

ADOPTION SECTION

HEALTH

PUBLIC HEALTH SERVICES BRANCH

DIVISION OF ENVIRONMENTAL, EPIDEMIOLOGICAL, AND OCCUPATIONAL

HEALTH

CONSUMER, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH SERVICE

Notice of Readoption

Standards for Indoor Environment Certification and for Licensure of Indoor

Environmental Consultants

Readoption: N.J.A.C. 8:50

Authority: N.J.S.A. 52:27D-130.4 and 130.5; and P.L. 2007, c. 1.

Authorized By: Cathleen D. Bennett, Commissioner, Department of Health.

Effective Date: August 5, 2016.

New Expiration Date: August 5, 2023.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner (Commissioner) of the Department of Health (Department) hereby readopts N.J.A.C. 8:50, Standards for Indoor Environment Certification and for Licensure of Indoor Environmental Consultants, which was to expire on September 8, 2016.

N.J.A.C. 8:50 implements the rulemaking obligations of the Department pursuant to P.L. 2007, c. 1 (Act). The Act at § 1, codified at N.J.S.A. 52:27D-130.4, requires the Department to establish safety and health standards for the interior of buildings to be used as child care centers or educational facilities as defined by the Act. Specifically, the Act requires the Department to: (1) establish procedures for the evaluation and

assessment of child care centers and schools; (2) establish standards for maximum contaminant levels for the interior of buildings to be used as child care centers and educational facilities; and (3) upon demonstration that these procedures and standards have been met, the issuance of a certification that there are no contaminants present within the building that exceed the established maximum contaminant levels. See N.J.S.A. 52:27D-130.4. In establishing these maximum contaminant levels, the Department must account for the differences in rate of absorption, metabolism, and excretion of compounds between adults, children, and infants. *Id.*

In accordance with the Act, the Department adopted existing N.J.A.C. 8:50 in 2009. Subchapter 1 contains general provisions, which include the purpose and scope of the chapter, establishes definitions of terms used therein, and identifies publications incorporated therein by reference. Subchapter 2 establishes procedures for licensure of indoor environmental consultants. Subchapter 3 establishes procedures and requirements for the conduct of indoor environmental health assessments of buildings and leased spaces to be used as child care centers and/or educational facilities. Subchapter 4 establishes procedures by which the Department establishes maximum contaminant levels and issues certificates of safe building interior. Subchapter 5 establishes enforcement and compliance standards, limited to the specific sections of the Act that confer jurisdictional authority upon the Department, inasmuch as the Act confers authority on several other agencies, in addition to the Department, to enforce different parts of the Act.

The Department is developing rulemaking to revise, update, and reorganize existing N.J.A.C. 8:50, and anticipates filing this rulemaking with the Office of

Administrative Law for processing in the ordinary course. However, this rulemaking could not be proposed prior to the expiration of existing N.J.A.C. 8:50. The Commissioner has reviewed N.J.A.C. 8:50 and has determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable and responsive to the purposes for which the Department originally promulgated it, and should be readopted.

Therefore, pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 8:50 is readopted and shall continue in effect for a seven-year period.