STATE OF NEW JERSEY
SITE REMEDIATION PROFESSIONAL LICENSING BOARD
NOTICE OF WAIVER/MODIFICATION/SUSPENSION
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY) (MARCH 9, 2020)
COVID-19 STATE OF EMERGENCY

Temporary Rule Modification adopted by Mark J. Pedersen, Chairman, on behalf of the New Jersey Site Remediation Professional Licensing Board.

Date: June 18, 2020

N.J.S.A. App.A:9-45 & App.A:9-47; Executive Order No. 103 (Murphy)(EO 103)

Effective Date: June 18, 2020

Expiration Date: December 31, 2021

This is an emergency adoption of a temporary modification of certain provisions of the Regulations of the New Jersey Site Remediation Professional Licensing Board (Board), N.J.A.C. 7:26I.

By way of Executive Order No. 103, dated March 9, 2020 (EO 103), Governor Phil Murphy declared that a Public Health Emergency and State of Emergency exists in the State of New Jersey as a result of Coronavirus disease 2019 (COVID-19) pandemic and, by virtue of Section 6 of EO 103, authorized agency heads to waive, suspend or modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the COVID-19 emergency, notwithstanding the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., or any law to the contrary. Pursuant to that authority, and with the approval of the Governor in consultation with the State Director of Emergency Management and the Commissioner of the State Department of Health, and in coordination with the Commissioner of the Department of Environmental Protection, the Board is authorizing necessary modification of its rules at N.J.A.C. 7:26I as follows:

N.J.A.C. 7:26I establishes the rules governing the licensing and performance of Licensed Site Remediation Professionals (LSRPs). There are approximately 700 LSRPs in New Jersey, and these LSRPs are the only professionals that may perform remediation at over 10,000 contaminated sites, which is essential to the protection and preservation of public health and the environment. N.J.A.C. 7:26I-2.11 includes the requirements for renewal of a license every three years; if individual licenses are not renewed, they expire, and the LSRP may not perform remediation to protect public health and the environment. Pursuant to N.J.A.C. 7:26I-2.11(b)2, in order to be eligible to renew their license, an LSRP must fulfill the continuing education requirements, specifically those set forth at N.J.A.C. 7:26I-4.3(d), including obtaining 36 continuing education credits each renewal cycle, of which no more than 18 credits may be earned in an alternative verifiable learning format (AVLF) such as online courses.

Due to the COVID-19 pandemic and the resulting social distancing practices described in Executive Order No. 107, LSRPs are constrained in their ability to meet certain continuing education requirements necessary for license renewal. Social distancing practices have resulted in the cancellation, by the continuing education providers, of in-person courses for the foreseeable future. Providers have instead applied to the Board for approval to provide courses that were intended to be conducted in-person as

courses offered in an AVLF. All new courses submitted to the Board for approval are also proposed for delivery in an AVLF. Accordingly, it is uncertain when in-person courses will begin again, and when they do, if there will be a sufficient number of courses and seats to accommodate anticipated participants.

As up to 550 of the approximately 700 LSRPs will have renewal applications due by the end of calendar year 2021 and the only available continuing education courses at this time are provided in an AVLF, the Board has determined that it is necessary and appropriate to waive the 18 credit limit on AVLF courses so that LSRPs will not be denied renewal, which would impact their ability to perform remediation activities necessary for the protection of public health and the environment.

Therefore, the requirements of N.J.A.C. 7:26I-4.3 are modified to provide that any LSRP whose license renewal is due on or before December 31, 2021, may fulfill all necessary credit hours through approved courses offered in an AVLF and may qualify for license renewal provided that all the other requirements in N.J.A.C. 7:26I-2.11 have been met. All other provisions of N.J.A.C. 7:26I remain unaffected.

Accordingly, N.J.A.C. 7:26I-4.3 is modified as follows:

Full text of the adopted modifications follows (additions indicated in bold **thus**; deletions indicated in brackets [(thus)]:

7:26I-4.3 LSRP continuing education requirements

(a) - (b) (No change.)

[(c) No more than 18 continuing education credits per three-year license term may be earned from Board approved alternative verifiable learning format programs.]

(d) - (g) (No change.)

The Board finds that suspension of the rules above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

Date: June 18, 2020

Mark J. Pedersen, Chairman
New Jersey Site Remediation
Professional Licensing Board