

ARCHER COLE  
President  
THOMAS FRICANO  
Secretary-Treasurer  
LARRY COHEN  
First Vice-President  
CAROLE GRAVES  
Vice-President  
for Public Employees

*from the* NEW JERSEY STATE  
INDUSTRIAL UNION COUNCIL, AFL-CIO

16 Commerce Drive, Cranford, N.J. 07016 (201) 272-4200

-E-3

January 24, 1986

Commissioner J. Richard Goldstein, M.D.  
New Jersey Department of Health  
John Fitch Plaza  
CN 360  
Trenton, NJ 08625

Commissioner Richard Dewling  
New Jersey Department of Environmental  
Protection  
Labor & Industry Building  
Trenton, NJ 08625

Dear Commissioners:

The New Jersey Right to Know Coalition, representing over sixty labor, firefighter, community, environmental, and emergency response organizations requests that the New Jersey Departments of Health and Environmental Protection initiate a comprehensive public outreach and educational program and begin enforcement efforts concerning the Worker and Community Right-to-Know law.

Governor Kean signed our Right to Know legislation on August 25, 1983, and proclaimed that New Jersey would become one of the safest states because of this law. Over two years later, in his second term inaugural address when new environmental initiatives were announced, he reiterated that "the public has a Right to Know."

But the New Jersey Right to Know law will prove an unfulfilled promise unless New Jersey citizens are actively informed of their rights and how to utilize them to achieve healthier workplaces and communities.

Therefore, the New Jersey Right to Know Coalition asks that the New Jersey Departments of Health and Environmental Protection jointly:

- 1) **Adopt a comprehensive, ongoing plan to inform New Jersey citizens of their rights under the Right-to-Know Law;**
- 2) **Sponsor at least three free regional public workshops or orientation sessions before June 1, 1986.**

°These workshops should be on Saturdays or evenings so working people may attend without loss of pay.

°These workshops should be publicized, in part, through a mailing to all union representatives in the state. For each facility covered by the law, the facility-based union representative should directly receive a notice of the program. While you may not have names of individuals, these letters could be addressed to the "union representative." Employers should also be required to distribute an announcement of these workshops to all employees (Subchapter 6, 8:59-6.3(b)6(c) says "Every employer shall provide employees with any materials designed and provided by the Department(s). . . to inform employees of their rights under the Act.") DOH and DEP compliance staff should also do intensive telephone outreach. The DEP should do advertising and public service announcements to publicize the program and utilize New Jersey Public TV. These workshops must include a component on OSHA's federal Hazard Communication rule covering the manufacturing sector. Federal OSHA has offered to participate in such programs.

- 3) Publicize through newspaper, radio, and TV publicity all Right to Know enforcement actions and provide to the Coalition a list of all enforcement actions to date.
- 4) Meet with the Right-to-Know Coalition as soon as possible to discuss these requests and to inform us of current educational and compliance activities.

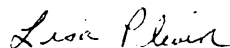
While limited legal issues remain unsettled concerning Right to Know, citizen and worker rights under the law have largely been found valid by the Courts. Many compliance deadlines have already passed. Therefore, it is an appropriate time to launch such a proposed program to insure that our law contributes to a safer and healthier workplace and community.

The Coalition will be pleased to cooperate with the Departments in the development and implementation of these proposed programs. We look forward to hearing from you.

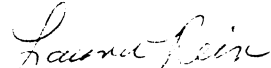
Sincerely,



Jim Lanard  
NJ Environmental Lobby



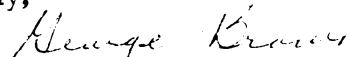
Lisa Plevin  
NJ CLean Water Action



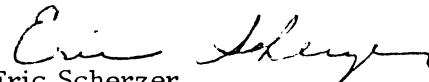
Laura Rein  
NJ Citizen Action



Charles Morris, Philaposh



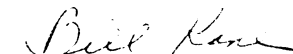
George Brown  
NJ Firemen's Mutual Benevolent Assoc.



Eric Scherzer  
Oil, Chemical and Atomic Wkrs. Local 8-149



Rick Engler  
NJ Industrial Union Council



William Kane, Region 9, UAW



**State of New Jersey**  
**DEPARTMENT OF HEALTH**  
JOHN FITCH PLAZA  
CN 360, TRENTON, N.J. 08625

J. RICHARD GOLDSTEIN, M.D.  
COMMISSIONER

March 19, 1986

Rick Engler  
I.U.C.  
16 Commerce Drive  
Cranford, New Jersey 07016

Dear Rick:

This letter is a follow-up to your letter and our March 6, 1986 meeting.

We agree to the objectives that the coalition has brought forward and this is how we are planning to meeting those objectives:

1) Distribution of Brochure

All employers will be informed that it is necessary to hand out a brochure to their employees. These brochures will be distributed to employers in different ways:

- a) Newly covered employers will receive brochures with the workplace survey mailing planned for this summer.
- b) Existing covered employers will receive brochures either directly from county lead agencies or as part of our planned June fact sheet mailing. Planned completion of distribution - 6 months.
- c) Each State Department will be requested to distribute them with their paychecks. County and municipal employers will receive them from the county lead agencies and hopefully will hand them out with their paychecks.

The above plan is not completely finalized as it depends on modification of an existing contract to send out fact sheets and our printing contract for brochures. We will let you know if we need to modify the plan because of contract problems.

- 2) Inclusion of Employee Bargaining Agent on the Survey Form

We will do this independently if we have a separate survey form and will defend its inclusion if we have a joint form with DEP.

- 3) Contact of the Union Representative Doing Outreach Activity by the County Lead Agency


We will request all counties to include employer and employee representatives in all outreach activity conducted at a facility.

- 4) Fact Sheet Distribution

As new fact sheets are completed they will be distributed to the following groups: firefighters, police, county lead agencies, local health departments, hospitals, certain key libraries, state wide health and safety groups. In addition we will inform individuals on our labor and environmental mailing list (approximately 700 names) of the names of the new fact sheets completed and offer them the opportunity to order specific fact sheets. When completed the fact sheets will be 2½ feet high and require filing space. Anyone at any time will be able to obtain any fact sheets from any of the county lead agencies. For the two above reasons (not to mention the cost) we do wish to be somewhat selective on who receives a complete set for free. We certainly would be open to distributing free sets to anyone demonstrating a legitimate need. Perhaps you could identify for us a list of district/regional union offices for a free fact sheet set distribution. We also will be distributing complete sets for a fee to make up our printing costs.

I believe the above response meets the concerns raised by the coalition. I trust you will circulate my letter to other interested members of the coalition. Please feel free to contact me at (609) 984-1863 to discuss any aspect of the response.

Sincerely,



Kenneth D. Rosenman, M.D.  
Director  
Occupational and Environmental  
Health Services

KDR:ieg



**State of New Jersey**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
OFFICE OF SCIENCE AND RESEARCH  
CN 402, TRENTON, N.J. 08625

THOMAS A. BURKE, M.P.H.  
DIRECTOR

June 10, 1986

Mr. Richard Engler, Director  
Safety and Health  
New Jersey State Industrial  
Union Council, AFL-CIO  
16 Commerce Drive  
Cranford, NJ 07016

Dear Mr. Engler:

Thank you for your letter concerning implementation of the Worker and Community Right to Know law. I appreciate your concerns about involving unions in public outreach and education related to the law. The Department is currently adding questions concerning union representation as an addendum to the Environmental Survey-Part II.

We are also developing a simplified survey process merging the Environmental Survey Part I and the Emergency Services Information Survey with the Department of Health's Workplace Survey. In discussions about merging the survey process, both Departments are considering including questions concerning union representation. We are hopeful that a survey merger will move forward and that questions such as those you have suggested will be included.

Once again, thank you for your continued interest in the Right to Know law. Should you have further questions about the implementation of the law, please contact the Right to Know Program at (609) 292-6714.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Burke".

Thomas A. Burke, Ph.D.  
Director

TAB:jt

c: Commissioner Dewling  
Deputy Commissioner Catania

July 1986

Dear Employer:

We have enclosed Hazardous Substance Fact Sheets\* for the specific hazardous substances which you reported on your Workplace Survey. Your responsibilities are:

- To include this information in the education and training program for your employees.
- To maintain these fact sheets in a central file, along with your:
  - 1) Workplace Survey
  - 2) Workplace Hazardous Substance List
  - 3) Environmental Survey
- To provide copies of the appropriate fact sheets to each employee who requests this information. This information should be supplied as soon as possible, but in no case exceed 5 days from the date of the request.

If you have any questions about any of the information on the enclosed Hazardous Substance Fact Sheets, please call the Right to Know Hotline at (609) 984-2202.

Also enclosed are copies of the Right to Know brochure. You are required to distribute a copy of this brochure to each employee. If you need additional copies, please call the Right to Know Hotline.

Sincerely yours,

*Kathleen O'Leary*

Kathleen O'Leary  
Chief, Occupational Disease Prevention  
and Information Program

\*Note: Four hundred sixty-seven of the 2051 fact sheets are now complete. The Department will send additional mailings in the winter.

*Rich*

*from the* **NEW JERSEY STATE  
INDUSTRIAL UNION COUNCIL, AFL-CIO**

ARCHER COLE  
President

THOMAS FRICANO  
Secretary-Treasurer

16 COMMERCE DRIVE • CRANFORD, NJ 07016  
(201) 272-4200



LARRY COHEN  
First Vice-President

CAROLE GRAVES  
Vice-President  
for Public Employees

August 22, 1986

Kathleen O'Leary  
Right-To-Know Project  
NJDOH CN 368  
Trenton, NJ 08625

Dear Kathleen:

We are most appreciative of your responsiveness to our request that employers be notified that they must hand out the state's Right-To-Know brochure.

However, we are concerned about enforcement of this requirement. We specifically request that employers be asked to sign a certification that they have distributed the brochures to all employees and to return this certification to the Department. We are also disturbed that the brochure distribution requirement is not mentioned in the Field Operations Manual and we suggest that it be revised accordingly.

This letter requests, on a future standing basis, copies of all administrative orders, penalty notifications and failure to abate notifications issued by the Department of Health's Right-To-Know program. Please send copies of all of these documents issued to date.

Please send a copy (or indicate when it will be available) of the Outreach Program Plan as referred to in Section I-4 of the Field Operations Manual.

Thank you for your continuing cooperation and for your assistance in these three areas.

Sincerely,

*Rick Engler*

Rick Engler, Director  
of Safety and Health

RE/lac

OPEIU494

12/19/86 handw  
note



- 60 inspections (emp)
- 91 facilities
- 30 reports sent out
- enforcement letters been out
- 15th complaints

---

lack of resource  
external forces

4 1/2 field  
fewer enforcement in 78

*from the* **NEW JERSEY STATE**  
**INDUSTRIAL UNION COUNCIL, AFL-CIO**

ARCHER COLE  
President

THOMAS FRICANO  
Secretary-Treasurer

16 COMMERCE DRIVE • CRANFORD, NJ 07016  
(201) 272-4200



LARRY COHEN  
First Vice-President

CAROLE GRAVES  
Vice-President  
for Public Employees

Contact: Rick Engler, Director  
of Safety and Health  
Phone #: (609) 866-9405 or  
(201) 272-4200

PRESS RELEASE

For Release: Monday, September 29, 1986

The New Jersey Industrial Union Council, AFL-CIO, representing 200,000 public and private sector workers, today announced it had gotten the State Department of Health to instruct 30,000 New Jersey employers to inform their employees about toxic substances in their workplaces. In response to an IUC demand made in March of 1986, the Department of Health is requiring the 30,000 non-manufacturing employers covered by workplace provisions of New Jersey's Right-To-Know law to distribute a state Right-To-Know brochure to all of their employees.

The brochure indicates both employer responsibilities and employee rights under the New Jersey Right-To-Know law. It explains employee rights to:

- Have chemicals labeled;
- Obtain fact sheets about hazardous substances;
- Comprehensive training about hazardous substances.

The brochure includes worker and public rights to information on chemicals stored or released into the environment. A copy of the state brochure is enclosed.

While the Department of Health has had the authority under Act Section 8:59-6.3(b)6(c) since October 1, 1984 to require employers to supply all employees with materials, they had failed to act on this authority until IUC's request.

According to the IUC President, Archer Cole, "This is an important victory for public health. We have gotten the state of New Jersey to take responsibility for insuring that employers inform their employees of their rights through the specific requirement that employers distribute a brochure to each and every employee. This will benefit unionized workers, unorganized workers and the community at large."

According to the IUC Secretary-Treasurer, Thomas Fricano, "We anticipate increased use of the Right-To-Know law as a result of this action by the Health Department. The more workers and the public know about what they are exposed to, the more they are likely to act to improve working conditions and our environment based on that knowledge."

Employers covered by this Health Department requirement include state, county and local governments; hospitals, schools and colleges; electric, gas, and sanitary services; dry cleaning plants; commercial testing labs; auto repair shops; oil and chemical bulk stations and terminals; pipelines; airport services and lawn and garden services.

The victory is an accomplishment of the IUC's Right-To-Know project. The goal of the project is to ensure that New Jersey workers know and use their rights to protect their health, that of their family and the community.

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LABOR OUTREACH PLAN  
September-January

ACTIVITY

1. Promotional letter to unions from IUC list. (Mailing out by October 15, 1986.)
2. Follow-up phone calls to these unions for these purposes (October):
  - a. Co-sponsoring of RTK workshop for health and safety committees, shop stewards, union staff or officials.
  - b. general membership education
  - c. article/announcement in union newsletter
3. Phone calls to NJ Labor Councils to achieve same result as in (2) (October).
4. Coordinated efforts with the Public Employees Occupational Safety and Health Program
  - a. Co-operative use of mailing list of public employee unions (PEOSH has requested this list.)
  - b. Co-sponsor workshops for public employee unions.
  - c. Work on joint video project. (Ongoing Sept.-Jan.)
5. Review RTK labor mailing list of approximately 500 locals. Identify unions whose memberships are likely to be covered by RTK. ~~Since~~ same letter as in (1) and do follow-up calls. (November) *Send*
6. Set up information table at large union functions. (Ongoing Sept.-Jan.)
7. Revise RTK poster and Worker/Community brochure (October) to go out with next mailing of RTK Survey to employers. (January)
8. Develop resource center of information, video's, slide presentations for loan to unions/community groups. (Ongoing Sept.-Jan.)
9. Work with county lead agencies on outreach activities and dissemination of information. (Ongoing Sept.-Jan.)



## State of New Jersey

### DEPARTMENT OF HEALTH

CN 360, TRENTON, N.J. 08625-0360

MOLLY JOEL COYE, M.D., M.P.H.  
COMMISSIONER

January 22, 1987

Richard Engler, Director  
Safety and Health  
New Jersey State Industrial  
Union Council, AFL-CIO  
16 Commerce Drive  
Cranford, New Jersey 07016

Dear Mr. Engler:

In regard to the concerns raised in your letter, please be advised of the following:

- 1) The Department of Health is including in the document summarizing the Right to Know law which will be sent to all employers a statement about their requirement to distribute the RTK brochure to all employees.
- 2) Pursuant to N.J.A.C. 8:59-6.1(d), employers are required to certify that they have provided a Right to Know education and training program to their employees. Pursuant to N.J.A.C. 8:59-6.3(c), the education and training program shall include the distribution of material provided by the Department of Health (e.g., the RTK brochure). Therefore, your suggestion of requiring certification of distribution of the brochures has already been taken care of. We will, however, include in the certification statement a specific reference to distribution of the brochures.
- 3) The Field Operations Manual will be modified to include a reference to the requirement to distribute RTK brochures.
- 4) While it would be administratively impossible to send you a copy of all 5979 enforcement letters sent to employers who failed to return a workplace survey, the Department can send you a sample of this letter which is enclosed. Copies of enforcement letters sent to employers as a result of on-site inspections are also enclosed. There have not been any administrative orders, penalty notifications or failures to abate issued as of this date.

- 5) The Outreach Plan referenced in the Field Operations Manual has not yet been written up. For your information, the Right to Know Project performs outreach by speaking to employer trade associations and other employer groups, to unions, and to professional groups. We also participate in "Train-the-Trainer" programs which train instructors who can then go back and provide RTK training to employees. We have an aggressive program to reach unions and, consequently, have spoken to an increasing number of them in the past several months. We also continue to distribute material prepared in the past year to assist employers, employees and members of the public with obtaining information from governmental and non-governmental agencies, and from bibliographic resources. A copy of the written outreach program will be sent to you when completed.

If you have any further questions or requests, please don't hesitate to contact me at (609) 984-2202.

Sincerely,

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

Richard Willinger  
Coordinator  
Right to Know Project

RW/js

Enclosures

c: Kathleen O'Leary  
Dr. Yves Mikol  
Roy Meyer



## State of New Jersey

### DEPARTMENT OF HEALTH

JOHN FITCH PLAZA  
CN 360, TRENTON, N.J. 08625

Dear Employer:

The New Jersey Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq., requires certain employers to complete a survey of hazardous substances present in their workplace, to label containers with the names of hazardous substances, and to educate and train their employees about hazards from these substances. The first step, the completion of the Workplace Survey, was to have been finished by October 30, 1985.

Our records reflect that you are a covered employer but that we have not received a completed Workplace Survey from you. This means that you are currently in violation of the Right to Know law.

The Department of Health is allowing a period of 20 days from the receipt of this letter for a response of corrective action. You may submit a completed Workplace Survey or a letter explaining why you are not required to submit the survey. If you have already submitted a completed Workplace Survey to the Department of Health, please forward a copy of the survey along with a cover letter indicating the date of the original submission.

Your prompt attention to this matter will be appreciated and will assure that no penalty action is taken. As you know, the law provides for a one-time civil administrative penalty up to \$2500 for a violation and additional penalties of up to \$1000 for continuation of the violation.

If you need additional Workplace Survey forms, they may be obtained by contacting the Department of Labor at (609) 292-1573. If you require assistance in completing the forms, please call the Right to Know Hotline at (609) 984-2202.

Thank you for your cooperation. Your anticipated efforts will help to provide New Jersey's citizens with safe working environments and the means to minimize the risks of workplace hazards.

Sincerely,

Richard Willinger, Coordinator  
Right to Know Program

REC'D 5/13/86



State of New Jersey  
DEPARTMENT OF HEALTH  
JOHN FITCH PLAZA  
CN 360, TRENTON, N.J. 08625

J. RICHARD GOLDSTEIN, M.D.  
COMMISSIONER

May 8, 1986

Robert A. Scott  
President  
Ramapo College  
505 Ramapo Valley Road  
Mahwah, NJ 07430-1680

Dear President Scott:

The New Jersey Department of Health conducted an inspection of the facilities of Ramapo College to determine compliance with the Worker and Community Right to Know Act on April 21, 1986.

Violations of every major requirement of the Right to Know law were found. These included failure to submit a completed Workplace Survey to the Department of Health, failure to label containers containing hazardous substances in accordance with the law, failure to have conducted an education and training program about hazardous substances for appropriate employees, failure to have a central file containing Right to Know documents, failure to have the Right to Know poster posted, and failure to have supplied a copy of the workplace survey and hazardous substance fact sheets to an employee who requested them.

The deadlines for submission of a workplace survey and labeling containers was October 30, 1985, and for conducting an education and training program was December 31, 1985. New containers must be labeled within five days of receipt or when opened, whichever is sooner, while an employee's written request for a survey and hazardous substance fact sheets must be honored within five days or as soon as possible.

The Department of Health requests that Ramapo College take the following action by the following deadlines:

1. Return a completed workplace survey to the Department of Health and appropriate county and local agencies within seven (7) days of receipt of this letter.
2. Containers containing hazardous substances must be labeled according to the requirements of the Right to Know Act within thirty (30) days of receipt of this letter.
3. An education and training program for employees exposed or potentially exposed to hazardous substances must be conducted



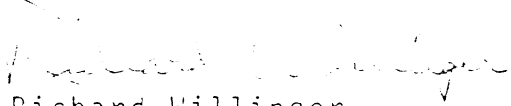
within forty-five (45) days of receipt of this letter.

4. A central file containing the workplace survey and hazardous substance fact sheets must be created as soon as the workplace survey is completed, at the latest within seven (7) days of receipt of this letter.
5. The Right to Know poster shall be posted in appropriate places throughout the campus within seven (7) days of receipt of the posters.
6. Right to Know brochures shall be distributed to all employees within fourteen (14) days of receipt of the brochures.
7. The workplace survey must be provided to the employee who requested same as soon as the workplace survey is completed, at the latest within seven (7) days of receipt of this letter.
8. Documentation shall be developed showing which hazardous substances are present in which products pursuant to N.J.A.C. 8:59-2.2(b), within thirty (30) days of receipt of this letter.
9. Documentation shall be developed showing the good faith effort of the College to obtain the chemical name and Chemical Abstracts Service number components of substances and mixtures identified by trade names, pursuant to N.J.A.C. 8:59-2.2(e), within thirty (30) days of receipt of this letter.
10. The College must decide where the central file is to be located, whether in the Office of Campus Planning or Personnel, and the procedure to be followed by employees in requesting a copy of the workplace survey or hazardous substance fact sheets, and put this information on the Right to Know poster prior to posting, within seven (7) days of receipt of this letter.

Failure to conform to the above requirements will result in the issuance of an administrative order by the Department of Health and could possibly result in the imposition of civil administrative penalties.

If you have any questions about the above, please give me a call at (609) 984-1863.

Sincerely,

  
Richard Willinger  
Coordinator  
Right to Know Project

RW/er  
CMRRR No. 291633  
cc: Aaron Zelin, CWA  
Aaron Zelin



State of New Jersey

DEPARTMENT OF HEALTH

CN 360 TRENTON, NJ 08625-0360

MO. L. JOEL COYE, M.D., M.P.H.  
COMMISSIONER

September 19, 1986

Mr. John McHugh  
County Administrator  
Middlesex County Offices  
One JFK Square  
PO Box 871  
New Brunswick, NJ 08903

Dear Mr. McHugh:

The New Jersey Department of Health conducted an inspection of the Middlesex County Offices located at One JFK Square, New Brunswick, to determine compliance with the Worker and Community Right to Know Act on July 15, 1986.

Violations of major requirements of the Right to Know law were found. These include failure to label containers containing hazardous substances in accordance with the law, failure to have conducted an education and training program about hazardous substances for appropriate employees, failure to have a centrally located file containing all Right to Know documents, failure to have the Right to Know poster posted, and failure to list all hazardous substances present at the facility on the Workplace Survey.

The deadline for labeling containers was October 30, 1985, and for conducting an education and training program was December 31, 1985. New containers must be labeled within five days of receipt or when opened, whichever is sooner.

The Department of Health requests that the County of Middlesex take the following action by the following deadlines for abatement of the violations listed:

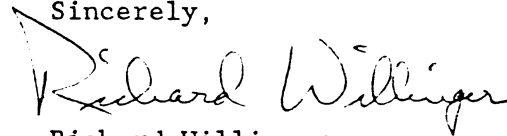
1. Establish a centrally located file which contains all Right to Know documents within ten (10) days of receipt of this letter pursuant to N.J.A.C. 8:59-7.2(a).
2. The Right to Know poster shall be posted in appropriate places throughout the facility within ten (10) days of receipt of the posters pursuant to N.J.A.C. 8:59-7.2(b). (Posters will be mailed to you under separate cover).

3. Submit a revised Workplace Survey which includes those hazardous substances listed on the Environmental Survey and any other hazardous substances which are listed on the Workplace Hazardous Substance List within twenty (20) days of receipt of this letter pursuant to N.J.A.C. 8:59-2.1(b).
4. All containers containing hazardous substances must be labeled according to the requirements of the Right to Know Act within thirty (30) days of receipt of this letter pursuant to N.J.A.C. 8:59-5.1.
5. An education and training program for employees exposed or potentially exposed to hazardous substances must be conducted within sixty (60) days of receipt of this letter pursuant to N.J.A.C. 8:59-6.1 and 6.2(a).

Failure to conform to the above requirements will result in the issuance of an administrative order by the Department of Health and could possibly result in the imposition of civil administrative penalties.

If you have any questions about the above, please give me a call at (609) 984-1863.

Sincerely,



Richard Willinger  
Coordinator  
Right to Know Project

RW/cmc

cc: Paul Russo, Council #7



State of New Jersey

DEPARTMENT OF HEALTH

MOLLY JOEL COYE, M.D., M.P.H.  
COMMISSIONER

CN 360 TRENTON, N.J. 08625-0360

October 24, 1986

Mr. John Lindsey  
Mark II Auto Craft  
597 67th Street  
West New York, NJ 07093

Re: NJEIN 51916800  
SIC 7531

Dear Mr. Lindsey:

The New Jersey Department of Health conducted an inspection of the Mark II Auto Craft facility at 597 67th Street, West New York, New Jersey, to determine compliance with the Worker and Community Right to Know Act on August 7, 1986.

Violations of major requirements of the Right to Know law were found. These included failure to label containers containing hazardous substances in accordance with the law, failure to have conducted a complete education and training program for appropriate employees, and failure to have a copy of the Environmental and Workplace Surveys in the central file at the facility.

The deadline for labeling containers was October 30, 1985, and for conducting an education and training program was December 31, 1985. New containers must be labeled within five days of receipt or when opened, whichever is soon.

The copy of your Workplace Survey provided to Mr. Ariemma on August 7, 1986, must be retained in a centrally located file which contains other required Right to Know documents. (N.J.A.C. 8:59-7.2(a))

The Right to Know poster provided to Mr. Ariemma on August 7, 1986, must be posted in an appropriate place which is readily accessible to your employees. (N.J.A.C. 8:59-7.2(b))

The Department of Health requests that Mark II Auto Craft take the following action by the following deadlines for abatement of the violations listed:

1. Place a copy of your Environmental Survey in the central file within twenty (20) days of receipt of this letter. (N.J.A.C. 8:59-7.2(a)).

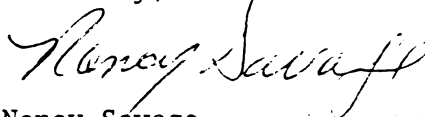
2. Label all containers containing hazardous substances with chemical names and Chemical Abstracts Service numbers (or other appropriate labels) within twenty (20) days of receipt of this letter. (N.J.A.C. 8:59-5.1(a) and 8:59-5.1(b)).
3. Complete the education and training program for employees exposed or potentially exposed to hazardous substances by providing "hands on" training in the use and function of personal protective equipment to appropriate employees. This "hands on" training must be conducted within twenty (20) days of receipt of this letter. (N.J.A.C. 8:59-6.3(b)3).
4. Physically show all employees the location of hazardous substance containers in the facility within twenty (20) days of receipt of this letter. (N.J.A.C. 8:59-6.3(b)5).

For your reference, you will find enclosed a copy of the Right to Know regulations.

Failure to conform to the above requirements will result in the issuance of an administrative order by the Department of Health and could possibly result in the imposition of civil administrative penalties.

If you have any questions about the above, please give me a call at (609) 984-1863.

Sincerely,



Nancy Savage  
Public Health Representative II  
Right to Know Project

NS/cmc

Enclosure: 1

CMRRR

Certified No. P 339 252 936

Mariam  
corrected  
original

State of New Jersey

DEPARTMENT OF HEALTH

MO. LY JOEL COYE, M.D., M.P.H.  
COMMISSIONER

CN 360 TRENTON, N.J. 08625-0360

November 7 , 1986

Dr. Richard Strauss, Superintendent  
Lower Cape May Regional School District  
687 Route 9  
Cape May, N.J. 08204

Re: NJEIN 43998900  
SIC 8211

Dear Dr. Strauss:

On September 23, 1986 the New Jersey Department of Health conducted an inspection of the Lower Cape May Regional School District to determine compliance with the Worker and Community Right to Know Act.

Violations of requirements of the Right to Know law were found. These included a failure to label containers of office and janitorial supplies which contain hazardous substances, failure to have completed a separate survey for each of the two facilities in the Lower Cape May Regional School District, failure to universally label containers with the five most predominant substances of a mixture, and failure to conduct a walkthrough for all employees who received the education and training program.

The deadlines for labeling containers of hazardous substances was October 30, 1985 and for an education and training program was December 31, 1985. The deadline for labeling of the five most predominant substances was August 29, 1986.

The Department of Health requests that the Lower Cape May Regional School District take the following action by the following deadlines for abatement of the violations listed:

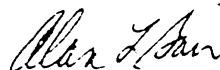
1. Complete a separate Workplace Survey for each of the two facilities of the Lower Cape May Regional School District within ten (10) days from receipt of this letter (N.J.A.C. 8:59-2.1).
2. Complete universal labeling - label all containers and the five most predominant substances of mixtures within sixty (60) days from receipt of this letter (N.J.A.C. 8:59-5.1(c)).

3. Label all containers of office and janitorial supplies containing hazardous substances within twenty (20) days from receipt of this letter, (N.J.A.C. 8:59-5.1(a)).
4. Conduct a walkthrough for employees who received the education and training program within thirty (30) days of receipt of this letter (N.J.A.C. 8:59-6.3 (B)5).

Failure to conform to the above requirements will result in the issuance of an administrative order by the Department of Health and could possibly result in the imposition of civil administrative penalties.

If you have any questions about the above, please call me at (609) 984-1863.

Sincerely,



Alan L. Bair  
Public Health Representative I  
Right to Know Project

ALB/jms

CMRRR P 339 252 944

## LABOR OUTREACH PLAN

February 1987

### ACTIVITY

1. Speak at NJ Labor Council meeting - 3 per month- for purposes of:
  - \*general education and outreach
  - \*reach a wider audience
  - \*encourage use of law
2. Contact AFSCME and IFPTE for outreach to their memberships in the public sector.
3. Coordinate efforts with PEOSHA for speaking and workshops.
4. Organize slide show and write script for general RTK informational program.  
Use for own educational programs or for loan to groups.
5. Encourage labor/community groups to participate at public hearing in March.
6. Work on occupational fact sheets with B. Gerwell and G. Ziem.
7. Develop resource center of videos, information, slide presentations for loan to groups.



ARCHER COLE  
President  
THOMAS FRICANO  
Secretary-Treasurer

*from the* NEW JERSEY STATE  
INDUSTRIAL UNION COUNCIL, AFL-CIO

16 COMMERCE DRIVE • CRANFORD, NJ 07016  
(201) 272-4200



JAN PIERCE  
First Vice-President  
CAROLE GRAVES  
Vice-President  
for Public Employees

March 11, 1987

Mr. Richard Willinger  
Coordinator  
Right-to-Know Project  
New Jersey Department of Health  
CN 360  
Trenton, New Jersey 08625

Dear Mr. Willinger:

Thank you for your reply of January 22, 1987 to my letter dated August 22, 1986.

The following are requests concerning the Right-to-Know Project:

1) My January 22, 1987 letter requested, on a standing basis, certain enforcement information. While I understand that you cannot send enforcement letters due to the number of them sent out, I again request to be sent, on a monthly basis, copies of all administrative orders, penalty notifications, and failure to abate notifications. OSHA currently releases to the IUC such information for the Hazard Communication standard and I trust that the State Health Department will also be able to accomplish this.

2) Please indicate the number of enforcement letters, administrative orders, penalty notifications, and failure to abate notifications that have been issued to-date and please supply a copy of each.

3) Please explain the basis and time period for issuing an administrative order.

4) When will administrative orders with penalties be issued if they have not been already?

5) Please explain what the current inspection plan is.

6) What plans exist, if any, for publicity to be given to initial administrative orders as a incentive to other employers to comply?

7) What are the total number of worker complaints received to-date under the Act?

8) Please provide a copy of the Outreach Plan for 1987.

9) Please indicate if state departments or other employers have enclosed the Right-to-Know brochure with employee paychecks. Some time ago, getting state agencies to do this was going to be attempted by your Project.

10) I recently received from an Advisory Council member a list of SIC Codes reflecting employer coverage under Right-to-Know. While this list indicated the number of employers covered (although it did not reflect most public sector coverage), it did not indicate the number of employees covered. This information should be available from the State Labor Department which has employee breakdowns by SIC Code. Does the Right-to-Know project have this information? If so, please provide it. If not, please explain why you have not developed it, given that this is essential information for compliance programming, outreach, and strategic planning given the expansion of the Hazard Communication Standard.

11) We request that a order form or even postcard notification announcing the availability of factsheets be sent to every union in the state (approximately 1,500). I can inform you how to obtain peelable labels with addresses of the unions. Such a list is available for under \$150.

12) We request that the Project develop a flyer on Right-to-Know success stories. Such a flyer could include brief stories of Right-to-Know accomplishments, for example how someone used a factsheet to learn about a chemical, how a union used the law to help improve conditions, how a firm used the law to train employees which resulted in better work practices, etc. Such a brochure need not be elaborate. It would certainly help to promote the Project.

13) Please inform us if and when the outreach and education position will be made a permanent position. One of the most disturbing aspects of the Right-to-Know project has been staff turnover. It is essential that this and other positions be made permanent.

Due to scheduling conflicts, the IUC will be unrepresented at the Advisory Council hearing on March 19. I have made a number of calls to encourage unions to participate. Please be assured that despite some of the criticisms implicit in the above requests, the IUC is a firm supporter of the Right-to-Know Project. Please do not hesitate to call upon us if you have any questions about these requests or need other forms of support for the Project.

Sincerely,

Rick Engler  
Director of  
Safety & Health

cc: Tom Burke  
Kathleen O'Leary  
Pete Smith  
Charles Morris  
Ken Estes  
Nancy Hedinger

RE/jy  
TNG10AFL-CIO



**State of New Jersey**

**DEPARTMENT OF HEALTH  
CN 360, TRENTON, N.J. 08625-0360**

MOLLY JOEL COYE, M.D., M.P.H.  
COMMISSIONER

March 27, 1987

Mr. Richard Engler  
Director of Safety and Health  
New Jersey State IUC, AFL-CIO  
16 Commerce Drive  
Cranford, New Jersey 07016

Dear Rick:

Let me respond to the requests and inquiries of your March 11, 1987 letter in the order you made them.

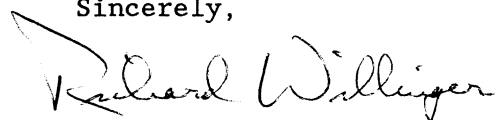
1. The Right to Know Project will send the New Jersey State IUC, AFL-CIO, copies of administrative orders and penalty assessments as they are issued. The first one is expected to be issued in a few weeks.
2. In the summer of 1986, the Right to Know Project identified 5,979 employers who had failed to return Workplace Surveys. Enforcement letters were sent to all 5,979 employers. It would be impossible to supply you with a copy of each letter. However, I have already supplied you with a sample of the letter sent to these employers. From September 1986 through the end of February, 1987, 15 enforcement letters have been sent to employers which have been found to be in violation of the Worker and Community Right to Know Act as a result of compliance inspections. You have already been supplied with some of these enforcement letters. Another batch of enforcement letters is enclosed. We will continue to send copies to you as they are issued. As indicated in paragraph 1, there are no administrative orders or penalty assessments to send to you to date.
3. The present basis for issuance of an administrative order is if an employer has not met the deadlines for compliance set forth in the enforcement letter which is issued subsequent to an inspection of the employer's facility. If the reinspection reveals continued noncompliance, an administrative order is prepared by the enforcement officer as soon as possible, taking into account the officer's ongoing inspections, inspection report preparation, and preparation of enforcement letters.

4. As mentioned in paragraph 1, the first administrative order and penalty assessment is expected to be issued in a few weeks. Several additional ones will follow soon thereafter. The Project is also preparing a major effort to issue administrative orders and penalty assessments to employers who have not returned Workplace Surveys.
5. Using certain criteria, the Project has developed a programmed inspection plan to inspect 130 employers in all 21 counties over the next few months. These inspections are currently taking place. This plan covers employers who were initially covered by the Right to Know law. The distribution of inspections (a copy of which is attached) is based on the number of covered employers in each SIC code and the number of covered employers in each county. Sixteen (or 12%) of the employers in this group have already been inspected. I cannot reveal the criteria we have used to prepare the specifics of the inspection plan because, by revealing the employer groups who will be targeted by Right to Know inspectors, employers who do not fall within the inspection criteria may feel they do not have to comply with the law. I also cannot reveal the names of the employers to be inspected because the Project conducts unannounced inspections.
6. The Project intends to publicize the initial administrative orders through press releases in order to notify other covered employers that significant enforcement action is being taken against violators of the Right to Know law.
7. As of March 1, 1987, the Project has received 21 Right to Know complaints from workers. Twenty of these complaints have been investigated to date.
8. The outreach plan for 1987 is being developed and will be mailed to you when it is completed. The full implementation of the plan will be contingent on the hiring of an education and outreach staff person.
9. The Project has not surveyed the state agencies to find out if they have distributed Right to Know brochures to all of their employees. We have, however, distributed Right to Know brochures to all of the state agencies for this purpose.
10. The Right to Know Project has a list of employees within each NJEIN number covered by the Right to Know law. Since we obtained the list from the Department of Labor, we would need to obtain their approval prior to releasing this data. You can, also, request this data directly from the Department of Labor. To obtain the most up-to-date information, Right to Know inspectors will also be asking for this information during each inspection. We have used this data in our compliance programming and the information was available for use by our education and outreach staff person.

11. The Occupational Disease Prevention and Information Program will develop a mailing to all unions in the state announcing the availability of Hazardous Substance Fact Sheets. I believe we will be able to obtain a list of the 1500 unions you mention from the Department of Labor. The concept of mailing cards for unions to request fact sheets is good but has some problems. In July and August 1986, we mailed 50 letters to unions and environmental groups announcing the availability of the first 467 fact sheets. Each packet included a cover letter, two fact sheets and the "Description of a Hazardous Substance Fact Sheet." The cover letter asked each organization to announce the availability of the fact sheets in their newsletter. This small mailing generated a large request for complete sets of fact sheets that the Department of Health was not able to provide because of our limited supply. We can, however, offer individual fact sheets.
12. The flyer on success stories is an excellent idea. It will be one of the tasks of the education and outreach staff person once the position is filled.
13. The Right to Know education and outreach staff position has always been a permanent position (subject to the technicality of a permanent position being provisional until a civil service exam is given). All staff in this position up until the most recent person have been permanent. The most recent occupant of the position was not placed in the permanent position because she did not have the educational qualifications required by Civil Service for the position and was found ineligible for the position by the Department's Human Resource Services. While I agree that there has been turnover in the position, the reasons have been different. The first occupant of the position decided to return to Michigan while the second staff person decided to return to school for a graduate degree.

If you need any further information, documents or answers to questions, please don't hesitate to contact me.

Sincerely,



Richard Willinger  
Coordinator  
Right to Know Project

RW/rks

c: Tom Burke  
Kathleen O'Leary  
Pete Smith  
Charles Morris  
Ken Estes  
Nancy Hedinger

*from the* **NEW JERSEY STATE  
INDUSTRIAL UNION COUNCIL, AFL-CIO**

ARCHER COLE  
President

THOMAS FRICAN  
Secretary-Treasurer

16 COMMERCE DRIVE • CRANFORD, NJ 07016  
(201) 272-4200



JAN PIERCE  
First Vice-President

CAROLE GRAVES  
Vice-President  
for Public Employees

WORKING COPY

*pickup  
brochure  
employee state*

May 12, 1987

To: Pete Smith  
Charles Morris  
Ken Estes  
Mike Gochfeld

From: Nancy Hedinger (201) 292-2382 (home) & Rick Engler (609)  
866-9405 (home)

RE: Right-to-Know Requests for Next Advisory Council Meeting

In light of the increased appropriation to the DOH Right-to-Know Project approved by the Governor -- \$800,000 over the initial request -- it seems particularly appropriate that some very specific requests be made to the DOH before their priorities are carved in stone.

Nancy Hedinger will be in touch with all of you concerning meeting before the next Council meeting, at 8:30 A.M. SHARP, Friday, May 22, at the Justice Dept. cafeteria. At that meeting we would discuss the following proposals for potential action at the Council meeting.

To maximize the chance that these or alternative proposals would pass the Council, we hope that all of you will be able to attend the meeting and the pre-meeting.

Some proposals for discussion prior to the meeting:

- done?*  
*3 emp  
penalties  
pub/pri  
push*
- 1) Get commitment that administrative orders with penalty assessment will be issued by... (set date).
  - 2) Get commitment that a specific work plan will be provided to the Council for publicity concerning above.
  - 3) Get commitment that the DOH will run full page ads in the major newspapers (paid advertising) concerning worker rights under both the NJ RTK law and the federal HC standard by October 1, 1987 with input by Council, unions, etc.
  - 4) Get commitment that the DOH will survey all state departments (and/or all covered employers) concerning mandatory

*from the* **NEW JERSEY STATE  
INDUSTRIAL UNION COUNCIL, AFL-CIO**

16 COMMERCE DRIVE • CRANFORD, NJ 07016

tribution of the RTK H2011-272-4200 (We've heard rumors that only  
,000 were printed). 13 250,000 printed

JAN PIERCE  
First Vice-President

CAROLE GRAVES  
Vice-President  
for Public Employees

5) Get commitment that notice of availability of factsheets  
will be sent to all unions, environmental groups, etc. in state.  
(They may have agreed to this already).

These ideas reflect suggestions from a few people in the RTK  
Coalition. Bring your own as well.

17,500 doctors letters  
3,500 free  
requests back

do as free request

as suppro.

Appropriation





# NEWS RELEASE

Leigh Cook, Director of Public Information  
CN 360, Trenton, N.J. 08625-0360  
(609) 984-7160

---

Date: May 27, 1987

Re: Right to Know

TRENTON—The New Jersey Department of Health's Right to Know Project has issued its first administrative orders for violations of the Worker and Community Right to Know Act to three employers. Two orders resulted from inspections conducted in response to employee complaints, while the third order followed a compliance extension granted at a township's request.

The orders were issued May 18 to Middlesex County, Delran Township in Burlington County, and Mark II Auto Craft of West New York in Hudson County and require them to comply with the Act within 30 days of the receipt of the orders.

The Right to Know Act requires certain private and all public employers in New Jersey to identify hazardous chemicals on the premises; to

label containers with the ingredients of their contents; and to educate and train employees about their exposure or potential exposure to hazardous chemicals. The law, enacted in August 1983, went into effect in August 1984. Final deadline for compliance was August 29, 1986. Penalties ranging between \$200 and \$1,000 daily may be assessed under the law.

More than 300 facilities have been inspected and Right to Know enforcement officers currently are inspecting facilities in response to employee complaints and at program-specific sites.

Mark II Auto Craft was cited for failure to conduct an employee education and training session on employer-paid time.

Delwan Township was cited for failure to complete a Workplace Survey for both its facilities, failure to label more than five per cent of containers containing hazardous substances, failure to label more than five per cent of all containers, and failure to conduct an education and training program for appropriate employees.

Middlesex County failed to comply with the law in four areas: proper labeling of containers; conducting an education and training program for appropriate employees; listing all hazardous substances on the Workplace Survey, and establishing and maintaining a central file, according to inspections in July and December 1986.

All three employers have 20 days in which to request a State Health Department hearing on the orders and proposed assessments. Employers requesting assistance in complying with the provisions of the Right to Know Act may call the Right to Know Project at 609/984-2202.

####

For further information contact: Richard Willinger

Right to Know Project - 609/984-2202

*enforcement  
letter  
no penalty*



State of New Jersey

DEPARTMENT OF HEALTH

CN 360, TRENTON, N.J. 08625-0360

MOLLY JOEL COYE, M.D., M.P.H.  
COMMISSIONER

November 26, 1986

Mr. Michael Schwartz  
Hospital Administrator  
Alexian Brothers Hospital Corporation  
655 East Jersey Street  
Elizabeth, NJ 07206

Dear Mr. Schwartz:

The New Jersey Department of Health conducted an inspection of Alexian Brothers Hospital located at 655 East Jersey Street, Elizabeth, NJ on July 24, 1986 for compliance with the Worker and Community Right to Know Act.

Violations of some requirements of the Right to Know law were found. These include failure to label all hazardous substances present at the facility and failure to use a technically qualified person for one segment of the education and training program for employees.

The deadline for labeling containers was October 30, 1985 and for conducting an education and training program was December 31, 1985. New containers must be labeled within five days of receipt or when opened, whichever is sooner.

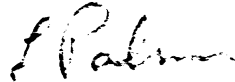
The Department of Health requests that Alexian Brothers Hospital Corporation take the following action by the following deadlines for abatement of the violations listed:

1. Label all containers containing hazardous substances according to the requirements of the Right to Know Act within thirty (30) days of receipt of this letter. (N.J.A.C. 8:59-5.1.)
2. Conduct the segment of the education and training program which deals with instruction about specific hazardous substances to which employees are exposed or potentially exposed in the course of their employment using a technically qualified person within sixty (60) days of receipt of this letter. (N.J.A.C. 8:59 - 6.1(c)).

Failure to conform to the above requirements will result in the issuance of an administrative order by the Department of Health and could possibly result in the imposition of civil administrative penalties.

If you have any questions about the above, please give me a call at (609) 984-1863.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Palmer".

Lawrence Palmer  
Public Health Representative II  
Right to Know Project

LP/rs



State of New Jersey

DEPARTMENT OF HEALTH  
CN 360, TRENTON, N.J. 08625-0360

MOLLY JOEL COYE, M.D., M.P.H.  
COMMISSIONER

May 18, 1987

In Re: Violation of ) Notice of Proposed Assessment  
Regulations ) of Penalties

To: Mr. John Lindsay  
Mark II Auto Craft  
597 67th Street  
West New York, NJ 07093

NJEIN: 51916800

Investigation Number: 1003-86

The Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq., and regulations promulgated thereunder, N.J.A.C. 8:59-1 et seq., provide a statutory and regulatory scheme to assure the identification, reporting, labeling, and education and training of employees about hazardous substances present in the workplace and to which they are exposed or potentially exposed, so as to reduce and eliminate occupational illness and injuries to employees.

Pursuant to the Act, the Commissioner of Health is authorized to inspect employers' facilities to enforce the provisions of the Worker and Community Right to Know Act and regulations (N.J.S.A. 34:5A-29 and N.J.A.C. 8:59-8.9).

On August 7, 1986 a representative of this Department conducted an inspection of Mark II Auto Craft, 597 67th Street, West New York, New Jersey, and found it to be in violation of the Worker and Community Right to Know Act.

On October 24, 1986, a letter was sent to you requesting that these violations be abated by November 7, 1986.

On December 8, 1986, a reinspection was conducted at your facility which revealed the following violation:

1. Right to Know Education and Training attended by employees on January 22, 1986 was not provided on paid employer time.  
(N.J.A.C. 8:59-6.1a)

You are hereby ordered to correct the aforementioned violation of the Worker and Community Right to Know Act within thirty (30) days of receipt of this order. Failure to comply with this order will result in an administrative penalty in the amount of \$200.00 per day for each day of violation from the date specified in this order for correction of the violation.

You are entitled to a prompt hearing on the order and proposed assessment of penalties pursuant to N.J.S.A. 34:5A-31 and N.J.A.C. 8:59-8. Kindly advise this Department within 20 calendar days of receipt of this letter, in writing, if you wish to request a hearing on this matter.

Please forward your request to:

Murray Stern, Esquire  
Office of Legal Services  
New Jersey Department of Health  
CN 360  
Trenton, NJ 08625-0360

Although presentation by counsel may not be mandatory at such hearings, it has been the Department's experience that representation by counsel is advisable.

In the event you request a hearing on this matter, you are required to submit a written response to the charges as specified in this order. This response must accompany your written request for a hearing.

Staff of this Department will follow up this order to determine whether the required measures have been completed.

We will expect your cooperation in this matter.

FOR: Molly J. Coye, M.D.  
State Commissioner of Health

pursuant to the Act and Commission's order, the undersigned employees' facilities to enforce the provisions of the Worker and Community Right to Know Act and regulations.

BY:

*Thomas A. Burke*

Thomas A. Burke, Ph.D.

Deputy Commissioner

Date: May 18, 1987

Certified Mail # P-339-252-290

Return Receipt Requested

c: Office of Legal Services, DOH



**State of New Jersey**

**DEPARTMENT OF HEALTH  
CN 360, TRENTON, N.J. 08625-0360**

MOLLY JOEL COYE, M.D., M.P.H.  
COMMISSIONER

May 18, 1987

In Re:      Violation of    )    Notice of Proposed Assessment  
                 Regulations    )    of Penalties

To:            Township Administrator  
                 Mr. Matthew U. Watkins  
                 Township of Delran  
                 Chester Avenue and Route 130  
                 Delran, New Jersey 08075

NJEIN: 43899400 and 43899400001

Investigation Number: 1063-86

The Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq., and regulations promulgated thereunder, N.J.A.C. 8:59-1 et seq., provide a statutory and regulatory scheme to assure the identification, reporting, labeling, and education and training of employees about hazardous substances present in the workplace and to which they are exposed or potentially exposed, so as to reduce and eliminate occupational illness and injuries to employees.

Pursuant to the Act, the Commissioner of Health is authorized to inspect employers' facilities to enforce the provisions of the Worker and Community Right to Know Act and regulations (N.J.S.A. 34:5A-29 and N.J.A.C. 8:59-8.9).

On December 15, 1986 a representative of this Department conducted an inspection of the Township of Delran's municipal building and maintenance garage and found it to be in violation of the Worker and Community Right to Know Act.

On September 9, 1986, a letter extending the deadline dates for compliance with the law was sent to you requesting that these violations be abated by December 10, 1986.



On December 15, 1986, an inspection was conducted at your facility which revealed the following violations of the Act:

1. Failure to complete a Workplace Survey for each facility (One Workplace Survey was prepared for two facilities.) (N.J.A.C. 8:59-2.1).
2. Failure to label more than five (5) percent of containers containing hazardous substances (N.J.A.C. 8:59-5.1).
3. Failure to label more than five (5) percent of all containers (N.J.A.C. 8:59-5.1(c)).
4. Failure to conduct an education and training program for appropriate employees (N.J.A.C. 8:59-6.1).

You are hereby ordered to correct the aforementioned violations of the Worker and Community Right to Know Act within thirty (30) days of receipt of this order. Failure to comply with this order will result in the imposition of penalties for each day of violation from the date specified in this order for correction of the violation, in the following amounts:

Violation #1 - \$1,000 per day  
Violation #2 - \$1,000 per day  
Violation #3 - \$1,000 per day  
Violation #4 - \$1,000 per day

You are entitled to a prompt hearing on the order and proposed assessment of penalties pursuant to N.J.S.A. 34:5A-31 and N.J.A.C. 8:59-8. Kindly advise this Department within twenty (20) calendar days of receipt of this letter, in writing, if you wish to request a hearing on this matter.

Please forward your request to:

Murray Stern, Esq.  
Office of Legal Services  
New Jersey Department of Health  
CN 360  
Trenton, New Jersey 08625-0360

Although representation by counsel may not be mandatory at such hearings, it has been the Department's experience that representation by counsel is advisable.

In the event you request a hearing on this matter, you are required to submit a written response to the charges as specified in this order. This response must accompany your written request for a hearing.

Staff of this Department will follow up this order to determine whether the required measures have been completed.

We will expect your cooperation in this matter.

FOR: Molly J. Coye, M.D.  
State Commissioner of Health

BY: Thomas A. Burke  
Thomas A. Burke, Ph.D.  
Deputy Commissioner

Date: May 18, 1987  
Certified Mail # P-339-252-291  
Return Receipt Requested

c: Office of Legal Services, DOH