



February 19, 2014

14-207  
2014 FEB 21 P 1:59

Ms. Janis E. Hoagland, Director  
New Jersey Department of Environmental Protection  
Office of Legal Affairs  
Attention: Rulemaking Petitions  
Mail Code: 401-04L  
401 East State Street, 4th Floor  
P.O. Box 420  
Trenton, New Jersey 08625-0420

Re: Request for Rulemaking: Amend N.J.A.C. 7:26-3A.21(d)

Dear Ms. Hoagland:

Pursuant to N.J.A.C. 1:30-4.1 and N.J.A.C. 7:1D-1, the New Jersey State Funeral Directors Association (NJSFDA) respectfully petitions the Department of Environmental Protection (Department) to exercise its authority under N.J.S.A. 13:1B-3 and 13:1E-48.1 et seq. to amend the following section of the New Jersey Administrative Code for the stated purpose:

1. N.J.A.C. 7:26-3A.21(d), to exclude embalming effluent (quantities of blood and blood product that are discharged or removed from a human as part of the embalming process) that is disposed of into a sanitary sewer system from the Regulated Medical Waste (RMW) annual reporting threshold calculation.

The proposed amendment is attached hereto and incorporated by reference as part of this petition.

Sincerely,

Adam S. Guziejewski  
DIRECTOR OF GOVERNMENT AFFAIRS

cc: Elizabeth Vouk, Director of Public Affairs, Office of the Lieutenant Governor  
Sonia Delgado, Princeton Public Affairs Group

**Petition Submitted To:**

New Jersey Department of Environmental Protection  
Office of Legal Affairs  
Attention: Rulemaking Petitions  
Mail Code: 401-04L  
401 East State Street, 4<sup>th</sup> Floor  
P.O. Box 402  
Trenton, NJ 08625-0402

**Petitioner Information:**

Adam S. Guziejewski, Director of Government Affairs  
On Behalf of the New Jersey State Funeral Directors Association (NJSFDA)  
P.O. Box L  
Manasquan, NJ 08736  
(732)-974-9444  
[www.njsfda.org](http://www.njsfda.org)

**Petitioner's Interest in the Request:**

The New Jersey State Funeral Directors Association (NJSFDA) represents approximately 500 funeral homes actively engaged in the business and practice of funeral directing. We are the primary industry voice for funeral service in the state.

The petitioner, Adam Guziejewski, functions as the Director of Government Affairs for the NJSFDA, and as an agent for the NJSFDA, makes this request on behalf of the funeral service industry and its members.

**Proposed Amendment to N.J.A.C. 7:26-3A.21(d):**

The NJSFDA's proposed amendment to N.J.A.C. 7:26-3A.21(d) is below. The text proposed for addition is indicated in **boldface thus**:

N.J.A.C. 7:26-3A.21 – Generator Recordkeeping

Sections (a) – (c) (No change.)

(d) Generators of more than 200 pounds of regulated medical waste, **excluding quantities of body fluids and blood and blood products removed from a dead human body as part of the embalming process in a registered funeral home facility and that are disposed into a sanitary sewer system**, during the reporting period of June 22 through June 21 of each calendar year shall submit annual generator reports to the Department on forms available from the Department at the address listed at N.J.A.C. 7:26-3A.8(f)4. The generator annual report shall cover all regulated medical waste generated, treated or destroyed, and disposed of during the reporting period. The generator annual report shall be submitted to the Department by July 21 of each calendar year and shall include, but not be limited to, the following information:

Subsections (d)1. – (d)6. (No change.)

**Reason for and Discussion Regarding the Request for Rulemaking:**

In 2004, the Department published PRN 2004-409, a rule proposal amending the regulated medical waste regulations to include an exemption from the filing of the "Annual Generator Report" for RMW generators that produce less than 200 pounds of RMW per year.

Discussing the rationale for its proposal, the Department stated that "the Department is proposing this exception because it believes that, according to historical waste generation profiles for these small generators, the annual filing of reports detailing the amount of waste generated is no longer necessary."

Omitted from that exemption, however, was the exclusion of the bulk quantities of body fluids, blood and blood products (collectively known as embalming effluent) that are removed from a dead human body during the embalming process and disposed into a sanitary sewer system. Following the publication of the rule proposal, the NJSFDA submitted comments suggesting that the Department amend the rule proposal to include an exemption of such embalming effluent from the quantity of RMW included in the reporting threshold.

In its adoption notice, published in the July 5, 2005 edition of the New Jersey Register, the Department stated that while it did not include the NJSFDA's request as part of the 2005 change, it would consider the NJSFDA's suggestion for future rulemaking. That initiative has been lost in the intervening years.

Discussions with the Department at that time, and subsequently, concluded that there was no program interest in tracking embalming effluent discharge because:

- (1) it is not being transported and/or disposed of off-site;
- (2) its inclusion unintentionally retained more than 500 small generators in the RMW reporting system when the Department was specifically seeking to eliminate such generators from the reporting process (the *Solid Waste Management Plan Update, 1993-2002, Section II, Comprehensive Regulated Medical Waste Management Plan, State of New Jersey* recognized that funeral homes generate relatively small quantities of RMW when excluding embalming effluent disposed of via sanitary sewer); and
- (3) it is already excluded for fee calculation purposes (N.J.A.C. 7:26-3A.8).

Funeral home generators are now, and under this change would remain, subject to RMW transportation and recordkeeping obligations for their solid waste stream contributions.

The timely adoption of the proposal submitted via this petition will fulfill the Department's decade long commitment and will be consistent with the current Administration's objective to eliminate unnecessary paperwork for small businesses.