

ADOPTIONS SECTION

HEALTH

PUBLIC HEALTH SERVICES BRANCH

DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH

CONSUMER, ENVIRONMENTAL AND OCCUPATIONAL HEALTH SERVICE

Notice of Readoption

Worker and Community Right to Know Act Rules

Readoption: N.J.A.C. 8:59

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health.

Authority: N.J.S.A. 34:5A-1 et seq., specifically 34:5A-30.

Effective Date: January 15, 2025.

New Expiration Date: January 15, 2032.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner of the Department of Health (Department) hereby readopts N.J.A.C. 8:59, Worker and Community Right to Know Act Rules, which was scheduled to expire on February 20, 2025.

The Worker and Community Right to Know Act, P.L. 1983, c. 315 (approved August 29, 1983, and effective August 29, 1984), codified at N.J.S.A. 34:5A-1 through 33 (Act), states “it is in the public interest to establish a comprehensive program for the disclosure of information about hazardous substances in the workplace and the community, and to provide a procedure whereby residents of this State may gain access to this information.” N.J.S.A. 34:5A-2. The Act imbues the Departments of

Health, Environmental Protection, and Labor and Workforce Development, with distinct responsibilities, respectively, to establish the program and the procedure. N.J.A.C. 8:59 establishes rules by which the Department implements its responsibilities pursuant to the Act.

N.J.A.C. 8:59-1 establishes general information. N.J.A.C. 8:59-2 establishes standards applicable to public employers for the creation and submission to the Department of Right to Know Surveys addressing hazardous substances at their facilities. N.J.A.C. 8:59-3 establishes standards for trade secret claims. N.J.A.C. 8:59-4 establishes standards applicable to public employers for the preparation, maintenance, and distribution of hazardous substance fact sheets and material safety data sheets. N.J.A.C. 8:59-5 establishes standards for container labeling. N.J.A.C. 8:59-6 establishes standards applicable to public employers for education and training of their employees. N.J.A.C. 8:59-7 establishes standards applicable to public employers addressing public access to Right to Know information. N.J.A.C. 8:59-8 establishes standards for the Department's enforcement of the Act and the chapter, and the available sanctions and penalties for noncompliance. N.J.A.C. 8:59-9 establishes standards for, and incorporates by reference, at N.J.A.C. 8:59 Appendix A, sets forth the Right to Know Hazardous Substance List. N.J.A.C. 8:59-10 establishes standards for, and incorporates by reference, at N.J.A.C. 8:59 Appendix B, the Special Health Hazard Substance List. N.J.A.C. 8:59-11 establishes standards applicable to private employers to implement the provisions of the Act that address community members' right to know of hazardous substances used by private employers in their communities.

The Department is reviewing existing N.J.A.C. 8:59, in consultation with the Departments of Environmental Protection and Labor and Workforce Development, and in consideration of comments and recommendations that the Department receives in its ongoing communications with stakeholders, the Department is developing a rulemaking to revise and update existing N.J.A.C. 8:59. The Department will propose this rulemaking in the ordinary course. However, the review and attendant rulemaking activity described above would not be concluded prior to the expiration of existing N.J.A.C. 8:59. The Department has reviewed existing N.J.A.C. 8:59 and determined that, pending the conclusion of the anticipated rulemaking process described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which the Department originally promulgated it, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:59 is readopted and shall continue in effect for seven years.