



NEW JERSEY REGISTER
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VOLUME 42, ISSUE 15

ISSUE DATE: AUGUST 2, 2010

RULE ADOPTIONS

**HEALTH AND SENIOR SERVICES
PUBLIC HEALTH SERVICES BRANCH
DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH
RIGHT TO KNOW PROGRAM**

42 N.J.R. 1709(a)

N.J.A.C. 8:59-9.3 and 8:59 Appendices A and B

Notice of Administrative Changes Modifying the Right to Know Hazardous Substance List and Special Health Hazard Substance List, and Notice of Administrative Changes Updating Sources

Take notice that the Department of Health and Senior Services (Department), in accordance with the requirements of N.J.S.A. 34:5A-5 and N.J.A.C. 8:59-9.3(f), hereby provides notice to the public that the following changes are being made to the Right to Know Hazardous Substance List (RTKHSL), Special Health Hazard Substance List (SHHSL), and the citations of sources.

N.J.S.A. 34:5A-5(a) requires the Department to develop a workplace hazardous substance list which shall include: (1) any substance or substance contained in a mixture regulated by the Federal Occupational Safety and Health Administration under Title 29 of the Code of Federal Regulations, Part 1910, subpart z; (2) any environmental hazardous substance; and (3) any other substance which the Department, based on documented scientific evidence, determines poses a threat to the health or safety of an employee.

N.J.S.A. 34:5A-5(b) requires the Department to develop a special health hazard substance list comprising hazardous substances which, because of their known carcinogenicity, mutagenicity, teratogenicity, flammability, explosiveness, corrosivity, or reactivity pose a special hazard to health and safety.

As required by N.J.S.A. 34:5A-5, the Department promulgated the RTKHSL at Appendix A and the SHHSL at Appendix B of N.J.A.C. 8:59. N.J.A.C. 8:59-9.3 and 10.3 establish a procedure for modification of the RTKHSL and SHHSL. N.J.A.C. 8:59-9.3(b) requires the RTKHSL and SHHSL to be revised to reflect revisions to the sources listed in paragraphs (b)1 through 16. N.J.A.C. 8:59-9.3(f) provides that these revisions "shall be published in the New Jersey

Register as a public notice and incorporated into the List."

Changes include the addition of Chemical Abstract Service (CAS) numbers, U. S. Department of Transportation (DOT) numbers, Special Health Hazard Codes, source numbers, and synonyms; change of common names, chemical names, CAS numbers, DOT numbers, and Special Health Hazard Codes; correction of common names, chemical names, CAS numbers, and synonyms; and deletion of chemical names, CAS numbers, Special Health Hazard Codes, source numbers, and synonyms.

The following chemicals are being added to the Right to Know Hazardous Substance List:

Sub. No.	Common Name	Sources
4198	1-Bromopropane	2 3 17
4199	1-Methyl Naphthalene	2 3 17
4200	2-Methyl Naphthalene	2 3 17
4203	Talc (containing Asbestos Fibers)	1 2 4 7
4201	Tetrakis (Hydroxymethyl) Phosponium Chloride	2
4202	Tetrakis (Hydroxymethyl) Phosponium Sulfate	2

The following chemicals are being added to the Special Health Hazard Substance List:

Sub. No.	Common Name	SHHC	Sources
0059	Aluminum Flouride	CO	1 2 3 4 17
4198	1-Bromopropane	F3	2 3 17
0699	Diethylene Glycol Dinitrate	F4 R4	3 8 17
0205	Ethyl-4, 4'-Dichlorobenzilate	CA	3 6 7 8 17 18 20 21

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1672	Silver Nitrate	CO	1 2 3 4 6 17 18 20
4203	Talc (containing Asbestos Fibers)	CA	1 2 4 7
1993	Vanadium Pentoxide	CA	1 2 3 4 6 7 8 17 18 19 20 21

The following chemicals are being removed from the Special Health Hazard Substance List (but remain on the Right to Know Hazardous Substance List):

Sub. No.	Common Name	Sources
2248	Chromic Chloride	1 2 4 6 7 8 15 18 19 20
1212	2-Methoxyethyl Acetate	1 2 3 4 15 17

The following entries have been removed from the Right to Know Hazardous Substance List:

Sub. No.	Common Name
4131	Fuel Oils (Light Heating Oils) - covered by Sub. No. 2444 Fuel Oils (Light)
4161	Marine Diesel Fuel - changed to a synonym of Sub. No. 4062 Heavy Fuel Oils

The changes are based on the updated sources listed in N.J.A.C. 8:59-9.3(b) and the Chemical Abstracts Service, which was used to update Chemical Abstracts Service numbers for chemicals found in these sources.

Therefore, the following changes shall be made to sources 1 through 16 listed in N.J.A.C. 8:59-9.3(b), the Right to Know Hazardous Substance List in Appendix A, and the Special Health Hazard Substance List in Appendix B.

Full text of the changed N.J.A.C. 8:59-9.3 follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

8:59-9.3 Modification of the list

(a) (No change.)

(b) The Right to Know Hazardous Substance List shall be revised to reflect revisions to the following sources, which are hereby incorporated by reference, as from time to time supplemented or amended:

1. (Source #1) Occupational Safety and Health Administration, 29 CFR 1910-Occupational Safety and Health Standards, Subpart Z-Toxic and Hazardous Substances, July 1, [2005] **2008**.
2. (Source #2) "[2005] **2009** TLVs(R) and BEIs(R), Threshold Limit Values and Biological Exposure Indices," American Conference of Governmental Industrial Hygienists (ACGIH), [2005] **2009**.
3. (Source #3) Office of Hazardous Materials, Safety, Research and Special Programs Administration, U.S. Department of Transportation, 49 CFR 172.101-Hazardous Materials Table, [January 23, 2006] **October 1, 2008**.
4. (Source #4) "NIOSH Pocket Guide to Chemical Hazards," National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, No. [97-140,] **2005-149**, [January 2003] **September 2005**.
5. (No change.)
6. (Source #6) "Environmental Hazardous Substance List," New Jersey Department of Environmental Protection, N.J.A.C. 7:1G-2, as printed in the Community Right to Know Survey Instruction Book, [2005] **2008**.
7. (Source #7) "IARC Monographs on the Evaluation of Carcinogenic Risks to Humans," All Supplements, All Volumes, Groups 1, 2A, 2B and 3, International Agency for Research on Cancer (IARC), World Health Organization, [2006] **2008**.
8. (Source #8) Integrated Risk Information System (IRIS) Database for Risk Assessment, Office of Research and Development, National Center [page=1710] for Environmental Assessment, U.S. Environmental Protection Agency (EPA), [March 2005] **September 2008**.
9. (Source #14)
 - i. "Prohibited and Restricted Use Pesticides," New Jersey Department of Environmental Protection, N.J.A.C. 7:30-2.9 and 2.10, [December 6, 2004] **April 22, 2008**.
 - ii. Pesticides classified for restricted use, United States Environmental Protection Agency, 40 CFR 152.175, July 1, [2003] **2008**.
10. (No change.)
11. (Source #17) [2004] **2008** Emergency Response Guidebook, Research and Special Programs Administration, U.S. Department of Transportation, [2004] **2008**.

12. (Source #18) List of Toxics Release Inventory Chemicals, Section 313, Emergency Planning and Community Right to Know Act (EPCRA), Toxics Release Inventory (TRI) Program, U.S. Environmental Protection Agency, 40 CFR 372.65, July 1, [2002] **2008**.

13. (Source #19) List of Extremely Hazardous Substances and Their Threshold Planning Quantities (TPQ), Section 302, Emergency Planning and Community Right to Know Act (EPCRA), U.S. Environmental Protection Agency, 40 CFR 355-Emergency Planning and Notification, Appendix A, July 1, [2003] **2008**.

14. (Source #20) List of Hazardous Substances and Reportable Quantities (RQ), Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), U.S. Environmental Protection Agency, 40 CFR 302, Table 302.4, July 1, [2005] **2008**.

15. (Source #21) Hazardous Wastes from the P and U Lists, Resource Conservation and Recovery Act (RCRA), U.S. Environmental Protection Agency, 40 CFR 261.33, July 1, [1999] **2008**.

16. (Source #22) List of Regulated Toxic Substances and Threshold Quantities for Accidental Release Prevention (Table 1) and List of Regulated Flammable Substances and Threshold Quantities for Accidental Release Prevention (Table 3), Section 112(r), Federal Clean Air Act Amendments, U.S. Environmental Protection Agency, 40 CFR 68.130, Tables 1 and 3, July 1, [2003] **2008**.

(c)-(g) (No change.)

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Full text of the changed N.J.A.C. 8:59 Appendices A and B follows (additions indicated underlined thus; deletions indicated in cursive brackets [thus]):

(**Lexis Note:** Due to technical limitations, text that appeared underlined in print is reproduced below in boldface **thus**; text that appeared in print within cursive brackets is indicated in square brackets [thus]. The graphics of the "2007 Right to Know Hazardous Substance List" provided below faithfully reproduce the engrossing style used in the print Register.)

APPENDIX A AND APPENDIX B

RIGHT TO KNOW HAZARDOUS SUBSTANCE LIST

SPECIAL HEALTH HAZARD SUBSTANCE LIST

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REFERENCE SOURCES

Chemicals cited in the following references are included in the Right to Know Hazardous Substance List.

Source No.

1. (Source #1) Occupational Safety and Health Administration, 29 CFR 1910-Occupational Safety and Health Standards, Subpart Z-Toxic and Hazardous Substances, July 1, [2005] **2008**.

2. (Source #2) "[2005] **2009** TLVs(R) and BEIs(R), Threshold Limit Values and Biological Exposure Indices," American Conference of Governmental Industrial Hygienists (ACGIH), [2005] **2009**.
3. (Source #3) Office of Hazardous Materials, Safety, Research and Special Programs Administration, U.S. Department of Transportation, 49 CFR 172.101-Hazardous Materials Table, [January 23, 2006] **October 1, 2008**.
4. (Source #4) "NIOSH Pocket Guide to Chemical Hazards," National Institute for Occupational Safety and Health (NIOSH), U.S. Department of Health and Human Services, No. [97-140] **2005-149**, [January 2003] **September 2005**.
5. (No change.)
6. (Source #6) "Environmental Hazardous Substance List," New Jersey Department of Environmental Protection, N.J.A.C. 7:1G-2, as printed in the Community Right to Know Survey Instruction Book, [2005] **2008**.
7. (Source #7) "IARC Monographs on the Evaluation of Carcinogenic Risks to Humans," All Supplements, All Volumes, Groups 1, 2A, 2B and 3, International Agency for Research on Cancer (IARC), World Health Organization, [2006] **2008**.
8. (Source #8) Integrated Risk Information System (IRIS) Database for Risk Assessment, Office of Research and Development, National Center for Environmental Assessment, U.S. Environmental Protection Agency (EPA), [March 2005] **September 2008**.
9. (Source #14) Pesticides:
 - i. "Prohibited and Restricted Use Pesticides," New Jersey Department of Environmental Protection, N.J.A.C. 7:30-2.9 and 2.10, [December 6, 2004] **April 22, 2008**.
 - ii. Pesticides classified for restricted use, United States Environmental Protection Agency, 40 CFR 152.175, July 1, [2003] **2008**.
10. (No change.)
11. (Source #17) [2004] **2008** Emergency Response Guidebook, Research and Special Programs Administration, U.S. Department of Transportation, [2004] **2008**.
12. (Source #18) List of Toxics Release Inventory Chemicals, Section 313, Emergency Planning and Community Right to Know Act (EPCRA), Toxics Release Inventory (TRI) Program, U.S. Environmental Protection Agency, 40 CFR 372.65, July 1, [2002] **2008**.
13. (Source #19) List of Extremely Hazardous Substances and Their Threshold Planning Quantities (TPQ), Section 302, Emergency Planning and Community Right to Know Act (EPCRA), U.S. Environmental Protection Agency, 40 CFR 355-Emergency Planning and Notification, Appendix A, July 1, [2003] **2008**.
14. (Source #20) List of Hazardous Substances and Reportable Quantities (RQ), Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), U.S. Environmental Protection Agency, 40 CFR 302, Table 302.4, July 1, [2005] **2008**.
15. (Source #21) Hazardous Wastes from the P and U Lists, Resource Conservation and Recovery Act (RCRA), U.S. Environmental Protection Agency, 40 CFR 261.33, July 1, [1999] **2008**.

16. (Source #22) List of Regulated Toxic Substances and Threshold Quantities for Accidental Release Prevention (Table 1) and List of Regulated Flammable Substances and Threshold Quantities for Accidental Release Prevention (Table 3), Section 112(r), Federal Clean Air Act Amendments, U.S. Environmental Protection Agency, 40 CFR 68.130, Tables 1 and 3, July 1, [2003] **2008**.

2007 Right to Know Hazardous Substance List