



State of New Jersey
DEPARTMENT OF HEALTH

CN 360

TRENTON, N.J. 08625-0360

FRANCES J. DUNSTON, M.D., M.P.H.
STATE COMMISSIONER OF HEALTH

February 27, 1991

Mr. Richard Engler
New Jersey Right to Know & Act Coalition
10 Rutgers Place
Trenton, New Jersey 08618

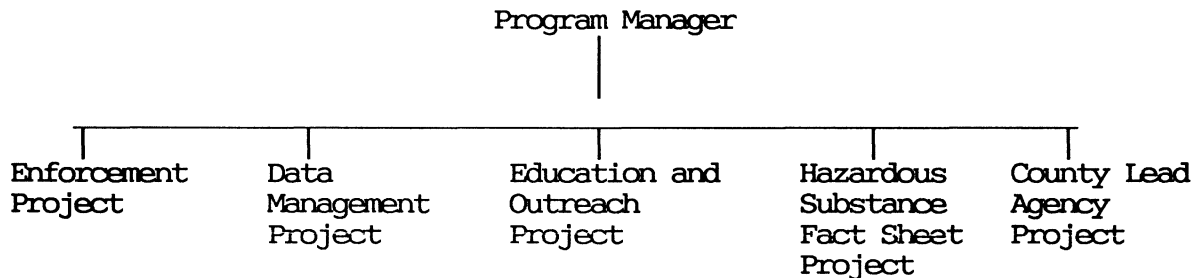
Dear Mr. Engler:

The following information is provided in response to the questions and requests in your letter of January 29, 1991.

- 1) There are 35 positions in the Department of Health's Right to Know Program.

Four positions are currently vacant.

- 2) The organization of the Program is:



- 3) The budget of the Program for FY 91 is:

Personnel (salary, fringe and administrative costs)	\$1,396,500
Operating Expenses	434,500
Grants to the County Lead Agencies	413,000
	<hr/>
	\$2,244,000

Mr. Richard Engler

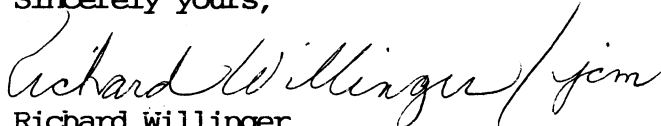
Page 2

February 27, 1991

- 4) N.J.A.C. 8:59-8.4 allows county, local and regional health departments to enter into an interagency agreement with the Department of Health to conduct Right to Know inspections (copy enclosed). Paragraph G of the Letters of Agreement with the Right to Know County Lead Agencies is considered the interagency agreement (copy enclosed).
- 5) A copy of the instructions we have prepared for the County Lead Agencies who have agreed to perform inspections is enclosed.
- 6) The procedures for enforcement of the universal labeling provisions of the Right to Know law are no different from the procedures the Program has been following in enforcement of the worker provisions of the law in the public sector since 1987. Briefly, inspectors will appear unannounced at an employer's facility. They will conduct an opening conference with the employer, examine documentation of good faith effort to determine the ingredients of containers, conduct a walkthrough of the facility to examine drums, tanks, pipelines, laboratory chemicals, and other containers, and conduct a closing conference to explain any violations found and answer any questions. An inspection report will be given to the employer listing the violations, if any, with a time period allowed for correction of the violations.

Thank you for your interest in the Department of Health's Right to Know Program. If you have any further questions, please call me at 609-984-2202.

Sincerely yours,

A handwritten signature in cursive script that reads "Richard Willinger / jim".

Richard Willinger
Program Manager
Right to Know Program

RW:jcm

Enclosures

the Department of Health for failure to enforce the provisions of the Act or any rule or regulation promulgated pursuant thereto.

(b) The Superior Court shall have jurisdiction over the actions in (a) above. The court may award, whenever it deems appropriate, costs of litigation, including reasonable attorney and expert witness fees.

8:59-8.4 Right to enter employer's facility

(a) The Department of Health shall have the right to enter an employer's facility during the normal operating hours of the facility to determine the employer's compliance with the Act.

(b) Any local or county health department or regional health agency which has entered into an interagency agreement with the department, shall have the right to enter an employer's facility to determine the employer's compliance with the provisions of the Act and rules and regulations adopted pursuant thereto, within the territory under its jurisdiction. The local or county health department or regional health agency shall conduct this inspection during the normal operating hours of the facility and in accordance with guidelines established by the Department of Health for inspections of employer's facilities. Inspection reports and recommendations of the local health officials shall be transmitted to the Department of Health. All enforcement action shall be taken by the Department of Health.

8:59-8.5 Employee health and exposure records

(a) Within 30 days of a request by the department, an employer shall provide the department with copies of employee health and exposure records, including those maintained for, and supplied to, the Federal government.

(b) When the department requests employee medical records that include the individuals' names, the employer shall, within 10 days, grant the department access to the employees, either in person or by supplying home addresses, in order to request permission to review their medical records.

(c) An employer who wishes to file a trade secret claim for the name of a substance on employee health and exposure records may do so. Said employer shall contact the department for instruction regarding the filing of such a claim.

The RTK Outreach activities shall be provided by the Right to Know County Lead Agency resource person or his/her designee, who has attended a 30-hour Train-the-Trainer course and who is thoroughly knowledgeable about the RTK Act and Program. As stipulated by NJDOH the resource person will:

- ____ G. Conduct ____ Right to Know inspections of public employer facilities in accordance with guidelines established by the State Department of Health (Department) and subsequent training by the Department. This paragraph shall be considered the interagency agreement required by N.J.S.A. 8:59-8.4 (b).



State of New Jersey
DEPARTMENT OF HEALTH

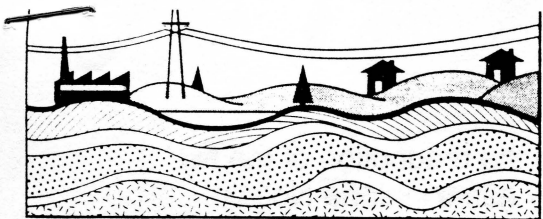
CN 360

TRENTON, N.J. 08625-0360

FRANCES J. DUNSTON, M.D., M.P.H.
STATE COMMISSIONER OF HEALTH

County Lead Agent's Procedure For RTK Inspection

1. County Lead Agents (CLA's) will only inspect those employers who are assigned by the RTK Enforcement Coordinator.
2. CLA's will not inspect county facilities.
3. CLA's will not inspect employers where they have provided education and training or outreach site visits.
- ✓ 4. CLA's will conduct Right to Know inspections according to the "Field Operations Manual for Right to Know Enforcement Officers".
5. CLA's will maintain in their file all notes made during the inspection.
6. CLA's will send in a copy of their inspection report and notes within (2) working days of the completed inspection to the RTK Enforcement Coordinator.
7. An employer will be given sixty (60) days after the inspection to come into compliance with the Right to Know requirements.
8. If an employer requests additional time to come into compliance with the Right to Know requirements, all requests in writing will be given to the Enforcement Coordinator. All extensions will be approved denied by the Enforcement Coordinator with input from the CLA.
9. An enforcement officer from the Department of Health, Right to Know Program, will accompany the CLA on second reinspection.
10. If an employer is not in compliance after the second reinspection and an Administrative Order must be issued, the Department of Health will issue the Administrative Order.
11. The CLA will send in the complete file once an employer is in compliance and the case is to be closed or the CLA will send in the file if the employer is in non-compliance at the time of second reinspection, and an Administrative Order will be issued.



NJ RIGHT TO KNOW & ACT COALITION

CO-CHAIRS

Jane Nogaki
New Jersey Environmental Federation

Eric Scherzer
Oil Chemical & Atomic Workers, Local 8-149

STEERING COMMITTEE

* Elsa Bynoe-Andriola
Jersey City Environmental Commission
* Amy Bahruth
Communication Workers of America
* Valerie Caffee
NJ Rainbow Coalition
* Arnold Cohen
Ironbound Committee Against Toxic
Wastes
* Marie Curtis
NJ Environmental Lobby
* Clara Dasher
A. Phillip Randolph Institute
* Rick Engler
Industrial Union Council, AFL-CIO
* Bill Flynn
NJ Firemen's Mutual Benevolent
Association
* Ben Forest
Monmouth County Friends of
Clearwater
* Neal Gorfinkle
White Lung Association
* Ray Graves
NJ Police Benevolent Assoc.
* John Hall
Chemical Workers Assoc.-
Int'l Brotherhood of Dupont Workers
* Mark Herzberg
NJ Environmental Lobby
* Shelley Hill
Citizens Against Pollution
* Carolyn Holmes
American Fed. of State/County &
Municipal Employees, Council 71
* Bill Kane
United Auto Workers, Region 9
* Mary Lamielle
National Center for Environmental
Health Strategies
* Paul Mack
Delaware Valley Clean Air Council
* Rob Mahey
Stockton Action Volunteers for the
Environment
* Robin Mama
Philadelphia Area Project on
Occupational Safety & Health
* Waheedah Muhammad
Int'l Fed. of Professional & Technical
Employees #195 - Tatowa
* Peter Montague
Environmental Research Foundation
* Harold Morrison
International Union of Electronics
Workers, District 3
* Juliana Moton
Communication Workers of America
* Eileen Nic
Citizens Commission on Bhopal
* Ray Peterson
NJ State Federation of Teachers
* Dolores Phillips
NJ Environmental Federation
* Peter Shuchter
NJ Citizen Action
* Ira Stern
International Ladies' Garment
Workers Union
* Trudi Thornton
NJ Education Association
* Ivey Williams
International Chemical Workers,
Region 3
* Marian Wise
NJ Public Interest Research Group

May 19, 1994

Testimony of Jane Nogaki, Co-Chair
Right to Know and Act Coalition
in support of Readoption of
NJ Dept. of Health Right to Know Regulations

Right to Know and Act Coalition
223 Park Avenue
Atco, NJ 08004
609-767-1110

COUNSEL

David Tykulsker
Ira Jay Katz
Bennet Zurofsky

Hazard Elimination through Local Participation HELP-NJ

Thank you for the opportunity to testify today on the readoption of the NJ Department of Health's Right to Know regulations. My name is Jane Nogaki, and I am the Co-Chair of the New Jersey Right to Know and Act Coalition. On behalf of the 120 labor, environmental, and citizen groups who comprise the Coalition, I heartily endorse the readoption of the NJ Department of Health Right to Know regulations.

The Department of Health's Right to Know program continues to be the strongest, most protective program in existence anywhere. The combination of the survey, training program, fact sheets, and labeling of hazardous chemicals in the workplace work hand in hand to enable workers, emergency responders, and the community handle chemical hazards intelligently and with appropriate level of concern. The regulations go to the heart of the purpose of the law, which is to enable people working with and around chemicals to be adequately prepared to handle them without undue injury to persons or property.

I enclose a news clipping about how a local municipal worker was able to use Hazardous Substance Fact Sheets to ascertain a hazard from flares commonly used at traffic accident scenes. Knowing this information made these Hawthorne municipal workers more prepared to work safely using flares in such a way as to avoid exposure.

There are many more stories like this one. Stories of school chemistry labs who reduced their chemical inventories when they learned about the hazards of some of the chemicals stored for years in the back of closets. Stories of municipalities who changed their pesticide use practices based on information from hazardous substance fact sheets, and who changed their storage and inventory quantities based on hazard information. These fact sheets continue to be the only source of objective hazard information written for the general public to understand, and they are invaluable.

Reporting facilities have complained about the burden of paperwork it takes to do annual inventory, and labeling and training. I believe that the changes in labeling that have been proposed and debated this last year will answer some of the those concerns. With regards to the training and survey forms, these are necessary correlative of using hazardous substances. They provide needed information to workers, the community, and emergency responders. If you were a firefighter or an EMT responding to an accident or a fire, wouldn't you want to know the full range of hazards you might encounter in a facility, so that you could be adequately prepared for the emergency? If you lived next door to a municipal water treatment plant, wouldn't you want to know the range and quantities of chemicals stored on site that might pose a hazard to your neighborhood in the event of a release, or a transportation accident involving delivery of hazardous chemicals?

The providing of important right to know information is the cost of doing business with hazardous substances. Those who are asked to assume the risk of living or working near the substances have a right to know the range of dangers they face. Hazardous substances can and have caused thousands of accidents, illnesses, and environmental damages in New Jersey. They must be treated with full knowledge and caution, and that can only be done with full disclosure. That right was recognized in law in New Jersey in 1983.

The Right to Know Coalition supports the NJ Department of Health in its regulatory program to implement the Right to Know law. We urge the readoption of the regulations. We encourage efficiency in reporting so long as it does not reduce the amount or effectiveness of important right to know information from being collected or disseminated to the workers, the public, and emergency responders. We pledge our support in making the law work effectively, and thank you for the dedication the Department of Health has exhibited in enforcing and implementing the regulations.

Right-to-know group fights 'streamlining'

By PASQUALE DIFULCO
H&N Trenton Bureau

TRENTON — On a rainy day about four years ago, a tractor trailer hauling non-hazardous materials overturned on Route 208 in Hawthorne. Burning flares littered the scene as borough officials worked to clear the roadway.

Nothing seemed out of the ordinary. But the following day, many workers who were at the scene complained of sore throats so raw they could not swallow without experiencing severe pain.

Hawthorne's safety coordinator, John Paul Fannin, who was on the scene and "never felt sicker," utilized the New Jersey Worker and Community Right to Know Act of 1983 by writing to the manufacturer of the flares to see if their product was responsible for the discomfort. The manufacturer's report indicated nothing abnormal.

Fannin — again taking advantage of the Right to Know Act — contacted the state Health Department. One mandate of the Right to Know Act requires hazardous substance fact sheets be made available to the public by the department. The sheets detail the effects of dozens of ingre-

Proposal to limit disclosure is ripped

dients, including sulfur, potassium perchlorate, and strontium nitrate — all items found in road flares.

The information sheets Fannin received revealed myriad ill effects caused by exposure to the substances, which were at toxic levels because the rain trapped them low to the ground, where the workers were continuously inhaling them. Fortunately, no permanent damage occurred, but without the sheets — and the Right to Know Act — there would have been little recourse for investigation.

Fannin told his story yesterday at a press conference held by the New Jersey Right to Know & Act Coalition, which is fighting legislation that group officials insist would gut the Right to Know Act.

"One of the things they want to do away with is these fact sheets," Fannin said. "Once they're gone, there goes your information, and then, who knows? . . . The Right to Know Act has made a big difference for us in Hawthorne."

The legislation in question — a bipartisan bill sponsored by Assemblyman Robert C. Shinn Jr., R-Burlington, and Assembly Minority Leader Joseph V. Doria Jr., D-Bayonne — is designed to "streamline the whole regulatory process," Shinn said.

"We're driving businesses out of this state because of overregulation," Shinn said. "And these businesses aren't coming back."

Rick Engler, a member of the coalition and vice president of the Industrial Union Council of the AFL-CIO, said the legislation, which also would eliminate detailed labeling on chemical containers, protects small, private interests of chemical companies. Engler said companies stand to save money with reduced labeling standards and ignored the larger, common interest of the public.

"That's ridiculous," Shinn said. "If anything, this enhances the Right to Know Act. . . . They talk about workers' rights, and I'm all for that,

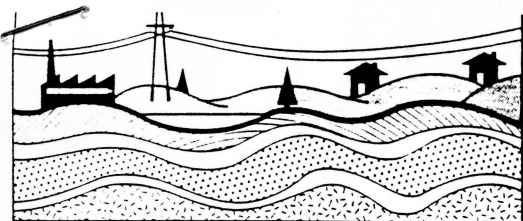
but where is the worker going to work with unemployment is (8 percent) and growing?"

The measure, introduced a year ago this week, has been through three public hearings in the Assembly Policy and Rules Committee and is being reviewed by the state Department of Environmental Protection and Energy and the Health Department.

Bill Maer, a spokesman for Assemblyman William J. Pascrell Jr., D-Paterson, a policy committee member, said Pascrell does not endorse the legislation at this point but called it "a step in the right direction."

"The issue needs to be examined, the operation needs to be streamlined, we have to make sure training is increased and overreporting reduced," Maer said. "But (Pascrell) will not support anything that compromises worker safety."

"I don't know why people are so afraid of information," Fannin said. "On the municipal level, I've seen the Right to Know Act work. We use it on a daily basis, constantly. It's just got to have."



NJ RIGHT TO KNOW & ACT COALITION

CO-CHAIRS

Jane Nogaki
New Jersey Environmental Federation

Eric Scherzer
Oil Chemical & Atomic Workers, Local 8-149

STEERING COMMITTEE

* Elsa Byrne-Andriolo
Jersey City Environmental Commission
* Amy Bahruth
Communication Workers of America
* Valerie Caffee
NJ Rainbow Coalition
* Arnold Cohen
Ironbound Committee Against Toxic
Wastes
* Marie Curtis
NJ Environmental Lobby
* Clara Dasher
A. Phillip Randolph Institute
* Rick Engler
Industrial Union Council, AFL-CIO
* Bill Flynn
NJ Firemen's Mutual Benevolent
Association
* Ben Forest
Monmouth County Friends of
Cleanwater
* Neal Gorfinkle
White Lung Association
* Ray Graves
NJ Police Benevolent Assoc.
* John Hall
Chemical Workers Assoc., -
Int'l Brotherhood of Dupont Workers
* Mark Herzberg
NJ Environmental Lobby
* Shelley Hill
Citizens Against Pollution
* Carolyn Holmes
American Fed. of State/County &
Municipal Employees, Council 71
* Bill Kane
United Auto Workers, Region 9
* Mary Lamele
National Center for Environmental
Health Strategies
* Paul Mack
Delaware Valley Clean Air Council
* Rob Maney
Stockton Action Volunteers for the
Environment
* Robin Marna
Philadelphia Area Project on
Occupational Safety & Health
* Waheeda Muhammad
Int'l Fed. of Professional & Technical
Employees #195 - Totowa
* Peter Montague
Environmental Research Foundation
* Harold Morrison
International Union of Electronics
Workers, District 3
* Juliana Moton
Communication Workers of America
* Eileen Nic
Citizens Commission on Bhopal
* Ray Peterson
NJ State Federation of Teachers
* Dolores Phillips
NJ Environmental Federation
* Peter Shuchter
NJ Citizen Action
* Ira Stern
International Ladies' Garment
Workers Union
* Trudi Thornton
NJ Education Association
* Ivey Williams
International Chemical Workers,
Region 3
* Marian Wise
NJ Public Interest Research Group

August 1, 1994

Richard Willinger, Program Manager
Right to Know Program
New Jersey Department of Health
CN 368
Trenton, NJ 08625-0368

Dear Mr. Willinger:

The New Jersey Right to Know and Act Coalition fully supports the proposed readoption with Amendments of N.J.A.C. 8:59 (publication date, July 18, 1994).

The Department of Health's Right to Know program continues to be the strongest, most protective program in existence anywhere. The combination of the survey, training program, fact sheets, and labeling of hazardous chemicals in the workplace work hand in hand to enable workers, emergency responders, and the community handle chemical hazards intelligently and with appropriate level of concern. The regulations go to the heart of the purpose of the law, which is to enable people working with and around chemicals to be adequately prepared to handle them without undue injury to persons or property.

Last summer the Coalition had a press conference detailing the positive aspects of the Right to Know program. At the press conference, a municipal worker described how he was able to use Hazardous Substance Fact Sheets to ascertain a hazard from flares commonly used at traffic accident scenes. Knowing this information made these Hawthorne municipal workers more prepared to work safely using flares in such a way as to avoid exposure.

There are many more stories like this one. Stories of school chemistry labs who reduced their chemical inventories when they learned about the hazards of some of the chemicals stored for years in the back of closets. Stories of municipalities who changed their pesticide use practices based on information from hazardous substance fact sheets, and who changed their storage and inventory quantities based on hazard information. These fact sheets continue to be the only source of objective hazard information written for the general public to understand, and they are invaluable.

COUNSEL

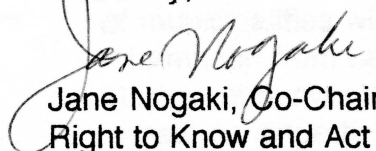
David Tykulska
Ira Jay Katz
Bennet Zurofsky

Reporting facilities have complained about the burden of paperwork it takes to do annual inventory, and labeling and training. I believe that the changes in labeling that have been proposed and debated this last year will answer some of the those concerns. With regards to the training and survey forms, these are necessary correlative of using hazardous substances. They provide needed information to workers, the community, and emergency responders. If you were a firefighter or an EMT responding to an accident or a fire, wouldn't you want to know the full range of hazards you might encounter in a facility, so that you could be adequately prepared for the emergency? If you lived next door to a municipal water treatment plant, wouldn't you want to know the range and quantities of chemicals stored on site that might pose a hazard to your neighborhood in the event of a release, or a transportation accident involving delivery of hazardous chemicals? Therefore we support training, and inventory reporting on all of the hazardous substances a worker or emergency responder or neighbor may encounter at a given facility.

The providing of important right to know information is the cost of doing business with hazardous substances. Those who are asked to assume the risk of living or working near the substances have a right to know the range of dangers they face. Hazardous substances can and have caused thousands of accidents, illnesses, and environmental damages in New Jersey. They must be treated with full knowledge and caution, and that can only be done with full disclosure. That right was recognized in law in New Jersey in 1983.

The Right to Know Coalition supports the NJ Department of Health in its regulatory program to implement the Right to Know law. We urge the readoption of the regulations. We encourage efficiency in reporting so long as it does not reduce the amount or effectiveness of important right to know information from being collected or disseminated to the workers, the public, and emergency responders. We pledge our support in making the law work effectively, and thank you for the dedication the Department of Health has exhibited in enforcing and implementing the regulations.

Sincerely,


Jane Nogaki, Co-Chair
Right to Know and Act Coalition

cc: Eric Scherzer, Co-Chair, right to Know Coalition
✓ Rick Engler, Vice President, Industrial Union Council

BILL KANE
President

LOIS CUCCINELLO
Secretary - Treasurer

NEW JERSEY STATE

INDUSTRIAL UNION COUNCIL, AFL-CIO

First Vice Presidents

CAROLE GRAVES
MICHAEL KINSORA
ROBERT PURSELL

South Jersey Office

9 East Main Street, 3rd Floor • Moorestown, N.J. 08057-3309
(609) 866-9405 FAX: (609) 866-9708

Vice Presidents

Vincent Altieri
AFT
Mike Broderick
IBT
Dominick Critelli
IFPTE
Frank Darcy
Essex/W.Hudson CLC
Clara Dasher
AFT
Robert DiBianco
USWA
Guy Fleming
OCAW
Peter Fiorini
UCA
Victor Garcia
1199J-NUHCE
Carol Gay
CWA
Sal Giardina
ILGWU
Richard Gollin
AFSCME
Dolores Gorczyca
WAAC
Sherry Gordon
AFSCME
Rosalee Griffiths
CWA
Curtis Grimsley
SEIU
Charles Hall, Sr.
RWDSU
Nathaniel Holmes
IAM
Ernesto Jofre
ACTWU
Wells Keddle
AAUP
Kathy King
CWA
Fred Wright
ATU
Marie Krystaponis
ACTWU
Emanuel Leventhal
ILGWU
Pat LoPresti
ALA
Phil McLewin
Bergen County AFL-CIO
Robert Meade
ICWU
Michael Roccia
RWDSU
John Ronches
CIR
Jay Sackman
1115 District Council
Fred Schaefer
TWU
Eric Scherzer
OCAW
Donald Silberman
AFT
John Shinn
ABG
Fran Smith
UAW
Bill Terrell
UAW
Ken Test
UPIU
Pat Tully
OPEIU
Ann Twomey
HPAE
Raymond Walling
IUE
Harvey White
UFCW
Frank DeMaria
Asst. to President
Rick Engler
Program Director

National Advisory Panel

Morton Bahr, CWA
William Bywater, IUE
Elmer Chatak, IUD
Thomas Fricano, UAW
George J. Kourpias, IAM
Lenore Miller, RWDSU
Jay Mazur, ILGWU
Jan Pierce, CWA
Jack Sheinkman, ACTWU
Robert E. Wages, OCAW

February 10, 1995

Richard Willinger, Program Manager
NJDOH RTK Program
CN 360, Room 701
Trenton, NJ 08625-0360

Dear Mr. Willinger,

Under the New Jersey Freedom of Information/ Right to Know Law and the New Jersey Worker and Community Right to Know Law, I am requesting the following information. Please waive all fees for production of this information since it will be used in the public interest to promote health and safety in public workplaces.

The following analysis of the data submitted by employers on Form D, Products With Unknown Ingredients:

* Counts and listings of names and addresses of the establishments submitting Form D's by type, eg. schools, colleges, institutions, etc.

* A count of all establishments submitting Form D's and listing by county.

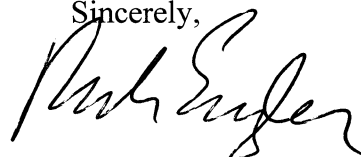
* A count and listing of the names and addresses of manufacturers or suppliers located in New Jersey who have not supplied chemical information.

* A count by state of all manufacturers or suppliers who have not supplied chemical information.

* A count and listing by manufacturer or supplier of product names with unknown ingredients.

Please call me if you have questions concerning my request. Thank you for your assistance.

Sincerely,



Main Office: 14 Commerce Drive • Cranford, NJ 07016 • 908-272-4200

1UC

Richard Willinger, Program Manager
NJDOH RTK Program
CN 360, Room 701
Trenton, NJ 08625-0360

Dear Mr. Willinger,

check comp not inspection
Thank you for the information you provided ~~to me~~ ^{us} concerning Form D, Products With Unknown Ingredients. I note that the data shows that a number of chemical suppliers in New Jersey were frequently listed as suppliers of products with unknown ingredients on the 1992 RTK Workplace Surveys submitted by public employers, including public schools. The majority of these firms are suppliers of paints, lab supplies, art supplies, and janitorial supplies.

we are

Right to Know Act
~~I am~~ requesting that these chemical suppliers be inspected as soon as possible for compliance with NJ RTK labeling requirements so that any problems with the way they label their products can be identified and corrected. ~~We are~~ making this request in the interest of public employees and students in New Jersey. The top 14 companies and the approximate number of times they were listed are as follows:

J.T.Baker Chemical Co.	Phillipsburg	159
Benjamin Moore and Co.	Montvale	150
Con-Lux Coatings, Inc.	Edison	148
Harrison Bell	South Plainfield	43
Fisher Scientific	Fair Lawn	48
Cook and Dunn Paint	Carlstadt	51
Foster and Company	Cedar Knolls	39
Mfg. Creek Turn, Inc	Hainsport	31
Stone Chemical Products	Trenton	30
Contact Industries	Elizabeth	24
John A Earl, Inc.	Hackensack	23
Faber-Castell	Newark	23
Northeast Janitorial	Pompton Lakes	23
Allied Chemical Corp.	Morristown	22

Please call me at 609-866-9405 if you have any questions concerning ~~my~~ request.

this

Sincerely,

3/16/95

Rick,

If you think this is a good idea please send the letter.

ei



State of New Jersey
DEPARTMENT OF HEALTH

CN 360
TRENTON, N.J. 08625-0360

CHRISTINE TODD WHITMAN
GOVERNOR

May 22, 1995

LEN FISHMAN
COMMISSIONER OF HEALTH

Rick Engler, Vice President
NJ State Industrial Union Council, AFL-CIO
9 East Main Street, 3rd Floor
Moorestown, NJ 08057-3309

Dear Mr. Engler:

The following information is provided in response to your letter to Richard Willinger, Program Manager, Right to Know Program, regarding data about the information submitted on the Right to Know Survey form entitled "Products With Unknown Ingredients."

The form "Products With Unknown Ingredients" is supposed to be filled out by a public employer and attached to the Right to Know Survey inventory pages after the employer has made a good faith effort to find out the top five ingredients, and any hazardous ingredients below the top five, of a product for purposes of labeling and training. A manufacturer or supplier may provide the employer with some information about a product, for example, the hazardous ingredients, but if the non-hazardous ingredients are not also provided so that labeling can be completed, the manufacturer or supplier would be listed on the form. The public employer has met his legal requirement by making the good faith effort to find out the ingredient information. An employer may list only one product on this form or it may list over a hundred.

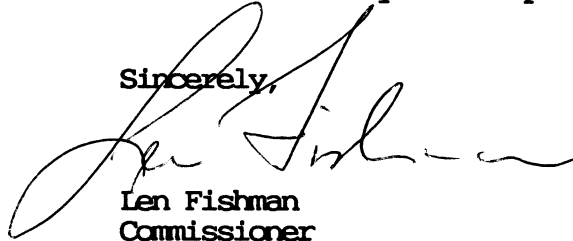
The data which we have analyzed comes from the 1992 Right to Know Surveys. However, only 28% of the forms have been data-entered. This covers 490 facilities out of the 1,768 which submitted the forms. The 1,768 amounts to 17% of the 10,400 facilities which submitted 1992 Right to Know Surveys. Due to staffing shortages, we have concentrated on data-entering the hazardous chemical inventories and have not been able to complete data entry of the "Products With Unknown Ingredients" form.

Enclosed please find a list of the names and addresses and SIC codes of the 490 public facilities which submitted the "Products With Unknown Ingredients" form, in two formats: sorted by county and sorted by SIC code. The SIC code describes the type of facility, e.g., elementary and secondary schools. Also listed is the number of products each employer listed on the form.

Rick Engler, vice President
Page Two

A list of the names and addresses of the manufacturers and suppliers which were reported on the "Products With Unknown Ingredients" form by these 490 public facilities, and the number of times they were reported, was previously provided to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Len Fishman", written over the word "Sincerely,".

Len Fishman
Commissioner

Enclosures

c: Richard Willinger

BILL KANE
President

LOIS CUCCINELLO
Secretary - Treasurer

NEW JERSEY STATE INDUSTRIAL UNION COUNCIL, AFL-CIO

First Vice Presidents

CAROLE GRAVES
MICHAEL KINSORA
ROBERT PURSELL

South Jersey Office

9 East Main Street, 3rd Floor • Moorestown, N.J. 08057-3309
(609) 866-9405 FAX: (609) 866-9708

Vice Presidents

Vincent Altieri
AFT
Mike Broderick
IBT
Dominick Critelli
IFPTE
Frank Darcy
Essex/W.Hudson CLC
Clara Dasher
AFT
Robert DiBianco
USWA
Guy Fleming
OCAW
Peter Fiorini
UCA
Victor Garcia
1199J-NUHCE
Carol Gay
CWA
Sal Giardina
ILGWU
Richard Gollin
AFSCME
Dolores Gorczyca
WAAC
Sherryl Gordon
AFSCME
Rosalie Griffiths
CWA
Curtis Grimsley
SEIU
Charles Hall, Sr.
RWDSU
Nathaniel Holmes
IAM
Ernesto Jofre
ACTWU
Wells Keddle
AAUP
Kathy King
CWA
Fred Wright
ATU
Marie Krystaponis
ACTWU
Emanuel Leventhal
ILGWU
Pat LoPresti
ALA
Phil McLewin
Bergen County AFL-CIO
Robert Meade
ICWU
Michael Roccia
RWDSU
John Ronches
CIR
Jay Sackman
1115 District Council
Fred Schaefer
TWU
Eric Scherzer
OCAW
Donald Silberman
AFT
John Shinn
ABG
Fran Smith
UAW
Bill Terrell
UAW
Ken Test
UPIU
Pat Tully
OPEIU
Ann Twomey
HPAE
Raymond Walling
IUE
Harvey Whille
UFCW
Frank DeMaria
Asst. to President
Rick Engler
Program Director

National Advisory Panel

Morton Bahr, CWA
William Bywater, IUE
Elmer Chatak, IUD
Thomas Fricano, UAW
George J. Kourpias, IAM
Lenore Miller, RWDSU
Jay Mazur, ILGWU
Jan Pierce, CWA
Jack Sheinkman, ACTWU
Robert E. Wages, OCAW

February 22, 1995


Richard Willinger
Right To Know Program
New Jersey Department of Health
CN 368
Trenton, NJ 08608-0368

Dear Mr. Willinger:

Please provide us with the following information:

1. The number of trade secret claims filed with the NJDOH in total and each year from 1983 until the present. Please report separately for claims made based on a.) the workplace survey and b.) labeling provisions.
2. The number of chemical products covered by these claims in total based on a.) and b.) above.
3. The number of different chemical manufacturers and suppliers filing trade secret claims in total based on a.) and b.) above.
4. The number of substances on 1. the RTK Hazardous Substance List and 2. Special Health Hazard Substance List a.) in the February 7, 1995 proposal to adopt new lists b.) when they were adopted in 1984 and c.) when they were readopted in 1989.
5. All information available on the status of each NJ state agency's compliance with major provisions of the Worker RTK Law, including submission of the workplace survey, labeling, and employee education and training.

Sincerely,


Rick Engler
Vice President

RE:emr

Main Office: 14 Commerce Drive • Cranford, NJ 07016 • 908-272-4200



State of New Jersey
DEPARTMENT OF HEALTH

CN 360
TRENTON, N.J. 08625-0360

CHRISTINE TODD WHITMAN
GOVERNOR

May 22, 1995

LEN FISHMAN
COMMISSIONER OF HEALTH

Rick Engler, Vice President
NJ State Industrial Union Council, AFL-CIO
9 East Main Street, 3rd Floor
Moorestown, NJ 08057-3309

Dear Mr. Engler:

The following information is provided in response to your letter to Richard Willinger, Program Manager, Right to Know Program:

1. The total number of trade secret claims filed with the Department of Health pursuant to the Worker and Community Right to Know Act, and the number filed each year, has never been calculated. All of the trade secret claims were filed for labeling; none were filed for the Right to Know (Workplace) Survey.

2. Since the total number of trade secret claims filed is unknown, the number of products covered by these claims is also unknown. Even if the number of trade secret claims was known, there is not necessarily a one-to-one correlation to the number of products covered by the claims. Again, they were all based on labeling.

3. Almost 800 manufacturers and suppliers have filed trade secret claims for labeling.

4. The number of substances on the Right to Know Hazardous Substance List in 1984 was 2,055 and on the Special Health Hazard Substance List was 835. They changed over the years to reflect changes to the Environmental Hazardous Substance List and to the sources of the Right to Know Hazardous Substance List. The February 7, 1994 proposal to adopt new revised lists contained approximately 2916 substances on the RTK Hazardous Substance List and 1018 substances on the Special Health Hazard Substance List.

5. Regarding the status of each state agency's compliance with the Right to Know law, the Department only has information on their submission of the most recent Right to Know Survey (for 1993) and any current open inspections. The 1993 Surveys were due on July 8, 1994.

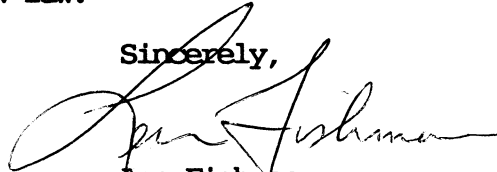
Rick Engler, Vice President
Page Two

	<u># Facilities</u>	<u>Surveys Due</u>
Agriculture	10	0
Banking	1	0
Commerce & Economic Development	5	0
Community Affairs	23	0
Corrections	44	0
Education	30	0
Environmental Protection	111	0
Health	9	0
Human Services	181	0
Insurance	2	0
Judiciary	25	0
Labor	61	0
Law and Public Safety	231	2
Military & Veterans Affairs	45	0
Personnel	5	5
State	10	0
Transportation	115	0
Treasury	74	0

In addition, three facilities of the Department of Corrections are currently under inspection - Northern State Prison, Garden State Youth Correctional Facility, and Wagner Youth Correctional Facility, for violation of the education and training program requirement. They were initially inspected in September and October 1991.

As for the other state agencies, until we conduct an inspection of their facilities, we cannot comment as to whether they are in full compliance with the labeling, education and training, and central file requirements of the Right to Know law.

Sincerely,



Len Fishman
Commissioner

c: Richard Willinger



State of New Jersey
DEPARTMENT OF HEALTH
UN 360, TRENTON, N.J. 08625-0360

CHRISTINE TODD WHITMAN
Governor

LEN FISHMAN
Commissioner

April 8, 1996

Richard M. Lynch, Ph.D., CIH
Assistant Professor
Department of Urban Studies and Community Health
Edward J. Bloustein School of Planning and Public Policy
Rutgers University
New Brunswick, NJ 08903

Dear Dr. Lynch:

In response to your request for information about the recent regulatory history of the Worker and Community Right to Know Act, enclosed please find the following:


1. The rules implementing the Right to Know Act must be readopted every five years. They were originally adopted in 1984 and the first readoption took place in 1989. Enclosed are both the proposed amendments to the rules (May 15, 1989) and the amendments that were finally adopted (November 6, 1989) of this first readoption.
2. Extensive amendments were made to the rules in 1993. Enclosed are both the proposed amendments to the rules (March 1, 1993) and the final adopted amendments (August 2, 1993).
3. Amendments were also made to the rules governing trade secrets in 1993. Of all the Right to Know Act rules, those governing trade secrets are the only ones that are jointly adopted with DEP. Enclosed are both the proposed amendments to the trade secret rules (March 1, 1993) and the final adopted amendments (August 2, 1993).
4. The Department also planned to start the process of updating the Right to Know Hazardous Substance List (RTKHSL) and Special Health Hazard Substance List (SHHSL) in 1993. There is a special provision in the rules that require changes to the RTKHSL and SHHSL to be pre-proposed prior to being officially proposed. Since the changes were to be extensive, the method that had to be used was to repeal the RTKHSL and SHHSL and adopt them as a new rule. Enclosed are both the pre-proposal (March 1, 1993) and proposal (February 7, 1994) for the repeal and new rule adoption of the RTKHSL and SHHSL. *- being sent in separate envelope.*
5. A labeling amendment was proposed on August 2, 1993 and adopted on January 3, 1994,

which are both enclosed

6. In 1994 the rules had to be readopted again. Enclosed are both the proposed amendments to the rules (July 18, 1994) and the amendments that were finally adopted (November 7, 1994) of this second readoption.

If you have any questions about the above material, please give me a call at (609) 984-2202.

Sincerely,


Richard Willinger
Program Manager
Right to Know Program

Enclosures



State of New Jersey
DEPARTMENT OF HEALTH
CHIEF OF THE DEPARTMENT 19025-0400

CHRISTINE TODD WHITMAN
Governor

LEN FISHMAN
Commissioner

May 24, 1996

Richard M. Lynch, Ph.D., CH
Assistant Professor
Department of Urban Studies and Community Health
Edward J. Bloustein School of Planning and Public Policy
Rutgers University
New Brunswick, NJ 08903

Dear Dr. Lynch:

The following is in response to your request for information about the Right to Know Program.

1. The approximate number of public sector workplaces and public employees covered by the Worker and Community Right to Know Act, broken down by State, counties and municipalities.

	Approximate # of Facilities
State	1,081
County	1,450
Municipal	8,335
	10,766

The "# of Facilities" numbers are accurate as of April 19, 1996. According to the New Jersey Department of Labor's statistical report on employers in 1994, there are 152,000 state government employees and 371,000 local government employees. "Local government" is not broken down into counties and municipalities. There are approximately 1,600 public employers.

2. The number of staff conducting public sector inspections, education and training activities, and Hazardous Substance Fact Sheet preparation in FY 1984, 1988, 1992 and 1996.

The Program was established by law and staff began to be hired in FY 1984, therefore FY 1984 statistics would not be representative.

	FY 1988	FY 1992	FY 1995	FY 1996
Inspections	5*	2*	2*	2*
Education and Training	1**	2**	3**	1**
* Fact Sheet preparation	6***	3***	4***	2***

In addition, in FY 1988, 1992 and 1995, there was an enforcement supervisor who occasionally performed inspections. In FY 1996, supervision of the inspectors was taken over by the Program Manager. Starting in FY 1991, two RTK County Lead Agencies have also been doing RTK inspections in the public sector. In FY 1991, approximately half of the State inspectors were assigned to private sector inspections.

** The Program Manager, enforcement supervisor and other staff also give presentations and assist in setting up safety conferences.

*** In FY 1988, includes two part-time fact sheet writers and one supervisor. In FY 1992 and 1995, includes one part-time fact sheet writer and one supervisor. Also in FY 1992 and 1995, the Program contracted with an outside professional to write the toxicology section of the fact sheets. In FY 1996, includes one supervisor. Also in FY 1996, the fact sheet writing is being supplemented by industrial hygienists from the Occupational Health Service and other Departmental staff, and by a contract with outside professionals.

3. The number of public sector inspections conducted, educational programs provided, and Hazardous Substances Fact Sheets produced or updated in FY 1984, 1988, 1992 and 1996.

Since the Program was just getting off the ground in FY 1984 and public sector inspections did not begin until FY 1987, it is necessary to start with FY 1988. Since FY 1996 is not completed, the numbers will be given for the last complete fiscal year, FY 1995.

	FY 1988	FY 1992	FY 1995
Inspections (per facility) (a) (b) (c)	588*	742*	742*
Education and Training	15**	24**	24**
Fact Sheet preparation	130	60	78

* This number includes the number of facilities inspected by an inspector during a first inspection and subsequent re-inspections. In other words, a public employer may have five facilities, if an inspector inspected five during the initial inspection and three during the re-inspection, this counts for eight facilities to visit. As of the end of FY 95, the Program had inspected 48% of all public employers, which has covered 51% of all public facilities. The Program inspects 40,000 public employers each year.

** This is an approximate number and includes attendance at conferences, at associations, at workshops, and at Train-the-Trainer sessions where both public and private employers were present. The Program has always given speaking presentations in response to requests, except for workshops on how to complete the Right to Know Survey and in choosing conferences where an information table is set up. In FY 1988, there were nine joint events. In FY 1992, there were four joint events. In FY 1995, there were two joint events.

4. A statistical summary of the most common violations found during public sector inspections, and the total monetary fines collected from public sector employers to date.

The Program began performing public sector inspections in FY 87. The violations found were:

	FY 1988	FY 1992	FY 1995
One or more violations	77%	91%	79%
Labeling	73%	84%	65%
Education and Training	62%	75%	67%
Central File	55%	64%	57%
Poster	42%	25%	26%
Right to Know Survey	35%	28%	29%

A few qualifiers need to be mentioned about these statistics. For the poster, it was either posted or it wasn't. For the Right to Know Survey, it was either completed or it wasn't. However, for labeling, education and training, and the central file, there could have been partial compliance with these requirements even though the employer was cited for a violation. In other words, if 30 employees needed to be trained and only 25 employees were trained, the employer was cited because not all of the employees were trained. Similarly for labeling and the contents of the central file.

To date, \$10,000 in fines has been collected from public sector employers.

5. The number of private sector employers covered by Right to Know, the number of Right to Know inspectors inspecting private employers, plus the number of educational activities conducted for the private sector and the number of staff conducting such activities.

There are approximately 3,000 private employers covered by the Right to Know law.

Since Right to Know inspections in the private sector did not begin until 1991, information regarding the number of staff would not be representative prior to FY 1992.

	FY 1992	FY 1995	FY 1999
Inspections	1*	2*	2*
Educational activities	1**	1**	1**

* In addition, in FY 1992 and 1993, there was one same supervisor who supervised the public sector inspectors, who occasionally performed inspections. (In FY 1996, supervision of the inspectors was taken over by the Program Manager.) Starting in FY 1991, three RTK County Lead Agencies have also been doing RTK inspections in the private sector. After FY 1991, one of the inspectors was assigned to run the new consultant certification program.

** Includes the same person listed above in the numbers for education and training for the public sector. The Program Manager, enforcement supervisor and other staff also give presentations and assist in staffing booths at conventions.

Since the labeling provisions for the private sector went into effect on March 31, 1990, there was a great demand for educational activities in FY 1990.

	FY 1990	FY 1991	FY 1992
# of educational activities	53*	12*	2*

*This is an approximate number and includes attendance at conferences, at associations, at workshops, and at Transfer-Teacher sessions where both public and private employers were present. The Program has always given speaking presentations in response to requests, except in choosing conferences where an information table is set up. In FY 1990, there were twelve joint events. In FY 1992, there were four joint events. In FY 1993, there were two joint events.

If you have any questions about the above material, please give me a call at (609) 984-2202.

Sincerely,



Richard D. Dillingham
 Regional Manager
 Program Manager
 Right to Know Program

c. Bureau of Labor