pollution, solid waste, noise,
23 ***[pesticides,]*** and water pollution for the use of the county
24 board and to provide technical assistance to the county departments.

1 11. (New section) The Commissioner of Environmental Protec-
2 tion is authorized to make grants to the county departments ***and*
3 *such municipal or regional agencies certified by the commissioner*
4 *pursuant to sections 6 and 15** for the provision of environmental
5 health services. Said commissioner shall prescribe procedures for
6 applying for the grant and terms and conditions for receiving the
7 grant. The State's contribution shall not exceed 50% of the cost
8 of any undertaking for which a grant is made.

1 12. (New section) Each person, who shall have been employed
2 by a local health agency, including a regional health commission
3 formed for the provisions of air pollution services, and whose
4 employment by such agency shall have been terminated by reason
5 of the assumption of its activities and responsibilities by a county
6 department pursuant to this act, shall be transferred to such county
7 department pursuant to the conditions contained in sections 16, 17
8 and 18 of P. L. 1975, c. 329 (C. 26:3A2-16 to 26:3A2-18).

1 13. (New section) The county health officer shall prepare and
2 submit annually to the board of chosen freeholders, subject to the
3 advice of the county board, in each year, a budget setting forth in
4 detail the amounts of money necessary for the operation of the
5 county department of health for environmental health purposes,
6 during the ensuing year. The board of chosen freeholders shall
7 include annually in the tax levy the amount of money which it
8 believes will best meet the environmental health needs of the county.

1 14. (New section) If any provision of this act or the application
2 thereof to any person or circumstance is held invalid, the remainder
3 of the act and the application of such provision to persons or
4 circumstances other than those to which it is held invalid, shall
5 not be affected thereby.

1 *15. *A county department shall, within 15 months of the pro-*
2 *mulgation of environmental health performance standards and*
3 *standards of administrative procedure for county departments of*
4 *health by the Commissioner of Environmental Protection, prepare*
5 *a work program for meeting the standards throughout the county*
6 *and shall submit it to the Commissioner of Environmental Protec-*

7 tion and to each municipality located therein for review. The work
 8 program shall provide a detailed description of program objectives,
 9 shall delineate responsibilities for its implementation within the
 10 county, shall identify the personnel and resources required to meet
 11 the program objectives and shall provide a time schedule for achiev-
 12 ing full program implementation.

13 Any municipal or regional health agency authorized by P. L.
 14 1975, c. 329 (C. 26:3A2-1 et seq.), which is presently providing
 15 environmental health services which meet the standards of per-
 16 formance and of procedure and which is willing to coordinate its
 17 environmental health programs with those of its neighbors by
 18 implementing the work program of the county department, may
 19 petition the Commissioner of Environmental Protection for certifi-
 20 cation and upon certification become the authorized local govern-
 21 ment for the performance of environmental health services within
 22 its jurisdiction.

23 The Commissioner of Environmental Protection shall certify any
 24 municipal or regional health agency as the authorized local govern-
 25 ment for the performance of environmental health services within
 26 its jurisdiction, when he finds that the petitioning health agency
 27 provides and will continue to provide a complete program of
 28 environmental health services which meet the standards of per-
 29 formance and of procedure as indicated in the work program of the
 30 county department. The Commissioner of Environmental Protec-
 31 tion shall periodically review the certification of each such health
 32 agency to determine whether or not it should be continued.*

1 ***[15.]*** *16.* There is hereby appropriated to the Department
 2 of Environmental Protection the sum of ****[\$500,000.00]****
 3 ****\$125,000.00**** for grants ****[to the county boards]**** pursuant
 4 to section 11 of this act.

1 ***[16.]*** *17.* This act shall take effect immediately.

51224 (1977)

6

- 1 15. There is hereby appropriated to the Department of Environ-
2 mental Protection the sum of \$500,000.00 for grants to the county
3 boards pursuant to section 11 of this act.
- 1 16. This act shall take effect immediately.

STATEMENT

New Jersey needs strong regional programs to complement the work of the Department of Environmental Protection in providing environmental health services to the people of this State. The Legislature finds in this act and in numerous previous acts that programs for the control of air pollution, solid waste, noise, pesticides, and water pollution are inherently regional in nature. The Legislature further finds that the 14 existing county health departments now provide environmental health services and that county health departments should be utilized throughout the State to provide modern meaningful environmental health programs, in close cooperation with the Department of Environmental Protection, to all the citizens of this State.

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

SENATE. No. 1224

[FOURTH OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: NOVEMBER 28, 1977

Senate 1224 [4th OCR] (1) transfers responsibility for working with local health departments for environmental purposes from the State Health Department to the Department of Environmental Protection; (2) authorizes the Department of Environmental Protection to delegate administration of aspects of the environmental health laws of this State to those county health departments willing to administer such programs; (3) encourages the formation of county health departments, in the remaining counties, with responsibility for serving every municipality which doesn't choose to provide its own services; (4) validates the current operation of the Bergen County Health Department, which has been providing environmental health services on a countywide basis for years in a manner which is no longer authorized pursuant to P. L. 1975, c. 329; and (5) initiates a modest State-aid program for local environmental health purposes.

Senate 1224, when introduced in the Senate, mandated the extension of the existing system of 14 county health departments to the remaining counties and provided for countywide coverage in every case. Because of objections by some counties and municipalities, the bill was amended in the Senate to a permissive form for counties and to a permissive form for municipalities within the counties with county health departments.

The Assembly committee amendments change the date of a health services report to be prepared by certain boards of chosen freeholders from January 1, 1978 to 90 days after the effective date of the act.

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE. No. 1224

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 1976

The Senate Revenue, Finance and Appropriations Committee concurs in the statement on the bill by the Senate Emergency and Environment Committee except on the following point.

Senate Revenue, Finance and Appropriations Committee amendments provide that the commissioner may make grants to not just county departments but municipal and regional agencies as well.

Further, amendments reduce the original \$500,000.00 appropriation to \$125,000.00 given that the program will be operating for much less than a full fiscal year.

OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT

March 2, 1978

SENATE BILL NO. 1224 (5th OCR)

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1224 (5th OCR) at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill, the County Environmental Health Act, primarily allows counties to assist in the development and enforcement of various environmental health programs. This is a good bill and I believe that it will assist both State and local governments in cooperating to improve our environment.

The bill contains important enabling authority which permits counties, if they so choose, to develop and administer a variety of programs.

I have decided to delete the appropriation of \$125,000.00 from the bill for matching grants to counties which elect to implement these programs. I am advised that this level of funding would provide extremely limited aid which would not serve as an incentive for those counties which do not seek to create their own programs.

In view of the tight budgetary picture for the coming months, it seems responsible to delete this funding, particularly when the loss of this amount of State money should not jeopardize the basic objectives of the legislation.

The enabling authority and the remainder of the bill, however, are significant features of the legislation which should become effective.

On Page 7, section 16, line 3: Delete "\$125,000.00."

Respectfully,

/s/ Brendan T. Byrne

GOVERNOR

Attest:

s/ Robert E. Mulcahy, III

CHIEF OF STAFF-SECRETARY