



**THE NEW JERSEY WORKER AND COMMUNITY RIGHT TO KNOW ACT
MAJOR PROVISIONS OF RIGHT TO KNOW LABELING
FOR PRIVATE SECTOR EMPLOYERS**

April 2000

General Provisions (N.J.A.C. 8:59-5.1 and 5.2)

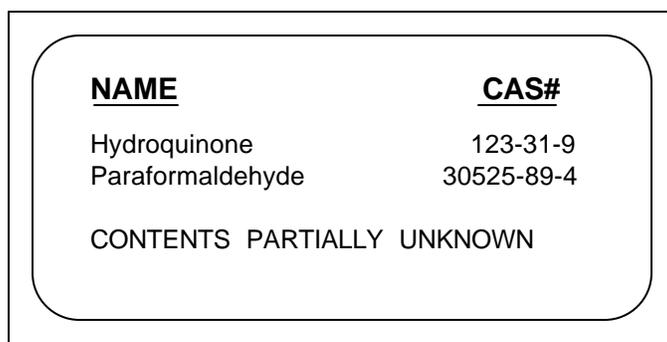
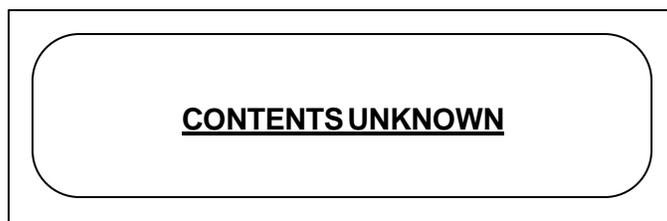
Every container* at a private employer's facility must bear a label indicating the chemical name and Chemical Abstracts Service (CAS) number** of the five most predominant chemical substances in the container whether they are hazardous or non-hazardous. This is commonly referred to as "universal labeling." Any hazardous substances below the top five must also be indicated except if they are below 1%, (or below 0.1% for carcinogens, mutagens, and teratogens). The Right to Know Hazardous Substance List provides a list of synonyms of chemical names which may also be used on the label. For chemicals not listed on the Right to Know Hazardous Substance List, any chemical name recognized by the Chemical Abstracts Service may be used.

<u>NAME</u>	<u>CAS#</u>
Hydroquinone	123-31-9
Paraformaldehyde	30525-89-4
Sodium Methanal Bisulfite	870-72-4
Triethylene Glycol	112-27-6
Water	7732-18-5
Sodium Sulfite	7757-83-7

* **Container** - A receptacle used to hold a liquid, solid or gaseous substance, including but not limited to, bottles, pipelines, bags, barrels, boxes, cans, cylinders, drums, cartons, vessels, vats, and stationary or mobile storage tanks. This does not include process containers.

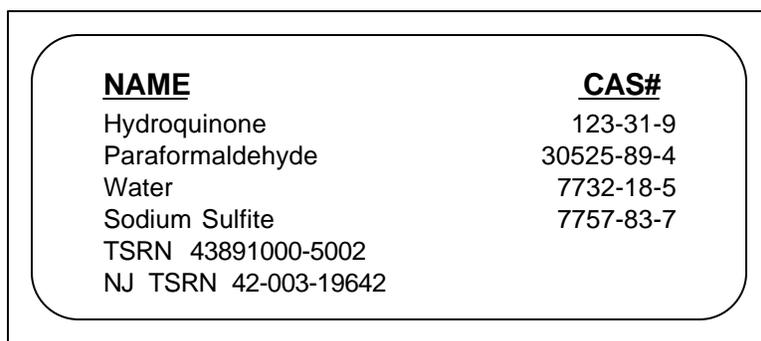
** **Chemical Abstracts Service Number** - The unique identification number assigned by the Chemical Abstracts Service to chemicals.

If none of the contents of the container are known or if only some of the contents are known, the container must bear a label stating either "Contents Unknown" or "Contents Partially Unknown" and a good faith effort must be made to find out the ingredients. In the latter case, whatever chemical ingredients are known must be listed on the label.



A good faith effort must involve at least two contacts by letter and/or documented phone call to the product's manufacturer or supplier. If an employer finds out any additional ingredients of a product, the employer has up to 5 working days to add these ingredients to the existing label on the container.

You may find that one or more of the ingredients is considered a trade secret. In this case, the manufacturer may provide you with a New Jersey Trade Secret Registry Number (TSRN) to be used in place of the specific chemical substance name and CAS number on the label. A trade secret substance may be hazardous or non-hazardous but should never be a substance that is a carcinogen, mutagen or teratogen. An acceptable label would appear as follows:



What the Label Should Look Like

The label must be a sign, emblem, sticker or marker of a durable nature affixed to or stenciled onto a container. The printing on these labels must be easy to read, not obscured, and prominently displayed on the container. (N.J.A.C. 8:59-5.8)

When Must Containers Be Labeled?

Labels must be affixed to new direct use containers before containers are opened or within five working days of the container's arrival at the facility, whichever is sooner. A "direct use" container is the container that directly holds the product, such as a can of paint or a 55 gallon drum.

Containers that are packed in shipping containers (e.g. boxes) do not need to be labeled until they are removed from the shipping container. The shipping container boxes do not need to be labeled since they are already labeled pursuant to USDOT requirements. Be sure to check new containers to see if the manufacturer or vendor has already labeled the containers. Shelf labeling is not allowed.

Special Circumstances

- M Containers which are present in offices that are used for office work do not need to be labeled. (Storage rooms, print shops, and other areas not used for office work in an office building are not included in this exemption.)
- M Containers which are two ounces or smaller may be labeled by means of a code or number system if the code or number system will allow the employee or emergency responder ready access to the names and CAS numbers or the trade secret registry numbers of the ingredients.
- M If direct use containers are on a skid *and* it is not possible to get to all of the containers without breaking down the skid, only those containers on the outside face of the skid and within reach of the employee need to be labeled.

If the skid is shrink-wrapped, labels must be placed on the shrink-wrap on all four sides of the skid. If unlabeled direct use containers are removed from the skid, they must be labeled immediately.

- M For petroleum products, the Department of Health and Senior Services will allow the following names (without CAS #'s) on labels:
1. For motor oil, the name "motor oil" can appear on the label.
 2. For automatic transmission fluid, the name "automatic transmission fluid" can appear on the label.
 3. For brake fluid, the name "brake fluid" can appear on the label.
 4. For heating oil, the name "fuel oil" should appear on the label.
 5. For diesel fuel, the name "diesel fuel" can appear on the label.
 6. For grease, gear oil, hydraulic oil, cutting oil, lubricating oil, and other petroleum oil based products, the name should be combined with Petroleum Oil such as "Petroleum Oil (Grease)".

If a product is not petroleum oil based, then the words "Petroleum Oil" should not be included on the label. A CAS number would only be required on the label if the product has an assigned CAS number. Also, if a petroleum product contains a hazardous substance listed on the New Jersey Right to Know Hazardous Substance List, as an additive, that hazardous substance must be included on the label (with its CAS number).

- M In approved Research and Development (R & D) Laboratories, private employers may: (a) label containers by means of a code or number system if the code or number system allows an employee or emergency responder ready access to the names and CAS numbers or the trade secret registry numbers of the ingredients in the containers, or (b) label containers in accordance with the Occupational Safety and Health Act-Laboratory Standard (29 CFR 1910.1450.) Pilot plants can qualify for R & D laboratory status. To become an approved R & D Laboratory, an application must be filed with and approved by the Department of Environmental Protection (DEP) and the Department of Health and Senior Services (DHSS). To obtain an application for a Research and Development Laboratory exemption, contact the NJ DEP at (609) 292-6714.
- M Retain samples that are stored for quality control and historical purposes, and batch samples that are taken to a laboratory for quality control testing, can be labeled by placing an acceptable label on the shelf or box which contains one or more samples. Retains that are removed from the storage area and batch samples that are removed from the laboratory are required to be labeled in accordance with acceptable labeling for individual containers.
- M Valves, outlets, sample connections, drains and vents of pipeline systems must be labeled if these points allow the release of a substance into the environment: (1) at least once during a twenty-four hour period; or (2) once a month when making repairs or conducting maintenance activities. Also, any valve located at the point at which a substance enters a facility's pipeline system must bear a label. (N.J.A.C. 8:59-5.2)

Containers That Do Not Need To Be Labeled

The following substances and containers do not need to be labeled because they are excluded from coverage under the law. These include:

- M Any solid article (a manufactured item formed to its final shape or design) which is not used in a manner which changes its physical form, and which does not pose any acute or chronic health hazard to employees or emergency responders who are exposed to it.

Examples:

- | | |
|----------------------|---|
| M Ammunition | M Pens |
| M Bars of soap | M Pills and capsules |
| M Chalk | M Photocopier toners and developers
in self-contained cartridges |
| M Dry cell batteries | M Polaroid film |
| M Glue sticks | M Sorbent sample tubes |
| M Grinding wheels | M Thermometers |
| M Pastels | |

- M Consumer products if they are not used more frequently than a consumer would use them at home.
- M Any fuel in a motor vehicle.
- M Containers which are removed from a larger, properly labeled container, are only used by the employee who performs the removal, and are used up by that employee during his or her workshift.
- M Process containers. These containers include:
 - a) containers whose contents are changed at least once per shift;
 - b) test tubes, beakers, flasks or other containers which are regularly used and reused for different substances;
 - c) containers of ten gallons or less into which a worker has poured a substance from a labeled container and which is used by the employee who performed the transfer;
or
 - d) containers on which labels would be obscured by heat, spillage, or other factors.
- M Typewriter correction fluid.
- M Products which are the personal property of and are for the personal use of an employee.
- M Containers of bottled water intended for drinking purposes, drinking fountains, sinks, toilets, showers, safety showers, eye washes, soap dispensing units in bathrooms, fire hydrants, fire hose racks, sprinkler heads, and fire extinguishers.
- M Sand bags and buckets, MSA Air Pak Respirators, portable grease guns, electrodes, biological organisms, tobacco products, wood products, and food and food additives intended for human or animal consumption also are exempted from labeling.
- M Substances which are an integral part of a facility structure or furnishings.

Products and Substances That Do Not Require Additional Labeling

Containers that are labeled according to certain Federal and State laws do not need a Right to Know label. (N.J.A.C. 8:59-5.5 and 5.6) These include:

- m Products in containers that are two kilograms (4.4 pounds) or two liters (0.53 gallons) or smaller.

Note: However, if containers below this threshold contain ingredients which are carcinogens, mutagens or teratogens, these ingredients and their CAS numbers must be listed on the label. Also, if the product, as a whole, meets the Special Health Hazard criteria for highly flammable (F3 or F4), reactivity/explosivity (R4, R3 or R2), or corrosivity, only those ingredients that contribute to the Special Health Hazard, and their CAS numbers, must be listed on the label. (See N.J.A.C. 8:59-10.2 for Special Health Hazard criteria.)

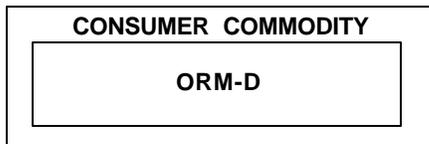
- m Containers displaying labels pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). These products display the phrase "EPA Reg No. #." For example, disinfectants, pesticides, herbicides, and fungicides are all labeled according to FIFRA.

Example of a FIFRA Label

Active Ingredients		
O,O-diethyl O-(2 isopropyl-6 methyl -4 pyrimidinyl) Phosphorothioate	5.00%	EPA Reg. No. 0011-00-1111
Inert Ingredients	95.00%	EPA Est. No. 0011-OH-1
Total	100.00%	

- m All shipping cartons, which are not direct use containers, that are labeled according to USDOT requirements. It is the responsibility of your supplier to meet this requirement. If USDOT regulations do not require a label on the shipping container, then none shall be required. (N.J.A.C. 8:59-5.10 (q))

Examples:



Direct use single substance containers that are labeled with specific chemical substance shipping names and their four digit UN or NA identification numbers from the U.S. Department of Transportation's (DOT) Hazardous Materials Table, 49 CFR Part 172.101.

Examples:



Compressed Gas Cylinder



Traffic Paint Reducer

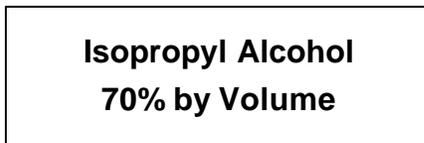
- M Containers containing hazardous waste material that are labeled pursuant to the Federal Resource Conservation and Recovery Act (RCRA) or the New Jersey Solid Waste Management Act.

Examples:



- M Containers that are less than 55 gallons or 450 pounds and are labeled pursuant to the Federal Food, Drug, and Cosmetic Act (FDCA). For example, hand soaps are usually considered drugs or cosmetics, and rubbing alcohol is considered a drug.

Drug Example:



Cosmetic Examples:

Hair spray, nail polish, etc.

- M Containers containing radioactive materials regulated by the Atomic Energy Act (AEA) and the Nuclear Regulatory Commission (NRC).

Example:



- M For other exemptions, refer to N.J.A.C. 8:59-5.5

