

3. (No change.)

(c) The decontamination [site] **supplies shall be located together and reasonably accessible to each handler during the handler activity and not more than one-quarter mile from each handler during the handling activity; or at the site of a required toilet, whichever is closer.**

1. [For mixing activities, the decontamination site] **Decontamination supplies shall be provided at [the] any mixing site.**

2. The decontamination [site] **supplies** for a pilot who is applying pesticides aerially shall be in the [airplane] **aircraft** or at the aircraft's loading site.

3. When handling activities are performed more than one-quarter mile from the nearest place of vehicular access:

i. The soap, single-use towels, and water may be at the nearest place of vehicular access **outside the treated area.**

[ii. The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water at the decontamination site located at the nearest place of vehicular access.]

4. The decontamination [site] **supplies** shall not be in an area being treated with pesticides or in an area that is under a restricted-entry interval, unless: i. The decontamination site is in the areas where the handler is performing handling activities; ii. The **the** soap, single use towels, **water** and clean change of clothing are **protected from pesticide contamination** in enclosed containers[; and].

[iii. The water is running tap water or is enclosed in a container.]

[(d) To provide for emergency eyeflushing, the handler employer shall assure that at least one pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.]

**(d) Whenever a handler is mixing or loading a pesticide that has labeling requiring protective eyewear for handlers, or is mixing or loading any pesticide using a closed system operating under pressure, the handler employer shall provide at each mixing/loading site immediately available to the handler, at least one system that is capable of delivering gently running water at a rate of least 0.4 gallons per minute for at least 15 minutes, or at least six gallons of water in containers suitable for providing a gentle eye-flush for about 15 minutes.**

**(e) Whenever a handler is applying a pesticide that has labeling requiring protective eyewear for handlers, the handler employer shall provide at least one pint of water per handler in portable containers that are immediately available to each handler.**

[(e)] **(f)** (No change in text.)

7:30-12.22 **Emergency assistance by commercial pesticide handling establishments**

(a) If there is reason to believe that a [person who is or has been] **handler** employed by [an agricultural establishment or] **the** commercial pesticide handling establishment [to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:] **has experienced a potential pesticide exposure during employment by the commercial pesticide handling establishment or shows symptoms similar to those associated with acute exposure to pesticides during or within 72 hours after employment by the commercial pesticide handling establishment, and needs emergency medical treatment, the commercial pesticide handler employer shall do all of the following promptly after learning of the possible poisoning or injury:**

1. Make available to that person [prompt] transportation from the [place of employment or the handling site] **commercial pesticide handling establishment, or any agricultural establishment on which that handler may be working on behalf of the commercial pesticide handling establishment,** to an [appropriate emergency] **operating medical care facility capable of providing emergency medical treatment to a person exposed to pesticides; and**

2. Provide **all of the following information** to that person [or] **and** to treating medical personnel[, promptly upon request, any obtainable information on]:

i. [The] **A copy of the applicable safety data sheet and the product name, EPA registration number, and active ingredients of any [product] pesticide** to which that person may have been exposed;

[ii. The antidote, first aid, and other medical information from the product labeling;]

[iii.] **ii.** The circumstances of [handling] **application or use** of the pesticide; and

[iv.] **iii.** The circumstances [of] **that could have resulted in** exposure of that person to the pesticide.

**LAW AND PUBLIC SAFETY**

**(a)**

**DIVISION ON CIVIL RIGHTS**

**Display of Official Posters of the Division on Civil Rights**

**Proposed Readoption with Amendments: N.J.A.C. 13:8**

Authorized By: Rachel Wainer Apter, Director, Division on Civil Rights.

Authority: N.J.S.A. 10:5-6, 10:5-8.g, and 10:5-12; and 34:11B-6 and 16.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-057.

Submit written comments by July 19, 2019, to:

Estelle Bronstein, Deputy Executive Director  
 Department of Law and Public Safety  
 Division on Civil Rights  
 PO Box 089  
 Trenton, New Jersey 08625-0089  
 or electronically at: [Estelle.Bronstein@njcivilrights.gov](mailto:Estelle.Bronstein@njcivilrights.gov).

The agency proposal follows:

**Summary**

The New Jersey Division on Civil Rights (Division), in the Department of Law and Public Safety, enforces the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 et seq., and the New Jersey Family Leave Act (FLA), N.J.S.A. 34:11B-1 et seq. Pursuant to N.J.S.A. 52:14B-5.1.c, the Division's rules concerning Display of Official Posters of the Division on Civil Rights, N.J.A.C. 13:8, were set to expire on April 12, 2019. As the Division submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date is extended 180 days to October 9, 2019, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Division has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Accordingly, the Division proposes to readopt the rules with proposed amendments to update the Division's website address.

The LAD prohibits employers, housing providers, and owners and operators of places of public accommodation from discriminating against individuals on the basis of certain protected characteristics, including, but not limited to, race, creed, color, national origin, and disability. The LAD also provides that it is unlawful for an entity whose activities are included within the scope of the act to refuse to post or display notices concerning the rights or responsibilities of persons affected by the act as the Attorney General, through the Division, "may by regulation require." N.J.S.A. 10:5-12.j. In fulfillment of this statutory requirement, the Division has, since prior to 1969, maintained official posters to provide notice to the public regarding unlawful discrimination in the areas of employment, housing, and public accommodations under the LAD, which entities covered by the LAD have been required to display.

In order to make it easier for covered entities to comply with the rules, the rules were amended in 2006, to provide that the official posters are to be made available for downloading and printing from the Division's website. Posters also remain available at any office of the Division. Consistent with the effort to make compliance less burdensome, the 2006 amendments also reduced the required size of the posters from legal size to letter size. Consequently, covered entities are now able to print the posters themselves on letter size paper for display.

The 2006 amendments also set forth rules for covered employers to post the Division's FLA poster. Like the LAD, the FLA provides that employers covered by the FLA shall display conspicuous notice of its employees' rights and obligations under the FLA. See N.J.S.A. 34:11B-6. The rules for displaying the FLA poster parallel those for displaying the LAD posters.

A summary of the rules proposed for readoption with amendments follows.

Subchapter 1 of the rules is entitled Law Against Discrimination Posters. N.J.A.C. 13:8-1.1 provides that the definitions set forth in the LAD apply to this subchapter. N.J.A.C. 13:8-1.2 sets forth the rule for employers, employment agencies, and labor organizations to display the official Division poster that governs discrimination in employment. N.J.A.C. 13:8-1.3 sets forth the rule for individuals or entities engaged in the business of selling or renting real estate to display the official Division poster that governs discrimination in housing. N.J.A.C. 13:8-1.4 sets forth the rule for owners and operators of places of public accommodation to display the official Division poster that governs discrimination in places of public accommodation. N.J.A.C. 13:8-1.5 provides that the failure to comply with this subchapter will constitute a violation of the LAD. N.J.A.C. 13:8-1.2, 1.3, and 1.4 are proposed for amendment to reflect the Division's current website address.

Subchapter 2 of the rules is entitled Family Leave Act Poster. N.J.A.C. 13:8-2.1 provides that the definitions set forth in the FLA shall apply to this subchapter. N.J.A.C. 13:8-2.2 sets forth the rule that all employers covered by the FLA shall display the FLA poster. N.J.A.C. 13:8-2.2 is proposed for amendment to reflect the Division's current website address. N.J.A.C. 13:8-2.3 provides that failure to comply with the subchapter will constitute a violation of N.J.S.A. 34:11B-6.

As the Division has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

#### **Social Impact**

The Division believes that the rules proposed for readoption with amendments will have a positive social impact. The posters required to be displayed under the rules are a simple and economical means of reaching large segments of the population to promote public awareness of and compliance with the provisions of the LAD and FLA. By highlighting, for both the public and the regulated community, the rights and responsibilities associated with the two laws, the poster requirements enhance the Division's prevention and enforcement efforts and foster the primary goal of the LAD, which is to prevent and eradicate unlawful discrimination. Further, the contact information for the Division's offices contained on the posters will help to facilitate inquiries to the Division by the regulated community and by members of the general public. For these reasons, the rules proposed for readoption with amendments will further the public interest.

#### **Economic Impact**

The Division does not anticipate that the rules proposed for readoption with amendments will have any economic impact on covered employers and labor organizations, covered persons selling, leasing, or financing real property or covered owners and operators of places of public accommodation. Since the posters are available free-of-charge from the Division's website or its offices, covered individuals and entities will be able to comply with the rules proposed for readoption without incurring any out-of-pocket costs and with only an incidental administrative expenditure of time.

#### **Federal Standards Statement**

The rules proposed for readoption with amendments relate to compliance with the notice posting requirements in the LAD and FLA.

Accordingly, the rules proposed for readoption with amendments are not intended to implement or comply with any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements. However, the Division's rules proposed for readoption with amendments are similar to Federal regulations that require the posting of different notices under various Federal laws. Accordingly, some persons and entities covered by the LAD's and FLA's posting requirements are also required to post notices regarding unlawful discrimination or family leave under various Federal laws.

Specifically, 29 CFR 1601.30(a) requires employers and labor organizations, as defined by Title VII of the Civil Rights Act and by the Americans With Disabilities Act (ADA), to display posters that advise the public of the pertinent provisions of these Federal laws. Similarly, 24 CFR 110.10 and 110.25, promulgated pursuant to the Fair Housing Act, impose an obligation on persons who rent or sell real estate to display posters advising that it is a violation of Federal law to engage in unlawful housing discrimination based on race, color, religion, sex, national origin, handicap, or familial status. Moreover, Federal regulations require certain state and local entities to disseminate information about the ADA. These regulations include the posting of notices as one of several suggested means of meeting this requirement. 28 CFR 35.106. Further, the Federal Family and Medical Leave Act (FMLA) and its implementing regulations require that employers covered by the FMLA post notices explaining the act's provisions and providing information concerning the filing of complaints. 29 U.S.C. § 2619 and 29 CFR 825.300.

The rules proposed for readoption do not unnecessarily exceed or duplicate such Federal regulations. Instead, the rules proposed for readoption with amendments articulate requirements to display posters that explain provisions of the LAD and FLA. Accordingly, the Division's rules proposed for readoption with amendments regarding the display of official Division posters continue to be necessary to further the statutory mandate to prevent and eliminate unlawful discrimination that violates the LAD and to fulfill the statutory notice requirements of the FLA. Although the requirement to display Division posters may reach some individuals and entities that are also covered by corresponding Federal notice requirements described above, the LAD and FLA cover more individuals and entities under their respective definitions of "employer" than their Federal counterparts. Moreover, there are significant differences in the coverage of Federal and State laws that are reflected in the contents of the Division's official posters.

The LAD prohibits discrimination on some bases not covered by Federal anti-discrimination laws, such as marital status, sexual orientation, gender identity or expression, and source of lawful income, and applies to some entities that are exempt from Federal anti-discrimination laws, and the FLA provides leave in some situations not covered by the Federal Family and Medical Leave Act. As a result, the notice provided by the Division's posters is not duplicative of notices or posters regarding Federal laws.

#### **Jobs Impact**

The Division does not anticipate that the rules proposed for readoption with amendments will have any impact on the number of jobs in this State.

#### **Agriculture Industry Impact**

The Division does not anticipate that the rules proposed for readoption with amendments will have any impact on the agriculture industry.

#### **Regulatory Flexibility Analysis**

The rules proposed for readoption with amendments will not impose any reporting or recordkeeping requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. There are small businesses that are employers, housing providers, or owners of places of public accommodation that would be required to comply with these rules by posting the required posters. However, since the posters are available for downloading and printing free-of-charge from the Division's website and the Division will provide copies upon request, small businesses will be able to comply with the rules proposed for readoption with amendments without incurring any out-of-pocket costs and only a minimal expenditure of time.

**Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules proposed for readoption with amendments concern only the display of posters regarding the Division, the LAD, and the FLA.

**Smart Growth Development Impact Analysis**

The rules proposed for readoption with amendments will have an insignificant impact on smart growth development and there is an extreme unlikelihood that the rules proposed for readoption with amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the rules proposed for readoption with amendments concern only the display of posters regarding the Division, the LAD and the FLA.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Division has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 13:8.

**Full text** of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. LAW AGAINST DISCRIMINATION POSTERS

13:8-1.2 Display of employment poster

All labor organizations, employment agencies, and employers of employees covered by the Law Against Discrimination (N.J.S.A. 10:5-1 et seq.) shall display the official employment poster of the Division in places easily visible to all employees and applicants for employment. The official employment poster of the Division is available for downloading and printing on the Division's website, [www.njcivilrights.org](http://www.njcivilrights.org) [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

13:8-1.3 Display of housing poster

(a) All real estate brokers and all persons who engage in the business of selling or renting their own real property shall display the official housing poster of the Division in places easily visible to all prospective tenants and purchasers. The official housing poster of the Division is available for downloading and printing on the Division's website, [www.njcivilrights.org](http://www.njcivilrights.org) [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

(b) (No change.)

13:8-1.4 Display of public accommodation poster

All places of public accommodation shall display the official public accommodation poster of the Division in places easily visible to all persons seeking or using the accommodations. The official public accommodations poster of the Division is available for downloading and printing on the Division's website, [www.njcivilrights.org](http://www.njcivilrights.org) [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division

shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered entities that a revised poster has been published and is available from the Division.

SUBCHAPTER 2. FAMILY LEAVE ACT POSTER

13:8-2.2 Display of Family Leave Act poster

All employers covered by the Family Leave Act (N.J.S.A. 34:11B-1 et seq.), whether or not they have any eligible employees under the act, shall display the official Family Leave Act poster of the Division in places easily visible to all employees. The official Family Leave Act poster of the Division is available for downloading and printing on the Division's website, [www.njcivilrights.org](http://www.njcivilrights.org) [www.njcivilrights.gov](http://www.njcivilrights.gov), or at any of the Division's offices. Any poster printed from the Division's website shall be printed on no smaller than letter size paper (8½ by 11 inches) and contain text that is fully legible and large enough to be easily read. Whenever the poster is modified, the Division shall issue and publicize a public notice consistent with N.J.A.C. 13:1E-4.4 to alert covered employers that a revised poster has been published and is available from the Division.

(a)

**DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MARRIAGE AND FAMILY  
THERAPY EXAMINERS  
ALCOHOL & DRUG COUNSELOR COMMITTEE  
Notice of Proposed Substantial Changes Upon  
Adoption to Proposed Amendments  
Clinical Supervision of Alcohol and Drug Counselor  
Internship Training Experiences; Clinical  
Supervision of Credentialed Interns Who Hold an  
Active License as a Health Care Provider; Clinical  
Supervision of a Supervised Practice for Certified  
Alcohol and Drug Counselors  
Proposed Changes: N.J.A.C. 13:34C-6.2, 6.2A, and  
6.3**

Proposed: May 21, 2018, at 50 N.J.R. 1247(a).

Authorized By: State Board of Marriage and Family Therapy Examiners, Lorraine M. Barry, EdS., Chairperson.

Authority: N.J.S.A. 45:2D-14.

Submit written comments by July 19, 2019, to:

Milagros B. Collazo, Executive Director  
State Board of Marriage and Family Therapy Examiners  
PO Box 45007  
124 Halsey Street  
Newark, New Jersey 07101

or electronically at <http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>.

**Take notice** that the State Board of Marriage and Family Therapy Examiners (Board), as recommended by the Alcohol and Drug Counselor Committee (Committee), proposed amendments to N.J.A.C. 13:34C-6.2, 6.2A, and 6.3 on May 21, 2018, at 50 N.J.R. 1247(a), to require State licensed clinical alcohol and drug counselors to hold a current Certified Clinical Supervisor (CCS) credential from an International Certification Reciprocity Consortium (ICRC) member board (a certification authority that is a member of the International Certification Reciprocity Consortium of Alcohol and Other Drug Abuse, Inc., a credentialing organization) in order to be deemed a qualified clinical supervisor. The public comment period closed on July 20, 2018.

The Board and Committee are proposing substantial changes to the amendments in response to comments received. A summary of the comments that prompted changes, and the agency response to those comments, is provided below. This notice of proposed substantial changes is published pursuant to N.J.S.A. 52:14B-4.10.