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NEW JERSEY REGISTER

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MOST RECENT UPDATE TO NEW JERSEY ADMINISTRATIVE CODE: NOVEMBER 15, 1993
See the Register Index for Subsequent Rulemaking Activity.

NEXT UPDATE: SUPPLEMENT DECEMBER 20, 1993

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Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until **March 9, 1994.** Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

On occasion, a proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-4.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

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EXECUTIVE ORDERS

(a)

OFFICE OF THE GOVERNOR
Governor Jim Florio
Executive Order No. 114(1994)
State Development and Redevelopment Plan

Issued: January 11, 1994.
Effective: January 11, 1994.
Expiration: Indefinite.

WHEREAS, in 1985, the New Jersey Legislature enacted the State Planning Act (N.J.S.A. 52:18A-196 *et seq.*) calling for the creation of a State Development and Redevelopment Plan (State Plan) to be used as a tool for assessing suitable locations for infrastructure, housing, economic growth and conservation to bring about rational, managed growth and development in all regions of the State; and

WHEREAS, the State Plan was adopted by the State Planning Commission in June 1992, after five years of discussion and negotiation with the citizens of New Jersey in a widely regarded "cross-acceptance" process and, while the State Plan is not regulatory, it does provide necessary guidance for responsible stewardship of the State's natural resources and open space; and

WHEREAS, in adopting the State Planning Act, the Legislature declared that the State requires sound and integrated statewide planning to conserve its natural resources, revitalize its urban centers, protect the quality of its environment and provide affordable housing and adequate public services at reasonable cost while promoting beneficial economic growth, development and renewal; and

WHEREAS, the State Planning Act recognizes that the historic haphazard patterns of growth have threatened the quality of life in New Jersey and have failed to provide for the revitalization of our urban centers, sufficient affordable housing stock, or adequate conservation of natural resources, and therefore, requires the adoption of a coordinated, integrated and comprehensive plan for growth, development, renewal and conservation of all regions of the State and identifies areas for growth, agriculture, open space, and other appropriate designations; and

WHEREAS, the State Plan provides a framework for streamlining permitting procedures and cost savings for the mutual benefit of the public and private sectors; and

WHEREAS, the State Plan is based upon an economic impact assessment which estimates that full implementation can save taxpayers $1.3 billion in capital infrastructure costs over 20 years and up to $400 million annually in operating costs statewide; and

WHEREAS, the State Planning Commission has entered Memoranda of Understanding with the Capital Budgeting and Planning Commission, the Council on Affordable Housing, the Department of Environmental Protection and Energy, the Department of Transportation and New Jersey Transit, establishing successful cooperative relationships directed toward reaching the goals of the State Plan; and

WHEREAS, success in achieving the rational development goals of the State Planning Act, and the substantial cost savings which can be derived through full implementation of the State Plan, requires broad based acceptance and implementation of the State Plan's goals and mechanisms by all State agencies and departments, and coordinated planning among the State departments and agencies and local governments;

NOW, THEREFORE, I, JAMES J. FLORIO, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. All State Departments and agencies shall:

a. Adopt and incorporate as part of their agency programmatic mission, policies which comport with the State Plan and act in a coordinated fashion in investing resources at the State and local level in implementing the State Plan and achieving their programmatic missions.

b. In their joint endeavors to implement the State Plan together with the State Planning Commission, encourage growth and development and direct infrastructure to locations and in patterns recommended by the strategies and policies contained in the State Plan.

c. Adopt policies which facilitate the establishment of development "centers" and encourage development which is consistent with the policy objectives of "planning areas" which constitute the "resource and management structure" of the State Plan.

d. Participate and cooperate with the Office of State Planning in its review and assessment of the functional plans of the departments or agencies, including, but not limited to water supply, natural resources, air quality, energy, open space and historic conservation, affordable housing, transportation, airport systems and rail systems, and encourage interdepartmental and interagency participation on advisory bodies related to policy and plan development to assure coordination in the implementation of the State Plan.

e. Support the Office of State Planning in the fulfillment of its statutory responsibilities with respect to its planning activities, including but not limited to, the legislatively mandated infrastructure needs assessment, monitoring, and evaluation program.

f. Collaborate in data base development and the exchange of information among departments and agencies, and establish appropriate institutional mechanisms, including data compatibility, to assure that data base development and the exchange of information occurs.

g. Coordinate efforts with the Office of State Planning to assist municipalities in gaining designation of development "centers."

h. Coordinate efforts with the Office of State Planning to assist distressed cities in developing Strategic Revitalization Plans.

i. Report to the Governor and Office of State Planning on June 1, 1994, and every six months thereafter, on their efforts in furtherance of this Order.

2. All State agencies and departments are authorized and directed, to the extent not inconsistent with law, to cooperate with and provide support to the Office of State Planning and State Planning Commission and furnish them with such information, including statistical and planning data, and assistance necessary to accomplish the purposes of this Order.

3. This Order shall take effect immediately.

(b)

OFFICE OF THE GOVERNOR
Governor Jim Florio
Executive Order No. 115(1994)
State Hazard Mitigation Team

Issued: January 14, 1994.
Effective: January 14, 1994
Expiration: Indefinite.

WHEREAS, various natural hazards have caused physical and financial impact in New Jersey and will continue to do so and these impacts have resulted in unexpected costs to county and local governments as well as degradation of the State's health, safety, environment, infrastructure and economy; and

WHEREAS, the opportunities to significantly mitigate the impacts of coastal storms, hurricanes, floods, wildfires, earthquakes, and other natural hazards are identifiable and should be executed as funding is available; and

WHEREAS, there exist the skills, expertise, and talent within the Executive Branch departments and independent authorities to examine and make recommendations to reduce the vulnerability of New Jersey's citizens and property; and

WHEREAS, Executive Order No. 12 (1970—Cahill) and Executive Order No. 39 (1954—Meyner) directs State agencies to fully participate in the emergency management system; and

WHEREAS, the Office of Emergency Management in the Department of Law and Public Safety is charged with the responsibility to administer the State's comprehensive emergency management programs; and

WHEREAS, the Governor's Advisory Council on Emergency Services is empowered to authorize expenditures from the Governor's Emergency Services Fund, upon approval of the Governor, to provide relief from an emergency; and

WHEREAS, a need exists to provide formal recognition, authority and responsibility to this organizational structure;

NOW, THEREFORE, I, JAMES J. FLORIO, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

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1. An interagency State Hazard Mitigation Team (SHMT) is established. A representative of the Office of the Governor will chair the Team and the State Hazard Mitigation Officer appointed by the Governor for the most recent Presidential Disaster Declaration, pursuant to Federal law, shall serve as Deputy Chair.

2. In addition to the Chair and Deputy Chair, the team shall consist of the following members or their designees, with the ability to add other participants as appropriate:

A. Department of Community Affairs:
Assistant Director Codes and Standards.
Representative, Division of Fire Safety.

B. Department of Education:
Emergency Coordinator.

C. Department of Environmental Protection and Energy:
Supervisor of Land Use Regulations.
State Floodplain Management Coordinator.
State Forest Fire Warden.

D. Department of Insurance:
State Ombudsman.

E. Department of Transportation:
Director of Roadway Design.

F. Department of Treasury:
Representative, Office of Statewide Planning.
Representative, Office of Management and Budget.

G. Department of Law and Public Safety:
Representative, Office of the Attorney General.
Representative, Office of Emergency Management.

All participants shall be prepared to evaluate hazard mitigation initiatives based on current agency policies and programs.

3. The activities of the team shall be coordinated by a Steering Committee consisting of the Chair and the Deputy Chair, Assistant Director of Codes and Standards, Director of Roadway Design, State Floodplain Management Coordinator, Supervisor of Land Use Regulations, the Representative of the Office of the Attorney General, and the Representative of the State Office of Emergency Management.

4. The SHMT shall develop a systematic program to identify hazards, monitor changes in hazard vulnerability and implement measures for reducing potential damage by providing a mechanism for follow-up activities crucial to the successful implementation of team recommendations.

5. The SHMT shall develop and maintain a comprehensive plan for the reduction of natural hazards. The team shall review and update this document as deemed necessary.

6. The SHMT shall work to increase the public's awareness of the risk associated with known hazards and promote preparedness among residents of the State.

7. The SHMT shall meet at the call of the Chair, but not less frequently than twice a year.

8. The SHMT shall serve as an advisory group to the Governor's Advisory Council on Emergency Services (GACES) and shall prepare post-disaster hazard mitigation recommendations for all applications for assistance.

9. GACES shall review and approve such recommendations based on their expected effectiveness in reducing the threat to the health, safety and property of the citizens of New Jersey.

10. The SHMT shall investigate and recommend cost-effective hazard mitigation opportunities to the Office of Emergency Management and to the Governor's Advisory Council on Emergency Services as part of any disaster recovery effort.

11. The SHMT shall prepare and submit to the Office of Emergency Management an annual work program which shall contain a budgetary needs statement. The team shall provide to the State Director an annual status report covering progress achieved through team activities.

12. This Order shall take effect immediately.

(a)

OFFICE OF THE GOVERNOR
Governor Christine Todd Whitman
Executive Order No. 1(1994)
New Jersey Economic Master Plan Commission

Issued: January 18, 1994.
Effective: January 18, 1994.
Expiration: Indefinite.

WHEREAS, a strong, sound economy is essential to the well being and prosperity of the State of New Jersey; and

WHEREAS, State Government has a responsibility to improve and maintain the State's economy; and

WHEREAS, a strategic and comprehensive economic master plan will assist State government in removing unnecessary barriers to economic growth and in efficiently allocating its finite resources toward projects with the most economic benefit for the State; and

WHEREAS, an Economic Master Plan Commission should be formed to create a Strategic Economic Master Plan for the State of New Jersey;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey Economic Master Plan Commission, hereinafter referred to as the Commission.

2. The Commission shall consist of a chairperson and twelve (12) members appointed by the Governor, including the Secretary of State, and the Commissioners of the Departments of Commerce and Labor. The Commission shall also include representatives of the various sectors of the economy and geographic areas of New Jersey.

3. The Commission shall study economic conditions, together with existing statutes and regulations, which impact on the State's economic growth and prosperity. The Commission shall develop long- and short-range strategic recommendations for improving economic growth and prosperity in the form of a Strategic Economic Master Plan.

4. The Commission shall periodically report to the Governor and shall issue the Strategic Economic Master Plan by October 1, 1994.

5. The Commission is authorized to call upon any department, office, division or agency of this State to supply it with data and other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, officer, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order. The Attorney General, or her designee, shall act as legal counsel to the Commission.

6. This Order shall take effect immediately.

(b)

OFFICE OF THE GOVERNOR
Governor Christine Todd Whitman
Executive Order No. 2(1994)
Financial Disclosure Requirements by Public Officials

Issued: January 18, 1994.
Effective: January 18, 1994.
Expiration: Indefinite.

WHEREAS, in our representative form of government, it is essential that the conduct of public officials shall hold the respect and confidence of the people; and

WHEREAS, those in government hold positions of public trust that require adherence to the highest standards of honesty, integrity and impartiality; and

WHEREAS, the New Jersey Conflicts of Interest Law prohibits a State officer or employee from having any interest or engaging in any activity that is in substantial conflict with the proper discharge of his or her

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duties in the public interest or from undertaking any employment or service which might reasonably be expected to impair his or her objectivity or independence of judgment; and

WHEREAS, the New Jersey Conflicts of Interest Law prohibits a State officer or employee from acting in his or her official capacity in any matter where he or she has a direct or indirect personal financial interest that might reasonably be expected to impair his or her objectivity or independence of judgment; and

WHEREAS, it has been previously recognized by the Executive Commission on Ethical Standards that members of the Executive Branch of State Government are often selected to act in policy making capacities because of the experience and expertise they have acquired in certain areas, but that such experience may cause these persons to have financial interests that would constitute an actual or potential conflict of interest or the appearance of such a conflict; and

WHEREAS, it has been previously recognized by the Executive Commission on Ethical Standards that to alleviate such a conflict, a blind trust may be utilized in certain circumstances to erect a barrier between State officers and employees and their investments so that such officers might be shielded from potential conflicts; and

WHEREAS, ownership in any closely-held corporation that does business with governmental entities can raise the appearance of a potential conflict of interest; and

WHEREAS, it is the duty of government officials to earn the trust and confidence of the people by avoiding even the appearance of impropriety; and

WHEREAS, the disclosure of personal interest of public officials will serve to maintain the public's faith and confidence in its government representatives and will guard against conduct violative of the public trust;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

I. Personal Financial Disclosure

1. Every public employee and public officer as such terms are defined in Section 6 hereof shall file a sworn and duly notarized statement which is current as of five days prior to the date of filing. Each statement shall include the following information:

a. The name and position of the public employee or public officer;

b. Any occupation, trade, business or profession engaged in by the public employee or public officer, his or her spouse, and dependent children that is subject to licensing or regulation by a State agency;

c. A list of all assets having a value of more than $1,000, both tangible and intangible, in which a direct or indirect interest is held by the public employee or public officer, his or her spouse, and dependent children, valued as of the statement date; provided, however, that when the value cannot be determined as of that date, a separate valuation date shall be specified for the particular asset. Where stocks and bonds are involved, there shall be included the name of the company, mutual fund, holding company or government agency issuing them (whenever such interest exists through ownership in a mutual fund or holding company, the individual stocks held by such mutual fund or holding company need not be listed; whenever such interest exists through a beneficial interest in a trust, the stocks and bonds held in such trust shall be listed only if the public employee or public officer has knowledge of what stocks and bonds are so held). Where more than 10 percent of the stock of a corporation is held, the percentage of ownership shall be stated. The list shall include any direct or indirect interest, whether vested or contingent, in any contract made or executed by a government instrumentality. In the case of real estate interests, there shall be given the location, size, general nature and acquisition date of any real property in New Jersey in which any direct, indirect, vested or contingent interest is held, together with the names of all individuals or entities who share a direct or indirect interest therein and the name of any government instrumentality that is a tenant of such property or that has before it an application, complaint or proceeding directly affecting such property. Assets of a public employee and his or her spouse shall be listed according to the following value categories:

(i) greater than $1,000, but not more than $5,000;
(ii) greater than $5,000, but not more than $25,000;
(iii) greater than $25,000, but not more than $50,000;
(iv) greater than $50,000, but not more than $100,000;
(v) greater than $100,000, but not more than $250,000;
(vi) greater than $250,000.

The value of assets of (1) the dependent children of a public employee or (2) a public officer, his or her spouse and dependent children need not be disclosed unless specifically requested by the Governor or the Executive Commission on Ethical Standards.

d. A list of all liabilities of the public employee or public officer, his or her spouse, and dependent children, valued by category in the same manner as required by paragraph c above, except liabilities which are:

(i) less than $10,000 and owed to a relative as defined in Section 6 hereof;

(ii) less than $1,000 and owed to any other person;

(iii) loans secured by a personal motor vehicle, household furniture or appliances where the loan did not exceed the purchase price of the item and the outstanding balance did not exceed $10,000 as of the close of the preceding calendar year; and

(iv) revolving charge accounts where the outstanding liability does not exceed $10,000 as of the close of the preceding calendar year;

e. A list of all liabilities otherwise subject to disclosure pursuant to paragraph d above of the public employee or public officer, his or her spouse, and dependent children which have been forgiven by the creditor within 12 months of the statement date. For each such forgiven liability so listed, the name of the creditor to whom such liability was owed shall be stated;

f. A list of all sources of income of the public employee or public officer, his or her spouse, and dependent children including all compensated employment of whatever nature, all directorships or other fiduciary positions for which compensation has or will be claimed, all capital gains including a description of the individual sources of such gains, all contractual arrangements producing or expected to produce income, and all honoraria, lecture fees and other miscellaneous sources of income including, but not limited to, interest, dividends, royalties and rents. Statements filed before July 1 of any year shall disclose sources of income for the preceding calendar year. Statements filed after July 1 of any year shall provide this information for the twelve-month period immediately preceding the filing date. The amounts of such income received shall be listed and valued by category in the same manner of assets as set forth in paragraph c(i) through (vi) above. The amount of income of (1) the dependent children of a public employee or (2) a public officer, his or her spouse and dependent children need not be disclosed unless specifically requested by the Governor or the Executive Commission on Ethical Standards. Sources of income that are not required to be reported are:

(i) cash gifts in an aggregated amount of less than $100 received during the preceding twelve months from a person;

(ii) non-cash gifts with an aggregated fair market value of less than $200 received during the preceding twelve months from a person; and

(iii) gifts with an aggregated cash or fair market value of less than $3,000 received during the preceding twelve months from a relative as defined in Section 6 hereof.

g. A list of any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the public employee or public officer, his or her spouse, and dependent children with any firm, corporation, association, partnership or business. If any firm, corporation, association, partnership or business does business with or is licensed, regulated or inspected by a State agency or does business with a casino license holder or applicant, the State agency, casino or applicant must be identified.

2. Each statement shall contain a certification by the public employee or public officer that he or she has read the statement, that to the best of his or her knowledge and belief it is true, correct and complete and that he or she has not transferred and will not transfer any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

3. a. Within 120 days from the effective date of this Order, each public employee and public officer who has not already done so shall file the signed and notarized statement required herein with the Office of the Governor's Council and one copy bearing an original signature and notarization with the Executive Commission on Ethical Standards. In furtherance of its duties under the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq. and pursuant to this Executive Order, the Executive Commission on Ethical Standards shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of the law. Upon approving such statement for filing, the Commission shall file and maintain a copy of it for public inspection and copying in accordance with the procedures set forth in N.J.S.A. 47:1A-1 et seq.;

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b. Each prospective public employee and public officer shall, before assuming the office to which he or she has been appointed, satisfy the filing requirements of this Order, unless the Attorney General grants to such public employee or public officer an extension from the filing deadline. Such an extension shall not be granted more than twice and shall not be for more than 30 days each;

c. Updated statements shall be filed on the May 15 next succeeding the submission of the original statement and each May 15 thereafter provided, however, that public employees and public officers who file statements on or after January 18, 1994 but prior to May 15, 1994 need not file an updated statement on May 15, 1994 so long as the person who submitted such statement is a public employee or public officer of this State as defined in Section 6 of this Order.

4. The Executive Commission on Ethical Standards shall keep the approved statements on file for so long as the person submitting such statements is a public employee or public officer of this State, and for five years thereafter.

5. The Executive Commission on Ethical Standards shall have the primary responsibility for assuring the proper administration and implementation of this Order and shall have the power to perform the acts necessary and convenient to this end, including, but not limited to, preparing and distributing forms and instructions to be utilized by public employees and public officers in complying with this Order.

6. Except as otherwise herein provided, for purposes of this Order:

a. "Public employee" shall mean any person holding any of the following offices in the Executive Branch of State government, together with any offices added to such list by subsequent Executive Order:

(1) The Governor;

(2) The head of each principal department;

(3) The assistant or deputy heads of each principal department to include all assistant and deputy commissioners of such departments;

(4) The head and assistant heads of a division of each principal department, or any person exercising substantially similar authority for any board or commission which is organized as in but not of a principal department or any independent authority;

(5) The executive or administrative head and assistant heads of (i) any board or commission which is organized as in but not of a principal department or (ii) any independent authority;

(6) The following members of the staff of the Office of the Governor:

(i) Chief of Staff;

(ii) Chief Counsel to the Governor;

(iii) Chief, Office of Policy and Planning;

(iv) Director of Communications;

(v) Executive Assistant to the Governor and any deputy or principal administrative assistant to any of the foregoing members of the staff of the Office of the Governor;

(7) Members of the State Board of Agriculture;

(8) Members of the State Board of Education;

(9) Members of the Board of Higher Education;

(10) Members of the State Parole Board; and

(11) Presidents of the State colleges and universities.

b. "Public officer" shall mean:

(i) The members of the following boards, commissions, independent authorities and public corporations, together with any offices or bodies added to such list by subsequent Executive Order:

(1) Agricultural Development Committee;

(2) Atlantic City Convention Center Authority;

(3) Capital City Redevelopment Corporation;

(4) Casino Reinvestment Development Authority;

(5) Council on Affordable Housing;

(6) Education Facilities Authority;

(7) Election Law Enforcement Commission;

(8) Hackensack Meadowlands Development Commission;

(9) Hazardous Waste Facilities Siting Commission;

(10) Health Care Administration Board;

(11) Health Care Facilities Financing Authority;

(12) Hospital Rate Setting Commission;

(13) Low-Level Radioactive Waste Disposal Facility Siting Board;

(14) Merit System Board;

(15) New Jersey Building Authority;

(16) New Jersey Commission on Science and Technology;

(17) New Jersey Economic Development Authority;

(18) New Jersey Expressway Authority;

(19) New Jersey Highway Authority;

(20) New Jersey Housing and Mortgage Financing Agency;

(21) New Jersey Public Broadcasting Authority;

(22) New Jersey Racing Commission;

(23) New Jersey Sports and Exposition Authority;

(24) New Jersey State Council on the Arts;

(25) New Jersey Transit Corporation;

(26) New Jersey Transportation Trust Fund Authority;

(27) New Jersey Turnpike Authority;

(28) New Jersey Urban Enterprise Zone Authority;

(29) North Jersey District Water Supply Commission;

(30) Passaic Valley Sewerage Commission;

(31) Passaic Valley Water Commission;

(32) Pinelands Commission;

(33) Public Employment Relations Commission;

(34) South Jersey Food Distribution Authority;

(35) South Jersey Port Corporation;

(36) South Jersey Transportation Authority;

(37) State Athletic Control Board;

(38) State Lottery Commission;

(39) State Planning Commission;

(40) Tidelands Resource Council;

(41) Urban Development Corporation;

(42) Wastewater Treatment Trust; and

(43) Water Supply Authority.

(ii) Individuals appointed as a New Jersey member to the following interstate agencies:

(1) Atlantic States Marine Fisheries Commission;

(2) The Delaware River and Bay Authority;

(3) Delaware River Basin Commission;

(4) Delaware River Joint Toll Bridge Commission;

(5) Delaware River Port Authority;

(6) Delaware Valley Regional Planning Commission;

(7) Interstate Sanitation Commission;

(8) Northeast Interstate Low-Level Radioactive Waste Commission;

(9) Palisades Interstate Park Commission;

(10) Port Authority of New York and New Jersey;

(11) The Port Authority Trans Hudson Corporation;

(12) South Jersey Port Corporation; and

(13) Waterfront Commission of New York Harbor.

c. "Government instrumentality" shall mean the Legislative, Judicial and Executive Branches of State government, including any office, department, division, bureau, board, commission, council, authority or agency therein and any county, municipality, district, public authority, public agency or other political subdivision or public body in the State;

d. "State agency" shall mean any of the principal departments in the Executive Branch of State government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency;

e. "Relative" shall mean a son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle or aunt. Relatives by adoption, half-blood, marriage or remarriage shall be treated as relatives of the whole kinship.

7. Executive Order Nos. 1 and 9 of Governor James J. Florio and any subsequent Executive Orders issued in conjunction therewith are hereby rescinded, and any regulations adopted and promulgated thereunder are hereby null and void.

II. Blind Trusts

1. For those situations where a blind trust may be utilized by a regular State employee or his or her spouse or dependent children and approved by the Executive Commission on Ethical Standards such trust shall contain the following characteristics:

a. The trust shall not contain investments or assets in which the holder's ownership right or interest is required to the recorded in a public office or those assets whose permanency makes transfer by the trustee improbable or impractical; these investments or assets would include, but not be limited to, businesses, real estate, security interests in personal property and mortgages;

b. The trust shall contain a clear statement of its purpose, namely, to remove the grantor control and knowledge of investment of trust assets so that conflicts between grantor's responsibilities and duties as a regular State employee of the State of New Jersey and his or her private business or financial interests will be eliminated;

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c. The trust shall be irrevocable, and shall be terminated only upon the death of the regular State employee or upon termination of his or her status as a regular State employee, whichever shall first occur;

d. The trustee shall be directed not to disclose to the grantor any information about any of the assets in the trust;

e. The trustee shall be required either to:

(i) prepare and file grantor's personal income tax returns, withholding from distribution of the trust's net income amounts sufficient to pay the grantor's tax; and further to participate in the audit of the grantor's returns during the period of the trust with authority to compromise the grantor's tax liability; or

(ii) submit to the grantor, for income tax purposes, a certification of income paid without identifying the assets producing such income;

f. Among its other powers, the trustee shall have authority to determine whether any of the assets originally transferred to the trustee are to be sold and, if so, when;

g. A provision shall be included in the trust agreement prohibiting the trustee from investing the trust property in corporations or businesses which it knows do a significant amount of business with the State of New Jersey or from knowingly making any investment in a corporation, business or venture over which the grantor has regulatory or supervisory authority by virtue of his or her official position;

h. The grantor shall retain no control over the trustee nor shall he or she be permitted to make recommendations or suggestions as to the trust property;

i. The trustee shall be a commercial trustee and not a natural person;

j. The principal benefit to be retained by the grantor shall be the right to receive income from the assets transferred to the trust;

k. The trust shall not become effective until submitted and approved by the Executive Commission on Ethical Standards; and

l. The trust agreement shall provide that the trustee will give the Executive Commission on Ethical Standards access to any records or information related to the trust which is necessary for the performance of the Commission's duties.

2. A copy of the executed blind trust agreement shall be filed with the Executive Commission on Ethical Standards and with the head of the department in which the regular State employee holds his or her position. Attached to such copy shall be a brief statement outlining the business or financial interests from which the regular State employee seeks to remove himself or herself and the actual or potential conflicts of interest, or appearance of such conflicts, which he or she seeks to avoid by use of the trust agreement.

3. Executive Order No. 95 of Governor James J. Florio and any subsequent Executive Orders issued in conjunction therewith are hereby rescinded, and any regulations adopted and promulgated thereunder are hereby null and void.

III. Interests in Closely Held Corporations or Similar Entities

A. No regular State employee who is required by law or Executive Order to submit financial disclosure statements to the Executive Commission on Ethical Standards shall be permitted to retain any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any Federal, State, interstate or local government entity, except as provided in subsection 3 below.

1. Any such regular State employee who is employed as of the date of this Executive Order, and who retains any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any Federal, State, interstate or local government entity, shall notify the Executive Commission on Ethical Standards as to his or her interest, and his or her spouse's interest, in such a business entity within 120 days of the effective date of this Order. The Executive Commission on Ethical Standards shall review this disclosure statement to determine whether the business entities in which the employee has an interest are engaged in government-related business within the meaning of this Executive Order, and whether the holdings are in compliance with the Conflicts of Interest Law, N.J.S.A. 52:13D-1 et seq. and this Executive Order. No later than September 15, 1994, the Executive Commission on Ethical Standards shall notify the employee of its findings. The employee shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset, or to demonstrate to the Executive Commission on Ethical Standards that the business entity has ceased to do business with a government entity in a manner prohibited by this Executive Order.

2. After the issuance of this Executive Order, no State agency shall employ any person in a covered position who at the time of employment holds any interest in any closely held corporation, partnership, sole proprietorship or similar business entity doing business with any Federal, State, interstate, or local government entity, except as provided in subsection 3 below. No individual seeking employment in such a position shall divest a covered asset in a manner otherwise prohibited by this Executive Order for the purpose of satisfying the provisions of this Executive Order. Furthermore, no employee shall obtain any prohibited interest in a business entity during the employee's tenure.

3. The provisions of subsections III A1 and III A2 shall not apply to any purchase, sale, contract, or agreement with any government entity other than a State agency, which is made or awarded after public notice and competitive bidding as provided by the Local Government Contracts Law, N.J.S.A. 40A:11-1 et seq., or such similar provisions contained in the public bidding laws or regulations applicable to any government entity in this State or any other jurisdiction, provided that any such purchase, sale, contract or agreement, including a change in orders and amendments thereto, shall receive the prior approval of the Executive Commission on Ethical Standards. The provisions of subsections III A1 and III A2 do apply where the purchase, sale, contract or agreement is authorized by any of the exceptions (e.g., professional or technical services, emergent matters, and unique compatibility) provided by the Local Government Contracts Law, N.J.S.A. 40A:11-1 et seq., or such similar provisions contained in the public bidding laws or regulations of any other jurisdiction.

B. No regular State employee or special State officer who is required by law or Executive Order to submit a financial disclosure statement to the Executive Commission on Ethical Standards shall retain any interest in any closely-held corporation, partnership, sole proprietorship or similar business entity unless the Executive Commission on Ethical Standards shall have first determined that the employee or officer may retain such an interest in such business entity.

1. Each regular State employee or special State officer who is employed or appointed as of the date of this Executive Order shall notify the Executive Commission on Ethical Standards as to his or her interest, and his or her spouse's interest, in any such business entity within 120 days of the effective date of this Order. The Executive Commission on Ethical Standards shall review the disclosure statement and shall determine whether the employee or officer may retain such interest in the business entity consistent with the standards set forth in the Conflicts of Interest Law, N.J.S.A. 52:13D-1, et seq. and this Executive Order. The Executive Commission on Ethical Standards shall notify the State employee or officer of its findings no later than September 15, 1994. The employee or officer shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset or to demonstrate that the business entity has ceased the business activity in question.

2. After the issuance of this Executive Order, no State agency shall employ or appoint any regular State employee or special State officer to a covered position if such person holds any interest in any closely-held corporation, partnership, sole proprietorship or similar business entity, unless the Executive Commission on Ethical Standards has reviewed such interest and determined that the employee or officer may retain such an interest. A person seeking such employment or appointment shall disclose to the Executive Commission on Ethical Standards his or her interest, and his or her spouse's interest, in any such business entity as soon as practicable, and the Executive Commission on Ethical Standards shall render a determination no later than 30 days after receiving such disclosure, or at its next regularly scheduled meeting. No individual seeking employment or appointment to such a position shall divest a covered asset in a manner otherwise prohibited by this Executive Order for the purpose of satisfying the provisions of this Executive Order.

C. The Executive Commission on Ethical Standards shall review all financial disclosure statements as they may from time to time be submitted by regular State employees and special State officers to determine whether the covered persons have obtained ownership or interest in any assets that give rise to a present or potential conflict of interest, or a present or potential appearance of a conflict of interest, within the meaning of this Executive Order.

D. Each regular State employee or special State officer shall amend his or her financial disclosure statement within 30 days of gaining knowledge of (a) his or her, or his or her spouse's, acquisition of any interest in any closely-held corporation, partnership, sole proprietorship or similar business entity; or (b) the commencement of any business activity covered by the provisions of this Executive Order and as de-

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termined by the Executive Commission on Ethical Standards, including, for example, a change in business plan authorizing business activity with a Federal, State, interstate or local government entity, by a business in which the officer or employee or the employee's or officer's spouse has an interest covered by this Executive Order.

E. Any regular State employee or special State officer subject to this Executive Order who acquires an interest prohibited under this Executive Order by way of inheritance, bequest or similar circumstances beyond his or her control shall follow the procedures for disclosure and disposition set forth in Section III A and Section III B of this Executive Order.

F. All required divestitures shall be subject to the following conditions:

1. Divestiture must occur within the time periods prescribed above.

2. Ownership or control of the asset may not be transferred to a member of the regular State employee's or special State officer's immediate family.

3. The terms and conditions of any conveyance of ownership and control of the asset shall not contain any provisions regarding the return of the asset to the regular State employee or special State officer subsequent to his or her State service.

G. For the purpose of Section II and Section III of this Order:

1. "Member of the immediate family" shall mean a spouse, child, parent or sibling residing in the same household.

2. "Asset" shall mean property of any kind, real and personal, tangible and intangible, having a value greater than $1,000.

3. "Interest" in a closely held corporation, partnership, sole proprietorship or similar business entity shall mean any ownership or control of any profits or assets of such business entity.

4. "Doing business" with any Federal, State or local government entity shall mean business or commercial transactions involving the sale, conveyance or rental of any goods or services, and shall not include such activities as compliance with regulatory procedures.

5. "Regular State employee" shall have the same meaning as "State officer or employee" as set forth at N.J.S.A. 52:13D-13b, and "special State officer" shall have the same meaning as "Special State officer or employee" as set forth at N.J.S.A. 52:13D-13e.

6. "State agency" shall mean any of the principal departments of State government and any entity allocated therein in conformance with N.J. Const. (1947), Art. V, Sec. IV, para. 1.

IV. Sanctions and Effective Date

A. The failure of any employee or officer covered by Sections I, II and III of this Executive Order to comply with the provisions of this Executive Order shall constitute good cause for his or her removal from employment or office.

B. This Executive Order shall take effect immediately.

(a)

OFFICE OF THE GOVERNOR
Governor Christine Todd Whitman
Executive Order No. 3(1994)
Prisons and Other Penal and Correctional Institutions
State of Emergency
Continuation of Prior Executive Orders

Issued: January 19, 1994.
Effective: January 19, 1994.
Expiration: Indefinite.

WHEREAS, the State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

WHEREAS, as of December 1993 the total adult inmate population of State-sentenced prisoners was 23,133, including 3,629 State-sentenced inmates in county jails; and

WHEREAS, the State's adult and youth correctional institutions are currently operating at 133.5 percent of design capacity; and

WHEREAS, these conditions continue to endanger the safety, welfare, and resources of the residents of this State; and

WHEREAS, from June 1981, when Executive Order No. 106 (Byrne) was issued, until this month, the population of State-sentenced prisoners grew from 7,940 to 23,133, exceeding all predictions for inmate population growth and seriously and dangerously taxing all State correctional facilities; and

WHEREAS, the scope of this crisis prevents local governments from safeguarding the people, property, and resources of the State and warrants a centralized management approach to inmate housing assignments; and

WHEREAS, despite the construction of three prisons constructed since the issuance of Executive Order No. 106 (Byrne) and designed for 3,000 inmates and which now house 5,034 inmates at a construction cost of approximately $150 million, expansions of all existing facilities, and the opening of a facility at Fort Dix under a lease agreement with the Federal government, the prison population growth has consistently outstripped infrastructure expansion throughout the past decade, exacerbating crisis conditions; and

WHEREAS, efforts are continuing to address the problem, including the planned construction of a new prison facility to be operational by the end of 1995; and

WHEREAS, Executive Order No. 80 (Florio) of January 15, 1993, will expire on January 20, 1994; and

WHEREAS, the conditions specified in Executive Order No. 106 (Byrne) of June 19, 1981, continue to present a substantial likelihood of disaster, and in fact have worsened since that time as the prison population has expanded exponentially; and

WHEREAS, the Supreme Court of New Jersey has determined that executive authority to address these emergency conditions under the Disaster Control Act expires on April 22, 1994;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Order No. 106 (Byrne) of June 19, 1981; No. 108 (Byrne) of September 11, 1981; No. 1 (Kean) of January 20, 1982; No. 8 (Kean) of May 20, 1982; No. 27 (Kean) of January 10, 1983; No. 43 (Kean) of July 15, 1983; No. 60 (Kean) of January 20, 1984; No. 78 (Kean) of July 20, 1984; No. 89 (Kean) of January 18, 1985; No. 127 (Kean) of January 17, 1986; No. 155 (Kean) of January 12, 1987; No. 184 (Kean) of January 4, 1988; No. 202 (Kean) of January 26, 1989; No. 226 (Kean) of January 12, 1990; No. 24 (Florio) of January 18, 1991; No. 52 (Florio) of January 17, 1992, and No. 80 (Florio) of January 15, 1993, shall remain in effect until April 22, 1994, when Executive Order No. 80 (Florio) shall expire in accordance with the judicial order set forth by the New Jersey Supreme Court in *County of Gloucester v. State of New Jersey* (decided April 22, 1993), except that, so long as the foregoing Orders are in effect, the per diem rate established as a result of Executive Order No. 106 (Byrne) shall be increased as established in P.L. 1993, c.155.

2. This Order shall take effect immediately.

(b)

OFFICE OF THE GOVERNOR
Governor Christine Todd Whitman
Executive Order No. 4(1994)
State of Energy Emergency

Issued: January 19, 1994.
Effective: January 19, 1994.
Expiration: Indefinite.

WHEREAS, a series of severe winter storms over the past several weeks consisting of snow accumulation, freezing rain, high winds and consistent freezing and sub-freezing temperatures have posed numerous risks and adverse life safety impacts upon the citizens of the State of New Jersey; and

WHEREAS, the extreme record cold temperatures, accompanied by severe wind chill factors and icy conditions have produced heavy residential and commercial usage of heat and electrical utilities which have resulted in electrical brownouts, stoppages and other heating shortages throughout the State; and

WHEREAS. the Board of Regulatory Commissioners is currently monitoring the energy supply shortage through its Emergency Information Center in order to keep apprised of and disseminate to all relevant parties, the most current information regarding the energy shortage; and

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WHEREAS, pursuant to law, the Acting Commissioner of the Department of Environmental Protection and Energy has made a finding that there exists an energy supply shortage of a dimension which endangers the public health, safety and welfare of all regions of the State;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT as follows:

1. There is hereby declared a state of energy emergency for all heat and electrical utilities for the entire State.

2. All State agencies, boards, authorities and commissions shall immediately manage their facilities in such a manner as to reduce the use of electricity.

3. All local and county governmental entities are encouraged to reduce their electrical usage to only essential usage for the duration of this state of energy emergency.

4. All commercial, residential and industrial power consumers are encouraged to reduce their use of electricity during this state of energy emergency.

5. In order to facilitate the reduction of energy usage by all State agencies, boards, authorities and commissions, and in order to protect the safety of all State employees from hazard due to the severe ice and weather conditions, all non-essential State employees ("employees") are released from work today, January 19, 1994, pursuant to the following schedule:

A. Any employee whose normal work day ends at 4 p.m. may leave at 3 p.m.;

B. Any employee whose normal work day ends at 4:30 p.m. may leave at 3:30 p.m.; and

C. Any employee whose normal work day ends at 5 p.m. may leave at 4 p.m.

6. This state of energy emergency shall remain in effect until it is rescinded by issuance of a subsequent Executive Order declaring that the state of energy emergency has terminated.

7. This Order shall take effect immediately.

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RULE PROPOSALS

MILITARY AND VETERANS' AFFAIRS

(a)

DIVISION OF VETERANS' LOANS, GRANTS AND SERVICES

Veterans' Programs and Services Policies and Procedures

Proposed New Rules: N.J.A.C. 5A:6

Authorized By: Richard J. Bernard, Sr., Deputy Commissioner Veterans' Affairs, Department of Military and Veterans' Affairs.

Authority: P.L. 1988, c.444; N.J.S.A. 38A:3-2.2 and 38A:3-6(o).

Proposal Number: PRN 1994-48.

Submit written comments by March 9, 1994 to:
Nicholas C. King
General Services Bureau
New Jersey Department of Military and Veterans' Affairs
CN 340
Trenton, New Jersey 08625-0340

The agency proposal follows:

Summary

These proposed new rules detail the eligibility criteria for New Jersey State Veterans' Entitlement Programs. These programs include the following:

The Post Traumatic Stress Disorder/Readjustment Counseling (PTSD/R) Program directed at providing assistance to New Jersey resident veterans suffering from the effects of military/combat related Post Traumatic Stress. This entitlement is intended as a supplement to existing Federally provided programs and utilizes private clinicians on a contractual basis.

The Veterans' Tuition Credit Program provides an educational support entitlement to full-time and part-time students who are New Jersey resident veterans and served in the Armed Forces of the United States between December 31, 1960 and May 7, 1975.

The Vietnam Veterans Tuition Aid Program provides renewal applicant veterans who reside in New Jersey and have a Vietnam Service Medal and who are pursuing an initial undergraduate degree with tuition assistance. This program is available to those Vietnam Veterans who applied for assistance during the five year period from when the legislation establishing the program was effective. The application period for this program closed on April 9, 1990.

Tuition Assistance for Children of POW/MIAs when accepted to pursue a course of undergraduate study. The program is available to any dependent of a United States Armed Forces Prisoner of War or Person Missing in Action who was a resident of the State.

Tuition Assistance for War Orphans Program provides for the educational assistance to children of New Jersey residents killed while on active duty with the Armed Forces of the United States.

The Veterans' Catastrophic Entitlement Program provides a State pension to resident veterans of the State who have been rated 100 percent disabled due to military service related causes for certain selected disabilities.

Social Impact

The provisions of these rules impact upon the veteran population of the State and upon the families of veterans. They do not apply to the general public. The impact of these rules are positive since they will clearly define how veterans can more effectively access services and programs.

The Post Traumatic Stress Disorder/Readjustment Counseling Program is intended to assist veterans who are suffering from the effect of combat to readjust to society and become more effective members of the community.

The Tuition Assistance programs are directed at aiding veterans and certain dependents of veterans in obtaining an education. In addition, they reflect the recognition of the dedicated services to State and nation by the citizens of New Jersey.

The Catastrophic Veterans' Pension Program is the State's method of recognition of the sacrifices made by veterans in military service and is intended to assist them in their daily lives.

Economic Impact

These proposed rules have no economic impact in general and will impose no obligations or costs to agencies outside of the Department of Military and Veterans' Affairs. The programs outlined in these proposed rules will assist selected veterans and their eligible dependents. Indirectly the PTSD/R Program will have a positive impact since the veteran will be enabled to be a more productive member of society placing fewer demands on the social systems of the State. The cost of the Tuition Assistance programs will be balanced by the ability of the recipient to complete higher levels of education thereby obtaining a higher level of employment. Finally the Catastrophic Veterans program will allow severely disabled veterans to live more effectively.

These programs are funded by the General Treasury as budget items. Except for minor adjustment, the amounts dedicated to these programs has remained constant and will continue to do so in the future.

Regulatory Flexibility Analysis

These proposed new rules do not impose any reporting or recordkeeping requirements. The proposed rules for Post Traumatic Stress Disorder do impose some compliance requirements on contract clinicians. Contract clinicians must make course of therapy recommendations, provide quarterly client evaluations and submit monthly expenditure reports. The Department does not anticipate that these requirements will cause any outside agency or service provider to incur capital costs or require professional services in order to comply. No lesser requirements are provided based upon business size since contracts for provider services are made based upon proposals submitted by the providers and payments are based upon veteran clients seen not business size.

Full text of the proposed new rules follows:

CHAPTER 6
DIVISION OF VETERANS' LOANS, GRANTS AND SERVICES
VETERANS' PROGRAMS AND SERVICES

SUBCHAPTER 1. GENERAL PROVISIONS

5A:6-1.1 Scope

(a) This chapter is applicable to all residents of the State who are veterans of the Armed Services of the United States of America and their families when appropriate as further identified herein.

(b) This chapter does not refer to the policies and procedures involved in the admission to and operation of the three veterans memorial homes of the Department nor does it cover burial entitlements at the B.G. William C. Doyle Veterans' Memorial Cemetery.

5A:6-1.2 Purpose

The purpose of this chapter is to outline, identify and establish the eligibility requirements, policies and procedures for the entitlement programs and services authorized for provision to New Jersey resident veterans by the State.

SUBCHAPTER 2. POST-TRAUMATIC STRESS DISORDER/ READJUSTMENT COUNSELING PROGRAM

5A:6-2.1 Scope

The New Jersey Post-Traumatic Stress Disorder/Readjustment Counseling Program (PTSD/R) has been established to provide assistance in the form of clinical counseling and continuity of care to veterans discharged other than dishonorably from the Armed Forces of the United States and their families. The New Jersey program is intended as a supplement to similar United States Department of Veterans Affairs or other government sponsored programs or when such assistance is exhausted.

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5A:6-2.2 Eligibility

Eligibility for the PTSD/R Program is limited to New Jersey resident veterans who have an other than dishonorable discharge from the Armed Forces of the United States and who suffer mental or emotional disorders as a result of combat related experiences. Family members of such veterans whose problems date to the veteran's emotional/mental disorder are also eligible.

5A:6-2.3 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Client" means a veteran or family member with a veteran participating in the PTSD/R Program.

"Family member" means the veteran's immediate family and includes significant others.

"Resident" means a veteran living in New Jersey as verified by:

1. Driver's license;
2. Tax bill;
3. Utility bill;
4. Doctor's bill; or
5. Notarized statement from the individual.

"Significant other" means a person who is cohabitating with the veteran in a manner to a spouse.

5A:6-2.4 Scope of service

(a) The PTSD/R Program consists of an initial evaluation period covering four visits after which the clinician will recommend the level of additional services. Additional services will be based on a quarterly evaluation and determination made by the clinician.

(b) Services will be provided for a period of two years. After two years fees paid to contract clinicians by the Department for client counseling sessions will be reduced on an annual basis until at the end of six years the clinicians will be compensated at a rate of five percent of the standard cost per hourly session.

5A:6-2.5 Procedures

(a) Application for services will be made directly to a Veteran Service Officer (VSO) of the Division of Veterans' Loans, Grants and Services (DVLGS). The VSO will conduct an interview and make an initial determination of eligibility.

(b) If the applicant meets the criteria established in N.J.A.C. 5A:6-2.2, the VSO will contact the Chief of Program Support, Division of Veterans' Loans, Grants and Services to determine current status of the program.

(c) Referrals to a clinician will be made on DMAVA Form 50, Contract Services Authorization (see Appendix A, incorporated herein by reference) which is filled out by the VSO. Copies of the form are to be given to the Chief of Program Support, DVLGS; the clinician and the individual. One copy shall be retained by the VSO for the individual's file.

(d) All individuals applying for services must be seen by a VSO. Clinicians (providers) may not assume the responsibility of taking on clients under the auspices of this program without following the procedures outlined in N.J.A.C. 5A:6-2.6. Any clients accepted by a clinician without proper referral will be the responsibility of the clinician.

(e) A veteran shall exhaust all avenues of counseling through the Federal system before making application to the Department of Military and Veterans' Affairs program. However, exceptions may be made by the Division Director, Division of Veterans' Loans, Grants and Services upon recommendation of the VSO when the Director feels that it is in the best interest of the veteran.

5A:6-2.6 Responsibilities

(a) The responsibilities of a Veterans' Service Officer (VSO) are as follows:

1. The VSO will be the PTSD/R contact person conducting initial screening interviews and giving authorization for services.

2. The VSO will coordinate with the clinician when the veteran is accepted into the program. DMAVA Form 50, Contract Services Authorization (Appendix A), shall be utilized to refer a client to a clinician by the VSO.

3. In the event that the veteran is placed on a waiting list, the VSO will maintain personal contact with the veteran at a minimum of once every 30 days advising him or her of his or her status on the waiting list.

(b) The responsibilities of the Division of Veterans' Loans, Grants and Services (DVLGS) are as follows:

1. The Director, DVLGS shall oversee the funding of the program and the services provided by the clinician to eligible veterans.

2. The Chief of Program Support, DVLGS, shall maintain any necessary waiting list advising VSOs when referrals may or may not be made.

3. DVLGS shall contract only with licensed mental health professionals in the State of New Jersey and Mental Health Agencies approved by the State of New Jersey under the certificate of need process and staffed in accordance with N.J.S.A. 30:9A-1 to 30:9A-11 and who have or are willing to gain experience with combat/military related Post Traumatic Stress Disorder.

4. DVLGS shall make all efforts to seek out funding sources.

5. The Director, DVLGS, through the Deputy Commissioner Veterans' Affairs and the Adjutant General, shall appoint a committee consisting of clinicians, representatives of veterans' organizations and State service officers which will advise the Division on aspects of the PTSD program.

(c) The responsibilities of clinicians are as follows:

1. After the initial evaluation, the clinician shall make recommendations as to the course of therapy for the client through the VSO to the Chief of Program Support, Division of Veterans' Loans, Grants and Services.

2. Clinicians will provide quarterly evaluations of the client outlining the continued level of service required through the VSO to the Chief of Program Support, DVLGS, utilizing DMAVA Form 51, Quarterly Review (see Appendix B, incorporated herein by reference).

3. At the completion of each counseling session, verification of the service provided shall be prepared by the clinician and presented to the client for signature.

4. Monthly expenditure reports will be submitted to the Fiscal Division, Department of Military and Veterans' Affairs by clinicians on the tenth of each month following the close of the reporting period.

5. If a client misses three or more consecutive sessions, he or she will be terminated from the program. However, the clinician must notify the individual in writing prior to said termination.

(d) The responsibilities of veterans/veterans' family member(s) (clients) are as follows:

1. The client will make the contact with the clinician within five business days of being contacted by the VSO that he or she has been accepted into the program.

2. Any client who misses three consecutive sessions is subject to termination from the program.

3. Any client who has been terminated, or ceased attending sessions, will have the right to appeal within 30 days to the Director, DVLGS through the VSO.

5A:6-2.7 Waiting list

(a) When the program reaches its client capacity, as determined by funding, a waiting list will be maintained.

(b) The date service was requested is the primary factor used to determine when clients are admitted into the program.

(c) At the time of the initial interview, if the veteran is placed on the waiting list he or she will be advised of the status.

(d) The VSO will maintain personal contact with the veteran at a minimum of once every 30 days advising him or her of his or her status on the waiting list.

5A:6-2.8 Funding

Funding will be determined annually by the State budget appropriation.

5A:6-2.9 Confidentiality

(a) The personal data of both the veteran and family members in the program and on the waiting list will not be disseminated to

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any other agency, department or entity on the Federal, State, county or municipal level without the approval of the individual veteran and/or family member.

(b) Statistical data compiled without reference to the individual may be used for presentation to all parties who require such for evaluation in support of funding or research.

SUBCHAPTER 3. VETERANS' TUITION CREDIT PROGRAM (N.J.S.A. 18A:71-64 et seq.)

5A:6-3.1 Scope

The Veterans' Tuition Credit Program provides an educational support entitlement to full-time and part-time students who are New Jersey resident veterans and served in the Armed Forces of the United States between December 31, 1960 and May 7, 1975.

5A:6-3.2 Residency

(a) The veteran will be considered a resident of the State if he or she:

1. Was domiciled in New Jersey at the time of induction into the Armed Forces of the United States;

2. Was domiciled in New Jersey at the time of separation from active duty; or

3. Was domiciled in New Jersey for a period of not less than 12 consecutive months prior to the date of application, exclusive of any time spent on active duty.

(b) Domicile is defined as the place where a person has a true, fixed, permanent home and principal establishment to which, when absent, there is the intention of returning.

5A:6-3.3 Approved educational institution

(a) An educational institution is:

1. Any academic, professional or vocational school operating within the State;

2. Any graduate level school operating within the United States; or

3. Any academic, professional or vocational school operating outside the State.

(b) To qualify as an "approved educational institution," any such institution must have been approved for veterans educational assistance pursuant to Federal law.

5A:6-3.4 Approved course of study

The eligible veteran shall be enrolled in any curriculum or any combination of unit courses or subjects at an educational institution which is approved for veterans educational assistance pursuant to Federal law.

5A:6-3.5 Full-time course requirements

(a) An institutional trade or technical course offered at a nonaccredited school on a clock-hour basis involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 30 hours per week of attendance is required with no more than two and one-half hours of rest periods per week and no more than three hours of supervised study per week allowed.

(b) An institutional course offered at a nonaccredited school on a clock-hour basis in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction (which may include customary intervals not to exceed 10 minutes between hours of instruction) is required and no more than three hours of supervised study per week is allowed.

(c) An institutional trade or technical course offered at an accredited school on a clock-hour basis which leads to a standard trade or technical degree and involves shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 22 hours per week of attendance is required with no more than two and one-half hours of rest periods per week and no more than three hours of supervised study per week is allowed.

(d) An institutional course offered at an accredited school on a clock-hour basis which leads to a standard trade or technical degree in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 18 hours per week of instruction (which may include customary intervals not to exceed 10 minutes between hours of instruction) is required and no more than two and one-half hours of supervised study is allowed.

(e) An academic high school course requiring 16 units for a full course shall be considered a full-time course when a minimum of four units per year is required. A unit is defined to be not less than 120, 60-minute hours or their equivalent of study in a subject in one academic year.

(f) An institutional undergraduate or graduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of 14 semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is granted but which are required to be taken to correct an educational deficiency), is required. Where such college or university certifies that full-time tuition is charged to all undergraduate or graduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof, or all undergraduate or graduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate or graduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course. In the event such minimum number of semester hours is less than 12 semester hours or the equivalent thereof, then 12 semester hours or the equivalent thereof shall be considered a full-time course.

5A:6-3.6 Half-time course requirements

Any course of study which is less than the full-time requirements outlined in N.J.A.C. 5A:6-3.5 must not be less than one-half of the full-time requirements to be eligible. Payment for half-time veterans is described in N.J.A.C. 5A:6-3.8.

5A:6-3.7 Calculation of tuition credit

(a) Each eligible veteran shall be entitled to tuition credit in accordance with the following schedule:

1. For a period of one semester (or the equivalent thereof in part-time tuition credit), in the case of educational institutions regularly operated on the semester system, for each three months or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he or she shall be entitled to tuition credit for a period of eight semesters (or the equivalent thereof in part-time tuition credit). The maximum credit under this paragraph shall be for the period of eight semesters;

2. For a period of one-quarter (or the equivalent thereof in part-time tuition credit) in the case of educational institutional regularly operated on the quarter system, for each two months or fraction thereof of the veterans' service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he or she shall be entitled to tuition credit for a period of 12 quarters. The maximum credit under this paragraph shall be a period of 12 quarters; or

3. For a period of 1½ months of any tuition period (or the equivalent thereof in part-time tuition credit) in the case of educational institutions not operated on the quarter or semester system, for each month or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he or she shall be entitled to tuition credit for 36 months of tuition credit (or the equivalent thereof in part-time tuition credit). The maximum credit under this paragraph shall be for the period of 36 months.

(b) If an eligible veteran shall change his or her program of study from an educational institution regularly operated on the quarter or semester system or otherwise, to an educational institution regularly operated on a different system, he or she shall submit a written request to the Director, Division of Veterans' Loans, Grants, and Services for a re-evaluation of the remaining tuition credits.

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5A:6-3.8 Award amount

(a) Benefits under this subchapter shall be in the form of tuition credits limited by the lesser of full tuition or:

1. For educational institutions regularly operated on a semester system, $200.00 per semester;

2. For educational institutions regularly operated on the quarter system, $100.00 per quarter;

3. For educational institutions not regularly operated on the semester quarter system, $400.00 per full school year prorated on an equal basis as determined by the Director of the Division of Veterans' Loans, Grants and Services.

(b) The award amounts shown in (a) above will be granted to all eligible veterans who are enrolled as full-time students as determined by the institution provided this determination meets the minimum requirements as described in N.J.A.C. 5A:6-3.5. For half-time students, the award will be one-half the amount shown.

(c) In the event that Program appropriations are insufficient to pay all eligible veterans the amount in (a) above, the Director of the Division of Veterans' Loans, Grants and Services shall prorate the available funds.

SUBCHAPTER 4. VIETNAM VETERANS TUITION AND AID PROGRAM (N.J.S.A. 18A:71-76.1 et seq.)

5A:6-4.1 Scope

The Vietnam Veterans Tuition Aid Program is available to renewal applicants who reside in New Jersey and who received a Vietnam Service Medal or an Armed Forces Expeditionary Medal and who are pursuing an initial undergraduate degree program in an approved New Jersey two- or four-year college or university. The Program is open only to those veterans who applied for acceptance during a legislated open enrollment period which closed on April 9, 1990.

5A:6-4.2 Eligible Vietnam veterans

(a) An eligible Vietnam veteran shall have:

1. Served in the Armed Forces of the United States in Southeast Asia in the Vietnam Conflict and received a Vietnam Service Ribbon or an Armed Forces Expeditionary Medal;

2. Been honorably discharged or generally discharged under honorable conditions; and

3. Been domiciled in New Jersey at the time of the effective date of N.J.S.A. 18A:71-76.1 et seq. for a period of not less than two consecutive years, exclusive of any time spent on active duty.

5A:6-4.3 Eligible institutions

Tuition benefits are available to eligible veterans enrolled in a public institution of higher education in this State or at an independent college or university located in this State licensed by the Board of Higher Education or approved for the training of veterans by the Department of Higher Education.

5A:6-4.4 Undergraduate enrollment

(a) The eligible Vietnam veteran must be enrolled or plan to enroll in an approved undergraduate degree program on at least a one-half time basis, that is, six credits per term, to be eligible to receive tuition benefits.

(b) The eligible Vietnam veteran with a 30 percent or more service connected disability as rated by the United States Department of Veterans Affairs shall be exempted from the six credit per term requirement and shall be allowed to register for less than six credit hours and still receive tuition assistance.

(c) The program is only applicable to the student's initial undergraduate degree program. A student who has earned the highest undergraduate degree offered by an institution shall not be eligible for benefits under this program at that institution. Students already possessing a baccalaureate degree are not eligible.

5A:6-4.5 Award amount

(a) Eligible Vietnam veterans attending a public institution of higher education pursuant to N.J.A.C. 5A:6-4.4 shall be entitled to tuition assistance in an amount not to exceed the tuition which they are charged.

(b) Eligible Vietnam veterans attending an independent college or university pursuant to N.J.A..C. 5A:6-4.4 shall be eligible for tuition assistance in an amount not to exceed the tuition which they are charged; however, the award shall not exceed the maximum tuition charged a resident undergraduate student at Rutgers, the State University.

(c) Students who attend less than full-time will be eligible to receive awards during summer terms as long as their total award during the period from September 1 to the following August 31 of any academic year does not exceed the award amount to a full-time undergraduate student at the same institution participating in this program during the regular academic year.

5A:6-4.6 Other financial aid programs

The amount of tuition assistance through this program when combined with other scholarships and grant assistance shall not exceed the student's educational budget.

5A:6-4.7 Period of eligibility

Eligibility for this program shall be limited to a period of five years from the effective date of this program, April 9, 1985. A Vietnam veteran shall be eligible for a tuition award for four academic years, unless enrolled in an undergraduate program regularly requiring five academic years for completion, in which case the student shall be entitled to a tuition award for a fifth year.

5A:6-4.8 Renewal

In order to continue to receive tuition benefits under this program, the eligible veteran must maintain good academic standing as defined in accordance with the standards established and enforced by the institution and approved by the Department of Higher Education, State Approving Agency, pursuant to 38 U.S.C. 1775 and 1776.

SUBCHAPTER 5. TUITION ASSISTANCE FOR CHILDREN OF POW/MIAs (N.J.S.A. 18A:71-61 et seq.)

5A:6-5.1 Scope

The Tuition Assistance for Children of POW/MIAs program is available to any dependent of a United States' Armed Forces prisoner of war or a person missing in action (POW/MIA) who was a resident of the State upon being accepted to pursue a course of undergraduate study in any private institution of higher education in this State or in any public institution of higher education of this State as enumerated in N.J.S.A. 18A:62-1. The dependent shall be allowed to obtain a bachelors degree, or certificate of completion, for so long as he or she is eligible, free of tuition.

5A:6-5.2 Dependent

"Dependent" means any child born before or during the period of time its parent was a prisoner of war or a person missing in action, or any child legally adopted or in the legal custody of the parent prior to and during the time the parent was a prisoner of war or a person missing in action.

5A:6-5.3 Prisoner of war and person missing in action (POW/MIA)

"Prisoner of war and person missing in action (POW/MIA)" means any person who was a resident of the State at the time he or she entered service of the United States Armed Forces, or whose official residence is within this State, and who, while serving in the Armed Forces has been declared to be a prisoner of war, or to be a person missing in action as established by the Secretary of Defense after January 1, 1960.

5A:6-5.4 Application procedures and terms of eligibility

(a) Once a person qualifies as a dependent there shall be no situation such as the return of the parent or the reported death of the parent that will terminate the eligiblity of the dependent.

(b) Once a dependent has been determined eligible for benefits, the student does not reapply for the program.

(c) Prior to the start of each academic year, each renewal student's file will be reviewed for remaining eligibility. Students may receive up to 2.5 years (five semesters) of payment at the two-year college level and up to four years (eight semesters) of payment at four-year institution (up to 5 years or 10 semesters of payment, if the student is enrolled in a regular program which requires five years

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of study). Renewal students with remaining eligibility should be contacted during the summer, prior to the start of each academic year, regarding their upcoming enrollment plans.

SUBCHAPTER 6. TUITION ASSISTANCE FOR WAR ORPHANS (N.J.S.A. 38:20-1 et seq.)

5A:6-6.1 Scope

The Tuition Assistance for War Orphans program provides for the educational assistance of State war orphans.

5A:6-6.2 War orphans

"War orphan" means any child between the ages of 16 and 21 years, domiciled in the State for at least 12 months prior to the time of application for benefits under this program, who being otherwise qualified is the child of any resident of this State who was killed in action or died from other causes while a member of the Armed Forces of the United States in time of war or emergency, or who is officially listed as "Missing in Action" by the Department of Defense, or who died or shall hereafter die of disease or disability resulting from such war or emergency.

5A:6-6.3 War and time of emergency

(a) "War" means:

1. World War I: April 6, 1917 to July 2, 1921; and

2. World War II: September 16, 1940 to September 2, 1945.

(b) "Time of emergency" means and includes any time after June 28, 1950, and prior to termination, suspension or revocation of the proclamation of the existence of a national emergency issued by the President of the United States on December 16, 1950, or termination of the existence of such national emergency by appropriate action of the President or Congress of the United States. "Time of Emergency" also includes any time of armed hostility or conflict with foreign adversary after December 31, 1960, and prior to the termination of the existence of such armed hostility or conflict with a foreign adversary by appropriate action of the President or Congress of the United States.

5A:6-6.4 Educational awards

(a) Educational awards shall be used to defray the cost and expense of the attendance of any eligible orphan at any State educational or other technical or professional school of education located in the State, approved by the State Board of Education located in the State or outside the State if desired course is not offered by a school or college in the State.

(b) Educational awards will be allocated for tuition or matriculation fees, board and room rent, books and supplies and other purposes incidental thereto.

(c) No more than four annual allotments of $500.00 each will be allowed to any one applicant.

5A:6-6.5 Application

(a) Application by otherwise eligible children will be made by letter directly to the Director Division of Veterans' Loans, Grants and Services, New Jersey Department of Military and Veterans' Affairs. The application shall include:

1. Proof of relationship to deceased Armed Forces service member, that is, a birth certificate;

2. Proof of New Jersey residency as indicated in N.J.A.C. 5A:6-6.2;

3. Proof of acceptance into a recognized New Jersey institution of higher learning as indicated in N.J.A.C. 5A:6-6.4(a);

4. POW/MIA—DD Form 1300; and

5. A War Orphans Death Certificate of the deceased showing that the veteran was either killed in action or died as a result of a disease or disability resulting from his or her military service.

SUBCHAPTER 7. VETERANS' CATASTROPHIC ENTITLEMENT (N.J.S.A. 38:18-1 et seq.)

5A:6-7.1 Scope

(a) This subchapter is applicable to all residents of the State who served in any capacity with the Armed Forces of the United States including the National Guard or Reserve during a wartime period and who have a 100 percent permanent service-connected disability rating from the United States Department of Veterans Affairs for one of seven disabilities declared to be catastrophic in nature by the New Jersey Department of Military and Veterans' Affairs.

(b) In addition to eligible New Jersey veterans, this subchapter applies to all widows/widowers of those New Jersey veterans who were in receipt of the veteran's catastrophic entitlement prior to the death or who would have been entitled had the veteran made application prior to death.

5A:6-7.2 Veterans' Catastrophic Entitlement eligibility criteria

(a) In order to be eligible for a Veterans' Catastrophic Entitlement, a veteran must:

1. Have been a legal resident of New Jersey at time of initial induction into the Armed Services of the United States;

2. Provide proof of discharge from the Armed Services of the United States indicating that the character of service was other than dishonorable or undesirable; and

3. Be a legal resident of New Jersey at time of application and must reside in the State of New Jersey while in receipt of the entitlement except for reasons of health or employment.

(b) Residency is defined as the place where a veteran has a true, fixed permanent home and permanent establishment, and to which, whenever the veteran is absent, there is the intention of returning.

(c) Proof of New Jersey residency is considered to be one of the following:

1. A New Jersey Driver's license;

2. A New Jersey Voter's Registration Card;

3. A paid New Jersey real estate tax bill;

4. A deed to New Jersey property;

5. Utility bills with the veteran's name and New Jersey address appearing thereon; or

6. Other similar documentation indicating New Jersey residency.

(d) The veteran must be in receipt of a 100 percent permanent service-connected disability rating from the United States Department of Veterans Affairs that resulted from war-time service for one of seven disabilities recognized to be catastrophic in nature by the Department of Military and Veterans' Affairs. The seven catastrophic disabilities for the Veterans' Catastrophic Entitlement are defined as the following conditions resulting from injury to the spinal cord, skeletal structure, brain or eyes sustained during wartime and through enemy action, an accident or from disease contracted while serving in the Armed Forces of the United States:

1. Loss of sight;

2. Amputation of both hands, both feet or one hand and one foot;

3. Hemiplegia and permanent paralysis of one leg and one arm or either side of the body;

4. Paraplegia and permanent paralysis of both legs and lower parts of the body;

5. Osteochondritis and permanent loss of the use of both legs;

6. Multiple Sclerosis and the loss of use of both feet or both legs;

7. Quadriplegia.

(e) In the absence of a 100 percent permanent wartime service-connected catastrophic disability, the veteran must be in receipt of a single 100 percent permanent wartime service-connected disability or a combination of permanent wartime service connected disabilities totaling 100 percent that are equivalent in nature to the medical symptomatology of one or a combination of the seven recognized catastrophic disabilities.

5A:6-7.3 Application

(a) Application by veterans shall be filed at any district office of the New Jersey Division of Veterans' Loans, Grants and Services. An application shall include:

1. A copy of DD 214 indicating induction into service;

2. Proof of New Jersey residency as indicated in N.J.A.C. 5A:6-7.2; and

3. A marriage certificate, if applicable.

(b) A certified marriage certificate will be submitted to the Division of Veterans' Loans, Grants and Services within one year of marriage when the marriage is subsequent to entitlement.

(c) An application for each catastrophic disability shall be filed separately in the event the veteran has more than one disability.

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5A:6-7.4 Entitlement awards

(a) Entitlement awards will be granted by the date the application was received in the district office of the Division of Veterans' Loans, Grants and Services.

(b) For each catastrophic disability, the award is $750.00 annually.

5A:6-7.5 Change of address within State

Changes of address within the State shall be submitted by the veteran within 30 days of the address change to the Division of Veterans' Loans, Grants and Services.

5A:6-7.6 Change of address out-of-State

(a) Continuity of entitlement for a veteran receiving the entitlement who moves out-of-State shall be granted if the move was for reasons of the veteran's health or employment, pursuant to this section.

(b) A change of address shall be submitted to the Division of Veterans' Loans, Grants and Services within 30 days of address change.

(c) The following medical or employment documentation shall be submitted by a veteran moving out-of-State who wishes to continue his or her entitlement:

1. A doctor's statement indicating the disability and necessity for change of address; or

2. An employer's statement indicating the out-of-State position's title and date of hire.

(d) Entitlement awards shall be suspended by the New Jersey Division of Pensions for 90 days pending submission of documentation set forth in (c) above to the Division of Veterans' Loans, Grants and Services within 30 days of the effective date of the requested change of address.

(e) Retroactive payment shall be granted upon receipt of documentation as indicated in (c) above.

(f) Entitlement shall be terminated if documentation is not submitted as indicated in (c) above by the end of the 90-day suspension period.

(g) Entitlement without retroactive payment may be granted pending the filing of a new application as indicated in N.J.A.C. 5A:6-7.2 through 7.4.

(h) In states where substantially similar compensation is available pursuant to an act where the veteran establishes new residency, the veteran may elect to continue to receive the entitlement from the State of New Jersey to the exclusion of payment from that state.

(i) The Director of the Division of Veterans' Loans, Grants and Services shall notify the veteran in letter if similar compensation is available from the state to which the veteran moved. In the event that such state provides similar compensation and the veteran elects continued entitlement from the State of New Jersey, verification of non-receipt of similar compensation payments shall be provided by the veteran within 30 days.

(j) In the event a veteran visits friends or relatives out of State for more than 60 days, the veteran shall notify the Division of Veterans' Loans, Grants and Services within 30 days for continuity of entitlement. Out-of-State visiting for more than six months shall be considered an out-of-State address change. Continuity of entitlement shall be granted as indicated in (a) through (h) above.

5A:6-7.7 Right to appeal

A veteran, a veteran's representative or next of kin may appeal a decision for eligibility for entitlement within one year of notification of decision. The appeal will be in writing and submitted with any new and material evidence to the Catastrophic Program Specialist who will forward the request for reconsideration with all documentation to the Director, Division of Veterans Loans, Grants and Services, Department of Military and Veterans' Affairs for final determination. The Director will respond to the appeal with a final decision within 60 days. If the appeal is received subsequent to the one year appeal period, it will be considered a new claim.

5A:6-7.8 Spouse Catastrophic Entitlement

(a) Spouse Catastrohic Entitlement will be in accordance with the provisions of the application process, eligibility criteria, approval criteria and termination as they apply to the veteran as indicated in N.J.A.C. 5A:6-7.2 through 7.4.

(b) The procedure for a change of address within or to another state are the same as those for the veteran as indicated in N.J.A.C. 5A:6-7.5 and 7.6(a) through (j).

1. Entitlement will be granted to a spouse living out-of-State at time of application when the veteran was granted out-of-State entitlement prior to death.

2. In the event said spouse moves out-of-State to a state other than New Jersey, entitlement and retroactive payment shall be granted as indicated in N.J.A.C. 5A:6-7.6(a) through (h).

(c) Entitlement shall be granted for each catastrophic disability that the deceased veteran was granted prior to death or would have been granted had the veteran made application as indicated in N.J.A.C. 5A:6-7.4(b). Application for each catastrophic disability will be filed separately as directed in N.J.A.C. 5A:6-7.3(b).

(d) Eligibility shall be granted as of the date the application was received in a district office of the New Jersey Division of Veterans' Loans, Grants and Services in the event the veteran's death occurred prior to April 9, 1985.

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APPENDIX A

NEW JERSEY DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
DIVISION OF VETERANS' LOANS, GRANTS AND SERVICES

CONTRACT SERVICES AUTHORIZATION

1. CONTRACTOR INFORMATION

A. Name of Contractor to provide services:

B. Provider #:

C. Address of Service Provider and Phone Number:

2. VETERAN INFORMATION

D. Name of Veteran (Last, First, Middle):

E. Social Security #:

F. Veteran Administration (VA) File Number:

G. This Veteran/Client has been determined eligible for the following:

H. I/We have informed the Veteran/Client of the following:

(1) He/She is eligible for an initial three (3) visits for assessment.
(2) If additional services are indicated, a treatment plan must be provided, to authorize continued contract services.

3. RELEASE STATEMENT/INFORMATION

I. The Provider must treat all personal records of applicants for and the recipients of contract services in accordance with all applicable Federal and State legislation and regulations, including Executive Orders, governing access to and confidentiality of records. With exceptions specified below, the Provider may not release or disclose records except to authorized personnel of the Provider, the State Agency or another appropriate unit, agency, or agent of State or Federal government which is approved by the State Agency for receipt of the information. Exceptions are as follows:

(1) When release or disclosure is court ordered;
(2) When the applicant or recipient gives prior written approval as to the information to be released or disclosed and the person(s) and/or agency(ies) to receive the information.

4. AUTHORIZATION INFORMATION

J. County:	K. Signature:	L. Title:	M. Date:	N. Telephone No.

NJDMAVA Form 50, 1 Feb 93 (Previous Editions are Obsolete)
ORIGINAL: Central Office; YELLOW: VSO; PINK: Contractor; GOLD: Client

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APPENDIX B

NEW JERSEY DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS
DIVISION OF VETERANS' LOANS, GRANTS AND SERVICES

QUARTERLY REVIEW

Administrative Information:

Patient's Name	ID#	Age	Sex (M/F)
Address	City	State	Zip Code

Education status (check one):
_____ pre-school _____ elementary school _____ high school _____ some college
_____ undergraduate degree _____ graduate degree _____ post-graduate degree _____ other

Date of onset of difficulty: _____
Date of initial consultation: _____

Sessions
Dates/Character—anticipated number of sessions (frequency) _____

_____ individual _____ group Fee(s) per session $ _____

Diagnosis: AXIS I _____ AXIS II _____ AXIS III _____ NO _____ YES _____
Status of the patient: _____ voluntary _____ involuntary
_____ inpatient _____ outpatient

Reason for continuing mental health services
The reason for continuing mental health services, limited to an assessment of the patient's current level of impairment and level of distress (both described by the term mild, moderate, severe or extreme)

Level of impairment: _____ mild _____ moderate _____ severe _____ extreme
Level of distress: _____ mild _____ moderate _____ severe _____ extreme

Prognosis: (Limited to the estimated minimal time during which treatment might continue): _____

Date Request Received: _____

Name of Treating Therapist: _____

Date Information Sent: _____ Signature: _____

NJDMAVA Form 51, 24 Nov 93

EDUCATION

(a)

STATE BOARD OF EDUCATION

Eye Protection in Public Schools

Proposed Amendment: N.J.A.C. 6:29-1.7

Authorized By: State Board of Education, Mary Lee Fitzgerald, Secretary, State Board of Education and Commissioner, Department of Education.
Authority: N.J.S.A. 18A:40-12.1 and 12.2.
Proposal Number: PRN 1994-94.

Submit written comments by March 9, 1994 to:
Elease E. Greene-Smith
Administrative Practice Officer
NJ Department of Education
225 East State Street, CN 500
Trenton, New Jersey 08625-0500

The agency proposal follows:

Summary

N.J.A.C. 6:29-1.7, Eye protection in public schools, originally became effective on October 14, 1965 when it was adopted as regulations implementing P.L. 1965, c.159. This section specifies standards for eye protection for students and school staff when working with or being exposed to substances and equipment that are potentially hazardous to their eyes. On May 5, 1993 the State Board of Education, pursuant to Executive Order No. 66(1978), readopted N.J.A.C. 6:3. As proposed at 25 N.J.R. 1095(a), the provisions at N.J.A.C. 6:3-1.14 were repealed and reproposed as new rules in N.J.A.C. 6:29-1.7. The current proposed amendments to N.J.A.C. 6:29-1.7 are the result of comments received during the (March 15, 1993 to April 14, 1993) public comment period for the readoption of N.J.A.C. 6:3. At adoption, the Department determined that further study was necessary to appropriately respond to the recommendation to include in N.J.A.C. 6:29-1.7 requirements for periodic education for school staff responsible for implementing eye protection standards and inspection of eye devices. The proposed amendments address these concerns.

The substantive changes are as follows:

It is proposed that N.J.A.C. 6:29-1.7 be retitled "Eye protection in schools," since the provisions in this section pertain to State-approved private schools for the handicapped in addition to public schools.

N.J.A.C. 6:29-1.7(a) is being amended to more clearly define the individuals, agencies and programs under the regulatory authority of the Department of Education covered by this rule. N.J.A.C. 6:29-1.7(a) also cross-references Special Education rules found in N.J.A.C. 6:28 and corrects an error in the citation of N.J.A.C. 6:8-1.1.

N.J.A.C. 6:29-1.7(b)1 is being amended to update the reference of ANSI Z87.1-1979 to 1989. N.J.A.C. 6:29-1.7(c) is being amended to reference the current address for the Department of Education Administrative Code Office. N.J.A.C. 6:29-1.7(f)1 and 9 are being amended to include all staff members in the group of individuals required to comply with these rules.

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N.J.A.C. 6:29-1.7(g) is a new provision. It requires that annual training and necessary supplies and equipment be provided to all school staff responsible for implementing the institution's mandated eye safety policies and program. Training is being added to the rules because inadequate eye safety practices and resulting injuries persist in educational programs. The provision of supplies and equipment is being required to ensure that staff can implement the eye safety practices described in N.J.A.C. 6:29-1.7(a) through (f).

Social Impact

All public schools have been required to comply with the provisions of the rules for eye protection since 1965. Although 135 approved private schools for the handicapped receiving public funds come under the regulatory authority of the Department of Education, the administrative code did not specify that they were required to adhere to the provisions of these rules. In addition, many educators in these schools were unfamiliar with appropriate eye safety practices. As a result students and visitors were unnecessarily exposed to eye hazards. In the past, information on eye safety was disseminated to public schools by the Department. Even with this help, school programs continue to report a high rate of eye injuries. It is anticipated that the following benefits will be realized by the amendments to N.J.A.C. 6:29-1.7:

- Pupils and staff in approved private schools for the handicapped will now be protected by the eye safety standards.
- All staff members in educational institution's will perform model appropriate behavior, thereby giving a clear and consistent message regarding the importance of eye safety.
- Educators will be more aware and mindful of the state's and institution's eye safety requirements and the importance of these in preventing eye injuries and illnesses.
- Reduced numbers of eye injuries and illnesses in educational institutions will result.

Economic Impact

The effective risk management steps necessitated by compliance with the proposed amendments will have a positive economic impact on the institutions affected. Fewer accidents and injuries in their educational programs and activities will yield cost savings in areas such as insurance premiums, workman's compensation claims, and the increasing costs of litigation resulting from preventable accidents.

The proposed amendments will have no economic impact upon the State and little or no negative economic impact upon the institutions covered by these rules. Proposed N.J.A.C. 6:29-1.7(g) covers annual eye safety training and provision of supplies and equipment. The training requirement can be complied with, at no additional cost to institutions, by including it in other mandated safety and health training. Institutions are already required under either the Occupational Safety and Health Act (OSHA) or Public Employees OSHA to provide the mandated supplies and equipment to protect the health and safety of their employees. Vocational programs already comply with these standards. Therefore, only school visitors exposed to eye hazards and students in science and art programs would require additional supplies and equipment.

Regulatory Flexibility Analysis

The small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., impacted by these proposed amendments include 135 approved private schools for the handicapped. The only new compliance provision contained in this section deals with staff training and the provision of supplies and equipment to protect students engaged in potentially hazardous programs and activities. Any school offering instruction in such programs and activities once aware of these standards would be sure to provide the supplies and equipment necessary to protect the safety and health of their students and staff. As indicated in the Economic Impact Statement, the training requirement can be integrated into other mandated safety and health training at no additional cost to these schools.

Because the health, safety and welfare of the public, in particular handicapped children, are being protected, all aspects of this rule must apply. Effective risk management resulting from compliance with these rules will have a positive economic impact on small businesses, as noted in the Economic Impact section above. By eliminating injuries, costs of insurance, workers' compensation claims, and litigation will be significantly reduced.

There are no additional recordkeeping or reporting requirements contained in the proposed amendment.

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

6:29-1.7 Eye protection in [public] schools

(a) Each district board of education **and approved private school for the handicapped as defined in N.J.A.C. 6:28-1.3** shall require each pupil, teacher**, staff member** and visitor in [the public] **its** schools [of the district], including evening adult school[s] programs, to wear appropriate eye protective devices while participating in any [regular school program] **educational activities and programs** as defined in N.J.A.C. [6:8-1.1] **6:4-1.2** in which caustic or explosive chemicals or materials, hot liquids or solids, molten materials, welding operations of any type, repairing or servicing of vehicles, heat treatment or tempering of metals, the shaping of solid materials and laser device operation and experimentation or any similar process or activity is engaged in, exposure to which might have a tendency to cause damage to the eyes.

(b) The term "appropriate eye protective device" shall include plain or prescription lenses provided the lenses and other portions of the device meet or exceed the prescribed specifications for the device. Specifications for appropriate eye protection for various activities shall meet or exceed standards described in (b)1 and 2 below. The standards, with all subsequent amendments and supplements, are hereby adopted as rules and incorporated herein by reference.

1. American National Standard Practice for Occupational and Educational Eye and Face Protection, ANSI Z87.1-[1979]**1989**.

2. (No change.)

(c) The documents in (b)1 and 2 above are available for review at the Administrative Code Office, Department of Education, 225 [West] **East** State Street, CN 500, Trenton, New Jersey 08625-0500. These documents may be purchased from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(d)-(e) (No change.)

(f) Each district board of education **and approved private school for the handicapped** shall establish and implement a specific eye protective policy and program to assure that:

1. No [teacher] **staff member (teacher)**, pupil or visitor shall be subjected to any hazardous environmental condition without appropriate eye protection;

2.-8. (No change.)

9. Pupils, teachers**, administrators** or visitors wearing personal corrective eyewear shall be required to wear cover goggles or similar devices unless it can be certified, by competent authority, that the personal eyewear meets or exceeds standards identified in (b) above.

(g) Each district and approved private school for the handicapped shall provide annual training and appropriate supplies and equipment to all school personnel responsible for implementing the district's or the approved private school's for the handicapped eye safety policies and program. The training shall cover all aspects of eye protection in schools as described in (a) through (f) above.

(a)

STATE BOARD OF EDUCATION

The Reporting of Allegations of Child Abuse

Proposed Amendments: N.J.A.C. 6:29-9.1 and 9.2

Authorized By: State Board of Education, Mary Lee Fitzgerald, Secretary, State Board of Education and Commissioner, Department of Education.

Authority: N.J.S.A. 18A:1-1, 18A:4-15, 18A:6-10 et seq., 18A:25-1, 18A:25-6, 18A:36-19 and N.J.S.A. 9:6-3.1, 9:6-8.9, 9:6-8.10, 9:6-8.13, 9:6-8.14, 9:6-8.21, 9:6-8.40, 9:6-8.72a and N.J.A.C. 10:129-2.1.

Proposal Number: PRN 1994-95.

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Submit written comments by March 9, 1994 to:
Elease E. Greene-Smith
Administrative Practice Officer
NJ Department of Education
225 East State Street, CN 500
Trenton, New Jersey 08625-0500

The agency proposal follows:

Summary

The State Board of Education adopted N.J.A.C. 6:3-5 on March 1, 1989. This subchapter was readopted with amendments and recodified as N.J.A.C. 6:29-9 on June 7, 1993. The rules implement the legislative requirements of N.J.S.A. 9:6-1 et seq., enacted as P.L.1987, c.341, which requires the Department of Education, in consultation with the Department of Human Services, to adopt rules concerning the relationship, rights and responsibilities for local school districts, and the Department of Human Services, in reporting and investigation allegations of child abuse.

The department has considered comments from the public and the Department of Human Services which could not be adequately addressed during the sunset review process which resulted in the adoption of N.J.A.C. 6:29-9 on June 7, 1993. The proposed amendments to the rules, based on the comments, are as follows:

Subchapter 9 addresses only the reporting of child "abuse." Language has been added to ensure that school personnel understand that N.J.S.A. 9:6-8.1 encompasses acts and omissions which include neglect as well as abuse, within the scope of the reporting requirement. The proposed amendment begins with the title of the subchapter, which has been changed to, The Reporting of Allegations of Child Abuse and Neglect.

Language was added to N.J.A.C. 6:29-9.2(a)3 which is taken directly from the statute (N.J.S.A. 9:6-8.13) which is the basis for this section, in order to further emphasize the extent of the protection that is afforded school personnel who make a report of child abuse or neglect in good faith.

Provisions were added to N.J.A.C. 6:29-9.2(a)7iv which requires district boards of education to consider as confidential information about alleged child abuse or neglect by school employees, and to separately maintain and secure related personnel records.

N.J.A.C. 6:29-9.2(a)7viii has been added requiring that boards of education remove from an employee's personnel records, references to DYFS reports and records of child abuse and neglect, when an allegation regarding an employee is determined to be unfounded.

Social Impact

It is expected that the adoption of the proposed amendments to N.J.A.C. 6:29-9 will have a positive social impact. School employees are more likely to report suspected instances of child abuse and neglect with the protections afforded them for reporting in good faith. Additionally, the willingness of school employees to intervene in conflicts between students to prevent or reduce violence should be supported by the assurance offered in the rules regarding the disposition of unfounded child abuse allegations against them.

Economic Impact

No additional costs to school districts will be incurred due to the adoption of this rule, as amended.

Regulatory Flexibility Statement

As defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., approved private schools for the handicapped are the only small businesses impacted by the proposed rule amendments. The compliance requirements relative to maintaining the confidentiality of personnel records pursuant to N.J.A.C. 6:29-9.2(a)7iv and the removal of all reference to allegations of suspected child abuse and neglect from a school employee's personnel records, upon a finding by the DYFS that the allegation is unfounded (N.J.A.C. 6:29-9.2(a)7viii), may require additional cost and personnel time for approved private schools for the handicapped. However, the Department has not provided lesser requirements for small businesses in the proposed amendments because it is anticipated that any additional cost or personnel time will be minimal and will be far outweighed by the confidentiality and due process standards generated by these compliance requirements.

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

6:29-9.1 Purpose

The purpose of this subchapter is to establish uniform Statewide policies and procedures for public school personnel to report allegations of child abuse **and neglect** to the Division of Youth and Family Services (DYFS) and to cooperate with the investigation of such allegations.

6:29-9.2 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures for the reporting and the cooperation with the Division of Youth and Family Services (DYFS) in investigations of child abuse **and neglect.** District policies and procedures developed pursuant to this subchapter shall be reviewed and approved by the county superintendent. These policies and procedures shall not be limited to the following, but shall:

1. Include provisions requiring school personnel, compensated and uncompensated (volunteer), to immediately report to the DYFS incidents of child abuse **and neglect.** The person reporting the alleged child abuse **and neglect** shall inform the school principal or his or her designee of the report after the DYFS referral has been made. However, notice to the principal or his or her designee need not be given when the person believes that such notice would be likely to endanger the referrer or child(ren) involved or when the person believes that such disclosure would be likely to result in retaliation against the child or in discrimination against the referrer with respect to his or her employment.

i. School personnel having reasonable cause to believe that a child has been subjected to child abuse **or neglect** or acts of child abuse **or neglect** as defined under N.J.S.A. 9:6-8.9 shall immediately report to the DYFS (see N.J.S.A. 9:6-3.10). When referring cases to the DYFS, the school referrer shall provide, when possible, the following information:

(1)-(6) (No change.)

2. Include a statement indicating the importance of early identification of child abuse **or neglect**;

3. Provide assurances that no school personnel will be discharged from employment or in any manner discriminated against **with respect to compensation, hire, tenure or terms, conditions or privileges of employment** as a result of making in good faith a report or causing to be reported an allegation of child abuse (N.J.S.A. 9:6-8.13);

4. Require procedures for the following:

i. District cooperation with the DYFS in investigations of child abuse **or neglect** that has occurred at any time outside or within the confines of the school or during a school-related function;

ii.-iv. (No change.)

5. (No change.)

6. Include provisions for the annual delivery of information and in-service training programs to school personnel concerning child abuse **or neglect**, instructional methods and techniques relative to issues of child abuse **or neglect** in the local curriculum, and personnel responsibilities pursuant to N.J.S.A. 9:6-8.10 et seq.;

i. All new school district employees, both paid and voluntary, shall receive the required information and training as part of their orientation;

7. Detail the responsibilities of the district board of education as follows:

i.-iii. (No change.)

iv. Maintain, [and] secure, **and release** all confidential information about child abuse cases in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:6-8.10a, and N.J.A.C. 6:3-6;

(1) Information regarding allegations of child abuse or neglect reported to, investigated and reported upon by DYFS about a school employee shall be considered confidential and may be disclosed only as required in order to cooperate with DYFS investigations pursuant to N.J.A.C. 6:29-2(a)4 or by virture of a court order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the district chief school administrator or his or her designee.

v. (No change.)

vi. Cooperate with the DYFS when it is necessary to remove the child(ren) from his or her home for proper care and protection and

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when such removal results in the transfer of the child to a school other than the one in which he or she is enrolled; [and]

vii. Provide due process rights to school personnel who have been reassigned or suspended in accordance with N.J.S.A. 18A:6-10 et seq., 18A:25-1, 18A:25-6, and N.J.S.A. 9:6-3.1. Temporary reassignment or suspension of school personnel alleged to have committed an act of child abuse shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child (see N.J.S.A. 18A:6-10 et seq. and N.J.S.A. 9:6-3.1)[.]**; and**

viii. Remove from the employee's personnel records all references to a report to the DYFS and/or the official notice from the DYFS of child abuse or neglect regarding a school district employee, immediately following the receipt of an official notice from the DYFS that the allegation was unfounded. Such DYFS report regarding a school employee shall not be used against the employee for any purpose relating to employment, including but not limited to, discipline, salary, promotion, transfer, demotion, retention or continuance of employment, termination of employment or any right or privilege related thereto.

HEALTH

(a)

DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH SERVICES

Worker and Community Right to Know Act
Right to Know Hazardous Substance List
Special Health Hazard Substance List

Proposed Repeal and New Rules: N.J.A.C. 8:59, Appendices A and B

Authorized By: Bruce Siegel, M.D., M.P.H., Commissioner, Department of Health.

Authority: N.J.S.A. 34:5A-1 et seq., specifically N.J.S.A. 34:5A-30.

Proposal Number: PRN 1994-88.

Submit written comments by March 9, 1994 to:
Richard Willinger, Program Manager
Right to Know Program
Occupational Health Service
New Jersey Department of Health
CN 368
Trenton, NJ 08625-0368
(609) 984-2202

The agency proposal follows:

Summary

N.J.A.C. 8:59, Appendix A, was originally adopted on June 18, 1984 and Appendix B was originally adopted on October 1, 1984, to implement the requirements of the Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq. Appendix A was amended on October 1, 1984, and both Appendices were readopted on September 29, 1989.

Appendix A contains a list of hazardous substances which pose a threat to the health or safety of public employees, emergency responders, and community residents. The list was originally called the Workplace Hazardous Substance List. However, since the list incorporates the Environmental Hazardous Substance List regulated by the Department of Environmental Protection and Energy in their implementation of Community Right to Know, and the chemicals overlap, the list is now called the Right to Know Hazardous Substance List.

Appendix B, a subgroup of Appendix A, indicated by the symbol "#" or "+" in front of the name of the substance, contains a list of hazardous substances "which, because of their known carcinogenicity, mutagenicity, teratogenicity, flammability, explosiveness, corrosivity, and reactivity pose a special hazard to health and safety" of public employees, emergency responders, and community residents. This list is called the Special Health Hazard Substance List.

The significance of a substance being listed on the Right to Know Hazardous Substance List for public employers is that it must be reported on the Right to Know Survey and public employees must receive training about the chemical.

The significance of a substance which meets the criteria of N.J.A.C. 8:59-10 being listed on the Special Health Hazard Substance List is that a covered employer cannot claim trade secrecy for that substance and must report it on the Right to Know Survey (for public employers) or Community Right to Know Survey (for private employers), and list its chemical name on container labels.

In addition, there is a new significance for Special Health Hazard Substances or products containing these substances. A new amendment to the Right to Know labeling rule, at N.J.A.C. 8:59-5.6(a)4 and 5.6(g), sets a threshold below which a container does not have to have a Right to Know label unless it contains a Special Health Hazard Substance (such as a carcinogen, mutagen or teratogen) or the product in the container meets the criteria of a Special Health Hazard Substance (for flammables, reactives and corrosives).

The Lists are necessary because of the need for public employees, emergency responders, and community residents to know what chemicals are hazardous and what their hazards are. Through use of the Lists for reporting hazardous chemicals and training, public employees, emergency responders, and citizens can find out where hazardous substances are kept in their community and workplace, what the hazards are and how to respond to them, and whether they should seek medical attention, change work practices, or change their living conditions as a result of exposure or potential exposure to the hazardous substances.

It is now proposed to change the Appendices by adding and deleting substances to the Right to Know Hazardous Substance List and Special Health Hazard Substance List, adding and deleting special health hazard codes to the Special Health Hazard Substance List, and adding and deleting Substance Numbers, DOT numbers, Chemical Abstracts Service numbers, and Reference Source numbers to the Right to Know Hazardous Substance List. Chemicals listed from the Reference Sources are being updated along with the Source citations, and unnecessary listings are being deleted from the United States Department of Transportation List of Hazardous Materials (Source #3).

Due to the numerous changes being made to the Lists and the impracticality of showing all the changes, the Lists are being revised by repealing the existing rules (existing Lists in Appendices A and B) and promulgating new rules (new Lists in Appendices A and B).

The rule governing the two lists states that "Annual revisions to the Right to Know Hazardous Substance List proposed by the Department shall be submitted to the Advisory Council for review and shall be published in the New Jersey Register as a notice of pre-proposal for a rule pursuant to the requirements of N.J.A.C. 1:30-3.2." (N.J.A.C. 8:59-9.3(d)) The proposed revisions to the lists were submitted to the Right to Know Advisory Council in January 1993 for review and were published as a pre-proposal in the New Jersey Register on March 1, 1993 at 25 N.J.R. 792(b).

The rule further states that "Notice of proposed revisions to the Right to Know Hazardous Substance List shall be published ... in the New Jersey Register as a proposed amendment to these rules in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. At least 30 days shall be allowed for public comment. A public hearing shall be held, if, in the Department's determination, there is significant public interest in the proposal." (N.J.A.C. 8:59-9.3(f)) Since there were very few comments on the pre-proposed lists, a public hearing will not be held on the proposed Lists. Written comments may be submitted to the Department within the 30 day comment period.

In response to the March 1, 1993 pre-proposal, written comments were received from six organizations, one of which presented testimony at the March 26, 1993 public hearing regarding the pre-proposal. Comments were received from Passaic Color and Chemical Company, the Pesticide Safety and Right to Know Coalition, the Coalition Against Toxics, Atlantic Electric, Owens-Corning Fiberglass Corporation, and Union Carbide Corporation.

The following summarizes the comments received about the pre-proposed Right to Know Hazardous Substance List and Special Health Hazard Substance List both during the comment period and at the public hearing held on March 26, 1993, and provides the Department's responses to these comments. All comments are on file at the Department of Health, and can be reviewed by arrangement with Mr. Willinger, 609-984-2202, or by letter to Richard Willinger, Program Manager, Right to Know Program, Department of Health, CN 368, Trenton, N.J. 08625-0368.

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1. COMMENT: Passaic Color and Chemical Company requests that the generic category of Azo Dyes, Substance number 3298, which is being proposed as an addition to the Right to Know Hazardous Substance List, be deleted from the List because, while some Azo Dyes have been found to cause allergies, there has not been sufficient testing to conclude that all Azo Dyes cause allergies. The specific Azo Dyes that are allergenic are already listed on the Right to Know Hazardous Substance List.

RESPONSE: The commenter has submitted well documented material and the Department had deleted generic Azo Dyes from the list, in this proposal.

2. COMMENT: The Pesticide Safety and Right to Know Coalition and the Coalition Against Toxics support the changes and additions to the Right to Know Hazardous Substance List.

RESPONSE: The Department appreciates the support, and notes that additional changes needed to be made to the pre-proposed Lists. These changes are reflected in the within proposal, for which comment will be received until March 9, 1994.

3. COMMENT: Union Carbide points out that some of the sources cited are not the most recent versions, such as ACGIH (most recent version is 1992-93), DOT (corrections were made in 1992), NTP (most recent version is 1991), CERCLA (amendments were made in 1992), RCRA (amendments were made in 1990 and 1991), and OSHA (the 1989 amendments were invalidated), and suggests that, since many of the amendments to the sources correct, add, and delete substances, the most recent versions be used.

RESPONSE: The Department agrees that the most recent version of sources should be used and has updated the information on the Right to Know Hazardous Substance List and Special Health Hazard Substance List, using the most recent version of sources.

4. COMMENT: Owens-Corning Fibeglass requests that "Fibrous Glass," Substance number 0933, be deleted from the Right to Know Hazardous Substance List because the term is overly broad and includes forms of glass fibers, such as continuous filament, for which there is no scientific evidence of any significant acute or chronic health effect. In the alternative, the listing should be changed to read "glass wool fibers, respirable size," due to positive implantation studies.

RESPONSE: The Department lists hazardous chemicals as they appear on the lists used to create the Right to Know Hazardous Substance List. Since ACGIH uses the term "Fibrous Glass," this wording will continue to be used. However, since ACGIH qualifies their listing with the word "dust," the qualifier "dust" has been added to the proposed Right to Know Hazardous Substance List.

5. COMMENT: Atlantic Electric advises that many chemicals are not considered hazardous unless they are found as air contaminants in a particular physical state such as dust, mist, fume, or vapor. They request that the listings for certain chemicals on the Right to Know Hazardous Substance List and Special Health Hazard Substance List be made more specific about the form or physical state the chemical must be in before it is considered hazardous. For example, OSHA says that Gypsum is hazardous as a dust; Mica is hazardous as a dust; Silica is hazardous as a dust; Titanium Dioxide is hazardous as a dust; and Cadmium is hazardous as a dust or fume. The DOT says that Lithium is hazardous in its metallic form, not as a compound. Gypsum in wallboard, Mica in a solid electrical insulator, Silica bound in a liquid product, and Titanium dioxide as a liquid paint pigment would not be considered hazardous.

RESPONSE: The qualifiers listed on the OSHA Hazardous Materials List will be added to the Right to Know Hazardous Substance List as follows: "Gypsum (Dust)," Mica (Dust)," "Dust" will be added to the different listings for Silica, and "Titanium Dioxide (Dust)." Lithium will not be changed because its CAS number identifies it as being in a metallic form. Cadmium will not be qualified because at least one of its sources does not limit its hazard to dust and fumes.

Other changes are being made upon the Department's own initiative to add, delete, and correct entries on the Right to Know Hazardous Substance List and Special Health Hazard Substance List which are contained in this proposal.

A. Appendix A—Right to Know Hazardous Substance List

The Department proposes to add hazardous substances to the Right to Know Hazardous Substance List. Most of these substances come from the U.S. Department of Transportation's Hazardous Materials Table, 29 CFR 172.101 (Source #3), and the U.S. Department of Transportation's Emergency Response Guidebook (Source #17). Others come from new sources being added to the List from the U.S. Enviromental Protection Agency—List of Acutely Toxic Chemicals (Source #16), Section 313 List of Toxic Chemicals from SARA—Title III (Source #18), Section 302 List of Extremely Hazardous Substances from SARA—Title III (Source #19), List of Hazardous Substances from CERCLA (Source #20), and the RCRA List of Hazardous Wastes (Source #21).

In addition, the Department proposes to add generic categories of hazardous substances and materials to the Right to Know Hazardous Substance List. These substances and materials are cited by the U.S. Department of Transportations's Hazardous Materials Table, 29 CFR 172.101 (Source #3) and the U.S. Department of Transportation's Emergency Response Guidebook (Source #17).

The Department also proposes to add synonyms to the Right to Know Hazardous Substance List in order to enable employers, public employees and the general public to find hazardous chemicals that are commonly known by more than one chemical name. A few of the synonyms have Chemical Abstracts Service numbers in order to reflect the fact that they are different isomers of chemicals that are known by the same chemical name. The addition of synonyms makes it easier to find hazardous substances on the list and to label, since these synonym names may already be in use on labels.

A list of substances, generic categories, and synonyms being added to the Right to Know Hazardous Substance List is available from the Right to Know Program, New Jersey Department of Health, CN 368, Trenton, New Jersey 08625-0368. Additional copies of the entire list are available in printed form at no charge, and on diskette in DBase IV or in ASCII, for $25.00 (to cover costs).

A new column of information has been added to the Right to Know Hazardous Substance List to benefit emergency responders. This column provides the U.S. Department of Transportation Number, which is extensively used by emergency responders to locate important information about hazardous chemicals in the DOT Emergency Response Guidebook.

All of the reference source citations are being updated to reflect the most current editions of the cited publications, and the chemicals cited by the National Institute for Occupational Safety and Health (NIOSH) in Sources #4, 9, 10 and 11 are being combined into a new NIOSH Compendium document in Source #4. The new reference sources whose hazardous substances are being added to the Right to Know Hazardous Substance List include:

Source #16—List of Acutely Toxic Chemicals, Chemical Emergency Preparedness Program, U.S. Environmental Protection Agency, December 1985.

Source #17—1990 Emergency Response Guidebook, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, March 31, 1990.

Source #18—List of Toxic Chemicals, Section 313, Title III—Emergency Planning and Community Right to Know, Superfund Amendments and Reauthorization Act of 1986 (SARA), Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, 40 CFR 372.65, July 1, 1992.

Source #19—List of Extremely Hazardous Substances and Their Threshold Planning Quantities (TPQ), Section 302, Title III—Emergency Planning and Community Right to Know, Superfund Amendments and Reauthorization Act of 1986 (SARA), U.S. Environmental Protection Agency, 40 CFR 355—Emergency Planning and Notification, Appendix A, July 1, 1992.

Source #20—List of Hazardous Substances and Reportable Quantities (RQ), Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), U.S. Environmental Protection Agency, 40 CFR 302, Table 302.4, July 1, 1992.

Source #21—Hazardous Wastes from the P and U Lists, Resource Conservation and Recovery Act (RCRA), U.S. Environmental Protection Agency, 40 CFR 261.33, July 1, 1992.

Five of these new reference sources are from the U.S. Environmental Protection Agency and one is from the U.S. Department of Transportation. Some were prepared for purposes of hazardous chemical contamination of the environment, while some were meant to address both environmental contamination and workplace and emergency responder exposures. Most of the chemicals on these new reference sources are already on the Right to Know Hazardous Substance List, however, some are new additions to the List.

B. Appendix B—Special Health Hazard Substance List

The Department proposes to add special health hazard codes to certain substances, some of which are already on the Special Health Hazard Substance List (SHHSL) because of existing special health

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hazard codes, while others are being added to the SHHSL for the first time.

The Department proposes to delete special health hazard codes from certain substances, some of which will remain on the SHHSL because they have one or more additional special health hazard code designations.

The justification for the addition and deletion of special health hazard code designations for flammable, reactive and corrosive substances comes from the U.S. Environmental Protection Agency (Sources #16, 18, 19, 20 and 21), the National Fire Protection Association's National Fire Codes (Source #15), and other sources.

The Department is adding and deleting special health hazard code designations for carcinogens, mutagens and teratogens because new information has come to the attention of the Department from the reference sources cited in the Right to Know Hazardous Substance List, which indicates that the substances either meet, or no longer meet, the criteria for carcinogen, mutagen or teratogen set forth in subchapter 10, specifically N.J.A.C. 8:59-10.2(a)1, 2 and 3, respectively.

The revised Right to Know Hazardous Substance List printed in this proposal incorporates the Special Health Hazard Substance List. A list of the substances for which special health hazard codes are being added or deleted is available from the above address.

C. Appendix A and Appendix B

The page which contains an explanation of column headings used in the combined Right to Know Hazardous Substance List/Special Health Hazard Substance List has been substantially revised and rewritten.

Six new reference sources have been added to the list of Reference Sources, Sources #16 through #21, and corrections have been made to Sources #12 and #13.

Social Impact

The effect of adding new hazardous chemicals to the Right to Know Hazardous Substance List and Special Health Hazard Substance List will be greater protection of the health and welfare of New Jersey's public employees, emergency responders and citizens, through providing updated information to them about those substances which are hazardous to their health.

In the past seven years, thousands of public employees have been trained about the health and safety hazards of the hazardous substances on the Right to Know Hazardous Substance List and Special Health Hazard Substance List that they work with and are exposed or potentially exposed to, how to handle these substances properly, and what to do in the case of a spill or other emergency. Thousands of firefighters, police officers and other emergency responders have been trained how to handle spills and other emergencies involving these hazardous substances.

There has been a significant amount of education of public employees, emergency responders and the public as a result of several State and Federal laws working in concert with each other, regarding the hazards of hazardous chemicals. Such education and training improves the health and safety of public employees, emergency responders and the public at large. Society will always use hazardous substances in the workplace and transport them on its roads. Therefore, education and training about hazardous substances will always be needed to convey information about these substances to public employees, emergency responders and the public.

The worker protection provisions of the rules affect approximately 1,576 public employers and 460,000 public employees. Not all public employees are directly affected, since some work at facilities where there are no hazardous substances, and not all of the provisions of the Act apply to those facilities. Tens of thousands of emergency responders in fire and police departments across the State are affected by the rules.

Economic Impact

The addition of chemicals to the Right to Know Hazardous Substance List and Special Health Hazard Substance List could increase reporting costs for public employers, if those chemicals are present at public work sites and are not now being reported on the Right to Know Survey. Public employers are already reporting and labeling most of the substances on the revised list. Private employers are not required to report these substances to the Department of Health.

Employers, both public and private, are currently required by the universal labeling provisions of the Right to Know law to label containers with the five most predominant chemicals in the container. Public employers' labeling requirements could increase if chemicals below the "top five" are hazardous because they would have to be included on the label. Chemicals on the Right to Know Hazardous Substance List do not have to be listed on a label by private employers if they are below the top five ingredients, unless they appear on the DEPE's Environmental Hazardous Substance List.

The addition of chemicals to the Special Health Hazard Substance List has the effect of removing the opportunity for an employer to claim those chemicals as a trade secret. The presence of the chemicals in the container would have to be revealed. The economic impact of classification as a special health hazard is unknown, and would be related to the particular circumstances surrounding the manufacture of the chemical.

A new rule, N.J.A.C. 8:59-5.6, has been adopted by the Department (see 26 N.J.R. 217(a)) to set a threshold container size below which a container does not have to be labeled according to the Right to Know law, unless a Special Health Hazard Substance is present in the product. Thus, for an employer which produces products containing Special Health Hazard Substances, there could be an economic impact from new substances being added to the Special Health Hazard Substance List.

Regulatory Flexibility Analysis

The addition of chemicals to the Right to Know Hazardous Substance List and Special Health Hazard Substance List will place requirements on both public and private employers. Many of the private employers could be considered small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The small businesses affected by the labeling requirements are usually able to comply through their purchasing practices, since many of the companies they buy from would have already placed the required labels on the containers. For that reason, and for reasons of public health and safety, the Department has determined that there should not be any differentiation provided in these appendices which would specifically benefit small businesses.

Full text of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 8:59, Appendices A and B.

Full text of the proposed new rules follows:

APPENDIX A AND APPENDIX B

RIGHT TO KNOW HAZARDOUS SUBSTANCE LIST AND SPECIAL HEALTH HAZARD SUBSTANCE LIST

Explanation of Column Headings—

Substance Number—A four-digit number is assigned to each hazardous substance and is used for reporting purposes. These numbers are not in sequence.

- sync — Indicates that the name listed is a synonym and you must refer to the second name listed—"see _____"—for the Substance number, CAS number, and DOT number, that must be used to report this substance.
- gen — Indicates that the name listed is a generic name. A generic name is not as specific as a common name and refers to more than one substance sharing similar properties.
- chg — Indicates that the CAS number, Special Health Hazard Code, common name, or chemical name of this substance has been changed.
- add — Indicates that the name listed is a substance or synonym that has been added.
- # — Indicates that the substance is on the Special Health Hazard Substance List.
- + — Indicates that the substance is an addition to the Special Health Hazard Substance List.
- @ — Indicates that the substance is a deletion from the Special Health Hazard Substance List.

Common name/chemical name—The name on the first line is the common chemical name for the substance; the name on the second line is the IUPAC or CAS chemical name. When there is only one name, the common and chemical names are the same.

*-Indicates continuation of name from previous line.

CAS number—Chemical Abstracts Service number.

DOT Number—A four-digit number used by the U.S. Department of Transportation. A "+" after a DOT number indicates that the substance may have more than one DOT number. If this number is different from the one provided by your supplier, use the one provided by your supplier.

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Special Health Hazard Codes—These codes (SHH codes) are on the top line of the right column and refer to the hazard categories of the substances:

CA—Carcinogen
MU—Mutagen
TE—Teratogen
CO—Corrosive
F4—Flammable—Fourth Degree
F3—Flammable—Third Degree
R4—Reactive—Fourth Degree
R3—Reactive—Third Degree
R2—Reactive—Second Degree

Carcinogenic, mutagenic and teratogenic substances are Special Health Hazard Substances when they are present as pure substances or in mixtures at a concentration of one-tenth of one percent (0.1%) or greater. Flammable, reactive/explosive, and corrosive substances are Special Health Hazard Substances when they are present as pure substances or at a concentration of one percent (1.0%) or greater in mixtures which meet the Special Health Hazard criteria of N.J.A.C. 8:59-10.2(a).

Source Number(s)—The source numbers correspond to the references listed in the Reference Sources. The source numbers are located in the right column, one line below the common name.

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RIGHT TO KNOW HAZARDOUS SUBSTANCE LIST

SUBSTANCE NUMBER	COMMON NAME CHEMICAL NAME	CAS	DOT	SHH CODE(S) SOURCE NUMBER(S)
	ACCELLERENE see p-NITROSODIMETHYLANALINE			
syn add				
2958 add	ACENAPHTHENE	83-32-9		3 8 20
2959 add	ACENAPHTHYLENE	208-96-8		3 8 20
3140 add	ACEPHATE PHOSPHORAMIDOTHIOIC ACID, N-ACETYL-,O,S-DIMETHYL ESTER	30560-19-1		8
2057 add	# ACETAL ETHANE, 1,1-DIETHOXY	105-57-7	1088	(F3) 3 15 17
0001	# ACETALDEHYDE ETHYL ALDEHYDE	75-07-0	1089	(CA,F4,R2) 1 2 3 4 5 6 7 8 15 17 18 20 21
0002	ACETALDEHYDE AMMONIA ETHANOL, 1-AMINO-	75-39-8	1841	3 17
	ACETALDEHYDE,CHLORO- see CHLOROACETALDEHYDE			
syn add				
0003	ACETALDEHYDE OXIME	107-29-9	2332	3 17

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syn add	ACETALDEHYDE, TRICHLORO- see CHLORAL			
syn add	ACETALDOXIME see ACETALDEHYDE OXIME			
2890 add	# ACETAMIDE	60-35-5		(CA) 6 7 18
syn add	ACETAMIDE, N-(4-ETHOXYPHENYL)- see PHENACETIN			
syn add	ACETAMIDE, N-(AMINOTHIOXOMETHYL)- see 1-ACETYL-2-THIOUREA			
0004	# ACETIC ACID	64-19-7	2789+	(CO) 1 2 3 4 15 17 20
0005	# ACETIC ANHYDRIDE ACETIC ACID, ANHYDRIDE	108-24-7	1715	(CO) 1 2 3 4 15 17 20
syn add	ACETOIN see ACETYL METHYL CARBINOL			
0006	# ACETONE 2-PROPANONE	67-64-1	1090	(F3) 1 2 3 4 6 8 15 17 18 20 21
0007	# ACETONE CYANOHYDRIN PROPANENITRILE, 2-HYDROXY-2-METHYL-	75-86-5	1541	(R2) 3 4 6 15 16 17 18 19 20 21
syn add	ACETONE OIL see ACETONE			
2059 add	ACETONE THIOSEMICARBAZIDE	1752-30-3		16 19
0008	# ACETONITRILE METHYL CYANIDE	75-05-8	1648	(F3) 1 2 3 4 6 8 15 17 18 20 21
syn add	ACETOPHENETIDIN see PHENACETIN			
2961 add	ACETOPHENONE BENZENE, ACETYL	98-86-2		3 8 15 20 21
syn add	ACETOZONE see ACETYL BENZOYL PEROXIDE			
0009	ACETYL ACETONE PEROXIDE 2,4-PENTANEDIONE, PEROXIDE	37187-22-7	2080	3 17
syn add	ACETYLACETONE see PENTANE-2,4-DIONE			
0010 chg	# 2-ACETYLAMINOFLUORENE ACETAMIDE, N-9H-FLUOREN-2-YL-	53-96-3		(CA) 3 4 5 6 18 20 21
0011	ACETYL BENZOYL PEROXIDE PEROXIDE, ACETYL BENZOYL	644-31-5	2081	3 17
0012	# ACETYL BROMIDE	506-96-7	1716	(CO) 3 17 20

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0013	# ACETYL CHLORIDE	75-36-5	1717	(CO,F3,R2) 3 8 15 17 20 21
0014	ACETYL CYCLOHEXANE SULFONYL PEROXIDE PEROXIDE, ACETYL CYCLOHEXYLSULFONYL	3179-56-4	2082+	3 17
0015	# ACETYLENE ETHYNE	74-86-2	1001	(F4,R3) 2 3 4 15 17
syn add	ACETYLENE DICHLORIDE see 1,2-DICHLOROETHYLENE			
0016	ACETYLENE TETRABROMIDE ETHANE, 1,1,2,2-TETRABROMO-	79-27-6	2504	1 2 3 4 17
0017	# ACETYL IODIDE	507-02-8	1898	(CO) 3 17
0018	ACETYL METHYL CARBINOL 2-BUTANONE, 3-HYDROXY-	513-86-0	2621	3 17
0019	# ACETYL PEROXIDE PEROXIDE, DIACETYL	110-22-5	2084	(R4) 3 15 17
0020	+ ACETYLSALICYLIC ACID BENZOIC ACID, 2-(ACETYLOXY)-	50-78-2		(TE) 2 4
3141 add	1-ACETYL-2-THIOUREA	591-08-2		3 20 21
syn add	ACID BUTYL PHOSPHATE see BUTYL ACID PHOSPHATE			
syn add	ACID SLUDGE see SLUDGE ACID			
2064 add	ACRIDINE 2,3,5,6-DIBENZOPYRIDINE	260-94-6	2713	3 17
0021 chg	# ACROLEIN 2-PROPENAL	107-02-8	1092	(F3,R2) 1 2 3 4 6 8 12(B) 14 15 16 17 18 19 20 21
0022	+ ACRYLAMIDE 2-PROPENAMIDE	79-06-1	2074	(CA) 1 2 3 4 6 7 16 17 18 19 20 21
0023	# ACRYLIC ACID 2-PROPENOIC ACID	79-10-7	2218	(CO,R2) 1 2 3 4 6 8 15 17 18 20 21
0024 chg	# ACRYLONITRILE 2-PROPENENITRILE	107-13-1	1093	(CA,F3,R2) 2 3 4 5 6 7 8 14 15 16 17 18 19 20 21
2065 add	ACRYLYL CHLORIDE	814-68-6		16 19
0025 chg	# ACTINOMYCIN D 3H-PHENOXAZINE-1,9-DICARBOXAMIDE,2-AMINO-N,N'-BIS * (HEXADECAHYDRO-2,5,9-TRIMETHYL-6,13-BIS(1-METHYLETHYL) * -1,4,7,11,14-PENTOXO-1H-PYRROLO(2,1-I)(1,4,7,10,13) * OXATETRA-AZACYCLOHEXADECIN-10-YL)-4,6-DIMETHYL-3-OXO-	50-76-0		(MU,TE) 7 13(A,E,H,V, X)
3072 gen add	ADHESIVE, containing a flammable liquid		1133	3 17
0026	ADIPIC ACID HEXANEDIOIC ACID	124-04-9		3 15 20

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0027	ADIPONITRILE HEXANEDINITRILE	111-69-3	2205	3 4 8 15 16 17 19
0028	# ADRIAMYCIN 5,12-NAPHTHACENEDIONE, 10- (3-AMINO-2,3,6-TRIDEOXY- alpha-L- * LYXO-HEXOPYRANOSYL)OXY -7,8,9,10-TETRAHYDRO-6,8,11- * TRIHYDROXY-8-(HYDROXYACETYL)-1-METHOXY-, (8S-cis)-	23214-92-8		(CA,MU) 5 7
3142 add	# AF-2 2-(2-FURYL)-3-(5-NITRO-2-FURYL)ACRYLAMIDE	3688-53-7		(CA) 7
3075 add	# AFLATOXIN B1 CYCLOPENTA(i)FURO(3',2':4,5)FURO(2,3-H)(1)BENZOPYRAN-1,11-DIONE, * 2,3,6A,9A-TETRAHYDRO-o-4-METHOXY	1162-65-8		(CA) 5 7
0029	# AFLATOXIN B2 CYCLOPENTA(c)FURO(3',2':4,5)FURO(2,3-H)(1)BENZOPYRAN-1,11-DIONE, * 2,3,6A-alpha,8,9,9A-alpha-HEXAHYDRO-4-METHOXY-	7220-81-7		(CA,MU) 5 7
0030	# AFLATOXIN G1 1H,12H-FURO(3',2':4,5)FURO(2,3-H)PYRANO(3,4-C)(1)(BENZOPYRAN-1, * 12-DIONE,3,4,7A,10A-TETRAHYDRO-5-METHOXY-	1165-39-5		(CA,MU) 5 7
2070 gen add	AIR, COMPRESSED		1002+	3 17
3143 add	ALACHLOR 2-CHLORO-2',6'-DIETHYL-N-(METHOXYMETHYL)ACETANILINE	15972-60-8		8 14
3144 add	ALAR SUCCINIC ACID, 2,2-DIMETHYLHYDRAZIDE	1596-84-5		8 14
syn add	ALCOHOL (ETHYL) see ETHYL ALCOHOL			
2079 gen add	ALCOHOL, toxic or flammable, n.o.s.		1987+	3 17
syn add	ALDEHYDE AMMONIA see ACETALDEHYDE AMMONIA			
2081 gen add	ALDEHYDES, n.o.s.		1989+	3 17
0031	ALDICARB PROPANAL, 2-METHYL-2-(METHYLTHIO)-, O- ((METHYLAMINO)CARBONYL)- * OXIME	116-06-3	2757	3 8 14 16 19 20 21
3145 add	ALDICARBSULFONE PROPIONALDEHYDE, 2-METHYL-2-(METHYLSULFONYL)-, O-(METHYL * CARBAMOYL)OXIME	1646-88-4		8
0032	ALDOL BUTYRALDEHYDE, 3-HYDROXY	107-89-1	2839+	3 15 17
0033 chg	# ALDRIN 1,4:5,8-DIMETHANONAPHTHALENE, 1,2,3,4,10,10-HEXACHLORO-1,4,4A,5, * 8,8A-HEXAHYDRO-, (1 alpha,4 alpha,4A beta,5 alpha, * 8 alpha,8A beta)-	309-00-2	2761+	(TE) 1 2 3 4 6 8 14 16 17 18 19 20 21
syn add	ALIPHATIC NAPHTHA see VM & P NAPHTHA			
2083 gen add	ALKALI METAL ALLOY, LIQUID		1421	3 17
2084 gen add	ALKALI METAL AMALGAM, n.o.s.		1389	3 17

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2085 gen add	ALKALI METAL AMIDES, n.o.s.		1390	3 17
2086 gen add	ALKALI METAL DISPERSION, n.o.s.		1391	3 17
2088 gen add	ALKALINE CORROSIVE LIQUID, n.o.s.		1719	3 17
2089 gen add	ALKALINE EARTH METAL ALLOY, n.o.s.		1393	3 17
2090 gen add	ALKALINE EARTH METAL AMALGAM, n.o.s.		1392	3 17
2091 gen add	ALKALINE EARTH METAL DISPERSION, n.o.s.		1391	3 17
2093 gen add	ALKALOIDS, n.o.s. or ALKALOID SALTS, n.o.s., POISONOUS		1544+	3 17
0034	# ALKANE SULFONIC ACID METHANESULFONIC ACID	75-75-2	2584	(CO) 3
2094 gen add	ALKYLAMINES or POLYALKYLAMINES, n.o.s.		2733+	3 17
2097 gen add	ALKYL, ARYL, or TOLUENE SULFONIC ACID		2584+	3 17
2101 gen add	ALKYL PHENOL, n.o.s.		2430+	3 17
syn add	ALLENE see PROPADIENE			
2102 add	ALLETHRIN 3-ALLYL-2-METHYL-4-OXO-2-CYCLOPENTEN-1-YL CHRYSANTHEMATE	584-79-2	2902	3 17
3147 add	ALLY BENZOIC ACID, 2-(((((4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL) * AMINO)CARBONYL)AMINO)SULFONYL)-, METHYL ESTER	74223-64-6		8
0035	# ALLYL ACETATE ACETIC ACID, 2-PROPENYL ESTER	591-87-7	2333	(F3) 3 15 17
0036	# ALLYL ALCOHOL 2-PROPEN-1-OL	107-18-6	1098	(F3) 1 2 3 4 6 8 14 15 16 17 18 19 20 21
0037	# ALLYL AMINE 2-PROPEN-1-AMINE	107-11-9	2334	(F3) 3 15 16 17 19
0038	# ALLYL BROMIDE 1-PROPENE, 3-BROMO-	106-95-6	1099	(F3) 3 15 17
0039	# ALLYL CHLORIDE 1-PROPENE, 3-CHLORO-	107-05-1	1100	(F3) 1 2 3 4 6 8 15 17 18 20
0040	# ALLYL CHLOROCARBONATE CARBONOCHLORIDIC ACID, 2-PROPENYL ESTER	2937-50-0	1722	(CO,F3) 3 15 17
syn add	ALLYL CHLOROFORMATE see ALLYL CHLOROCARBONATE			

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	ALLYL ETHER see DIALLYL ETHER			
syn add				
0041 chg	# ALLYL ETHYL ETHER 1-PROPENE, 3-ETHOXY-	557-31-3	2335	(F4,R4) 3 17
0042	ALLYL FORMATE FORMIC ACID, 2-PROPENYL ESTER	1838-59-1	2336	3 17
0043	ALLYL GLYCIDYL ETHER OXIRANE, (2-PROPENYLOXY)METHYL-	106-92-3	2219	1 2 3 4 17
0044 chg	# ALLYL IODIDE 1-PROPENE, 3-IODO-	556-56-9	1723	(CO,F3) 3 17
0045	@ ALLYL ISOTHIOCYANATE 3-ISOTHIOCYANATOPROPENE	57-06-7	1545	3 17
0046	ALLYL PROPYL DISULFIDE DISULFIDE, 2-PROPENYL PROPYL	2179-59-1		1 2 4
0047	# ALLYL TRICHLOROSILANE SILANE, TRICHLORO-2-PROPENYL-	107-37-9	1724	(CO,F3,R2) 3 15 17
0053	# ALPRAZOLAM ((4H-S-TRIAZOLO(4,3-alpha))1,4) BENZODIAZEPINE, 8-CHLORO-1- * METHYL-6-PHENYL	28981-97-7		(TE) 13(Y,EE)
	alpha-ALUMINA see ALUMINUM OXIDE			
syn add				
0054 chg	ALUMINUM (DUST AND FUME)	7429-90-5	1383+	2 3 4 6 12(A) 17 18
2103 gen add	ALUMINUM ALKYL		3051	3 17
2104 gen add	ALUMINUM ALKYL CHLORIDE		2221+	3 17
2107 gen add	ALUMINUM ALKYL HALIDES		2221+	3 17
3557 gen add	ALUMINUM ALKYL HYDRIDE		3076	3 17
2108 add	ALUMINUM BOROHYDRIDE	16962-07-5	2870	3 17
0055	# ALUMINUM BROMIDE	7727-15-3	1725+	(CO) 3 17
0056	ALUMINUM CARBIDE	12656-43-8	1394	3 17
0057 chg	# ALUMINUM CHLORIDE	7446-70-0	1726+	(CO,R2) 2 3 17
0058 chg	ALUMINUM FERROSILICON (POWDER) ALUMINUM IRON SILICIDE	12003-41-7	1395	3 17
0059	ALUMINUM FLUORIDE	7784-18-1		1 2
0060	ALUMINUM HYDRIDE	7784-21-6	2463	3 17
	ALUMINUM LITHIUM HYDRIDE see LITHIUM ALUMINUM HYDRIDE			
syn add				
0061	ALUMINUM NITRATE NITRIC ACID, ALUMINUM SALT	13473-90-0	1438	2 3 17

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2891 add	ALUMINUM OXIDE	1344-28-1		2 4 6 18
0062	# ALUMINUM PHOSPHATE PHOSPHORIC ACID, ALUMINUM SALT (1:1)	7784-30-7	1760	(CO) 2 3 17
0063	ALUMINUM PHOSPHIDE	20859-73-8	1397	1 3 8 14 16 17 19 20 21
2109 gen add	ALUMINUM PHOSPHIDE PESTICIDE		3048	17
0064 chg	# ALUMINUM RESINATE RESIN ACIDS AND ROSIN ACIDS, ALUMINUM SALTS	61789-65-9	2715	(F3) 3 17
0066	ALUMINUM SILICON POWDER, uncoated ALUMINUM SILICIDE (AlSi)	12042-55-6	1398	3 17
0068	ALUMINUM SULFATE SULFURIC ACID, ALUMINUM SALT (3:2)	10043-01-3	1760	3 17 20
3149 add	AMDRO TETRAHYDRO-5,5-DIMETHYL-2(1H)-PYRIMIDINOINE(3-(4-TRIFLUORO * METHYL)PHENYL)-1-(2-(4-TRIFLUOROMETHYL)PHENYL)ETHENYL-2 * PROPENYLIDINE	67485-29-4		8
3150 add	AMETRYN N-ETHYL-N'-(1-METHYLETHYL)-6-(METHYLTHIO)-1,3,5-TRIAZINE-2,4- * DIAMINE	834-12-8		8
0069	# 2-AMINOANTHRAQUINONE 9,10-ANTHRACENEDIONE, 2-AMINO-	117-79-3	(CA)	5 6 18
syn add	4-AMINOAZOBENZENE see C.I. SOLVENT YELLOW 1			
syn add	ortho-AMINOAZOTOLUENE see C.I. SOLVENT YELLOW 3			
syn add	4-AMINOBENZENE see C.I. SOLVENT YELLOW 1			
syn add	4-AMINOBIPHENYL see 4-AMINODIPHENYL			
0070	2-AMINO-4-CHLOROPHENOL PHENOL, 2-AMINO-4-CHLORO-	95-85-2	2673	3 17
0071	2-AMINO-5-DIETHYL AMINOPENTANE 1,4-PENTANEDIAMINE, N1,N1-DIETHYL-	140-80-7	2946	3 17
3152 add	AMINODIMETHYLBUTYRONITRILE		9262	17
0072 chg	# 4-AMINODIPHENYL 1,1'-BIPHENYL -4-AMINE	92-67-1		(CA) 2 4 5 6 7 18
0073 chg	# 2-(2-AMINOETHOXY)ETHANOL ETHANOL, 2-(2-AMINOETHOXY)-	929-06-6	3055	(CO) 3 17
0074	AMINOETHYLETHANOLAMINE ETHANOL, 2- (AMINOETHYL)AMINO-	111-41-1		12(A, B, F, I) 15
0075	# N-AMINOETHYLPIPERAZINE 1-PIPERAZINEETHANAMINE	140-31-8	2815	(CO) 3 15 17
syn add	1-(2-AMINOETHYL)PIPERAZINE see N-AMINOETHYLPIPERAZINE			
0076	# 1-AMINO-2-METHYLANTHRAQUINONE 9,10-ANTHRACENEDIONE, 1-AMINO-2-METHYL-	82-28-0		(CA) 5 6 18

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	5-(AMINOMETHYL)-3-ISOXAZOLOL see MUSCIMOL			
syn add				
3154 add	# 2-(AMINO-5-(5-NITRO-2-FURYL))-1,3,4-THIADIAZOLE	712-68-5		(CA) 7
0077	6-AMINO-PENICILLANIC ACID 4-THIA-1-AZABICYCLO 3.2.0 HEPTANE-2-CARBOXYLIC ACID, 6-AMINO-3, * 3-DIMETHYL-7-OXO-, 2S-(2 alpha,5 alpha,6 beta)-	551-16-6		12(A)
0078 chg	AMINOPHENOLS (o,m,p) PHENOL, AMINO-	27598-85-2	2512	3 17
0079	AMINOPROPYLDIETHANOLAMINE ETHANOL, 2,2'- (3-AMINOPROPYL)IMINO BIS-	4985-85-7	1760	3 17
0080	# AMINOPROPYLMORPHOLINE 4-MORPHOLINEPROPANAMINE	123-00-2	1760	(CO) 3 17
	AMINOPROPYLPIPERAZINE see BIS(AMINOPROPYL)PIPERAZINE			
syn add				
2112 add	AMINOPTERIN N-(4-(2,4-DIAMINOPTERID-6-YL METHYL)-AMINO-BENZOYL)- 1-GLUTAMATE	54-62-6	2588	3 16 17 19
3558 gen add	AMINOPYRIDINES	26445-05-6	2671	3 17
0081	2-AMINOPYRIDINE 2-PYRIDINAMINE	504-29-0	2671	1 2 3 4 17
0082	3-AMINOPYRIDINE 3-PYRIDINAMINE	462-08-8	2671	3
	4-AMINOPYRIDINE see AVITROL			
syn add				
	AMINOTRIAZOLE see AMITROL			
syn add				
2113 add	AMITON O,O-DIETHYL-S-(2-DIETHYLAMINOETHYL) THIOPHOSPHATE	78-53-5	2902	3 16 17 19
2114 add	AMITON OXALATE O,O-DIETHYL-S-(2-ETHYL-N,N-DIETHYLAMINO)PHOSPHOROTHIOATE * HYDROGEN OXALATE	3734-97-2	2783+	3 16 17 19
3156 add	AMITRAZ N-METHYL BIS-(2,4-XYLYLIMINOMETHYL)-AMINE	33089-61-1		8
0083 chg	# AMITROL 1H-1,2,4-TRIAZOL-3-AMINE	61-82-5		(CA) 2 5 6 7 14 20 21
0084	# AMMONIA	7664-41-7	1005+	(CO) 1 2 3 4 6 12(A) 15 16 17 18 19 20
0085	AMMONIUM ACETATE ACETIC ACID, AMMONIUM SALT	631-61-8		3 8 20
0086	AMMONIUM ARSENATE ARSENIC ACID (H3AsO4), DIAMMONIUM SALT	7784-44-3	1546	2 3 6 17 18
0087	AMMONIUM BENZOATE BENZOIC ACID, AMMONIUM SALT	1863-63-4		3 20
0088	AMMONIUM BICARBONATE CARBONIC ACID, MONOAMMONIUM SALT	1066-33-7		3 20
	AMMONIUM BICHROMATE see AMMONIUM DICHROMATE			
syn add				

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0089	+ AMMONIUM BIFLUORIDE AMMONIUM FLUORIDE	1341-49-7	1727+	(CO) 2 3 17 20
	AMMONIUM BISULFATE see AMMONIUM HYDROGEN SULFATE			
syn add				
0090	+ AMMONIUM BISULFITE SULFUROUS ACID, MONOAMMONIUM SALT	10192-30-0	2693	(CO) 3 17 20
3157 add	AMMONIUM BROMATE BROMIC ACID, AMMONIUM SALT	13843-59-9		3
0091	AMMONIUM CARBAMATE CARBAMIC ACID, MONOAMMONIUM SALT	1111-78-0	9083	3 17 20
0092 chg	AMMONIUM CARBONATE CARBONIC ACID, AMMONIUM SALT	506-87-6	9084	3 17 20
3158 add	AMMONIUM CHLORATE	10192-29-7		3
0093	AMMONIUM CHLORIDE	12125-02-9		1 2 3 4 20
0094	AMMONIUM CHLOROPLATINATE PLATINATE (2:1), HEXACHLORO-, DIAMMONIUM	16919-58-7		2 12(D) 16
0095	AMMONIUM CHROMATE CHROMIC ACID, DIAMMONIUM SALT	7788-98-9		2 3 6 18 20
0096 chg	AMMONIUM CITRATE, DIBASIC 1,2,3-PROPANETRICARBOXYLIC ACID, 2-HYDROXY-, DIAMMONIUM SALT	3012-65-5		3 20
0097 chg	AMMONIUM DICHROMATE CHROMIC ACID, DIAMMONIUM SALT	7789-09-5	1439	1 2 3 6 17 18 20
0098	AMMONIUM DINITRO-o-CRESOLATE o-CRESOL, 4,6-DINITRO-, AMMONIUM SALT	2980-64-5	1843	3 17
	AMMONIUM FERRIC CITRATE see FERRIC AMMONIUM CITRATE			
syn add				
	AMMONIUM FERRIC OXALATE see FERRIC AMMONIUM OXALATE			
syn add				
	AMMONIUM FERROUS SULFATE see FERROUS AMMONIUM SULFATE			
syn add				
0099	AMMONIUM FLUORIDE	12125-01-8	2505	1 2 3 17 20
0100	AMMONIUM FLUOROBORATE BORATE(1-), TETRAFLUORO-, AMMONIUM	13826-83-0	9088	2 3 17 20
0101	AMMONIUM FLUOROSILICATE CRYPTOHALITE	1309-32-6	2854	1 2 3 17
	AMMONIUM HYDROGEN FLUORIDE see AMMONIUM BIFLUORIDE			
syn add				
0102	# AMMONIUM HYDROGEN SULFATE SULFURIC ACID, MONOAMMONIUM SALT	7803-63-6	2506	(CO) 3 17
2115 gen add	AMMONIUM HYDROSULFIDE SOLUTION	12124-99-1	2683	3 17
0103	+ AMMONIUM HYDROXIDE	1336-21-6	2672+	(CO) 3 17 20
0104	AMMONIUM METAVANADATE VANADATE, AMMONIUM	7803-55-6	2859	3 17 20 21

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3160 add	AMMONIUM METHACRYLATE 2-PROPENOIC ACID, 2-METHYL, AMMONIUM SALT	16325-47-6		8
0105	AMMONIUM MOLYBDATE MOLYBDIC ACID, DIAMMONIUM SALT	13106-76-8		2
syn add	AMMONIUM NICKEL SULFATE see NICKEL AMMONIUM SULFATE			
0106	# AMMONIUM NITRATE NITRIC ACID, AMMONIUM SALT	6484-52-2	1942+	(R3) 3 6 18
2119 gen add	AMMONIUM NITRATE FERTILIZERS		2072+	3 17
0108	AMMONIUM OXALATE ETHANEDIOIC ACID, DIAMMONIUM SALT	1113-38-8	2449	3 17 20
0109	# AMMONIUM PERCHLORATE PERCHLORIC ACID, AMMONIUM SALT	7790-98-9	1442	(R4) 3 17
3161 add	AMMONIUM PERFLUOROOCTANOATE	3825-26-1		2
0110	# AMMONIUM PERMANGANATE PERMANGANIC ACID, AMMONIUM SALT	13446-10-1	9190	(R3) 3 17
syn add	AMMONIUM PEROXYDISULFATE see AMMONIUM PERSULFATE			
0111	AMMONIUM PERSULFATE PEROXYDISULFURIC ACID, DIAMMONIUM SALT	7727-54-0	1444	3 17
0112	+ AMMONIUM PICRATE PHENOL, 2,4,6-TRINITRO-, AMMONIUM SALT	131-74-8	1310	(F3,R3) 3 17 20 21
syn add	AMMONIUM PLATINIC CHLORIDE see AMMONIUM CHLOROPLATINATE			
syn add	AMMONIUM PLATINIC CHLORIDE see AMMONIUM TETRACHLOROPLATINATE			
0113 chg	# AMMONIUM POLYSULFIDE AMMONIUM SULFIDE ((NH4)2 (S3))	12259-92-6	2818	(CO) 3 17
2127 gen add	AMMONIUM POLYVANADATE		2861	3 17
2128 add	AMMONIUM SILICOFLUORIDE, SOLID	16919-19-0	2854	3 17 20
0114	AMMONIUM SULFAMATE SULFAMIC ACID, MONOAMMONIUM SALT	7773-06-0		1 2 3 4 8 20
0115	# AMMONIUM SULFIDE	12135-76-1	2683	(CO) 3 17 20
0116	AMMONIUM SULFITE SULFUROUS ACID, DIAMMONIUM SALT	10196-04-0		3 20
0117	AMMONIUM TARTRATE BUTANEDIOIC ACID, 2,3-DIHYDROXY-, DIAMMONIUM SALT	3164-29-2		3 20
3055 add	AMMONIUM TARTRATE	14307-43-8		3 20
0118	AMMONIUM TETRACHLOROPLATINATE PLATINATE (2-), TETRACHLORO-, DIAMMONIUM	13820-41-2		12(A)
0119	AMMONIUM THIOCYANATE THIOCYANIC ACID, AMMONIUM SALT	1762-95-4		3 20

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3162 add	AMMONIUM THIOGLYCOLATE ACETIC ACID, MERCAPTO- MONO AMMONIUM SALT	5421-46-5		12(A)
syn add	AMMONIUM VANADATE see AMMONIUM METAVANADATE			
2130 add	AMPHETAMINE	300-62-9		16 19
0121	AMPICILLIN 4-THIA-1-AZABICYCLO 3.2.0 HEPTANE-2-CARBOXYLIC ACID, 6- * (AMINOPHENYLACETYL)AMINO -3,3-DIMETHYL-7-OXO-, 2S- * 2alpha, 5alpha, 6beta(S*)-	69-53-4		12(A, B)
0122 chg	AMPROLIUM HYDROCHLORIDE PYRIDINIUM, 1- (4-AMINO-2-PROPYL-5-PYRIMIDINYL)METHYL -2-METHYL- * CHLORIDE, MONOHYDROCHLORIDE	137-88-2		12 (A)
3559 gen add	AMYL ACETATE		1104	3 17
1321	# n-AMYL ACETATE ACETIC ACID, PENTYL ESTER	628-63-7	1104	(F3) 1 2 3 4 15 17 20
1643	+ sec-AMYL ACETATE ACETIC ACID, sec-PENTYL ESTER	626-38-0	1104	(F3) 1 2 3 4 15 17 20
3023 add	# tert-AMYL ACETATE	625-16-1	1104	(F3) 3 17 20
0123	# AMYL ACID PHOSPHATE PHOSPHORIC ACID, PENTYL ESTER	12789-46-7	2819	(CO) 3 17
0124	# AMYL ALCOHOL 1-PENTANOL	71-41-0	1105	(F3) 3 15 17
syn add	AMYLALDEHYDE see VALERALDEHYDE			
0125	# AMYL AMINE 1-PENTANAMINE	110-58-7	1106	(F3) 3 15 17
syn add	n-AMYL BROMIDE see BROMOPENTANE			
0126	AMYL BUTYRATE BUTYRIC ACID, PENTYL ESTER	540-18-1	2620	3 15 17
0127	# AMYL CHLORIDE PENTANE, CHLORO-	543-59-9	1107	(F3) 3 15 17
0128 chg	# n-AMYLENE PENTENE	25377-72-4	1108	(F4) 3 15 17
syn add	AMYLENE see 2-METHYL-2-BUTENE			
0129	# AMYL FORMATE FORMIC ACID, PENTYL ESTER	638-49-3	1109	(F3) 3 15 17
3099 add	tert-AMYL HYDROPEROXIDE	3425-61-4	3067	17
0130	# AMYL MERCAPTAN 1-PENTANETHIOL	110-66-7	1111	(F3) 3 4 15 17
syn add	AMYLMETHYLKETONE see METHYL (N-AMYL) KETONE			
0131	# AMYL NITRATE NITRIC ACID, PENTYL ESTER	1002-16-0	1112	(R2) 3 17

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0132	# AMYL NITRITE NITROUS ACID, 3-METHYL BUTYL ESTER	110-46-3	1113	(R2) 3 15 17
3164 add	tert-AMYLPEROXYBENZOATE		3044	17
3165 add	tert-AMYLPEROXYPIVALATE		2957	17
0134	# AMYL TRICHLOROSILANE SILANE, TRICHLOROPENTYL-	107-72-2	1728	(CO,R2) 3 15 17
3166 gen add	# ANDROGENIC (ANABOLIC) STEROIDS			(CA) 7
0135	# ANILINE BENZENAMINE	62-53-3	1547	(MU) 1 2 3 4 6 8 15 16 17 18 19 20 21
0136	ANILINE HYDROCHLORIDE BENZENAMINE, HYDROCHLORIDE	142-04-1	1548	3 15 17
syn add	ANILINE, 2,4,6-TRIMETHYL- see 2,4,6-TRIMETHYL ANILINE			
3560 gen add	ANISIDINE		2431	3 17
1421	# o-ANISIDINE BENZENAMINE, 2-METHOXY-	90-04-0	2431	(CA) 1 2 3 4 6 7 8 15 17 18
2893 add	p-ANISIDINE BENZENAMINE, 4-METHOXY-	104-94-9	2431	1 2 3 4 6 17 18
1422	# o-ANISIDINE HYDROCHLORIDE BENZENAMINE, 2-METHOXY-, HYDROCHLORIDE	134-29-2		(CA) 5 6 7 18
0137	ANISOLE BENZENE, METHOXY-	100-66-3	2222	3 15 17
0138	# ANISOYL CHLORIDE BENZOYL CHLORIDE, METHOXY-	1300-64-7	1729	(CO) 3 17
0139	ANTHRACENE	120-12-7		3 6 8 15 18 20
0140	ANTHRAQUINONE	84-65-1		12(A) 15
2131 gen add	ANTI-FREEZE		1142	3 17
0141	ANTIMONY	7440-36-0	1549+	1 2 3 4 6 8 17 18 20
2223 gen add	ANTIMONY compounds, n.o.s.		1549+	1 2 3 6 17 20
2866 gen add	ANTIMONY, inorganic compounds, n.o.s.		1549+	1 2 3 6 17 18 20
syn add	ANTIMONY CHLORIDE see ANTIMONY TRICHLORIDE			
0142	ANTIMONY LACTATE PROPANOIC ACID, 2-HYDROXY-, ANTIMONY(3+) SALT (3:1)	58164-88-8	1550	1 2 3 6 17 18

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0143	# ANTIMONY PENTACHLORIDE ANTIMONY CHLORIDE (SbCl5)	7647-18-9	1730+	(CO) 1 2 3 6 17 18 20
0144	# ANTIMONY PENTAFLUORIDE ANTIMONY FLUORIDE (SbF5)	7783-70-2	1732	(CO) 1 2 3 6 16 17 18 19
0145	ANTIMONY POTASSIUM TARTRATE ANTIMONATE(2-), BIS .mu.- 2,3-DIHYDROXYBUTANEDIOATO(4-)-O1, * O2:O3,O4 DI-, DIPOTASSIUM, TRIHYDRATE, STEREOISOMER	28300-74-5	1551	1 2 3 6 17 18 20
0146	# ANTIMONY TRIBROMIDE STIBINE, TRIBROMO-	7789-61-9	1549	(CO) 1 2 3 6 17 18 20
0147	# ANTIMONY TRICHLORIDE STIBINE, TRICHLORO-	10025-91-9	1733	(CO) 1 2 3 6 17 18 20
0148	# ANTIMONY TRIFLUORIDE STIBINE, TRIFLUORO-	7783-56-4	1549	(CO) 1 2 3 6 17 18 20
0149 chg	ANTIMONY TRIOXIDE ANTIMONY OXIDE	1309-64-4	9201	1 2 3 6 18 20
2132 add	ANTIMYCIN A	1397-94-0		16 19
syn add	ANTU see alpha-NAPHTHYL THIOUREA			
3167 add	APOLLO 1,2,4,5-TETRAZINE, 3,6-BIS(2-CHLOROPHENYL)-	74115-24-5		8
0150	# ARAMITE SULFUROUS ACID, 2-CHLOROETHYL 2- 4-(1,1-DIMETHYLETHYL) * PHENOXY-1-METHYLETHYL ESTER	140-57-8		(CA) 7 8
0151	ARGON	7440-37-1	1006+	2 3 17
syn add	AROCLOR see POLYCHLORINATED BIPHENYLS			
0152	# ARSENIC	7440-38-2	1558	(CA) 1 2 3 4 5 6 7 8 17 18 20 21
2867 gen add	# ARSENIC, inorganic compounds		1556+	(CA) 2 3 4 5 6 7 8 14 17 18 20
3168 gen add	ARSENIC, organic compounds		1556+	1 2 3 6 17 18
syn add	ARSENIC, WHITE see ARSENIC TRIOXIDE			
0153	ARSENIC ACID	7778-39-4	1554+	1 2 3 4 6 7 8 17 18 20 21
2133 gen add	ARSENICAL DUST or FLUE DUST		1562	3 4 6 17 18

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2136 gen add	ARSENICAL PESTICIDE, n.o.s.		2994+	1 3 6 7 17 18 20
0154	ARSENIC BROMIDE ARSENOUS TRIBROMIDE	7784-33-0	1555	2 3 4 6 7 8 17 18
0155	ARSENIC CHLORIDE	37226-49-6	1560	2 3 4 6 7 8 17 18
0156 chg	ARSENIC DISULFIDE ARSENIC SULFIDE	1303-32-8	1557	3 4 6 7 8 17 18 20
0157 chg	ARSENIC IODIDE ARSENOUS TRIIODIDE	7784-45-4	1557	3 4 6 7 8 17 18 20
0158	# ARSENIC PENTOXIDE ARSENIC OXIDE (As2O5)	1303-28-2	1559	(CA) 2 3 4 5 6 7 8 16 17 18 19 20 21
syn add	ARSENIC SULFIDE see ARSENIC TRISULFIDE			
0159	ARSENIC TRICHLORIDE	7784-34-1	1560	2 3 4 6 7 8 16 17 18 19 20
0161	# ARSENIC TRIOXIDE ARSENIC OXIDE (As2O3)	1327-53-3	1561	(CA) 2 3 4 5 6 7 8 14 16 17 18 19 20 21
0162	+ ARSENIC TRISULFIDE ARSENIC SULFIDE (As2S3)	1303-33-9	1557	(CA) 3 6 7 8 17 18 20
syn add	ARSENOUS OXIDE see ARSENIC TRIOXIDE			
syn add	ARSENOUS TRICHLORIDE see ARSENIC TRICHLORIDE			
0163	+ ARSINE	7784-42-1	2188	(CA) 1 2 3 4 6 16 17 18 19
2962 add	ARSINE, DIETHYL-	692-42-2		3 6 18 20 21
0164	# ASBESTOS	1332-21-4	2590+	(CA) 2 3 4 5 6 7 8 17 18 20
3170 add	# ASBESTOS, ACTINOLITE	77536-66-4	2212	(CA) 7
0165	# ASBESTOS, AMOSITE ASBESTOS, GRUNERITE	12172-73-5	2590+	(CA,MU) 2 3 5 7 8 17
0166	# ASBESTOS, ANTHOPHYLLITE	77536-67-5	2590+	(CA) 2 3 5 7 8 17
syn add	ASBESTOS, BLUE see ASBESTOS, CROCIDOLITE			

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	ASBESTOS, BROWN see ASBESTOS, AMOSITE			
syn add				
0167	# ASBESTOS, CHRYSOTILE	12001-29-5	2590	(CA) 2 3 5 7 8 17
0168	# ASBESTOS, CROCIDOLITE	12001-28-4	2212	(CA) 2 3 5 7 8 17
3283 add	# ASBESTOS, TREMOLITE	77536-68-6	2212	(CA) 2 3 5 7 8
	ASBESTOS, WHITE see ASBESTOS, CHRYSOTILE			
syn add				
3171 add	ASCARIDOLE p-MENTH-2-ENE,1,4 EPIDIOXY-	512-85-6		3
0169	ASPARAGINASE	9015-68-3		13(P)
	ASPHALT (PETROLEUM DERIVED) see ASPHALT FUMES			
syn add				
3172 add	# ASPHALT, CUTBACK		1999	(F3) 3 15
0170 chg	ASPHALT FUMES	8052-42-4	1999	2 3 4 15 17
3173 add	ASSURE PROPANOIC ACID, 2-(4-((6-CHLORO-2-QUINOXALINYL)OXY)PHENOXY)-, * ETHYL ESTER	76578-14-8		8
3174 add	ASULAM METHYL ((4-AMINOPHENYL)SULFONYL)CARBAMATE	3337-71-1		8
	AS-m-XYLENOL see 2,4-DIMETHYLPHENOL			
syn add				
0171	# ATRAZINE 1,3,5-TRIAZINE-2,4-DIAMINE, 6-CHLORO-N-ETHYL-N'-(1-METHYLETHYL)-	1912-24-9		(MU) 2 4 8
2894 add	# AURAMINE ANILINE, 4,4'-(IMIDOCARBONYL)BIS(N,N-DIMETHYL)-	492-80-8		(CA) 3 6 7 18 20 21
3175 add	AVERMECTIN B1	65195-55-3		8
0172	AVITROL PYRIDINE, 4-AMINO-	504-24-5	2671	3 8 14 16 17 19 20 21
0173	# AZASERINE L-SERINE, DIAZOACETATE ESTER	115-02-6		(CA) 3 7 20 21
0174	# AZATHIOPRINE 1H-PURINE, 6- (1-METHYL-4-NITRO-1H-IMIDAZOL-5-YL)THIO-	446-86-6		(CA,MU) 5 7
2140 add	AZINPHOS-ETHYL 3,4-DIHYDRO-4-OXO-3-BENZOTRIAZINYLMETHYL O,O-DIETHYL PHOSPHORO * DITHIOATE	2642-71-9	2783+	3 16 17 19
	AZINPHOSMETHYL see GUTHION			
syn add				
	AZIRIDINE see ETHYLENEIMINE			
syn add				

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0175 chg	1-AZIRIDINYL PHOSPHINE OXIDE (TRIS) AZIRIDINE, 1,1'1'-PHOSPHINYLIDYNETRIS-	545-55-1	2501	3 17
3176 add	AZOBENZENE	103-33-3		8
0176	2,2'-AZODI-(2,4-DIMETHYL-4-METHOXYVALERONITRILE) PENTANENITRILE, 2,2'-AZOBIS 4-METHOXY-2,4-DIMETHYL-	15545-97-8	2955	3 17
0177	2,2'-AZODI-(2,4-DIMETHYLVALERONITRILE) PENTANENITRILE, AZOBIS 2,4-DIMETHYL-	28604-91-3	2953	3 17
0178 chg	1,1' AZODI-(HEXAHYDROBENZONITRILE) CYCLOHEXANECARBONITRILE, AZOBIS-	25551-14-8	2954	3 17
0179	+ AZODIISOBUTYRONITRILE PROPANENITRILE, 2,2'-AZOBIS 2-METHYL-	78-67-1	2952	(R2) 3 15 17
2141 add	2,2'-AZODI-(2-METHYLBUTYRONITRILE)		3030	3 17
2142 add	BACITRACIN	1405-87-4		16
0180	BARIUM	7440-39-3	1400	1 2 3 4 6 8 17 18
2144 gen add	BARIUM ALLOY		1399+	3 6 17 18
0181	BARIUM AZIDE	18810-58-7	1571	1 2 3 6 17 18
0182	BARIUM BROMATE BROMIC ACID, BARIUM SALT	13967-90-3	2719	1 2 3 6 17 18
0183	# BARIUM CHLORATE CHLORIC ACID, BARIUM SALT	13477-00-4	1445+	(R2) 1 2 3 6 17 18
3074 add	BARIUM CHROMATE BARIUM CHROMATE (6+)	10294-40-3		6 18
2146 gen add	BARIUM COMPOUND, n.o.s.		1564	2 3 6 17 18
3177 gen add	BARIUM COMPOUND, SOLUBLE			1 4 6 18
0184	BARIUM CYANIDE	542-62-1	1565	1 2 3 6 8 17 18 20 21
0185	BARIUM HYPOCHLORITE HYPOCHLOROUS ACID, BARIUM SALT	13477-10-6	2741	1 2 3 6 17 18
syn add	BARIUM METAL, NON-PYROPHORIC see BARIUM			
0186	BARIUM NITRATE NITRIC ACID, BARIUM SALT	10022-31-8	1446	1 2 3 6 17 18
0187	BARIUM OXIDE	1304-28-5	1884	1 2 3 6 17 18
0188	BARIUM PERCHLORATE PERCHLORIC ACID, BARIUM SALT	13465-95-7	1447	1 2 3 6 17 18

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0189	BARIUM PERMANGANATE PERMANGANIC ACID, BARIUM SALT	7787-36-2	1448	1 2 3 6 17 18
0190	BARIUM PEROXIDE	1304-29-6	1448	1 2 3 6 17 18
2148 add	BARIUM SELENATE		2630	3 6 17 18
2149 add	BARIUM SELENITE	13718-59-7	2630	1 3 6 17 18
3561 add	BARIUM STYPNATE		0473	3
syn add	BAYGON see PROPOXUR			
3179 add	BAYLETON 1-(4-CHLOROPHENOXY)-3,3-DIMETHYL-1-(1,2,4-TRIAZOL-1-YL) * -BUTAN-2-ONE	43121-43-3		8
3180 add	BAYTHROID CYCLOPROPANECARBOXYLIC ACID, 2-(2,2-DICHLOROVINYL)-3,3- * DIMETHYL-, ESTER with (4-FLUORO-3-PHENOXYPHENYL)HYDROXY * ACETONITRILE	68359-37-5		8
0191	BENDIOCARB 1,3-BENZODIOXOL-4-OL, 2,2-DIMETHYL-, METHYLCARBAMATE	22781-23-3		14
3181 add	BENEFIN BENZENEAMINE, N-BUTYL-N-ETHYL-2,6-DINITRO-4-(TRIFLUORO * METHYL)-	1861-40-1		8
3182 add	BENTAZON 1H-2,1,3-BENZOTHIADIAZIN-4(3H)-ONE-2,2-DIOXIDE, 3-ISOPROPYL-	25057-89-0		8
0192	BENOMYL CARBAMIC ACID, 1-(BUTYLAMINO)CARBONYL-1H-BENZIMIDAZOL-2-YL-, * METHYL ESTER	17804-35-2	2588	2 3 4 8
0195	+ BENZAL CHLORIDE BENZENE, DICHLORO METHYL-	98-87-3		(MU) 3 6 7 16 18 19 20 21
0196	BENZALDEHYDE	100-52-7	1989	8 15 17
2895 add	BENZAMIDE	55-21-0		6 18
0193	# BENZ(a)ANTHRACENE	56-55-3		(CA,MU) 5 7 8 20 21
0194	# BENZ(a)ANTHRACENE, 7,12-DIMETHYL-	57-97-6		(CA,MU,TE) 3 20 21
2963 add	BENZ(c)ACRIDINE	225-51-4		3 20 21
syn add	1,2-BENZENDICARBOXYLIC ACID ANHYDRIDE see PHTHALIC * ANHYDRIDE			
0197	# BENZENE	71-43-2	1114	(CA,F3,MU) 2 3 4 5 6 7 8 15 17 18 20 21
2155 add	BENZENEARSONIC ACID	98-05-5		16 19
2966 add	BENZENE, 1-BROMO-4-PHENOXY-	101-55-3		3 8 20 21
2156 add	BENZENE, 1-(CHLOROMETHYL)-4-NITRO-	100-14-1		16 19

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3183 add	BENZENEDIAZONIUM CHLORIDE	1003-45-1		3
3184 add	BENZENEDIAZONIUM NITRATE	619-97-6		3
syn add	1,2-BENZENEDICARBOXYLIC ACID, DIETHYL ESTER see * DIETHYL PHTHALATE			
syn add	1,3-BENZENEDIOL see RESORCINOL			
2914 add	1,2-BENZENEDIOL, 4-(1-HYDROXY-2-(METHYLAMINO)ETHYL)-	51-43-4		3 20 21
3185 add	BENZENE-1,3-DISULFOHYDRAZIDE		2971	3 17
syn add	BENZENE, 1,2-METHYLENEDIOXY-4-ALLYL- see SAFROLE			
syn add	BENZENE, 1,2-METHYLENEDIOXY-4-PROPENYL- see 1,2-METHYLENE- * DIOXY-4-PROPENYL-BENZENE			
syn add	BENZENE, 1,2-METHYLENEDIOXY-4-PROPYL- see 1,2-METHYLENE- * DIOXY-4-PROPYL-BENZENE			
0200	# BENZENE PHOSPHOROUS DICHLORIDE PHOSPHORUS DICHLORIDE, PHENYL-	644-97-3	2798	(CO) 3 17
0201 chg	# BENZENE PHOSPHOROUS THIODICHLORIDE PHOSPHORDICHLORIDOTHIOUS ACID, PHENYL ESTER	14684-25-4	2799	(CO) 3 17
3186 add	BENZENE SULFOHYDRAZIDE	34569-20-5	2970	17
0202	# BENZENE SULFONYL CHLORIDE	98-09-9	2225	(CO) 3 16 17 20 21
0203	BENZENETHIOL PHENYLMERCAPTAN	108-98-5	2337	2 3 4 16 17 19 20 21
0204 chg	# BENZIDINE 1,1'-BIPHENYL-4,4'-DIAMINE	92-87-5	1885	(CA) 2 3 4 5 6 7 8 17 18 20 21
3187 gen add	# BENZIDINE BASED DYES			(CA) 4 7
3188 gen add	# BENZIDINE COGENER DYES			(CA) 4
syn add	BENZILIC ACID, 4,4'-DICHLORO-, ETHYL ESTER see ETHYL-4,4'- * DICHLOROBENZILATE			
syn add	BENZILIDEN CHLORIDE see BENZAL CHLORIDE			
2908 add	BENZIMIDAZOLE, 4,5-DICHLORO-2-(TRIFLUOROMETHYL)	3615-21-2		19
syn add	BENZIN see COAL TAR NAPHTHA			
syn add	BENZINE see VM & P NAPHTHA			

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syn add	BENZINE, LIGROINE see VM & P NAPHTHA			
syn add	1,2-BENZISOTHIAZOLIN-3-ONE,1,1-DIOXIDE, AND SALTS see * SACCHARIN			
0208	# BENZO(b)FLUORANTHENE BENZ(e)ACEPHENANTHRYLENE	205-99-2		(CA) 3 5 7 8 20
0210	# BENZO(j)FLUORANTHENE	205-82-3		(CA) 5 7
2969 add	# BENZO(k)FLUORANTHENE	207-08-9		(CA) 3 5 7 8 20
2970 add	BENZO(jk)FLUORANTHENE	206-44-0		3 8 20 21
0209	BENZOIC ACID	65-85-0		3 8 15 20
2160 gen add	BENZOIC DERIVATIVE PESTICIDES, n.o.s.		2769+	3 17
syn add	BENZOIC TRICHLORIDES see BENZOTRICHLORIDE			
syn add	BENZOL see BENZENE			
0211	BENZONITRILE	100-47-0	2224	3 17 20
2968 add	BENZO(ghi)PERYLENE	191-24-2		3 8 20
0207	# BENZO(a)PYRENE	50-32-8		(CA,MU) 2 3 4 5 7 8 20 21
syn add	BENZOQUINONE see p-BENZOQUINONE			
1460	p-BENZOQUINONE 2,5-CYCLOHEXADIENE-1,4-DIONE	106-51-4	2587	1 2 3 4 6 8 15 17 18 20 21
syn add	p-BENZOQUINONE, 2,3,5-TRIS(1-AZIRIDINYL)- see 2,3,5-TRIS * (1-AZIRIDINYL)-p-BENZOQUINONE			
0212	# BENZOTRICHLORIDE BENZENE, TRICHLOROMETHYL-	98-07-7	2226	(CA,CO) 3 5 6 7 8 15 16 17 18 19 20 21
0213	# BENZOTRIFLUORIDE BENZENE, TRIFLUOROMETHYL-	98-08-8	2338	(F3) 3 15 17
0214	# BENZOYL CHLORIDE	98-88-4	1736	(CO) 3 6 15 17 18 20
0215	# BENZOYL PEROXIDE PEROXIDE, DIBENZOYL	94-36-0	2085+	(F4,R4) 1 2 4 6 17 18
0216	# BENZYL BROMIDE BENZENE, BROMOMETHYL-	100-39-0	1737	(CO) 3 17

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0217	# BENZYL CHLORIDE BENZENE, CHLOROMETHYL-	100-44-7	1738	(CO,MU) 1 2 3 4 6 7 8 15 16 17 18 19 20 21
0218	# BENZYL CHLOROFORMATE CARBONOCHLORIDIC ACID, PHENYLMETHYL ESTER	501-53-1	1739	(CO) 3 17
	BENZYL CYANIDE see PHENYLACETONITRILE			
syn add				
0219	# BENZYL DIMETHYLAMINE BENZENEMETHANAMINE, N,N-DIMETHYL-	103-83-3	2619	(CO) 3 17
3189 add	BENZYLIDINE CHLORIDE		1886	3 17
0220	BENZYL IODIDE BENZENE, IODOMETHYL-	620-05-3	2653	3 17
2161 add	4-(BENZYL(ETHYL)AMINO)-3-ETHOXYBENZENEDIAZONIUM ZINC * CHLORIDE		3037	17
2162 add	4-(BENZYL(METHYL)AMINO)-3-ETHOXYBENZENEDIAZONIUM ZINC * CHLORIDE		3038	17
3190 add	# BENZYL VIOLET 4B	1694-09-3		(CA) 7
3080 add	# BERYL ALUMINUM BERYLLIUM SILICATE	1302-52-9		(CA) 5 6 7 18
0222 chg	# BERYLLIUM (DUST and FUME)	7440-41-7	1567	(CA) 1 2 3 4 5 6 7 8 17 18 20 21
3079 add	# BERYLLIUM-ALUMINUM ALLOY	12770-50-2		(CA) 1 2 5 6 7 18
3088 add	# BERYLLIUM CARBONATE BERYLLIUM, bis(CARBONATO(2-1)DIHYDROXYTRI)-	6104-24-3		(CA) 1 2 6 7 18
0223	# BERYLLIUM CHLORIDE	7787-47-5	1566	(CA) 1 2 3 5 6 7 17 18 20
2163 gen add	BERYLLIUM compounds, n.o.s.		1566	1 2 3 6 17 18 20
0224	# BERYLLIUM FLUORIDE	7787-49-7	1566	(CA) 1 2 3 5 6 17 18 20 21
3085 add	# BERYLLIUM HYDROGEN PHOSPHATE BERYLLIUM HYDROGEN PHOSPHATE (1:1)	13598-15-7		(CA) 1 2 6 7 18
3083 add	# BERYLLIUM HYDROXIDE	13327-32-7		(CA) 1 2 5 6 7 18
0225	BERYLLIUM NITRATE NITRIC ACID, BERYLLIUM SALT	13597-99-4	2464	1 2 3 6 17 18 20
0226	# BERYLLIUM OXIDE	1304-56-9		(CA) 1 2 5 6 7
3191 add	# BERYLLIUM PHOSPHATE	15398-15-7		(CA) 5 6 18
3084 add	# BERYLLIUM SULFATE BERYLLIUM SULFATE (1:1)	13510-49-1		(CA) 1 2 5 6 7 18

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3091 add	# BERYLLIUM SULFATE TETRAHYDRATE BERYLLIUM SULFATE TETRAHYDRATE (1:1:4)	7787-56-6		(CA) 1 2 5 6 7 18
	BERYLLIUM ZINC SILICATE see ZINC BERYLLIUM SILICATE			
syn add				
	alpha-BHC see alpha-HEXACHLOROCYCLOHEXANE			
syn add				
	beta-BHC see beta-HEXACHLOROCYCLOHEXANE			
syn add				
	delta-BHC see delta-HEXACHLOROCYCLOHEXANE			
syn add				
	gamma-BHC see LINDANE			
syn add				
2164 add	BHUSA		1327	17
2856 add	BICYCLO(2.2.1.)HEPTANE-2-CARBONITRILE, 5-CHLORO-6- * ((((METHYLAMINO)CARBONYL)OXY)IMINO)-	15271-41-7		16 19
	BIDRIN see DICROTOPHOS			
syn add				
2165 gen add	BIFLUORIDE, n.o.s.	18130-74-0	1740	3 17
3194 add	BIPHENTHRIN	82657-04-3		8
	BIPHENYL see DIPHENYL			
syn add				
	1,1'-BIPHENYL see DIPHENYL			
syn add				
syn add	(1,1'-BIPHENYL)-4-4'DIAMINE, 3,3'DICHLORO- see * 3,3' DICHLOROBENZIDINE			
	BIPHENYL, 4-NITRO see 4-NITROBIPHENYL			
syn add				
2168 gen add	BIPYRIDILIUM PESTICIDES, TOXIC, n.o.s.		3016+	3 17
0230	# BIS(AMINOPROPYL)AMINE 1,3-PROPANEDIAMINE, N-(3-AMINOPROPYL)-	56-18-8	1760	(CO) 17
0231	# BIS(AMINOPROPYL)PIPERAZINE PIPERAZINE,1,4-BIS(3-AMINOPROPYL)-	7209-38-3	1760	(CO) 3 17
2971 add	BIS (2-CHLOROETHOXY) METHANE	111-91-1		3 8 20 21
1965	# 5-[(BIS(2-CHLOROETHYL)AMINO)] URACIL 2,4(1H,3H)-PYRIMIDINEDIONE, 5- BIS(2-CHLOROETHYL)AMINO-	66-75-1		(CA,MU) 3 7 20 21
0232	@ BIS (2-CHLOROETHYL) ETHER ETHANE, 1,1'-OXYBIS 2-CHLORO-	111-44-4	1916	2 3 4 6 8 15 16 17 18 19 20 21

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0233	# BISCHLOROETHYL NITROSOUREA UREA, N,N'-BIS(2-CHLOROETHYL)-N-NITROSO-	154-93-8		(CA,MU) 5 7 13(Q)
syn add	BIS(2-CHLOROISOPROPYL)ETHER see BIS(2-CHLORO-1- * METHYLETHYL)ETHER			
0234	# BIS (2-CHLOROMETHYL) ETHER METHANE, OXYBIS(CHLORO-)	542-88-1	2249	(CA) 2 3 4 5 6 7 8 16 18 19 20 21
0235	BIS(2-CHLORO-1-METHYLETHYL)ETHER PROPANE, 2,2'-OXYBIS 1-CHLORO-	108-60-1	2490	3 6 8 15 17 18 20 21
2170 add	BIS(CHLOROMETHYL)KETONE 2-PROPANONE, 1,3-DICHLORO-	534-07-6	2649	3 16 17 19
0236	1,2-BIS-(DIMETHYLAMINO)-ETHANE 1,2-ETHANEDIAMINE, N,N,N',N'-TETRAMETHYL-	110-18-9	2372	3
3195 add	BIS[2-(DIMETHYLAMINO)ETHYL] ETHER	3033-62-3		4
0237	BIS (2-ETHYLHEXYL) ADIPATE HEXANEDIOIC ACID, BIS(2-ETHYLHEXYL) ESTER	103-23-1		6 8 15 18
0238 chg	# BIS (2-ETHYLHEXYL) PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, BIS(2-ETHYLHEXYL) ESTER	117-81-7		(CA,TE) 2 3 4 5 6 7 8 15 18 20 21
0239	BISMUTH TELLURIDE	1304-82-1		2 4
2388 add	BISPHENOL A 4,4'-ISOPROPYLIDENEDIPHENOL	80-05-7		6 8 18
2171 gen add	BISULFITES, INORGANIC, AQUEOUS SOLUTION, n.o.s.		2693	3 17
2172 add	BITOSCANATE	4044-65-9		16 19
3197 gen add	# BITUMENS,extracts of steam-refined + air dried			(CA) 7
0240	BLADEX PROPIONITRILE, 2-(4-CHLORO-6-(ETHYLAMINO)-1,3,5-TRIAZIN-2- * YL)AM-2-METHYL-	21725-46-2		8 14
syn add	BLEACHING POWDER see CALCIUM HYPOCHLORITE			
3198 gen add	# BLEOMYCINS			(CA) 7
syn add	BLUE ASBESTOS see ASBESTOS, CROCIDOLITE			
syn add	BOMYL see SWAT			
2176 gen add	BORATE AND CHLORATE MIXTURE		1458	3 17
3200 gen add	BORATES			4 8

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syn add	BORATE, TETRASODIUM SALT see SODIUM BORATES			
syn add	BORAX see SODIUM BORATES			
2177 gen add	BORDEAUX ARSENITE, liquid or solid		2759	17
syn add	BORIC ANHYDRIDE see BORON OXIDE			
0242	BORNEOL BICYCLO 2.2.1 HEPTAN-2-OL, 1,7,7-TRIMETHYL-, ENDO-	507-70-0	1312	3 15 17
syn add	BORNYL CHLORIDE see PINANE HYDROPEROXIDE			
3201 add	BORON	7440-42-8		8
0243 chg	BORON OXIDE	1303-86-2		1 2 4
0244	# BORON TRIBROMIDE BORANE, TRIBROMO-	10294-33-4	2692	(CO,R3) 1 2 3 4 17
0245	# BORON TRICHLORIDE BORANE, TRICHLORO-	10294-34-5	1741	(CO) 3 16 17 19
0246	BORON TRIFLUORIDE BORANE, TRIFLUORO-	7637-07-2	1008	1 2 3 4 16 17 19
0247	BORON TRIFLUORIDE ACETIC ACID COMPLEX BORANE, TRIFLUORO-COMPOUND WITH ACETIC ACID (1:1)	753-53-7	1742	3 17
0248	# BORON TRIFLUORIDE DIETHYL ETHERATE BORON, TRIFLUORO 1,1'-OXYBIS ETHANE -, (T-4)-	109-63-7	2604	(CO) 1 2 3 15 17
0249	# BORON TRIFLUORIDE DIHYDRATE BORANE, TRIFLUORO-, DIHYDRATE	13319-75-0	2851	(CO) 1 2 3 17
syn add	BORON TRIFLUORIDE COMPOUND with METHYL ETHER (1:1) * see BORON TRIFLUORIDE DIMETHYL ETHERATE			
0250	+ BORON TRIFLUORIDE DIMETHYL ETHERATE BORON, TRIFLUORO OXYBIS METHANE -, (T-4)-	353-42-4	2965	(F2,CO) 1 2 3 16 17 19
3202 add	BORON TRIFLUORIDE PROPIONIC ACID COMPLEX		1743	3 17
syn add	BOX TOE GUM see NITROCELLULOSE			
3204 add	BRODIFACOUM 3-(3-(4'-BROMO(1,1'-BIPHENYL)4-YL)-1,2,3,4-TETRAHYDRO-1 * NAPHTHALENYL)-4-HYDROXY-2H-1-BENZOPYRAN-2-ONE	56073-10-0		14
0251	BROMACIL 2,4(1H,3H)-PYRIMIDINEDIONE, 5-BROMO-6-METHYL-3- (1-METHYLPROPYL)-	314-40-9		2 4
2179 add	BROMADIALONE	28772-56-7	3027	14 16 17 19
2180 gen add	BROMATE, INORGANIC, n.o.s.		1450	3 17
3205 gen add	BROMINATED DIBENZOFURANS			8

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0252	# BROMINE	7726-95-6	1744	(CO) 1 2 3 4 16 17 19
	BROMINE solutions see BROMINE			
syn add				
3206 add	BROMINE AZIDE	13973-87-0		3
0253	# BROMINE CHLORIDE	13863-41-7	2901	(CO) 3 17
0254	# BROMINE PENTAFLUORIDE BROMINE FLUORIDE (BrF5)	7789-30-2	1745	(CO,R3) 2 3 4 17
0255	# BROMINE TRIFLUORIDE BROMINE FLUORIDE	7787-71-5	1746	(CO,R3) 3 4 17
2182 gen add	BROMOACETIC ACID	79-08-3	1938	3 17
0256	BROMOACETONE 2-PROPANONE, 1-BROMO-	598-31-2	1569	3 20 21
0257	# BROMOACETYL BROMIDE ACETYL BROMIDE, BROMO-	598-21-0	2513	(CO) 3 17
0258	BROMOBENZENE BENZENE, BROMO-	108-86-1	2514	3 17
0259	BROMOBENZYL CYANIDE ACETONITRILE, BROMOPHENYL	5798-79-8	1694	3 6 17 18
0260	2-BROMOBUTANE BUTANE, 2-BROMO-	78-76-2	2339	3 17
syn add	BROMOCHLORODIFLUOROMETHANE (HALON 1211) see * CHLORODIFLUOROBROMOMETHANE			
	BROMOCHLOROMETHANE see CHLOROBROMOMETHANE			
syn add				
	BROMODICHLOROMETHANE see DICHLOROBROMOMETHANE			
syn add				
	p-BROMODIPHENYL ETHER see BENZENE, 1-BROMO-4-PHENOXY-			
syn add				
0261	BROMOETHYL ETHYL ETHER ETHANE, 1-BROMO-2-ETHOXY	592-55-2	2340	3 17
0262	BROMOFORM METHANE, TRIBROMO-	75-25-2	2515	1 2 3 4 6 8 17 18 20 21
	BROMOMETHANE see METHYL BROMIDE			
syn add				
0263 chg	+ 1-BROMO-3-METHYL BUTANE BUTANE, 1-BROMO-3-METHYL-	107-82-4	2341	(F3) 3 17
0264 chg	+ 2-BROMO-2-METHYLPROPANE PROPANE, 2-BROMO-2-METHYL	507-19-7	2342	(F3) 3 17
0265 chg	+ 1-BROMO-2-METHYLPROPANE PROPANE, 1-BROMO-2-METHYL	78-77-3	2342	(F3) 3
0266 chg	2-BROMOPENTANE PENTANE,2-BROMO-	29756-38-5	2343	(F3) 15 17
0267 chg	2-BROMOPROPANE PROPANE, 2-BROMO-	26446-77-5	2344	3 17

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0268	# 3-BROMOPROPYNE PROPYNE, 3-BROMO-	106-96-7	2345	(F3,R4) 3 16 19
3210 add	BROMOTRICHLOROMETHANE	75-62-7		8
0269	BROMOTRIFLUOROETHYLENE ETHENE, BROMOTRIFLUORO-	598-73-2	2419	3 17
syn add	BROMOTRIFLUOROMETHANE see TRIFLUOROBROMOMETHANE			
3211 add	BROMOXYNIL 1,4-DIBROMO-3-CYANOPHENOL	1689-84-5		8
3212 add	BROMOXYNIL OCTANOATE 2,6-DIBROMO-4-CYANOPHENYL OCTANOATE	1689-99-2		8
0270	BRUCINE STRYCHNIDIN-10-ONE, 2,3-DIMETHOXY-	357-57-3	1570	3 17 20 21
0271	# BUSULFAN 1,4-BUTANEDIOL, DIMETHYLSULFONATE	55-98-1		(CA,MU,TE) 5 7 13 (F, H, T, U, V, Y, EE)
syn add	BUTADIENE see 1,3-BUTADIENE			
0272 chg	# 1,3-BUTADIENE BUTADIENE	106-99-0	1010	(CA,F4,R2) 1 2 3 4 5 6 7 8 15 16 18
syn add	1-BUTANAMINE, N-BUTYL-N-NITROSO- see * N-NITROSODI-N-BUTYLAMINE			
0273	# BUTANE N-BUTANE	106-97-8	1011	(F4) 2 3 4 15 17
syn add	1,4-BUTANEDIOL, DIMETHYLSULFONATE see BUSULFAN			
0274	+ BUTANEDIONE 2,3-BUTANEDIONE	431-03-8	2346	(F3) 3 15 17
3562 gen add	BUTANOLS		1120	3 17
syn add	1-BUTANETHIOL see BUTYL MERCAPTAN			
syn add	1-BUTANOL see n-BUTYL ALCOHOL			
syn add	2-BUTANONE see METHYL ETHYL KETONE			
syn add	2-BUTANONE PEROXIDE see METHYL ETHYL KETONE PEROXIDE			
syn add	BUTENE see BUTYLENE			
syn add	2-BUTENE, 1,4-DICHLORO- see 1,4-DICHLORO-2-BUTENE			

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	BUTIPHOS see MERPHOS OXIDE			
syn add				
0275	2-BUTOXY ETHANOL ETHANOL, 2-BUTOXY-	111-76-2	2369	1 2 3 4 17
0276	BUTOXYL 1-BUTANOL, 3-METHOXY-, ACETATE	4435-53-4	2708	3 17
1329	# n-BUTYL ACETATE ACETIC ACID, BUTYL ESTER	123-86-4	1123	(F3) 1 2 3 4 15 17 20
1644	+ sec-BUTYL ACETATE ACETIC ACID, 1-METHYLPROPYL ESTER	105-46-4	1123	(F3) 1 2 3 4 15 20
1786	+ tert-BUTYL ACETATE ACETIC ACID, 1,1-DIMETHYLETHYL ESTER	540-88-5	1123	(F3) 1 2 3 4 20
0277 chg	# BUTYL ACID PHOSPHATE PHOSPHORIC ACID, DIBUTYL ESTER	12788-93-1	1718	(CO) 3 17
0278	# BUTYL ACRYLATE 2-PROPENOIC ACID, BUTYL ESTER	141-32-2	2348	(R2) 1 2 4 6 15 17 18
1330	# n-BUTYL ALCOHOL 1-BUTANOL	71-36-3	1120	(F3) 1 2 3 4 6 8 15 17 18 20 21
1645	+ sec-BUTYL ALCOHOL 2-BUTANOL	78-92-2	1120	(F3) 1 2 3 4 6 15 18
1787	+ tert-BUTYL ALCOHOL 2-PROPANOL, 2-METHYL-	75-65-0	1120	(F3) 1 2 3 4 6 15 18
0279	BUTYL ALDEHYDE OXIME BUTANAL OXIME	110-69-0	2840	3 17
0280	# BUTYLAMINE 1-BUTANAMINE	109-73-9	1125	(F3) 1 2 3 4 15 17 20
3059 add	# sec-BUTYLAMINE	13952-84-6		(F3) 3 15 17 20
3025 add	# tert-BUTYLAMINE	75-64-9		(F4) 3 15 17 20
0281	BUTYLANILINE BENZENAMINE, N-BUTYL	1126-78-9	2738	3 17
3214 add	BUTYLATE BIS(2-METHYLPROPYL)CARBAMOTHIOIC ACID S-ETHYL ESTER	2008-41-5		8
3563 add	BUTYLATED HYDROXYANISOLE	25013-16-5		(CA) 5 7
	BUTYLATED HYDROXYTOLUENE see 2,6-DI-tert-BUTYL-p-CRESOL			
syn add				
0282	BUTYL BENZENE BENZENE, BUTYL-	104-51-8	2709	3 17
2896 add	BUTYL BENZYL PHTHALATE PHTHALIC ACID, BENZYL BUTYL ESTER	85-68-7		3 6 8 18 20
0283	# BUTYL BROMIDE BUTANE, 1-BROMO-	109-65-9	1126	(F3) 3 15 17
	sec-BUTYL BROMIDE see 2-BROMOBUTANE			
syn add				

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syn add	tert-BUTYL BROMIDE see BROMOMETHYLPROPANE			
syn add	BUTYL CELLOSOLVE see 2-BUTOXY ETHANOL			
0284	# BUTYL CHLORIDE BUTANE, 1-CHLORO-	109-69-3	1127	(F3) 3 8 15 17
3215 add	# tert-BUTYL CHLORIDE	507-20-0		(F3) 8 15
0285	# BUTYLCHLOROFORMATE CARBONOCHLORIDIC ACID, BUTYL ESTER	592-34-7	2743	(CO) 3 17
3216 add	sec-BUTYLCHLOROFORMATE		2742	3 17
1788	tert-BUTYL CHROMATE CHROMIC ACID, BIS(1,1-DIMETHYLETHYL)- ESTER	1189-85-1		1 2 4 6 18
syn add	tert-BUTYL CUMENE PEROXIDE see tert-BUTYL CUMYL PEROXIDE			
2184 add	tert-BUTYL CUMYL PEROXIDE	3457-61-2	2091	3 17
syn add	BUTYLCYCLOHEXYLCHLOROFORMATE see tert-BUTYLCYCLOHEXYLCHLORO * FORMATE			
1789	tert-BUTYLCYCLOHEXYLCHLOROFORMATE CARBONOCHLORIDIC ACID, (1,1-DIMETHYLETHYL)CYCLOHEXYL ESTER	70042-58-9	2747	3 17
2185 add	N-BUTYL-4,4-DI(tert-BUTYL-PEROXY) VALERATE	995-33-5	2140	3 17
0286 chg	# BUTYLENE BUTENE	25167-67-3	1012	(F4) 3 15 17
syn add	BUTYLENE OXIDE see TETRAHYDROFURAN			
0287 chg	# 1,2-BUTYLENE OXIDE OXIRANE, ETHYL-	106-88-7	3022	(F3,MU,R2) 3 4 6 15 17 18
0288	# BUTYL ETHER BUTANE, 1,1'-OXYBIS-	142-96-1	1149	(F3) 3 15 17
0289	+ BUTYL FORMATE FORMIC ACID, BUTYL ESTER	592-84-7	1128	(F3) 3 15 17
1331	n-BUTYL GLYCIDYL ETHER OXIRANE, (BUTOXYMETHYL)-	2426-08-6		1 2 4
1790 chg	# tert-BUTYL HYDROPEROXIDE HYDROPEROXIDE, 1,1-DIMETHYLETHYL	75-91-2	2094	(F4,MU,R4) 3 15 17
1402	n-n-BUTYL-IMIDAZOLE 1H-IMIDAZOLE, 1-BUTYL-	4316-42-1	2690	3 17
1332	+ n-BUTYLISOCYANATE BUTANE, 1-ISOCYANATO-	111-36-4	2485	(R2) 3 15 17
1791	tert-BUTYLISOCYANATE PROPANE, 2-ISOCYANATO-2-METHYL-	1609-86-5	2484	3 17
2188 add	tert-BUTYL ISOPROPYL BENZENE HYDROPEROXIDE	30026-92-7	2091	3 17
2189 add	BUTYL ISOVALERATE BUTANOIC ACID, 3-METHYL-, BUTYL ESTER	109-19-3		16

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	BUTYL LACTATE see n-BUTYL LACTATE			
syn add				
1333	n-BUTYL LACTATE PROPANOIC ACID, 2-HYDROXY-, BUTYL ESTER	138-22-7		2 4 15
2190 add	BUTYL LITHIUM	109-72-8	2445	3 17
0290	# BUTYL MERCAPTAN 1-BUTANETHIOL	109-79-5	2347	(F3) 1 2 3 4 15 17
0291	BUTYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, BUTYL ESTER	97-88-1	2227	3 17
3104 add	BUTYL METHYL ETHER	628-28-4	2350	3 17
1792	tert-BUTYL MONOPEROXYMALEATE 2-PROPENEPEROXOIC ACID, 3-CARBOXY-, 1-(1,1-DIMETHYLETHYL) * ESTER, (Z)-	1931-62-0	2101+	3 17
0292	+ BUTYL NITRITE NITROUS ACID, BUTYL ESTER	544-16-1	2351	(F3) 3 17
	tert-BUTYL PEROXIDE see DI-tert-BUTYLPEROXIDE			
syn add				
1793	# tert-BUTYL PEROXYACETATE ETHANEPEROXOIC ACID, 1,1-DIMETHYLETHYL ESTER	107-71-1	2096+	(F3,R4) 3 15 17
	BUTYL PEROXYBENZOATE see tert-BUTYLPEROXYBENZOATE			
syn add				
1794	# tert-BUTYL PEROXYBENZOATE BENZENECARBOPEROXOIC ACID, 1,1-DIMETHYLETHYL ESTER	614-45-9	2098+	(F3,R4) 3 15 17
	BUTYL PEROXYCROTONATE see tert-BUTYL PEROXYCROTONATE			
syn add				
1795	tert-BUTYL PEROXYCROTONATE 2-BUTENEPEROXOIC ACID, 1,1-DIMETHYLETHYL ESTER	23474-91-1	2183	3 17
0293 chg	sec-BUTYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIBUTYL ESTER	19910-65-7	2169	3 17
2191 add	tert-BUTYL PEROXYDIETHYL-ACETATE		2144	3 17
1796	tert-BUTYL PEROXY(2-ETHYL)-HEXANOATE HEXANEPEROXOIC ACID, 2-ETHYL-, 1,1-DIMETHYLETHYL ESTER	3006-82-4	2886+	3 17
1797	tert-BUTYL PEROXYISOBUTYRATE PROPANEPEROXOIC ACID, 2-METHYL-, 1,1-DIMETHYLETHYL ESTER	109-13-7	2142+	3 17
2193 add	tert-BUTYL PEROXYISONONANOATE		2104	3 17
1798	tert-BUTYL PEROXYISOPROPYL CARBONATE CARBONOPEROXOIC ACID, OO-(1,1-DIMETHYLETHYL) O-(1- * METHYLETHYL) ESTER	2372-21-6	2103	3 17
1799	tert-BUTYL PEROXYNEODECANOATE NEODECANEPEROXOIC ACID, 1,1-DIMETHYLETHYL ESTER	26748-41-4	2177+	3 17
2194 add	3-tert-BUTYL PEROXY-3-PHENYLPHTHALIDE		2596	3 17
2195 gen add	tert-BUTYL PEROXY-PHTHALATE		2105	3 17
1800	# tert-BUTYL PEROXYPIVALATE PROPANEPEROXOIC ACID, 2,2-DIMETHYL-, 1,1-DIMETHYLETHYL ESTER	927-07-1	2110+	(F3,R4) 3 15 17

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3218 add	tert-BUTYLPEROXYSTEARYLCARBONATE		3062	17
2196 add	tert-BUTYL PEROXY-3,5,5-TRIMETHYLHEXANOATE	13122-18-4	2104	3 17
0294	BUTYL PHENOL PHENOL, BUTYL-	28805-86-9	2228+	3
1440	o-sec-BUTYLPHENOL PHENOL, 2-(1-METHYLPROPYL)	89-72-5	2229+	2 3 4
syn add	BUTYL PHOSPHORIC ACID see BUTYL ACID PHOSPHATE			
syn add	n-BUTYL PHTHALATE see DI-n-BUTYL PHTHALATE			
3219 add	BUTYLPHTHALATEBUTYLGLYCOLATE	85-70-1		8 15
0295	# BUTYL PROPIONATE PROPANOIC ACID, BUTYL ESTER	590-01-2	1914	(F3) 3 15 17
3555 add	BUTYLTOLUENE		2667	3 17
1620	p-tert-BUTYLTOLUENE BENZENE, 1-(1,1-DIMETHYLETHYL)-4-METHYL-	98-51-1		2 4
0296	# BUTYL TRICHLOROSILANE SILANE, BUTYLTRICHLORO-	7521-80-4	1747	(CO) 3 15 17
2198 add	tert-BUTYL-2,4,6-TRINITRO-m-XYLENE BENZENE, 1-(1,1 DIMETHYETHYL)-3,5-DIMETHYL-2,4,6 TRINITRO	81-15-2	2956	3 17
0297	# BUTYL VINYL ETHER BUTANE, 1-(ETHENYLOXY)-	111-34-2	2352	(F3,R2) 3 15 16 17
0298	1,4-BUTYNEDIOL 2-BUTYNE-1, 4-DIOL	110-65-6	2716	3 17
0299	# BUTYRALDEHYDE BUTANAL	123-72-8	1129	(F3) 3 6 15 17 18
syn add	BUTYRALDOXIME see BUTYL ALDEHYDE OXIME			
0300	# BUTYRIC ACID BUTANOIC ACID	107-92-6	2820	(CO) 3 15 17 20
0301	# BUTYRIC ANHYDRIDE BUTANOIC ACID, ANHYDRIDE	106-31-0	2739	(CO) 3 15 17
3220 add	# beta-BUTYROLACTONE			(CA) 7 15
syn add	BUTYRONE see DIPROPYLKETONE			
0302	# BUTYRONITRILE BUTANENITRILE	109-74-0	2411	(F3) 3 4 15 17
0303	# BUTYRYL CHLORIDE BUTANOYL CHLORIDE	141-75-3	2353	(CO) 3 17
3355 add	# A-alpha-C(2-AMINO-9H-PYRIDO[2,3-b]INDOLE	68006-83-7		(CA) 7
0304 chg	CACODYLIC ACID ARSENIC ACID, DIMETHYL-	75-60-5	1572	2 3 8 17 20 21
0305 chg	# CADMIUM	7440-43-9	2570	(CA,TE) 1 2 3 4 5 6 7 8 18 20

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2869 gen add	CADMIUM, inorganic compounds		2570	3 6 17 18 20
0306	# CADMIUM ACETATE ACETIC ACID, CADMIUM SALT	543-90-8	2570	(CA) 2 3 5 6 8 17 18 20
0307	CADMIUM BROMIDE	7789-42-6	2570	2 3 6 17 18 20
0308	# CADMIUM CHLORIDE	10108-64-2	2570	(CA,MU) 2 3 5 6 7 8 17 18 20
2199 gen add	CADMIUM COMPOUNDS, n.o.s.		2570	3 6 7 14 17 18 20
2200 add	# CADMIUM OXIDE	1306-19-0	2570	(CA) 2 3 5 6 7 16 17 18 19 20
syn add	CADMIUM SALTS see CADMIUM COMPOUNDS, n.o.s.			
2201 add	CADMIUM STEARATE	2223-93-0	2570	3 6 16 17 18 19 20
3073 add	# CADMIUM SULFATE CADMIUM SULFATE (1:1)	10124-36-4	2570	(CA) 2 3 5 6 7 17 18 20
3081 add	# CADMIUM SULFIDE	1306-23-6	2570	(CA) 5 6 7 17 18 20
syn add	CAESIUM see CESIUM			
0309	# CALCIUM	7440-70-2	1401	(R2) 3 17
0310	# CALCIUM ARSENATE ARSENIC ACID, CALCIUM SALT	7778-44-1	1573	(CA) 3 5 6 7 8 16 17 18 19 20
0311	@ CALCIUM ARSENITE ARSONIC ACID, CALCIUM SALT	52740-16-6	1574	2 3 5 6 7 8 17 18 20
syn add	CALCIUM BISULFIDE see CALCIUM HYDROGEN SULFITE			
syn add	CALCIUM BISULFITE see CALCIUM HYDROSULFITE			
0312	# CALCIUM CARBIDE	75-20-7	1402	(F4,R2) 3 17 20
0313	CALCIUM CHLORATE CHLORIC ACID, CALCIUM SALT	10137-74-3	1452+	2 3 17
0314	CALCIUM CHLORITE CHLOROUS ACID, CALCIUM SALT	14674-72-7	1453	2 3 17
0315 chg	# CALCIUM CHROMATE CHROMIC ACID, CALCIUM SALT	13765-19-0		(CA,MU) 2 3 5 6 7 8 18 20 21
0316	CALCIUM CYANAMIDE CYANAMIDE, CALCIUM SALT (1:1)	156-62-7	1403	2 3 4 6 17 18

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0317	CALCIUM CYANIDE	592-01-8	1575	2 3 6 8 14 17 18 20 21
2202 add	CALCIUM DITHIONITE		1923	17
0318	CALCIUM DODECYLBENZENE SULFONATE BENZENESULFONIC ACID, DODECYL-, CALCIUM SALT	26264-06-2		3 20
0320	CALCIUM HYDRIDE	57308-10-8	1404	3 4 17
0321	# CALCIUM HYDROGEN SULFITE SULFUROUS ACID, CALCIUM SALT (2:1)	13780-03-5	2693	(CO) 3 17
syn add	CALCIUM HYDROSULFITE see CALCIUM DITHIONITE			
0322	CALCIUM HYDROXIDE	1305-62-0		2 4
0323	# CALCIUM HYPOCHLORITE HYPOCHLOROUS ACID, CALCIUM SALT	7778-54-3	1748+	(R2) 3 15 17 20
0324	CALCIUM NITRATE NITRIC ACID, CALCIUM SALT	10124-37-5	1454	3 17
0325	CALCIUM OXIDE	1305-78-8	1910	1 2 3 4 17
0326	CALCIUM PERCHLORATE PERCHLORIC ACID, CALCIUM SALT	13477-36-6	1455	3 17
0327	CALCIUM PERMANGANATE PERMANGANIC ACID, CALCIUM SALT	10118-76-0	1456	3 17
0328	CALCIUM PEROXIDE	1305-79-9	1457	3 17
0329	CALCIUM PHOSPHIDE	1305-99-3	1360	3 17
0330	CALCIUM RESINATE RESIN ACIDS AND ROSIN ACIDS, CALCIUM SALTS	9007-13-0	1314+	3 17
0331	CALCIUM SELENATE SELENIC ACID, CALCIUM SALT (1:1)	14019-91-1	2630	2 3 6 17 18
0332	CALCIUM SILICIDE	12737-18-7	1405	3 17
2205 add	CALCIUM SILICON	12013-56-8	1406	3 17
syn add	CAMPHECHLOR see TOXAPHENE			
0333	+ CAMPHENE BICYCLO (2.2.1) HEPTANE, 2,2-DIMETHYL-3-METHYLENE-	79-92-5	9011	(F3) 17
0334	CAMPHOR BICYCLO (2.2.1) HEPTAN-2-ONE, 1,7,7-TRIMETHYL-	76-22-2	2717	1 2 3 4 17
syn add	CAMPHOR, NATURAL OR SYNTHETIC see CAMPHOR			
0335	CAMPHOR OIL OILS, CAMPHOR	8008-51-3	1130	3 17
2207 add	CANTHARIDIN 2,3-DIMETHYL-7-OXABICYCLO(2.2.1)HEPTANE-2,3-DICARBOXYLIC * ANHYDRIDE	56-25-7		16 19
0336	# CAPROIC ACID HEXANOIC ACID	142-62-1	1760+	(CO) 3 17

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	CAPROIC ALDEHYDE see HEXALDEHYDE			
syn add				
0337	CAPROLACTAM 2H-AZEPIN-2-ONE, HEXAHYDRO-	105-60-2		2 4 8
2208 add	CAPRYLYL PEROXIDE (N-OCTANOYL PEROXIDE)	7530-07-6	2129	17
0338	CAPTAFOL 1H-ISOINDOLE-1,3(2H)-DIONE, 3A,4,7,7A-TETRAHYDRO-2- (1,1,2,2- * TETRACHLOROETHYL)THIO-	2425-06-1		2 4 8
0339	# CAPTAN 1H-ISOINDOLE-1,3(2H)-DIONE, 3A,4,7,7A-TETRAHYDRO-2- * (TRICHLOROMETHYL)THIO-	133-06-2		(MU) 2 3 4 6 7 8 18 20
2209 add	CARBACHOL CHLORIDE	51-83-2		16 19
2210 gen add	CARBAMATE PESTICIDES, TOXIC, n.o.s.		2992+	3 17
	CARBAMIC ACID, ETHYL ESTER see URETHANE			
syn add				
2214 add	CARBAMIC ACID, METHYL-, O(((2,4-DIMETHYL-1-3- * DITHIOLAN-2-YL)METHYLENE)AMINO)	26419-73-8		16 19
	CARBAMIDE, N-ETHYL-N-NITROSO- see N,NITROSO-N-ETHYLUREA			
syn add				
	CARBAMIDE, N-METHYL-N-NITROSO- see N-NITROSO-N-METHYLUREA			
syn add				
	CARBAMIDE, THIO- see THIOUREA			
syn add				
	CARBAMOYL CHLORIDE, DIMETHYL- see DIMETHYLCARBAMOYL * CHLORIDE			
syn add				
2972 add	CARBAMIMIDOSELENOIC ACID	630-10-4		3 8 20 21
0340	CARBARYL 1-NAPHTHALENOL, METHYLCARBAMATE	63-25-2	2757	1 2 3 4 6 8 17 18 20
	CARBOBENZOXY CHLORIDE see BENZYL CHLOROFORMATE			
syn add				
0341	CARBOFURAN 7-BENZOFURANOL, 2,3-DIHYDRO-2,2-DIMETHYL-, METHYLCARBAMATE	1563-66-2	2757	2 3 4 8 14 16 17 19 20
	CARBOLIC ACID see PHENOL			
syn add				
	CARBON BISULFIDE see CARBON DISULFIDE			
syn add				
0342	CARBON BLACK	1333-86-4		1 2 4 7
3565 add	# CARBON BLACK EXTRACTS			(CA) 7
0343	CARBON DIOXIDE	124-38-9	1013+	1 2 3 4 17

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0344	# CARBON DISULFIDE	75-15-0	1131	(F3) 1 2 3 4 6 8 14 15 16 17 18 19 20 21
0345	# CARBON MONOXIDE	630-08-0	1016+	(F4) 1 2 3 4 15 17
	CARBON OXYFLUORIDE see CARBONYL FLUORIDE			
syn add				
0346	CARBON TETRABROMIDE METHANE, TETRABROMO-	558-13-4	2516	2 3 4 17
0347	# CARBON TETRACHLORIDE METHANE, TETRACHLORO	56-23-5	1846	(CA,MU) 1 2 3 4 5 6 7 8 17 18 20 21
	CARBON TETRAFLUORIDE see TETRAFLUOROMETHANE			
syn add				
	CARBONYL CHLORIDE see PHOSGENE			
syn add				
0348	CARBONYL FLUORIDE CARBONIC DIFLUORIDE	353-50-4	2417	2 3 4 17 20 21
0349	+ CARBONYL SULFIDE CARBON OXIDE SULFIDE	463-58-1	2204	(F4) 3 6 8 15 17 18
2218 add	CARBOPHENOTHION O,O-DIETHYL p-CHLOROPHENYLMERCAPTOMETHYL DITHIOPHOSPHATE	786-19-6		16 19
3223 add	CARBOSULFAN CARBAMIC ACID, ((DIBUTYLAMINO)THIO)METHYL-2,2-DIMETHYL-2,3- * DIHYDRO-7-BENZOFURANYL ESTER	55285-14-8		8
3224 add	CARBOXIN 1,4-OXATHIIN, 2,3-DIHYDRO-5-CARBOXANILIDO-6-METHYL-	5234-68-4		8
3225 add	CARMINE	860-22-0		12(A)
3566 add	# CARRAGEENAN, DEGRADED	9000-07-1		(CA) 7
	CARMUSTINE see BISCHLOROETHYL NITROSOUREA			
syn add				
2219 add	CARVONE 6,8(9)-p-MENTHADIEN-2-ONE	2244-16-8		16
2220 gen add	CASINGHEAD GASOLINE NATURAL GASOLINE		1257	3 17
0351	CASTRIX PYRIMIDINE, 2-CHLORO-4-(DIMETHYLAMINO)-6-METHYL-	535-89-7		14 16 19
	CATECHOL see 1,2 DIHYDROXYBENZENE			
syn add				
2221 gen add	CAUSTIC ALKALI LIQUIDS, n.o.s.		1719	3 17
	CAUSTIC POTASH see POTASSIUM HYDROXIDE			
syn add				

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syn add	CAUSTIC SODA see SODIUM HYDROXIDE			
syn add	CDEC see SULFALLATE			
syn add	CELLOSOLVE see 2-ETHOXYETHANOL			
syn add	CELLOSOLVE ACETATE see 2-ETHOXYETHYLACETATE			
2224 gen add	CELLULOID, IN BLOCKS, RODS, ROLLS, SHEETS, TUBES, ETC.		2000+	3 17
3227 add	CELLULOSE	9004-34-6		2 4
syn add	CEMENT DUST, PORTLAND see CALCIUM OXIDE			
0352	CERIUM	7440-45-1	1333+	3 17
0353	CESIUM	7440-46-2	1407	3 17
0354	# CESIUM HYDROXIDE	21351-79-1	2681+	(CO) 2 3 4
0355	CESIUM NITRATE NITRIC ACID, CESIUM SALT	7789-18-6	1451	3 17
syn add	CHARCOAL(ACTIVATED) see CARBON(ACTIVATED)			
0356	CHLORAL ACETALDEHYDE, TRICHLORO-	75-87-6	2075	3 8 17 20 21
0357	CHLORAMBEN BENZOIC ACID, 3-AMINO-2,5-DICHLORO-	133-90-4		6 8 18
0358	# CHLORAMBUCIL BENZENEBUTANOIC ACID, 4- BIS(2-CHLOROETHYL)AMINO-	305-03-3		(CA,MU,TE) 3 7 13 (E,F,H, R,Y,EE) 20 21
0359	CHLORAMINE MONOCHLOROAMMONIA	10599-90-3		8 12(B)
0360	# CHLORAMPHENICOL ACETAMIDE, 2,2-DICHLORO-N- 2-HYDROXY-1-(HYDROXYMETHYL)-2-(4- * NITROPHENYL)ETHYL-	56-75-7		(CA,MU,TE) 7
syn add	CHLORATE and BORATE MIXTURES see BORATE and CHLORATE * MIXTURES			
2231 gen add	CHLORATE and MAGNESIUM CHLORIDE MIXTURE		1459	3 17
syn add	CHLORATE OF POTASH see POTASSIUM CHLORATE			
syn add	CHLORATE OF SODA see SODIUM CHLORATE			
2232 gen add	CHLORATE, INORGANIC, n.o.s.		1461	3 17

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0361	# CHLORDANE OCTACHLORODIHYDRODICYCLOPENTADIENE	57-74-9	2762	(CA) 1 2 3 4 6 8 14 16 17 18 19 20 21
syn add	CHLORDECONE see KEPONE			
0362	# CHLORDIAZEPOXIDE 3H-1,4-BENZODIAZEPINE, 7-CHLORO-2-(METHYLAMINO)-5-PHENYL-,4- * OXIDE	58-25-3		(TE) 13(Y,EE)
0363 chg	# CHLORDIAZEPOXIDE HYDROCHLORIDE 3H-1,4-BENZODIAZEPINE, 7-CHLORO-2-(METHYL- * AMINO)-5-PHENYL-,4-OXIDE MONOHYDROXIDE	438-41-5		(TE) 13(Y,EE)
3228 add	# CHLOROENDIC ACID	115-28-6		(CA) 5
0364	CHLORFENVINPHOS PHOSPHORIC ACID, 2-CHLORO-1-(2,4- * DICHLOROPHENYL) ETHENYL DIETHYLESTER	470-90-6		14 16 19
0365	CHLORIC ACID	7790-93-4	2626+	3 17
3229 add	CHLORIMURON-ETHYL BENZOIC ACID, 2-(((((4-CHLORO-6-METHOXY-2-PYRIMIDINYL)AMINO) * CARBONYL)AMINO)SULFONYL)-, ETHYL ESTER	90982-32-4		8
2973 gen add	CHLORINATED BENZENES			3 20
syn add	CHLORINATED CAMPHENE see TOXAPHENE			
0366	CHLORINATED DIPHENYL OXIDE BENZENE, 1,1'-OXY BISCHLORO	55720-99-5		1 2 3 4 6 18
2974 gen add	CHLORINATED ETHANES			3 20
syn add	CHLORINATED FLUOROCARBON see 1,1,2-TRICHLORO- * 1,2,2-TRIFLUOROETHANE			
2975 gen add	CHLORINATED NAPHTHALENE			3 20
3231 gen add	CHLORINATED PARAFFINS (C12, 60% CHLORINE)			5
2976 gen add	CHLORINATED PHENOLS			3 6 18 20
3567 gen add	# alpha-CHLORINATED TOLUENES			(CA) 7
0367	CHLORINE	7782-50-5	1017	1 2 3 4 6 12(A) 16 17 18 19 20
syn add	CHLORINE CYANIDE see CYANOGEN CHLORIDE			

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0368	CHLORINE DIOXIDE CHLORINE OXIDE	10049-04-4		1 2 3 4 6 8 18
	CHLORINE DIOXIDE HYDRATE, FROZEN see CHLORIC ACID			
syn add				
0369	# CHLORINE PENTAFLUORIDE CHLORINE FLUORIDE (ClF5)	13637-63-3	2548	(CO) 2 3 17
0370	CHLORINE TRIFLUORIDE CHLORINE FLUORIDE (ClF3)	7790-91-2	1749	1 2 3 4 17
2234 gen add	CHLORITE, INORGANIC, n.o.s.		1462	3 17
2235 add	CHLORMEPHOS PHOSPHORODITHIOIC ACID, S-(CHLOROMETHYL) O,O-DIETHYL ESTER	24934-91-6		16 19
2236 add	CHLORMEQUAT CHLORIDE (2-CHLOROETHYL)TRIMETHYLAMMONIUM CHLORIDE	999-81-5		16 19
0371	# CHLORNAPHAZINE 2-N,N-DI(2-CHLOROETHYL)NAPHTHYLAMINE	494-03-1		(CA) 7 20 21
0372	CHLOROACETALDEHYDE ACETALDEHYDE, CHLORO-	107-20-0	2232	1 2 3 4 16 17 20 21
0373	# CHLOROACETIC ACID ACETIC ACID, CHLORO-	79-11-8	1750+	(CO) 3 6 16 17 18 19
0374	CHLOROACETONE 2-PROPANONE, 1-CHLORO-	78-95-5	1695	2 3 17
0375	CHLOROACETONITRILE ACETONITRILE, CHLORO-	107-14-2	2668	3 17
	CHLOROACETOPHENONE see alpha-CHLOROACETOPHENONE			
syn add				
0048	alpha-CHLOROACETOPHENONE ETHANONE, 2-CHLORO-1-PHENYL-	532-27-4	1697	1 2 3 4 6 8 15 17 18
	2-CHLOROACETOPHENONE see alpha-CHLOROACETOPHENONE			
syn add				
0377	# CHLOROACETYL CHLORIDE ACETYL CHLORIDE, CHLORO-	79-04-9	1752	(CO) 2 3 4 15 17
2977 gen add	CHLOROALKYL ETHERS			20
0378	# CHLOROANILINES BENZENAMINE, CHLORO-	27134-26-5	2019+	(F3) 3 17
2964 add	p-CHLOROANILINE	106-47-8	2019+	3 8 20 21
1466	p-CHLORO-o-ANISIDINE BENZENEAMINE, 4-CHLORO-2-METHOXY-	93-50-5	2233	3
0379	# CHLOROBENZENE BENZENE, CHLORO-	108-90-7	1134	(F3) 1 2 3 4 6 8 15 17 18 20 21
	CHLOROBENZILATE see ETHYL-4,4'-DICHLOROBENZILATE			
syn add				

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0380	CHLOROBENZOTRIFLUORIDE BENZENE, CHLORO (TRIFLUOROMETHYL)-	52181-51-8	2234	2 3 17
1464	p-CHLOROBENZOYL PEROXIDE PEROXIDE, BIS(4-CHLOROBENZOYL)	94-17-7	2114 +	3 17
1465	p-CHLOROBENZYL CHLORIDE BENZENE, 1-CHLORO-4-(CHLOROMETHYL)-	104-83-6	2235	3 17
1423	o-CHLOROBENZYLIDENE MALONONITRILE PROPANEDINITRILE, (2-CHLOROPHENYL)METHYLENE-	2698-41-1		1 2 4
0381	CHLOROBROMOMETHANE BROMOCHLOROMETHANE	74-97-5	1887	1 2 4 3 8 17
2237 add	1-CHLORO-3-BROMOPROPANE	109-80-6	2688	3 17
	2-CHLORO-1,3-BUTADIENE see beta-CHLOROPRENE			
syn add				
	1-CHLOROBUTANE see BUTYL CHLORIDE			
syn add				
3232 add	# 2-CHLOROBUTANE	78-86-4		(F3) 8 15
0382	+ CHLOROBUTANE BUTANE, CHLORO-	25154-42-1	1127	(F3) 3 15 17
0383	CHLOROCRESOLS PHENOL, CHLOROMETHYL-	1321-10-4	2669	3 17
2917 add	4-CHLORO-m-CRESOL	59-50-7		3 20 21
3233 add	CHLOROCYCLOPENTADIENE	41851-50-7		8
2978 add	CHLORODIBROMOMETHANE	124-48-1		3 8 20
2238 add	3-CHLORO-4-DIETHYLAMINO-BENZENEDIAZONIUM ZINC CHLORIDE		3033	6 17 18
0384	CHLORODIFLUOROBROMOMETHANE METHANE, BROMOCHLORODIFLUORO-	353-59-3	1974	2 3 4 17 18
0385	CHLORODIFLUOROETHANE ETHANE, 1-CHLORO-1,1-DIFLUORO-	75-68-3	2517	2 3 17
0386	CHLORODIFLUOROMETHANE METHANE, CHLORODIFLUORO-	75-45-6	1018	2 3 17
	CHLORODINITROBENZENE see DINITROCHLOROBENZENE			
syn add				
	1-CHLORO-2,4-DINITROBENZENE see DINITROCHLOROBENZENE			
syn add				
	CHLORODIPHENYL see POLYCHLORINATED BIPHENYLS			
syn add				
	CHLORODIPHENYL OXIDE see CHLORINATED DIPHENYL OXIDE			
syn add				
	CHLOROETHANE see ETHYL CHLORIDE			
syn add				
	CHLOROETHANOL see ETHYLENE CHLOROHYDRIN			
syn add				

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2239 add	CHLOROETHYLCHLOROFORMATE	627-11-2		16 19
0387	# 1-(2-CHLOROETHYL)-3-CYCLOHEXYL-1-NITROSOUREA UREA, 1-(2-CHLOROETHYL)-3-CYCLOHEXYL-1-NITROSO-	13010-47-4		(CA) 5 7 13(Q)
3568 add	# 1-(2-CHLOROETHYL)-3-(4-METHYLCYCLOHEXYL)-1-NITROSOUREA	13909-09-6		(CA) 5 7
2954 add	2-CHLOROETHYL VINYL ETHER	110-75-8		3 20 21
0388	# CHLOROFORM METHANE, TRICHLORO-	67-66-3	1888	(CA) 1 2 3 4 5 6 7 8 16 17 18 19 20 21
2240 gen add	CHLOROFORMATE, n.o.s., flash point not less than 73F		2742+	3 17
3234 add	CHLOROISOCYANURIC ACID			2 3 20
syn add	CHLOROMETHANE see METHYL CHLORIDE			
0422 chg	2-CHLORO-3-METHYL ANILINE BENZENAMINE, 2-CHLORO, 3-METHYL	29027-17-6	22	3
0417	2-CHLORO-4-METHYL ANILINE BENZENAMINE, 2-CHLORO, 4-METHYL-	615-65-6	2239	3
0420	2-CHLORO-5-METHYL ANILINE BENZENAMINE, 2-CHLORO, 5-METHYL-	95-81-8	2239	3
0419	+ 3-CHLORO-2-METHYL ANILINE BENZENAMINE, 3-CHLORO, 2-METHYL-	87-60-5	2239	(CA) 3 7
0418	3-CHLORO-4-METHYL ANILINE BENZENAMINE, 3-CHLORO, 4-METHYL	95-74-9	2239	3
0424	4-CHLORO-3-METHYL ANILINE BENZENAMINE, 4-CHLORO, 3-METHYL	7149-75-9	2239	3
0421	5-CHLORO-2-METHYL ANILINE BENZENAMINE, 5-CHLORO, 2-METHYL-	95-79-4	2239	3
0423	6-CHLORO-2-METHYL ANILINE BENZENAMINE, 6-CHLORO, 2-METHYL-	87-63-8	2239	3
0389	# CHLOROMETHYLCHLOROFORMATE CARBONOCHLORIDIC ACID, CHLOROMETHYL ESTER	22128-62-7	2745	(CO) 3
syn add	CHLOROMETHYL ETHER see BIS (2-CHLOROMETHYL) ETHER			
0390	CHLOROMETHYL ETHYL ETHER ETHANE, CHLOROMETHOXY-	3188-13-4	2354	3 17
0391 chg	# CHLOROMETHYL METHYL ETHER METHANE, CHLOROMETHOXY-	107-30-2	1239	(CA,CO,F3) 2 3 4 5 6 7 8 16 17 18 19 20 21
0392	3-CHLORO-4-METHYL PHENYL ISOCYANATE BENZENE, 2-CHLORO-4-ISOCYANATO-1-METHYL-	28479-22-3	2236	3 17
3094 add	# 4-CHLORO-2-METHYLPHENOXYACETIC ACID ACETIC ACID, ((4-CHLORO-o-TOLYL)OXY)-	94-74-6		(CA) 7 8
3093 add	2-(4-CHLORO-2-METHYLPHENOXYL)PROPANOIC ACID PROPIONIC ACID, 2-((4-CHLORO-o-TOLYL)OXY)-	93-65-2		8
syn add	3-CHLORO-2-METHYLPROPENE see METHYL ALLYL CHLORIDE			

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2424 add	beta-CHLORONAPHTHALENE	91-58-7		6 8 20 21
0393	CHLORONITROANILINE BENZENAMINE, CHLORONITRO-	41587-36-4	2237	3 17
0394 chg	CHLORONITROBENZENE (MIXED ISOMERS) BENZENE, CHLORONITRO-	25167-93-5	1578	3 17
0395	# 1-CHLORO-1-NITROPROPANE PROPANE, 1-CHLORO-1-NITRO-	600-25-9		(R3) 1 2 4 15
0396	CHLORONITROTOLUENE BENZENE, CHLOROMETHYLNITRO-	25567-68-4	2433	3 17
0398	CHLOROPENTAFLUOROETHANE ETHANE, CHLOROPENTAFLUORO-	76-15-3	1020	1 2 3 4 6 17 18
0399	3-CHLOROPEROXYBENZOIC ACID BENZENECARBOPEROXOIC ACID, 3-CHLORO-	937-14-4	2755+	3 17
0400	CHLOROPHACINONE 1,3-INDANDIONE,2-((p-CHLOROPHENYL)PHENYLACETYL)-	3691-35-8	3027+	14 16 17 19
0403	@ 2-CHLOROPHENOL PHENOL, 2-CHLORO-	95-57-8	2021+	3 8 20 21
0402 chg	# 3-CHLOROPHENOL PHENOL, m-CHLORO-	108-43-0	2021+	(CO) 3 6 18
0401 chg	# 4-CHLOROPHENOL PHENOL, p-CHLORO-	106-48-9	2021+	(CO) 3 6 18
3569 add	# CHLOROPHENOXY HERBICIDES			(CA) 7
3570 add	# 4-CHLORO-o-PHENYLENEDIAMINE	95-83-0		(CA) 5
3571 add	p-CHLOROPHENYL METHYL SULFIDE	123-09-1		8
3572 add	p-CHLOROPHENYL METHYL SULFONE	98-57-7		8
3573 add	p-CHLOROPHENYL METHYL SULFOXIDE	934-73-6		8
2957 add	4-CHLOROPHENYL PHENYL ETHER	7005-72-3		3 20
0404	CHLOROPHENYLTRICHLOROSILANE SILANE, TRICHLORO(CHLOROPHENYL)-	26571-79-9	1753	3 17
0405	CHLOROPICRIN METHANE, TRICHLORONITRO-	76-06-2	1580+	1 2 3 4 14 17
3235 add	CHLOROPIVALOYL CHLORIDE		9263	3 17
0406	# CHLOROPLATINIC ACID PLATINATE, HEXACHLORO-, DIHYDROGEN-	16941-12-1	2507	(CO) 2 3 17
0407 chg	# beta-CHLOROPRENE 1,3-BUTADIENE, 2-CHLORO-	126-99-8	1991	(F3,MU) 1 2 3 4 6 7 15 17 18 20
syn add	CHLOROPROPANE see PROPYL CHLORIDE			
2241 add	# 2-CHLOROPROPANE	75-29-6	2356	(F4) 3 15
syn add	CHLOROPROPANOL see PROPYLENE CHLOROHYDRIN			

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	2-CHLORO-1-PROPANOL see PROPYLENE CHLOROHYDRIN			
syn add				
0408	3-CHLOROPROPANOL 1-PROPANOL, 3-CHLORO-	627-30-5	2849	3 17
0409	+ 2-CHLOROPROPENE PROPENE, 2-CHLORO-	557-98-2	2456	(F4) 3 4 15 17
0410	# CHLOROPROPIONIC ACID PROPANOIC ACID, CHLORO-	28554-00-9	2511	(CO) 3 15 17
2711 add	3-CHLOROPROPIONITRILE	542-76-7		3 16 19 20 21
0411	2-CHLOROPYRIDINE PYRIDINE, 2-CHLORO-	109-09-1	2822	3
0412	# CHLOROQUINE 1,4-PENTANEDIAMINE, N,N,N,N-(7-CHLORO-4-QUINOLINYL)-N,N-DIETHYL-	54-05-7		(TE) 13(Y,EE)
2242 gen add	CHLOROSILANE, n.o.s.		2987 +	17
1424	o-CHLOROSTYRENE BENZENE, CHLOROETHENYL-	1331-28-8		2 4
3574 add	CHLOROSULFURON	64902-72-3		8
0413 chg	# CHLOROSULPHONIC ACID CHLOROSULFURIC ACID	7790-94-5	1754	(CO,R3) 3 17 20
0414	CHLOROTETRAFLUOROETHANE ETHANE, CHLOROTETRAFLUORO-	63938-10-3	1021	2 3 17
0415	CHLOROTHALONIL 1,3-BENZENEDICARBONITRILE, 2,4,5,6-TETRACHLORO-	1897-45-6		6 8 18
0416	# CHLOROTOLUENES BENZENE, CHLOROMETHYL-	25168-05-2	2238	(CO) 3 15 17
1425	o-CHLOROTOLUENE BENZENE, 1-CHLORO-2-METHYL-	95-49-8	2238	2 4 8
	p-CHLORO-o-TOLUIDINE see 3-CHLORO-2-METHYL ANILINE			
syn add				
0397	4-CHLORO-o-TOLUIDINE HYDROCHLORIDE BENZENAMINE, 4-CHLORO-2-METHYL-, HYDROCHLORIDE	3165-93-3	1579	3 17 20 21
3106 add	CHLOROTRIFLUOROETHANE	1330-45-6	1983	2 3 17
	CHLOROTRIFLUOROETHYLENE see TRIFLUOROCHLOROETHYLENE			
syn add				
0425	CHLOROTRIFLUOROMETHANE METHANE, CHLOROTRIFLUORO-	75-72-9	1022	3 17
3237 add	CHLOROTRIFLUOROPYRIDINE		9270	17
2246 add	CHLOROXURON N'-4-(4-CHLOROPHENOXY)PHENYL-N,N-DIMETHYLUREA	1982-47-4		16 19
3238 add	CHLORPROPHAM N-(3-CHLOROPHENYL)CARBAMIC ACID, ISOPROPYL ESTER	101-27-3		8
0426	CHLORPYRIFOS PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-(3,5,6-TRICHLORO-2- * PYRIDINYL) ESTER	2921-88-2	2783	2 3 4 8 14 17 20
2247 add	CHLORTHIOPHOS	21923-23-9		16 19

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	CHOLANTHRENE, 3-METHYL see 3-METHYLCHOLANTHRENE			
syn add				
0428	CHROMIC ACETATE ACETIC ACID, CHROMIUM (3+) SALT	1066-30-4		1 2 5 18 20
0429 chg	# CHROMIC ACID CHROMIUM(6+) ACID	7738-94-5	1463+	(CA,CO) 1 3 4 6 7 17 18 20
	CHROMIC ANHYDRIDE see CHROMIUM(6+) OXIDE			
syn add				
2248 add	CHROMIC CHLORIDE	10025-73-7		6 16 18 19
0430	# CHROMIC FLUORIDE CHROMIUM(3+) FLUORIDE	7788-97-8	1756+	(CO) 1 2 3 6 17 18
0431	CHROMIC SULFATE SULFURIC ACID, CHROMIUM(3+) SALT (3:2)	10101-53-8		1 2 3 6 18 20
	CHROMIC TRIOXIDE see CHROMIUM(6+) OXIDE			
syn add				
0432	@ CHROMIUM	7440-47-3		1 2 3 4 6 12(A, B) 18 20
2245 gen add	CHROMIUM compounds			3 4 6 18 20
3575 gen add	# CHROMIUM compounds, hexavalent			(CA) 5
2870 gen add	CHROMIUM, inorganic compounds			6 18
0435	CHROMIUM NITRATE NITRIC ACID, CHROMIUM (3+)	13548-38-4	2720	1 2 3 6 17 18
0434 chg	CHROMIUM(3+) OXIDE	1308-38-9		1 2 4 6 8 18
0437 chg	# CHROMIUM(6+) OXIDE CHROMIC TRIOXIDE	1333-82-0	1463+	(CA) 2 3 5 6 7 17 18
0436	# CHROMIUM OXYCHLORIDE CHROMIUM, DICHLORODIOXO-	14977-61-8	1758	(CO) 1 2 3 4 6 17 18
0439	# CHROMOSULFURIC ACID SULFURIC ACID, CHROMIUM SALT	14489-25-9	2240	(CO) 1 2 3 6 18
0440	CHROMOUS CHLORIDE CHROMIUM(2+) CHLORIDE	10049-05-5		1 2 6 18 20
	CHROMYL CHLORIDE see CHROMIUM OXYCHLORIDE			
syn add				
0441 chg	# CHRYSENE 1,2,5,6-DIBENZONAPHTHALENE	218-01-9		(CA) 1 2 3 4 8 20 21
	CHRYSOTILE see ASBESTOS, CHRYSOTILE			
syn add				

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3517 add	C.I. ACID BLUE 1	129-17-9	6
2897 add	C.I. ACID BLUE 9, DIAMMONIUM SALT AMMONIUM, ETHYL(4-p-(ETHYL(m-SULFOBENZYL)AMINO)-alpha * (o-SULFOPHENYL)BENZYLIDENE)-2,5-CYCLOHEXADIEN-1-YLIDENE) * (m-SULFOBENZYL-,HYDROXIDE), INNER SALT, DIAMMONIUM SALT	2650-18-2	6
0442	C.I. ACID GREEN 3	4680-78-8	6 18
3513 add	C.I. ACID GREEN 5	5141-20-8	6
0443	# C.I. ACID ORANGE 45 2,7-NAPHTHALENEDISULFONIC ACID, 3-AMINO-4- 4'- 4- (4- * METHYLPHENYL)SULFONYL OXY PHENYL AZO 1,1'-BIPHENYL -4- * YL AZO -, DISODIUM SALT	2429-80-3	(CA) 4
0444	# C.I. ACID RED 85 1,3-NAPHTHALENEDISULFONIC ACID, 7-HYDROXY-8- 4'- 4- (4- * METHYLPHENYL)SULFONYL OXY PHENYL AZO 1,1'-BIPHENYL -4- * YL AZO -, DISODIUM SALT	3567-65-5	(CA) 4
0446	C.I. AZOIC COUPLING COMPONENT 5 BUTANAMIDE, N,N'-(3,3'-DIMETHYL 1,1'-BIPHENYL -4,4'-DIYL)BIS 3- * OXO-	91-96-3	4
2249 add	C.I. BASIC GREEN 1	633-03-4	16
0448	C.I. BASIC GREEN 4 METHANAMINIUM, N- 4- 4-(DIMETHYLAMINO)PHENYL PHENYLMETHYLENE- * 2,5-CYCLOHEXADIEN-1-YLIDENE -N-METHYL-, CHLORIDE	569-64-2	6 18
0449	C.I. BASIC RED 1 XANTHYLIUM, 9- 2-(ETHOXYCARBONYL)PHENYL -3,6-BIS(ETHYL- * AMINO)-2, 7-DIMETHYL-, CHLORIDE	989-38-8	6 18
3239 add	C.I. BASIC RED 9, MONOHYDROCHLORIDE	569-61-9	5
0451	# C.I. DIRECT BLACK 4, DISODIUM SALT 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-3- 4'- (2,4-DIAMINO-5- * METHYLPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -5-HYDROXY-6- * (PHENYLAZO)-, DISODIUM SALT	2429-83-6	(CA) 4
0452	# C.I. DIRECT BLACK 4 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-3- 4'- (2,4-DIAMINO-5- * METHYLPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -5-HYDROXY-6- * (PHENYLAZO)-	25156-49-4	(CA) 4
0453	# C.I. DIRECT BLACK 38 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-3- 4'- (2,4- * DIAMINOPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -5-HYDROXY-6- * (PHENYLAZO)-, DISODIUM SALT	1937-37-7	(CA) 4 5 6 18
0454	C.I. DIRECT BLACK 114	61703-05-7	4
0455	C.I. DIRECT BLACK 91, TRISODIUM SALT BENZOIC ACID, 2- 2-AMINO-6- 4'- (3-CARBOXY-4- * HYDROXYPHENYL)AZO -3,3'-DIMETHOXY 1,1'-BIPHENYL -4-YL AZO * -5-HYDROXY-7-SULFO-1-NAPHTHALENYL AZO -5-NITRO-, * TRISODIUM SALT	6739-62-4	4
0458	C.I. DIRECT BLUE 1 1,3-NAPHTHALENEDISULFONIC ACID, 6,6'- (3,3'-DIMETHOXY 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 4-AMINO-5-HYDROXY-, * TETRASODIUM SALT	2610-05-1	4
0457	# C.I. DIRECT BLUE 2 2,7-NAPHTHALENEDISULFONIC ACID, 5-AMINO-3- 4'- (7-AMINO-1- * HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO- * 4-HYDROXY-	25180-19-2	(CA) 4

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0461	# C.I. DIRECT BLUE 2, TRISODIUM SALT 2,7-NAPHTHALENEDISULFONIC ACID, 5-AMINO-3- 4'- (7-AMINO-1- * HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO- * 4-HYDROXY-, TRISODIUM SALT	2429-73-4	(CA) 4
0462	# C.I. DIRECT BLUE 6 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- 1,1'-BIPHENYL -4,4'- * DIYLBIS(AZO) BIS 5-AMINO-4-HYDROXY-, TETRASODIUM SALT	2602-46-2	(CA) 4 5 6 18
0463	C.I. DIRECT BLUE 8, DISODIUM SALT 1-NAPHTHALENESULFONIC ACID, 3,3'- (3,3'-DIMETHOXY 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 4-HYDROXY-, DISODIUM SALT	2429-71-2	4
0465	# C.I. DIRECT BLUE 14, TETRASODIUM SALT 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 5-AMINO-4-HYDROXY-, * TETRASODIUM SALT	72-57-1	(CA) 7 20 21
0464	C.I. DIRECT BLUE 22, DISODIUM SALT 1,3-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-6- 4'- (2- * HYDROXY-1-NAPHTHALENYL)AZO -3,3'-DIMETHOXY 1,1'-BIPHENYL -4- * YL AZO -, DISODIUM SALT	2586-57-4	4
0460	C.I. DIRECT BLUE 25 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 4,5-DIHYDROXY-	25180-27-2	4
0456	C.I. DIRECT BLUE 25, TETRASODIUM SALT 2,7-NAPHTHALENEDISULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'- * BIPHENYL -4,4'-DIYL)BIS(AZO) BIS 4,5-DIHYDROXY-, * TETRASODIUM SALT	2150-54-1	4
0474	# C.I. DIRECT BROWN 1 BENZOIC ACID, 5- 4'- 2,4-DIAMINO-5- (4- * SULFOPHENYL)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-, DISODIUM SALT	3811-71-0	(CA) 4
0477	# C.I. DIRECT BROWN 2 BENZOIC ACID, 5- 4'- (7-AMINO-1-HYDROXY-3-SULFO-2- * NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-	25255-06-5	(CA) 4
0471	# C.I. DIRECT BROWN 2, DISODIUM SALT BENZOIC ACID, 5- 4'- (7-AMINO-1-HYDROXY-3-SULFO-2- * NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, * DISODIUM SALT	2429-82-5	(CA) 4
0468	# C.I. DIRECT BROWN 6 BENZOIC ACID, 5- 4'- 2,4-DIHYDROXY-3- (4- * SULFOPHENYL)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-	25180-39-6	(CA) 4
0467	# C.I. DIRECT BROWN 6, DISODIUM SALT BENZOIC ACID, 5- 4'- 2,4-DIHYDROXY-3- (4- * SULFOPHENYL)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-, DISODIUM SALT	2893-80-3	(CA) 4
0476	# C.I. DIRECT BROWN 31 BENZOIC ACID, 5- 4'- 2,6-DIAMINO-3- 8-HYDROXY-3,6-DISULFO-7- * (4-SULFO-1-NAPHTHALENYL)AZO -2-NAPHTHALENYL AZO -5- * METHYLPHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-	25180-41-0	(CA) 4
0475	# C.I. DIRECT BROWN 31, TETRASODIUM SALT BENZOIC ACID, 5- 4'- 2,6-DIAMINO-3- 8-HYDROXY-3,6-DISULFO-7- * (4-SULFO-1-NAPHTHALENYL)AZO -2-NAPHTHALENYL AZO -5- * METHYLPHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, * TETRASODIUM SALT	2429-81-4	(CA) 4
0466	# C.I. DIRECT BROWN 59 BENZOIC ACID, 2-HYDROXY-5- 4'- 1-HYDROXY-7-(PHENYLAMINO)-3- * SULFO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO-	6247-51-4	(CA) 4
0472	# C.I. DIRECT BROWN 59, DISODIUM SALT BENZOIC ACID, 2-HYDROXY-5- 4'- 1-HYDROXY-7-(PHENYLAMINO)-3- * SULFO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -, * DISODIUM SALT	3476-90-2	(CA) 4

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0469	# C.I. DIRECT BROWN 74 BENZOIC ACID, 3,3'- (3,7-DISULFO-1,5-NAPHTHALENEDIYL)BIS AZO(6- * HYDROXY-3,1-PHENYLENE)AZO 6(OR 7)-SULFO-4,1- * NAPHTHALENEDIYL AZO 1,1'-BIPHENYL -4,4'-DIYLAZO BIS 6- * HYDROXY-, HEXASODIUM SALT	8014-91-3	(CA) 4
0478	C.I. DIRECT BROWN 95 CUPRATE(2-), 5- 4'- 2,6-DIHYDROXY-3- (2-HYDROXY-5- * SULFOPHENYL)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXYBENZOATO(4-) -, DISODIUM	16071-86-6	4 6 18
0470	# C.I. DIRECT BROWN 111	12222-20-7	(CA) 4
0473	# C.I. DIRECT BROWN 154 BENZOIC ACID, 5- 4'- 2,6-DIAMINO-3-METHYL-5- (4- * SULFOPHENYL)AZO PHENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-3-METHYL-, DISODIUM SALT	6360-54-9	(CA) 4
0479	# C.I. DIRECT GREEN 1 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-3- 4'- (4- * HYDROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -6-(PHENYLAZO)-	25180-45-4	(CA) 4
0480	# C.I. DIRECT GREEN 1, DISODIUM SALT 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-3- 4'- (4- * HYDROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -6-(PHENYLAZO)-, * DISODIUM SALT	3626-28-6	(CA) 4
0484	# C.I. DIRECT GREEN 6 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-6- 4'- (4- * HYDROXYPHENYL)AZO -1,1'-BIPHENYL -4-YL AZO -3- (4- * NITROPHENYL)AZO-	25180-46-5	(CA) 4
0481	# C.I. DIRECT GREEN 6, DISODIUM SALT 2,7-NAPHTHALENEDISULFONIC ACID, 4-AMINO-5-HYDROXY-6- 4'- (4- * HYDROXYPHENYL)AZO 1,1'-BIPHENYL -4-YL AZO -3- (4- * NITROPHENYL)AZO -, DISODIUM SALT	4335-09-5	(CA) 4
0482	# C.I. DIRECT GREEN 8, TRISODIUM SALT BENZOIC ACID, 5- 4'- 8-AMINO-1-HYDROXY-7- (4-NITROPHENYL)AZO- * 3,6-DISULFO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-, TRISODIUM SALT	5422-17-3	(CA) 4
0483	# C.I. DIRECT GREEN 8 BENZOIC ACID, 5- 4'- 8-AMINO-1-HYDROXY-7- (4-NITROPHENYL)AZO- * 3,6-DISULFO-2-NAPHTHALENYL AZO 1,1'-BIPHENYL -4-YL AZO -2- * HYDROXY-	25180-47-6	(CA) 4
0485	# C.I. DIRECT ORANGE 1	54579-28-1	(CA) 4
0487	C.I. DIRECT ORANGE 6, DISODIUM SALT BENZOIC ACID, 5- 4'- (2,6-DIAMINO-3-METHYL-5-SULFOPHENYL)AZO- * 3,3'-DIMETHYL 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, * DISODIUM SALT	6637-88-3	4
0486	# C.I. DIRECT ORANGE 8	64083-59-6	(CA) 4
0495	# C.I. DIRECT RED 1 BENZOIC ACID, 5- 4'- (2-AMINO-8-HYDROXY-6-SULFO-1- * NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-	25188-24-3	(CA) 4
0492	# C.I. DIRECT RED 1, DISODIUM SALT BENZOIC ACID, 5- 4'- (2-AMINO-8-HYDROXY-6-SULFO-1- * NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -2-HYDROXY-, * DISODIUM SALT	2429-84-7	(CA) 4
0497	C.I. DIRECT RED 2, DISODIUM SALT 1-NAPHTHALENESULFONIC ACID, 3,3'- (3,3'-DIMETHYL 1,1'-BIPHENYL- * 4,4'-DIYL)BIS(AZO) BIS 4-AMINO-, DISODIUM SALT	992-59-6	4
0494	# C.I. DIRECT RED 10 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (1-HYDROXY-4-SULFO- * 2-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO-	25188-29-8	(CA) 4

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0493	# C.I. DIRECT RED 10, DISODIUM SALT 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (1-HYDROXY-4-SULFO- * 2-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -, * DISODIUM SALT	2429-70-1	(CA) 4
0491	# C.I. DIRECT RED 13 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (2-AMINO-8-HYDROXY- * 6-SULFO-1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO-	25188-30-1	(CA) 4
0489	# C.I. DIRECT RED 13, DISODIUM SALT 1-NAPHTHALENESULFONIC ACID, 4-AMINO-3- 4'- (2-AMINO-8-HYDROXY- * 6-SULFO-1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -, * DISODIUM SALT	1937-35-5	(CA) 4
0488	# C.I. DIRECT RED 28 1-NAPHTHALENESULFONIC ACID, 3,3'- 1,1'-BIPHENYL -4,4'- * DIYLBIS(AZO) BIS 4-AMINO-, DISODIUM SALT	573-58-0	(CA) 4
0490	# C.I. DIRECT RED 37 1,3-NAPHTHALENEDISULFONIC ACID, 8- 4'- (4-ETHOXYPHENYL)AZO 1, * 1'-BIPHENYL -4-YL AZO -7-HYDROXY-, DISODIUM SALT	3530-19-6	(CA) 4
0496	C.I. DIRECT RED 39, DISODIUM SALT 1,3-NAPHTHALENEDISULFONIC ACID, 8- 4'- (4-ETHOXYPHENYL)AZO -3, * 3'-DIMETHYL 1,1'-BIPHENYL -4-YL AZO -7-HYDROXY-, * DISODIUM SALT	6358-29-8	4
0501	# C.I. DIRECT VIOLET 1 2-NAPHTHALENESULFONIC ACID, 5,5'- 1,1'-BIPHENYL -4,4'- * DIYLBIS(AZO) BIS 6-AMINO-4-HYDROXY-	25188-44-7	(CA) 4
0498	# C.I. DIRECT VIOLET 1, DISODIUM SALT 2-NAPHTHALENESULFONIC ACID, 5,5'- 1,1'-BIPHENYL -4,4'- * DIYLBIS(AZO) BIS 6-AMINO-4-HYDROXY-, DISODIUM SALT	2586-60-9	(CA) 4
0499	# C.I. DIRECT VIOLET 22 1,3,6-NAPHTHALENETRISULFONIC ACID, 8-HYDROXY-7- 4'- (2-HYDROXY- * 1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO-	25329-82-2	(CA) 4
0500	# C.I. DIRECT VIOLET 22, TRISODIUM SALT 1,3,6-NAPHTHALENETRISULFONIC ACID, 8-HYDROXY-7- 4'- (2-HYDROXY- * 1-NAPHTHALENYL)AZO 1,1'-BIPHENYL -4-YL AZO -, * TRISODIUM SALT	6426-67-1	(CA) 4
0502	# C.I. DIRECT YELLOW 20	6426-62-6	(CA) 4
0503	C.I. DISPERSE YELLOW 3 ACETAMIDE, N- 4- (2-HYDROXY-5-METHYLPHENYL)AZO PHENYL-	2832-40-8	6 18
0504	C.I. FOOD RED 5 2,7-NAPHTHALENEDISULFONIC ACID, 4- (2,4-DIMETHYLPHENYL)AZO -3- * HYDROXY-, DISODIUM SALT	3761-53-3	6 18
3516 add	# C.I. FOOD RED 6 3-HYDROXY-4-[2,4,5-TRIMETHYLPHENYLAZO]-2,7 NAPTHALENEDISULFONIC * ACID, DISODIUM SALT	3564-09-8	(CA) 6 7
0505	C.I. FOOD RED 15 XANTHYLIUM, 9-(2-CARBOXYPHENYL)-3,6-BIS(DIETHYL AMINO)-, * CHLORIDE	81-88-9	6 18
0506	C.I. SOLVENT ORANGE 7 2-NAPHTHALENOL, 1- (2,4-DIMETHYLPHENYL)AZO-	3118-97-6	6 18
0508	+ C.I. SOLVENT YELLOW 1 BENZENAMINE, 4-(PHENYLAZO)-	60-09-3	(CA) 6 7 18
0507	+ C.I. SOLVENT YELLOW 3 BENZENAMINE, 2-METHYL-4- (2-METHYLPHENYL)AZO-	97-56-3	(CA) 5 6 7 18
0509	C.I. SOLVENT YELLOW 14 2-NAPHTHALENOL, 1-(PHENYLAZO)-	842-07-9	6 18
syn add	C.I. SOLVENT YELLOW 34 see AURAMINE		

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0510	# CISPLATIN CIS-DIAMINEDICHLOROPLATINUM(II)	15663-27-1		(CA,MU) 5 7
0511	# CITRUS RED NO. 2 2-NAPHTHALENOL, 1- (2,5-DIMETHOXYPHENYL)AZO-	6358-53-8		(CA) 7
0512	C.I. VAT YELLOW 4 DIBENZO (b,def) CHRYSENE-7,14-DIONE	128-66-5		6 18
2254 gen add	CLEANING COMPOUND, LIQUID, CORROSIVE		1760	3 17
0513	+ CLOMIPHENE CITRATE ETHANAMINE, 2-(4-(2-CHLORO-1,2-DIPHENYLETHENYL)PHENOXY)-N,N- * DIETHYL,-	50-41-9		(TE) 13(Y,EE)
3240 add	CLONITRALID	50-65-7		14
0514	CLOPIDOL 4-PYRIDINOL, 3,5-DICHLORO-2,6-DIMETHYL-	2971-90-6		2 4
0515	# CLORAZEPATE DIPOTASSIUM 1H-1,4-BENZODIAZEPINE-3-CARBOXYLIC ACID, 7-CHLORO-2, 3-HYDRO-2- * OXO-5 PHENYL, MONOPOTASSIUM SALT	57109-90-7		(TE) 13(Y,EE)
0516	COAL DUST			1 2 4
syn add	COAL FACINGS see COAL, GROUND BITUMINOUS, SEA COAL			
2255 gen add	COAL GAS		1023	3 17
3241 add	COAL, GROUND BITUMINOUS, SEA COAL		1361	17
syn add	COAL OIL see KEROSENE			
0519 chg	+ COAL TAR (COAL TAR PITCH)	65996-93-2	1137	(CA) 1 2 3 4 7
0517	# COAL TAR CREOSOTE CREOSOTE	8001-58-9	1993	(CA) 1 3 4 6 7 8 15 17 18 20 21
2256 add	COAL TAR DISTILLATE	65996-92-1	1137+	3 17
0518	COAL TAR NAPHTHA	8030-30-6	2553	1 3 4 17
3243 gen add	COAL TAR PRODUCTS			4
0520 chg	COBALT (DUST AND FUME)	7440-48-4		1 2 4 6 12 (B) 16 18
3576 add	COBALT-CHROMIUM ALLOY	11114-92-4		7
2222 gen add	COBALT COMPOUNDS			6 18
0521	+ COBALT CARBONYL COBALT, DI-mu-CARBONYLHEXACARBONYLDI-, (Co-Co)	10210-68-1		(F3) 2 4 6 16 18 19
2260 add	COBALT, ((2,2'-(1,2-ETHANEDIYLBIS(NITRILOMETHYLIDENE)BIS * (PHENALOTO))(2-)-N,N',O,O'))-	62207-76-5		6 16 18 19

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0522	COBALT HYDROCARBONYL COBALT, TETRACARBONYLHYDRO-	16842-03-8		2 4 6 18
0523	COBALT NAPHTHENATE NAPHTHENIC ACID, COBALT SALT	61789-51-3	2001	3 6 17 18
0524	COBALTOUS BROMIDE COBALT BROMIDE	7789-43-7		6 18 20
0525	COBALTOUS FORMATE FORMIC ACID, COBALT SALT	544-18-3		6 18 20
2261 add	COBALTOUS SULFAMATE	14017-41-5		6 18 20
2262 add	COBALT RESINATE, PRECIPITATED	68956-82-1	1318	3 6 17 18
0526	COCCULUS PICROTOXIN	124-87-8	1584	3 16 17 19
0527	+ COKE OVEN EMISSIONS			(CA) 3 4 5 8 20
2263 add	COLCHICINE BENZO(A)HEPTALEN-9(5H)-ONE	64-86-8		16 19
syn add	COLLODION see NITROCELLULOSE			
syn add	COLOGNE SPIRITS see ETHYL ALCOHOL			
syn add	COLUMBIAN SPIRITS see METHYL ALCOHOL			
2271 gen add	COMPRESSED OR LIQUIFIED GASES, n.o.s.		1955+	3 17
0528	COPPER(DUST, FUME OR MIST)	7440-50-8		1 2 3 4 6 8 18 20
2215 gen add	COPPER compounds (EXCEPT: C.I. PIGMENT BLUE; C.I. PIGMENT *GREEN 7; C.I. PIGMENT GREEN 36)			3 6 18 20
0529	COPPER ACETOARSENITE COPPER, BIS(ACETO)HEXAMETA-ARSENITOTETRA-	12002-03-8	1585	3 6 16 17 18 19 20
3244 add	COPPER ACETYLIDE	12540-13-5		3 6 18
3245 add	COPPER AMINEAZIDE			3 6 18
0530 chg	COPPER ARSENITE ARSENIC ACID, COPPER (2+) SALT (1:1)	10290-12-7	1586	3 6 17 18 20
2278 gen add	COPPER-BASED PESTICIDE, TOXIC, n.o.s.		2775+	3 6 17 18
0531	COPPER CHLORATE CHLORIC ACID, COPPER SALT	26506-47-8	2721	3 6 17 18 20
0532	COPPER CHLORIDE	1344-67-8	2802	3 6 17 18 20
syn add	COPPER CYANIDE see CUPRIC CYANIDE or CUPROUS CYANIDE			
2279 add	COPPER SELENATE	15123-69-0	2630	3 6 17 18 20

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2280 add	COPPER SELENITE	10214-40-1	2630	3 6 17 18 20
3246 add	COTTON DUST			1 2 4 12(A, B)
syn add	COUMAFURYL see FUMARIN			
0536	COUMAPHOS PHOSPHOROTHIOIC ACID, O-(3-CHLORO-4-METHYL-2-OXO-2H-1- * BENZOPYRAN-7-YL) O,O-DIETHYL ESTER	56-72-4	2783	3 14 16 17 19 20
2294 gen add	COUMARIN DERIVATIVE PESTICIDE, n.o.s.		3024+	17
2297 add	COUMATETRALYL 2H-1-BENZOPYRAN-2-ONE, 4-HYDROXY-3-(1,2,3,4-TETRAHYDRO-1- * NAPHTHALENYL)	5836-29-3	3027	16 17 19
2298 gen add	CREOSOTE SALTS		1334	17
syn add	CREOSOTE see COAL TAR CREOSOTE			
syn add	CRESIDINE see p-CRESIDINE			
1467	# p-CRESIDINE BENZENAMINE, 2-METHOXY-5-METHYL-	120-71-8		(CA) 5 6 7 18
syn add	CRESOLS see CRESYLIC ACID			
1161	# m-CRESOL PHENOL, 3-METHYL-	108-39-4	2076	(CO) 1 2 3 4 6 8 15 17 18 20 21
1426	# o-CRESOL PHENOL, 2-METHYL-	95-48-7	2076	(CO,R2) 1 2 3 4 6 8 15 16 17 18 19 20 21
1468	# p-CRESOL PHENOL, 4-METHYL-	106-44-5	2076	(CO) 1 2 3 4 6 8 15 17 18 20 21
0537	+ CRESYLIC ACID PHENOL, METHYL-	1319-77-3	2022+	(CO) 1 2 3 4 6 15 17 18 20 21
syn add	CRIMIDINE see CASTRIX			
syn add	CROCIDOLITE see ASBESTOS, CROCIDOLITE			
0538	# CROTONALDEHYDE trans-2-BUTENAL	123-73-9		(F3,MU,R2) 1 3 4 8 15 16 19 20 21
2888 add	# CROTONALDEHYDE, inhibited 2-BUTENAL	4170-30-3	1143	(F3,R2) 2 3 16 17 19 20 21
0539	# CROTONIC ACID 2-BUTENOIC ACID	3724-65-0	2823	(CO) 3 15 17

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0540 chg	CROTONYLENE 2-BUTYNE	503-17-3	1144	3 17
0541	CRUFOMATE PHOSPHORAMIDIC ACID, METHYL-, 2-CHLORO-4-(1,1- * DIMETHYLETHYL)PHENYL METHYL ESTER	299-86-5		2 4
syn add	CRYOLITE see SODIUM ALUMINUM FLUORIDE			
0542	+ CUMENE BENZENE, (1-METHYLETHYL)-	98-82-8	1918	(F3) 1 2 3 4 6 8 15 17 18 20 21
0543	# CUMENE HYDROPEROXIDE HYDROPEROXIDE, 1-METHYL-1-PHENYLETHYL	80-15-9	2116	(R4) 3 6 15 17 18 20 21
0544	CUMYL PEROXYNEODECANOATE NEODECANEPEROXOIC ACID, 1-METHYL-1-PHENYLETHYL ESTER	26748-47-0	2963	3 17
2299 add	CUMYL PEROXYPIVALATE		2964	3 17
0545	# CUPFERRON BENZENAMINE, N-HYDROXY-N-NITROSO-, AMMONIUM SALT	135-20-6		(CA) 5 6 18
0546	CUPRIC ACETATE ACETIC ACID, COPPER(2+) SALT	142-71-2		3 6 18 20
syn add	CUPRIC ACETOARSENITE see COPPER ACETOARSENITE			
syn add	CUPRIC ARSENITE see COPPER ARSENITE			
syn add	CUPRIC CHLORATE see COPPER CHLORATE			
syn add	CUPRIC CHLORIDE see COPPER CHLORIDE			
0533 chg	CUPRIC CYANIDE	14763-77-0	1587	2 3 6 17 18 20 21
0547	CUPRIC NITRATE NITRIC ACID, COPPER(2+) SALT	3251-23-8	1479	3 6 17 18 20
0548 chg	CUPRIC OXALATE ETHANEDIOIC ACID, COPPER (2+) SALT (1:1)	814-91-5	2449	3 6 18 20
0549	CUPRIC SULFATE SULFURIC ACID, COPPER(2+) SALT (1:1)	7758-98-7		3 6 18 20
2300 add	CUPRIC SULFATE, AMMONIATED	10380-29-7		3 6 18 20
0550	CUPRIC TARTRATE BUTANEDIOIC ACID, 2,3-DIHYDROXY-, COPPER SALT	815-82-7		3 6 18 20
0551	# CUPRIETHYLENEDIAMINE COPPER, BIS(1,2-ETHANE DIAMINE-N,N')-	13426-91-0	1761	(CO) 3 6 17 18
3061 add	CUPROUS CYANIDE COPPER (1+) CYANIDE	544-92-3	1587	2 3 6 8 17 18 20 21
syn add	CUT-BACKS see ASPHALT FUMES			

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0552	# CYANAMIDE CARBAMIDE	420-04-2		(R3) 2 3 4 15 18 20
	CYANAZINE see BLADEX			
syn add				
0553	CYANIDE	57-12-5	1588+	1 2 3 4 6 8 17 18 20 21
2872 gen add	CYANIDE, inorganic compounds		1588+	2 3 6 17 18 20
2308 gen add	CYANIDE compounds, n.o.s.		1588+	2 3 6 18 20
	CYANOBENZENE see BENZONITRILE			
syn add				
0554 chg	# CYANOGEN ETHANEDINITRILE	460-19-5	1026	(F4,R2) 2 3 4 6 8 15 17 18 20 21
2302 add	CYANOGEN BROMIDE	506-68-3	1889	2 3 4 6 8 16 17 18 19 20 21
0556	CYANOGEN CHLORIDE	506-77-4	1589	2 3 6 8 17 18 20 21
2303 add	CYANOGEN IODIDE	506-78-5		2 3 6 16 18 19 20
2304 add	CYANOPHOS O,O-DIMETHYL O-(4-CYANOPHENYL) PHOSPHOROTHIOATE	2636-26-2		2 3 6 16 18 19 20
	CYANURIC CHLORIDE see CYANURIC TRICHLORIDE			
syn add				
2305 add	CYANURIC FLUORIDE 1,3,5-TRIAZINE, 2,4,6-TRIFLUORO-	675-14-9		2 3 6 16 18 19 20
0557	# CYANURIC TRICHLORIDE 1,3,5-TRIAZINE, 2,4,6-TRICHLORO-	108-77-0	2670	(CO) 2 3 6 17 18 20
0558	# CYCASIN beta-D-GLUCOPYRANOSIDE, ((METHYL-ONN-AZOXY)METHYL)-	14901-08-7		(CA) 7
0559	# CYCLOBUTANE	287-23-0	2601	(F4) 3 15 17
0560	# CYCLOBUTYLCHLOROFORMATE CARBONOCHLORIDIC ACID, CYCLOBUTYL ESTER	81228-87-7	2744	(CO) 3 17
0561	1,5,9-CYCLODODECATRIENE	4904-61-4	2518	3 15 17
0562	# CYCLOHEPTANE	291-64-5	2241	(F3) 3 15 17
0563	CYCLOHEPTATRIENE 1,3,5-CYCLOHEPTATRIENE	544-25-2	2603	3 17
0564	+ CYCLOHEPTENE	628-92-2	2242	(F3) 3 17

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0565	# CYCLOHEXANE BENZENE, HEXAHYDRO-	110-82-7	1145	(F3) 1 2 3 4 6 15 17 18 20 21
syn add	CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, alpha-ISOMER see alpha- * HEXACHLOROCYCLOHEXANE			
syn add	CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, beta-ISOMER see beta- * HEXACHLOROCYCLOHEXANE			
0568	CYCLOHEXANETHIOL	1569-69-3		4 15
0569	CYCLOHEXANOL	108-93-0		1 2 4 15
0570	CYCLOHEXANONE	108-94-1	1915	1 2 3 4 8 15 17 20 21
0571	CYCLOHEXANONE PEROXIDE	12262-58-7	2117+	17
0572	+ CYCLOHEXENE	110-83-8	2256	(F3) 1 2 3 4 15 17
0573	# CYCLOHEXENYL TRICHLOROSILANE SILANE, (3-CYCLOHEXENYL)TRICHLORO-	10137-69-6	1762	(CO) 3 17
0574	# CYCLOHEXIMIDE GLUTARIMIDE, 3-(2-(3,5-DIMETHYL-2-OXOCYCLOHEXYL)-2- * HYDROXYETHYL)-	66-81-9		(MU) 14 16 19
0575	CYCLOHEXYL ACETATE ACETIC ACID, CYCLOHEXYL ESTER	622-45-7	2243	3 15 17
0576	# CYCLOHEXYLAMINE	108-91-8	2357	(CO,F3,MU) 2 3 4 8 15 16 17 19
syn add	2-CYCLOHEXYL-4,6-DINITROPHENOL see DINEX			
0577	CYCLOHEXYL ISOCYANATE CYCLOHEXANE, ISOCYANATO-	3173-53-3	2488	3 17
syn add	CYCLOHEXYL MERCAPTAN see CYCLOHEXANETHIOL			
0578	# CYCLOHEXYL TRICHLOROSILANE SILANE, TRICHLOROCYCLOHEXYL-	98-12-4	1763	(CO) 3 15 17
0579	CYCLONITE 1,3,5-TRIAZINE, HEXAHYDRO-1,3,5-TRINITRO-	121-82-4	0072+	2 3 4 8
0580	# CYCLOOCTADIENE	29965-97-7	2520	(F3) 3 17
2307 add	CYCLOOCTADIENE PHOSPHINE		2940	17
0581	CYCLOOCTATETRAENE 1,3,5,7-CYCLOOCTATETRAENE	629-20-9	2358	3 17
0582	CYCLOPENTADIENE 1,3-CYCLOPENTADIENE	542-92-7		1 2 4
0583	# CYCLOPENTANE	287-92-3	1146	(F3) 2 3 4 15 16 17
0584	CYCLOPENTANOL	96-41-3	2244	3 15 17

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0585	# CYCLOPENTANONE	120-92-3	2245	(F3) 3 15 17
0586	# CYCLOPENTENE	142-29-0	2246	(F3) 3 15 17
0587	# CYCLOPHOSPHAMIDE 2H-1,3,2-OXAZAPHOSPHORIN-2-AMINE, N,N-BIS(2- * CHLOROETHYL)TETRAHYDRO-, 2-OXIDE	50-18-0	1851	(CA,MU,TE) 3 5 7 13(C, F,G,H,U,V,Y,EE) 20 21
0588	# CYCLOPROPANE	75-19-4	1027	(F4) 3 15 17
0589	# CYCLOTETRAMETHYLENETETRANITRAMINE 1,3,5,7-TETRAZOCINE, OCTAHYDRO-1,3,5,7-TETRANITRO-	2691-41-0	0226 +	(CO) 3 8
syn add	CYCLOTRIMETHYLENETRINITRAMINE see CYCLONITE			
syn add	CYCOCEL see CHLORMEQUAT CHLORIDE			
3248 add	CYHALOTHRIN/KARATE CYCLOPROPANECARBOXYLIC ACID, 3-(2-CHLORO-3,3,3-TRIFLUORO-1 * PROPENYL)-2-DIMETHYL-, CYANO(3-PHENOXYPHENYL) METHYL ESTER	68085-85-8		8
0590	CYHEXATIN STANNANE, TRICYCLOHEXYLHYDROXY-	13121-70-5		2 4
0591	CYMENE BENZENE, METHYL(1-METHYLETHYL)-	25155-15-1	2046	3 17
syn add	CYOLANE see PHOSFOLAN			
3249 add	CYPERMETHRIN 3-(2,2-DICHLOROETHENYL)-2,2-DIMETHYL-CYCLOPROPANECARBOXYLIC * ACID, CYANO(3-PHENOXYPHENYL)METHYL ESTER	52315-07-8		8
3250 add	CYROMAZINE	66215-27-8		8
0592	# CYSTOSINE ARABINOSIDE CYTOSINE, 1-beta-D-ARABINO-FURANOSYL	147-94-4		(MU,TE) 13(F,S)
0593	2,4-D ACETIC ACID, (2,4-DICHLORO-PHENOXY)-	94-75-7	2765	1 2 3 4 6 8 14 17 18 20 21
1022 chg	# DACARBAZINE IH-IMIDAZOLE-4-CARBOXAMIDE, 5-(3,3-DIMETHYL-1-TRIAZENYL)-	4342-03-4		(CA) 5 7
3251 add	DACTHAL 1,4-BENZENEDICARBOXYLIC ACID, 2,3,5,6-TETRACHLORO-,DIMETHYL * ESTER	1861-32-1		8
syn add	DALAPON, SODIUM SALT see 2,2-DICHLOROPROPIONIC ACID			
syn add	DAMINOZIDE see ALAR			
3253 add	DANITOL CYCLOPROPANECARBOXYLIC ACID, 2,2,3,3-TETRAMETHYL-, CYANO * (3-PHENOXY-PHENYL) METHYL ESTER	39515-41-8		8
0594	# DAUNOMYCIN 5,12-NAPHTHACENEDIONE, 8-ACETYL-10- (3-AMINO-2,3,6-TRIDEOXY- * alpha-L-LYXO-HEXOPYRANOSYL)OXY -7,8,9,10-TETRAHYDRO-6,8,11- * TRIHYDROXY-1-METHOXY-, (8S-cis)-	20830-81-3	1851	(CA,MU) 3 7 20 21

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	DAUNORUBICIN see DAUNOMYCIN			
syn add				
0595 chg	# DBCP PROPANE, 1,2-DIBROMO-3-CHLORO-	96-12-8	2872	(CA) 3 4 5 6 8 7 17 18 20 21
	DDD see 1,1-DICHLORO-2,2-BIS(p-CHLOROPHENYL)ETHANE			
syn add				
2979 add	DDE DICHLORODIPHENYLDICHLOROETHYLENE	72-55-9	2761	3 8 20
0596 chg	# DDT DICHLORODIPHENYLTRICHLOROETHANE	50-29-3	2761	(CA,MU,TE) 2 3 4 5 7 8 17 20 21
0597	DECABORANE BORON HYDRIDE	17702-41-9	1868	1 2 3 4 15 16 17 19
	DECABROMODIPHENYL OXIDE see DECABROMODIPHENYL ETHER			
syn add				
0598	DECABROMODIPHENYL ETHER BENZENE, 1,1'-OXYBIS 2,3,4,5,6-PENTABROMO-	1163-19-5		6 8 18
0599	DECAHYDRONAPHTHALENE NAPHTHALENE, DECAHYDRO-	91-17-8	1147	3 15 17
	DECALIN see DECAHYDRONAPHTHALENE			
syn add				
0600	DECANE	124-18-5	2247	3 15 17
0601	1-DECANETHIOL	143-10-2		4
0602	DECANOYL PEROXIDE PEROXIDE, BIS(1-OXODECYL)	762-12-9	2120	17
0603	DECEMTHION PHOSPHORODITHIOIC ACID, S-((1,3-DIHYDRO-1,3-DIOXO-24-ISOINDOL-2- * YL)METHYL) O,O-DIMETHYL ESTER	732-11-6	2783+	8 14 16 19
3255 add	2,4-D, DIETHANOLAMINE SALT			14
3256 add	2,4-D, DIMETHYLAMINE SALT	7008-39-1		14
0604	DEMETON PHOSPHOROTHIOIC ACID, O,O-DIETHYL O- 2-(ETHYLTHIO)ETHYL * ESTER, MIXED WITH O,O-DIETHYL S- 2- * (ETHYLTHIO)ETHYL PHOSPHOROTHIOATE	8065-48-3	2902	1 2 4 8 14 16 19
	DEMETON-S-METHYL see METHYL-S-DEMETON			
syn add				
3500 add	# DENATURATED ALCOHOL		1986+	(F3) 3 15 17
2930 gen add	2,4-D ESTERS		2765	3 14 20
0605	# DEUTERIUM	7782-39-0	1957	(F4) 3 15 17
0606	DIACETONE ALCOHOL 2-PENTANONE, 4-HYDROXY-4-METHYL-	123-42-2	1148	1 2 3 4 15 17

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0607	DIACETONE ALCOHOL PEROXIDE 2-PENTANONE, 4-HYDROXY-4-METHYL-, PEROXIDE	54693-46-8	2163	3 17
	DIACETYL see BUTANEDIONE			
syn add				
3259 add	# N,N'-DIACETYLBENZIDINE	613-35-4		(CA) 7
	DIACETYLPEROXIDE see ACETYLPEROXIDE			
syn add				
2309 add	DIALIFOR O,O-DIETHYL S-(2-CHLORO-1-PHTHALIMIDOETHYL)PHOSPHORODITHIOATE	10311-84-9		16 19
	DIALIFOS see DIALIFOR			
syn add				
0608	# DIALLATE CARBAMOTHIOIC ACID, BIS (1-METHYLETHYL)-S-(2,3-DICHLORO-2-* PROPENYL) ESTER	2303-16-4	2902	(CA,MU) 3 6 18 20 21
0609	DIALLYLAMINE 2-PROPEN-1-AMINE, N-2-PROPENYL-	124-02-7	2359	3 17
0610	# DIALLYL ETHER 1-PROPENE, 3,3'-OXYBIS-	557-40-4	2360	(F3,R2) 3 15 17
0611	+ 2,4-DIAMINOANISOLE 1,3-BENZENEDIAMINE, 4-METHOXY-	615-05-4		(CA) 4 6 7 18
2899 add	# 2,4-DIAMINOANISOLE SULFATE m-PHENYLENEDIAMINE, 4-METHOXY-, SULFATE	39156-41-7		(CA) 5 6 7 18
0612	+ 4,4'-DIAMINODIPHENYL ETHER BENZENAMINE, 4,4'-OXYBIS-	101-80-4		(CA) 5 6 7 18
	p,p'-DIAMINODIPHENYLMETHANE see 4,4'-METHYLENE DIANILINE			
syn add				
0613	# 2,4-DIAMINOTOLUENE 1,3-BENZENEDIAMINE, 4-METHYL-	95-80-7	1709	(CA) 3 5 6 7 8 18 20
2980 add	2,6-DIAMINOTOLUENE	823-40-5		20
2981 add	3,4-DIAMINOTOLUENE 4-METHYL-1,2-BENZENEDIAMINE	496-72-0		20
2134 add	# DIAMINOTOLUENES, mixed isomers BENZENEDIAMINE, AR-METHYL	25376-45-8	1709	(MU) 3 4 6 7 17 18 20 21
0614	DIAMYLAMINE 1-PENTANAMINE, N-PENTYL-	2050-92-2	2841	3 15 17
	o-DIANISIDINE see 3,3'-DIMETHOXYBENZIDINE			
syn add				
	o-DIANISIDINE-BASED DYES see 3,3'-DIMETHOXYBENZIDINE			
syn add				
0615	DIASTASE AMYLASE	9000-92-4		12(A)
0616	DIATOMACEOUS EARTH	68855-54-9		2 4
0617	# DIAZEPAM 2H-1, 4-BENZODIAZEPIN-2-ONE, 7-CHLORO-1,3-DIHYDRO-1-METHYL-5-* PHENYL-	439-14-5		(TE) 13(Y,EE)

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0618	DIAZINON PHOSPHOROTHIOIC ACID, O,O-DIETHYL O- 6-METHYL-2-(1-METHYLETHYL)- * 4-PYRIMIDINYL ESTER	333-41-5	2783	2 3 4 14 17 20
0619 chg	DIAZODINITROPHENOL 1,2,3-BENZOXADIAZOLE, 5,7-DINITRO-	87-31-0	0074	3
0620	DIAZOMETHANE METHANE, DIAZO-	334-88-3		1 2 6 8 18
2310 add	2-DIAZO-a-NAPHTHOL-4-SULFOCHLORIDE		3042	3 17
2311 add	2-DIAZO-1-NAPHTHOL-5-SULFOCHLORIDE		3043	3 17
0621	# DIBENZ(a,h)ACRIDINE	226-36-8		(CA) 5 7
0623	# DIBENZ(a,j)ACRIDINE	224-42-0		(CA) 5 7
0622	# DIBENZ(a,h)ANTHRACENE	53-70-3		(CA,MU) 5 7 8 20 21
0624 chg	# DIBENZO(a,e)PYRENE	192-65-4		(CA,MU) 5 7
0625	# DIBENZO(a,h)PYRENE DIBENZO (b,def) CHRYSENE	189-64-0		(CA) 5 7
0626	# DIBENZO(a,i)PYRENE BENZO (rst) PENTAPHENE	189-55-9		(CA) 3 5 7 20 21
3260 add	# DIBENZO(a,1)PYRENE	191-30-0		(CA) 5 7
syn add	1,2:7,8-DIBENZOPYRENE see DIBENZO(a,i)PYRENE			
2230 add	DIBENZOFURAN (1,1'-BIPHENYL)-2,2'-DIYL OXIDE	132-64-9		6 8 18
syn add	DIBENZOYLPEROXIDE see BENZOYL PEROXIDE			
0627	# DIBENZYL DICHLOROSILANE SILANE, DICHLOROBIS(PHENYL METHYL)	18414-36-3	2434	(CO) 3 17
0628	DIBENZYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, BIS(PHENYLMETHYL) ESTER	2144-45-8	2149	3 17
0629	# DIBORANE	19287-45-7	1911	(F4,R3) 1 2 3 4 15 16 17 19
3261 add	DIBROMOACETYLENE	624-61-3		3
0630	DIBROMOBENZENE BENZENE, DIBROMO-	26249-12-7	2711	3 17
3262 add	1,4-DIBROMOBENZENE	106-37-6		8
syn add	1,1-DIBROMO-3-BUTANONE see DIBROMOBUTANONE			
0631	DIBROMOBUTANONE 1,1-DIBROMO-3-BUTANONE	3479-86-5	2648	17
syn add	DIBROMOCHLOROMETHANE see CHLORODIBROMOMETHANE			

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syn add	1,2-DIBROMO-3-CHLOROPROPANE see DBCP			
syn add	DIBROMOCHLOROPROPANE see DBCP			
3263 add	DIBROMODICHLOROMETHANE	594-18-3		8
syn add	DIBROMODIFLUOROMETHANE see DIFLUORODIBROMOMETHANE			
3264 add	p,p'-DIBROMODIPHENYL ETHER	2050-47-7		8
syn add	DIBROMOETHANE see ETHYLENE DIBROMIDE			
syn add	1,2-DIBROMOETHANE see ETHYLENE DIBROMIDE			
syn add	DIBROMOMETHANE see METHYLENE BROMIDE			
3265 add	DIBROMOTETRAFLUOROETHANE (HALON 2402)	124-73-2		6 18
0632	# DIBUTYLAMINE 1-BUTANAMINE, N-BUTYL-	111-92-2	2248	(CO) 3 15 17
syn add	DIBUTYLAMINOETHANOL see 2-n-DIBUTYLAMINOETHANOL			
1334	2-n-DIBUTYLAMINOETHANOL ETHANOL, 2-(DIBUTYLAMINO)-	102-81-8	2873	2 3 4 15 17
0814	2,6-DI-tert-BUTYL-p-CRESOL PHENOL, 2,6-BIS(1,1-DIMETHYLETHYL)-4-METHYL-	128-37-0		2 4
0813	DI(4-tert-BUTYLCYCLOHEXYL)-PEROXYDICARBONATE PEROXYDICARBONIC ACID, BIS 4-(1,1-DIMETHYLETHYL) * CYCLOHEXYL ESTER	15520-11-3	2154+	3 17
syn add	DIBUTYLETHER see BUTYL ETHER			
syn add	N,N'-DIBUTYL HEXAMETHYLENEDIAMINE see HEXAMETHYLENE- * DIAMINE, N,N'-DIBUTYL-			
0815	# DI-tert-BUTYL PEROXIDE PEROXIDE, BIS(1,1-DIMETHYLETHYL)	110-05-4	2102	(R4) 3 15 17
0816	2,2-DI(tert-BUTYLPEROXY)-BUTANE PEROXIDE, (1-METHYLPROPYLIDENE)BIS (1,1-DIMETHYLETHYL)	2167-23-9	2111+	3 17
0817	1,1-DI(tert-BUTYLPEROXY)-CYCLOHEXANE PEROXIDE, CYCLOHEXYLIDENEBIS (1,1-DIMETHYLETHYL)	3006-86-8	2179+	3 17
syn add	DI-sec-BUTYL PEROXY-DICARBONATE see sec-BUTYL * PEROXYDICARBONATE			
2313 add	DI-n-BUTYL PEROXYDICARBONATE	16215-49-9	2169+	3 17
2314 gen add	1,4-DI-(2-tert-BUTYLPEROXY ISOPROPYL)BENZENE or 1,3- * DI-(2-tert-BUTYLPEROXY ISOPROPYL)BENZENE or mixtures		2112	3 17

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3266 add	DIBUTYLPHENYLPHOSPHATE	2528-78-7		2
2315 add	DI-tert-BUTYLPEROXYPHTHALATE	2155-71-7	2107+	3 17
2318 add	2,2-DI(tert-BUTYLPEROXY)PROPANE		2883+	3 17
0818	1,1-DI(tert-BUTYLPEROXY)-3,3,5-TRIMETHYLCYCLOHEXANE PEROXIDE, (3,3,5-TRIMETHYLCYCLOHEXYLIDENE)BIS (1,1- * DIMETHYLETHYL)	6731-36-8	2145+	3 17
0633	DIBUTYL PHOSPHATE PHOSPHORIC ACID, DIBUTYL ESTER	107-66-4		1 2 4
syn add	DIBUTYL PHTHALATE see DI-N-BUTYL PHTHALATE			
0773	DI-n-BUTYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIBUTYL ESTER	84-74-2		1 2 3 4 8 15 16 18 20 21
0634	DICAMBA BENZOIC ACID, 3,6-DICHLORO-2-METHOXY-	1918-00-9	2769	3 8 20
0635	DICETYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIHEXADECYL ESTER	26322-14-5	2895+	3 17
0636	DICHLOBENIL BENZONITRILE, 2,6-DICHLORO-	1194-65-6	2769	3 20
0637	DICHLONE 1,4-NAPHTHALENEDIONE, 2,3-DICHLORO-	117-80-6	2761	3 20
0638	# DICHLOROACETIC ACID ACETIC ACID, DICHLORO-	79-43-6	1764	(CO) 3 17
syn add	1,3-DICHLOROACETONE see BIS(CHLOROMETHYL)KETONE			
0639	# DICHLOROACETYL CHLORIDE ACETYL CHLORIDE, DICHLORO-	79-36-7	1765	(CO) 3 15 17
0640	DICHLOROACETYLENE DICHLOROETHYNE	7572-29-4		2 3 4
0641	DICHLOROANILINE BENZENAMINE, AR,AR-DICHLORO-	27134-27-6	1590	3 15 17
2320 add	DICHLOROBENZALKONIUM CHLORIDE	8023-53-8		16
0642	1,2-DICHLOROBENZENE BENZENE, 1,2-DICHLORO-	95-50-1	1591	1 2 3 4 6 8 15 17 18 20 21
2301 add	1,3-DICHLOROBENZENE BENZENE, 1,3-DICHLORO-	541-73-1	9255	3 6 8 18 20 21
0643	+ 1,4-DICHLOROBENZENE BENZENE, 1,4-DICHLORO-	106-46-7	1592	(CA) 1 2 3 4 5 6 7 15 17 18 20 21
2321 gen add	DICHLOROBENZENES, mixed isomers	25321-22-6		3 6 18 20
0644	# 3,3'-DICHLOROBENZIDINE 1,1'-BIPHENYL-4,4'-DIAMINE, 3,3'-DICHLORO-	91-94-1		(CA,MU) 2 3 4 5 6 7 8 18 20 21
3267 add	# 3,3'-DICHLOROBENZIDINE DIHYDROCHLORIDE	612-83-9		(CA) 5

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0645	2,4-DICHLOROBENZOYL PEROXIDE PEROXIDE, BIS(2,4-DICHLOROBENZOYL)	133-14-2	2137	3 17
0646	1,1-DICHLORO-2,2-BIS-(p-CHLOROPHENYL)ETHANE BENZENE, 1,1'-(2,2-DICHLOROETHYLIDENE)BIS 4-CHLORO-	72-54-8	2761	3 8 17 20 21
2341 add	# DICHLOROBROMOMETHANE	75-27-4		(CA) 3 5 6 8 18 20
0647	# DICHLOROBUTENE BUTENE, DICHLORO-	11069-19-5	2924	(CO) 3 17
2829 add	trans-1,4-DICHLOROBUTENE	110-57-6	2924	3 16 17 19
3070 add	# 1,4-DICHLORO-2-BUTENE	764-41-0	2924	(F3,R2) 3 17 20 21
3268 add	# 3,3'-DICHLORO-4,4'-DIAMINODIPHENYL ETHER	28434-86-8		(CA) 7
3577 add	2,2-DICHLORODIETHYL ETHER		1916	3 17
0648	DICHLORODIFLUOROETHYLENE ETHENE, DICHLORODIFLUORO-	27156-03-2	9018	2 17
0649	DICHLORODIFLUOROMETHANE METHANE, DICHLORODIFLUORO-	75-71-8	1028	1 2 3 4 6 8 17 18 20 21
syn add	DICHLORODIMETHYLETHER, SYMMETRICAL see BIS(2-CHLORO METHYL) * ETHER			
0650	1,3-DICHLORO-5,5-DIMETHYL HYDANTOIN 2,4-IMIDAZOLIDINEDIONE, 1,3-DICHLORO-5,5-DIMETHYL-	118-52-5		2 4
syn add	3,5-DICHLORO-n-(1,1-DIMETHYL-2-PROPYNYL)BENZAMIDE see * PRONAMIDE			
syn add	DICHLORODIMETHYL SILANE see DIMETHYLDICHLOROSILANE			
syn add	DICHLORODIPHENYL TRICHLOROETHANE see DDT			
0651	1,1-DICHLOROETHANE ETHANE, 1,1-DICHLORO-	75-34-3	2362	1 2 3 4 8 15 17 20 21
0652	# 1,2-DICHLOROETHANE ETHANE, 1,2-DICHLORO-	107-06-2	1184	(CA,F3,MU) 1 2 3 4 5 6 7 8 15 17 18 20 21
syn add	1,2-DICHLOROETHENE see 1,2-DICHLOROETHYLENE			
syn add	1,1-DICHLOROETHYLENE see VINYLIDENE CHLORIDE			
0653	# 1,2-DICHLOROETHYLENE ETHENE, 1,2-DICHLORO-	540-59-0	1150	(F3,R2) 1 2 3 4 6 15 17 18
3269 add	cis-1,2-DICHLOROETHYLENE	156-59-2	1150	3 8 17
2921 add	trans-1,2-DICHLOROETHYLENE	156-60-5	1150	3 8 17 20 21

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	DICHLOROETHYL ETHER see BIS (2-CHLOROETHYL) ETHER			
syn add				
3270 add	1,1-DICHLORO-1-FLUOROETHANE		9274	17
3109 add	DICHLOROFLUORMETHANE	75-43-4	1029	1 2 4 3 17
0654	DICHLOROISOCYANURIC ACID 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE, 1,3-DICHLORO-	2782-57-2	2465	2 3 15 17 20
syn add	DICHLOROISOPROPYL ETHER see BIS(2-CHLORO-1-METHYLETHYL) * ETHER			
	DICHLOROMETHANE see METHYLENE CHLORIDE			
syn add				
	DICHLOROMETHYL ETHER see BIS (2-CHLOROMETHYL) ETHER			
syn add				
	DICHLOROMETHYLPHENYL SILANE see METHYLPHENYLDICHLOROSILANE			
syn add				
0655	# 1,1-DICHLORO-1-NITROETHANE ETHANE, 1,1-DICHLORO-1-NITRO-	594-72-9	2650	(R3) 1 2 3 4 15 17
0656	DICHLOROPENTANE PENTANE, DICHLORO-	30586-10-8	1152	3 15 17
2344 add	2,4-DICHLOROPHENOL PHENOL, 2,4-DICHLORO	120-83-2	2020	3 6 8 15 18 20 21
2952 add	2,6-DICHLOROPHENOL	87-65-0		3 20 21
	2,4-DICHLOROPHENOXYACETIC ACID see 2,4-D			
syn add				
0673	2,4-DICHLOROPHENOXYACETIC ACID ESTER PHENOL, 2,4-DICHLORO-ACETATE	6341-97-5	2765	3
0672	2,6-DICHLOROPHENOXYACETIC ACID ESTER PHENOL, 2,6-DICHLORO-ACETATE	28165-71-1	2765	3
	2,4-DICHLOROPHENOXYACETIC ESTER see 2,4-D ESTERS			
syn add				
3271 add	4-(2,4-DICHLOROPHENOXY)BUTYRIC ACID BUTYRIC ACID, 4-(2,4-DICHLOROPHENOXY)-	94-82-6		8
0657 chg	1,2-DICHLORO-3-PHENYL ISOCYANATE BENZENE, 1,2-DICHLORO-3-ISOCYANATO-	41195-90-8	2250	2 3 20
0658 chg	1,2-DICHLORO-4-PHENYL ISOCYANATE BENZENE, 1,2-DICHLORO-4-ISOCYANATO-	102-36-3	2250	2 3 16 19 20
0659 chg	1,3-DICHLORO-2-PHENYL ISOCYANATE BENZENE, 1,3-DICHLORO-2-ISOCYANATO-	39920-37-1	2250	2 3 20
0660 chg	1,3-DICHLORO-5-PHENYL ISOCYANATE BENZENE, 1,3-DICHLORO-5-ISOCYANATO-	34893-92-0	2250	2 3 20
0661 chg	1,4-DICHLORO-2-PHENYL ISOCYANATE BENZENE, 1,4-DICHLORO-2-ISOCYANATO-	5392-82-5	2250	2 3 20
0662 chg	2,4-DICHLORO-1-PHENYL ISOCYANATE BENZENE, 2,4-DICHLORO-1-ISOCYANATO-	2612-57-9	2250	2 3 20

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0663	# DICHLOROPHENYL TRICHLOROSILANE SILANE, TRICHLORO(DICHLOROPHENYL)-	27137-85-5	1766	(CO) 3 16 17 19
2982 add	# DICHLOROPROPANE	26638-19-7	1279	(F3) 3 4 15 17 20
2919 add	# 1,1-DICHLOROPROPANE	78-99-9	1279	(F3) 3 20
0664	# 1,2-DICHLOROPROPANE PROPANE, 1,2-DICHLORO-	78-87-5	1279	(F3) 1 2 3 4 7 15 17 18 20 21
2983 gen add	# 1,2-DICHLOROPROPANE—1,3-DICHLOROPENE mixture	8003-19-8	2047	3 17 20
2923 add	1,3-DICHLOROPROPANE	142-28-9		(F3) 3 20
0665	1,3-DICHLOROPROPANOL 2-PROPANOL, 1,3-DICHLORO-	96-23-1	2750	3 15 17
3272 add	2,3-DICHLOROPROPANOL	616-23-9	2750	3 8 17 20
syn add	DICHLOROPROPANONE see BIS(CHLOROMETHYL)KETONE			
2984 add	DICHLOROPROPENE	26952-23-8	2047	2 3 4 15 17 20
0666	+ 1,3-DICHLOROPROPENE 1,3-DICHLORO-1-PROPENE	542-75-6	2047	(CA,F3) 3 4 5 6 7 8 15 18 20 21
2929 add	# 2,3-DICHLOROPROPENE	78-88-6		(F3) 3 6 15 18 20
0668	# 2,2-DICHLOROPROPIONIC ACID PROPANOIC ACID, 2,2-DICHLORO-	75-99-0	1760	(CO) 2 3 4 8 17 20
syn add	1,3-DICHLOROPROPYLENE see 1,3-DICHLOROPROPENE			
0670	+ DICHLOROSILANE SILANE, DICHLORO-	4109-96-0	2189	(F4,R2) 3 15 17
0671 chg	DICHLOROTETRAFLUOROETHANE ETHANE, 1,2-DICHLORO-1,1,2,2-TETRAFLUORO-	76-14-2	1958	1 2 3 4 6 17 18
syn add	DICHLOROTRIAZINETRIONE and its salts see * DICHLOROISOCYANURIC ACID			
3273 add	3,5-DICHLORO-2,4,6-TRIFLUOROPYRIDINE		9264	3 17
0674	DICHLORVOS PHOSPHORIC ACID, 2,2-DICHLOROETHENYL DIMETHYL ESTER	62-73-7	2783	2 3 4 6 8 14 16 17 18 19 20
0675	DICOFOL BENZENEMETHANOL, 4-CHLORO-alpha-(4-CHLOROPHENYL)-alpha- * (TRICHLOROMETHYL)-	115-32-2	2588	3 6 8 18 20
0676	DICROTOPHOS PHOSPHORIC ACID, 3-(DIMETHYLAMINO)-1-METHYL-3-OXO-1- * PROPENYL DIMETHYL ESTER, (E)-	141-66-2		2 4 8 14 16 19
0677	DICUMYL PEROXIDE PEROXIDE, BIS(1-METHYL-1-PHENYLETHYL)	80-43-3	2121	17

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syn add	DICYCLOHEPTADIENE see 2,5-NORBORNADIENE		2251	
0678	# DICYCLOHEXYLAMINE CYCLOHEXANAMINE, N-CYCLOHEXYL-	101-83-7	2565	(CO) 3 15 17
3274 add	DICYCLOHEXYLAMMONIUM NITRITE	3129-91-7	2687	3 17
syn add	DICYCLOHEXYLMETHANE-4,4'-DIISOCYANATE see * METHYLENE BIS(4-CYCLOHEXYL ISOCYANATE)			
0680	DICYCLOHEXYL PEROXY-DICARBONATE PEROXYDICARBONIC ACID, DICYCLOHEXYL ESTER	1561-49-5	2153+	3 17
0681	# DICYCLOPENTADIENE 4,7-METHANO-1H-INDENE, 3A,4,7,7A-TETRAHYDRO-	77-73-6	2048	(F3) 2 4 15 17
0682	@ DICYCLOPENTADIENYL IRON FERROCENE	102-54-5		2 4
syn add	DIDECANOYL PEROXIDE, technical pure see DECANOYL PEROXIDE			
2325 add	2,2-DI(4,4-DI-tert-BUTYL-PEROXY CYCLOHEXYL)-PROPANE		2168	3 17
2326 add	DI-2,4-DICHLOROBENZOYL PEROXIDE		2137+	3 17
2329 add	1,2-DI-(DIMETHYLAMINO)ETHANE		2372	3 17
2330 gen add	DIDYMIUM NITRATE		1465	3 17
0683	# DIELDRIN 2,7:3,6-DIMETHANONAPHTH 2,3-B OXIRENE, 3,4,5,6,9,9-HEXACHLORO- * 1A,2,2A,3,6,6A,7,7A-OCTAHYDRO-, (1AALPHA, 2BETA, 2AALPHA, * 3BETA, 6BETA, 6AALPHA, 7BETA, 7AALPHA)-	60-57-1	2761	(CA) 1 2 3 4 8 14 17 20 21
0685	# 1,2:3,4-DIEPOXYBUTANE 2,2'-BIOXIRANE	1464-53-5		(CA) 3 5 6 7 16 18 19 20 21
syn add	DI-2,3-EPOXYPROPYLETHER see DIGLYCIDYLETHER			
syn add	DIESEL FUEL see FUEL OIL			
0686	DIETHANOLAMINE ETHANOL, 2,2'-IMINOBIS-	111-42-2		2 3 4 15 18
syn add	DIETHANOLNITROSAMINE see N-NITROSODIETHANOLAMINE			
syn add	DIETHOXYDIMETHYL SILANE see DIMETHYLDIETHOXYSILANE			
syn add	DIETHOXYLETHANE see ETHYLENE GLYCOL DIETHYL ETHER			
0687	+ DIETHOXYMETHANE ETHANE, 1,1'- METHYLENEBIS(OXY) BIS-	462-95-3	2373	(F3) 3 17
2331 add	2,5-DIETHOXY-4-MORPHOLINOBENZENEDIAZONIUM ZINC CHLORIDE		3036	6 17 18

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0688	3,3-DIETHOXYPROPENE 1-PROPENE, 3,3-DIETHOXY-	3054-95-3	2374	3 17
0689	# DIETHYLALUMINUM CHLORIDE ALUMINUM, CHLORODIETHYL-	96-10-6		(F3,R3) 2 15
0690	# DIETHYLAMINE ETHANAMINE, N-ETHYL-	109-89-7	1154	(F3) 1 2 3 4 17 20
0691	DIETHYLAMINOETHANOL ETHANOL, 2-(DIETHYLAMINO)-	100-37-8	2686	1 2 3 4 15 17
0692	# 3-(DIETHYLAMINO) PROPYLAMINE 1,3-PROPANEDIAMINE, N,N-DIETHYL-	104-78-9	2684	(CO) 3 15 17
0693	DIETHYL ANILINE BENZENAMINE, N,N-DIETHYL-	91-66-7	2432	3 15 17
0694	DIETHYLBENZENE BENZENE, DIETHYL-	25340-17-4	2049	3 15 17
2332 add	DIETHYLCARBAMAZINE CITRATE	1642-54-2		16 19
0695	+ DIETHYLCARBAMOYL CHLORIDE CARBAMIC CHLORIDE, DIETHYL-	88-10-8		(CA,R2) 4
0696	# DIETHYL CARBINOL 3-PENTANOL	584-02-1	2706	(F3) 3 15
0697	# DIETHYL CARBONATE CARBONIC ACID, DIETHYL ESTER	105-58-8	2366	(F3) 3 15 17
syn	DIETHYL CELLOSOLVE see ETHYLENE GLYCOL DIETHYL ETHER			
2333 add	DIETHYL CHLOROPHOSPHATE	814-49-3		16 19
0698	# DIETHYL DICHLOROSILANE SILANE, DICHLORODIETHYL-	1719-53-5	1767	(CO) 3 15 17
0699	DIETHYLENE GLYCOL DINITRATE ETHANOL, 2,2'-OXYBIS-, DINITRATE	693-21-0	0075	3 8
syn	1,4-DIETHYLENE DIOXIDE see 1,4-DIOXANE			
0700	# DIETHYLENE TRIAMINE 1,2-ETHANEDIAMINE, N-(2-AMINOETHYL)-	111-40-0	2079	(CO) 1 2 3 4 15 17
0701	# DIETHYL ETHER ETHANE, 1,1'-OXYBIS-	60-29-7	1155	(F4) 1 2 3 4 15 17 20 21
0702	DIETHYLETHYLENE DIAMINE N,N-DIETHYL-1,2-ETHANEDIAMINE	100-36-7	2685	3 15 17
syn add	DI(2-ETHYLHEXYL)ADIPATE see BIS(2-ETHYLHEXYL)ADIPATE			
0703	DI(2-ETHYLHEXYL) PEROXY-DICARBONATE PEROXYDICARBONIC ACID, BIS(2-ETHYLHEXYL) ESTER	16111-62-9	2123+	3 17
2334 add	DI(2-ETHYLHEXYL)PHOSPHORIC ACID	298-07-7	1902	3 15 17
syn	DI(2-ETHYL HEXYL) PHTHALATE see BIS (2-ETHYLHEXYL) * PHTHALATE			
1007	# 1,2-DIETHYLHYDRAZINE	1615-80-1		(CA) 3 7 20 21
0704	# DIETHYL KETONE 3-PENTANONE	96-22-0	1156	(F3) 2 3 4 15 17

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0705 chg	# DIETHYL MAGNESIUM MAGNESIUM, DIETHYL-	557-18-6	1367	(F3,R4) 3 17
syn add	DIETHYL-p-NITROPHENYLPHOSPHATE see PARAOXON			
0708	DIETHYL-p-NITROSOANILINE N,N-DIETHYL-4-NITROSOBENZENAMINE	120-22-9		3
syn	DIETHYL OXALATE see ETHYL OXALATE			
0706	DIETHYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIETHYL ESTER	14666-78-5	2175	3 17
0707	DIETHYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIETHYL ESTER	84-66-2		2 3 4 6 8 15 18 20 21
2335 add	DIETHYL-p-PHENYLENEDIAMINE	93-05-0		16
syn add	o-o-DIETHYL-o-PYRAZINYLPHOSPHOROTHIOATE see ZINOPHOS			
3003 add	o,o-DIETHYL S-METHYL DITHIOPHOSPHATE	3288-58-2		3 20 21
0709	# DIETHYLSTILBESTROL PHENOL, 4,4'-(1,2-DIETHYL-1,2-ETHENEDIYL)BIS-, (E)-	56-53-1	1851	(CA,MU,TE) 3 5 7 17 20 21
0710	# DIETHYL SULFATE SULFURIC ACID, DIETHYL ESTER	64-67-5	1594	(CA,MU) 3 5 6 7 8 15 17 18
0711 chg	# DIETHYL SULFIDE ETHANE, 1,1'-THIOBIS-	352-93-2	2375	(F3) 3 17
0712	DIETHYLTHIOPHOSPHORYL CHLORIDE PHOSPHOROCHLORIDOTHIOIC ACID, O,O-DIETHYL ESTER	2524-04-1	2751	3 17
0713	# DIETHYLZINC ZINC, DIETHYL-	557-20-0	1366	(F3,R3) 3 6 8 15 17 18
3275 add	DIFENZOQUAT 1,2-DIMETHYL-3,5-DIPHENYL-1-H-PYRAZOLIUM METHYL SULFATE	43222-48-6		8
3276 add	DIFLUBENZURON BENZAMIDE, N-(4-CHLOROPHENYL)-2,6-DIFLUORO-1- * (4-CHLOROPHENYL)-3-(2,6-DIFLUOROBENZOYL)UREA	35367-38-5		8
0714	DIFLUORODIBROMOMETHANE METHANE, DIBROMODIFLUORO-	75-61-6	1941	1 2 3 4
0715	1,1-DIFLUOROETHANE ETHANE, 1,1-DIFLUORO-	75-37-6	1030	1 2 3 17
syn add	1,1-DIFLUOROETHYLENE see VINYLIDENE FLUORIDE			
syn add	DIFLUOROMONOCHLOROETHANE see CHLORODIFLUOROETHANE			
0716	# DIFLUOROPHOSPHORIC ACID PHOSPHORODIFLUORIDIC ACID	13779-41-4	1768	(CO) 2 3 17
2336 add	DIGITOXIN CARD-20(22)-ENOLIDE, 3-((0-2,6-DIDEOXY-BETA-D-RIBO- * HEXOPYRANOSYL-(1-4)-0-2,6-DIDEOXY-BETA-D-RIBO-HEXOPYRANOSYL- * (1-4)-2, 6-DIDEOXY-BETA-D-RIBO-HEXOPYRANOSYL)OXY)-14- * HYDROXY-, (3BETA,5BETA)-	71-63-6		16 19
0717	DIGLYCIDYL ETHER OXIRANE, 2,2'- OXYBIS(METHYLENE) BIS-	2238-07-5		1 2 4 16 19

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	DIGLYCIDYL RESORCINOL ETHER see RESORCINOL DIGLYCIDYLETHER			
syn add				
2337 add	DIGOXIN	20830-75-5		16 19
0719	2,2-DIHYDROPEROXY PROPANE HYDROPEROXIDE, (1-METHYLETHYLIDENE)-BIS-	2614-76-8	2178	3 17
0720	# DIHYDROPYRAN 2H-PYRAN, 3,4-DIHYDRO-	110-87-2	2376	(F3) 3 15 17
	2,3-DIHYDROPYRAN see DIHYDROPYRAN			
syn add				
2421 add	1,2-DIHYDRO-3,6-PYRIDAZINEDIONE	123-33-1		3 8 20 21
	DIHYDROSAFROLE see 1,2-METHYLENEDIOXY-4-PROPYLBENZENE			
syn add				
0721	+ DIHYDROSTREPTOMYCIN STREPTAMINE,O-beta-D-MANNOPYRANOSYL-(1-4)-2-DEOXY -2- * (METHYLAMI NO)-alpha-L-GLUCOPYRANO-SYL-(1-2)-5-DEOXY-O-3-C- * (HYDROXYMETHYL)-alpha-L-LYXOFURANOSYL-(1-4)-N,N'-DIAMIDINO-,	128-46-1		(TE) 13(Y)
0722	1,2-DIHYDROXYBENZENE	120-80-9		1 2 3 4 6 18
0723	DI(1-HYDROXYCYCLO-HEXYL) PEROXIDE DICYCLOHEXYL PEROXIDE	1758-61-8	2148	3 17
0724	# DIISOBUTYLAMINE 1-PROPANAMINE, 2-METHYL-N-(2-METHYLPROPYL)-	110-96-3	2361	(F3) 3 15 17
0725	# DIISOBUTYLENE PENTENE, 2,4,4-TRIMETHYL-	25167-70-8	2050	(F3) 3 15 17
	DIISOBUTYLKETONE see 2,6-DIMETHYLHEPTANONE			
syn add				
0726	DIISOBUTYRYL PEROXIDE PEROXIDE, BIS(2-METHYL-1-OXOPROPYL)	3437-84-1	2182	3 17
	1,6-DIISOCYANATO HEXANE see HEXAMETHYLENE DI-ISOCYANATE			
syn add				
0727	# DIISOOCTYL ACID PHOSPHATE ISOOCTANOL HYDROGEN PHOSPHATE	27215-10-7	1902	(CO) 3 17
0728	# DIISOPROPYLAMINE 2-PROPANAMINE, N-(1-METHYLETHYL)-	108-18-9	1158	(F3) 1 2 3 4 15 17
2338 add	DIISOPROPYLBENZENE HYDROPEROXIDE, maximum 72% solution	26762-93-6	2171	3 17
0729	# DIISOPROPYLETHANOLAMINE ETHANOL, 2- BIS(1-METHYLETHYL)AMINO-	96-80-0	2825	(CO) 3 15 17
0730	# DIISOPROPYL ETHER PROPANE, 2,2'-OXYBIS-	108-20-3	1159	(F3) 3 4 15 17
3277 add	DIISOPROPYLMETHYLPHOSPHONATE	1445-75-6		8
	DIISOPROPYLFLUOROPHOSPHATE see ISOFLUOROPHATE			
syn add				
0731	# DIISOPROPYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, BIS(1-METHYLETHYL) ESTER	105-64-6	2133+	(F4,R4) 3 15 17

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2339 add	DIISOTRIDECYL PEROXYDICARBONATE		2889	3 17
0732	# DIKETENE 2-OXETANONE, 4-METHYLENE-	674-82-8	2521	(R2) 3 15 17
syn add	DILAUROYL PEROXIDE see LAUROYL PEROXIDE			
2342 add	DIMEFOX BIS(DIMETHYLAMINO)PHOSPHORYL FLUORIDE	115-26-4		16 19
3278 add	DIMETHIPIN P-DITHANE,2,3-DEHYDRO-2,3-DIMETHYL-,TETROXIDE	55290-64-7		8
0733	# DIMETHOATE PHOSPHORODITHIOIC ACID, O,O-DIMETHYL, S-(2-(METHYLAMINO) * -2-OXOETHYL) ESTER	60-51-5	2783+	(MU) 3 8 14 16 19 20 21
0734	# 3,3'-DIMETHOXYBENZIDINE 1,1'-BIPHENYL -4,4'-DIAMINE, 3,3'-DIMETHOXY-	119-90-4		(CA) 3 4 5 6 7 18 20 21
0735	1,1-DIMETHOXYETHANE ETHANE, 1,1-DIMETHOXY-	534-15-6	2377	3 17
3279 add	1,2-DIMETHOXYETHANE	110-71-4	2252	3 17
syn add	DIMETHYLACETAL see 1,1-DIMETHOXYETHANE			
0736	DIMETHYL ACETAMIDE ACETAMIDE, N,N-DIMETHYL-	127-19-5		1 2 4 15
0737	# DIMETHYLAMINE N-METHYLMETHANAMINE	124-40-3	1032+	(F4) 1 2 3 4 8 15 17 20 21
0738	+ 2-DIMETHYLAMINOACETONITRILE ACETONITRILE, (DIMETHYLAMINO)-	926-64-7	2378	(F3) 3 17
0739 chg	# 4-DIMETHYLAMINOAZOBENZENE BENZENAMINE, N,N-DIMETHYL-4-(PHENYLAZO)-	60-11-7		(CA,MU,TE) 1 3 4 5 6 7 18 20 21
2343 add	4-DIMETHYLAMINO-6-(2-DIMETHYLAMINOETHOXY) TOLUENE-2-DIAZONIUM- * ZINC CHLORIDE		3039	17
3111 add	DIMETHYLAMINOETHANOL DIMETHYLETHANOLAMINE	108-01-1	2051	3 12(J) 15 17
0740	DIMETHYLAMINOETHYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, 2-(DIMETHYLAMINO)ETHYL ESTER	2867-47-2	2522	3 15 17
3280 add	# trans-2-[(DIMETHYLAMINO)METHYLIMINO]-5-[2-(5-NITRO-2- * FURYL)VINYL]-1,3,4-OXADIAZOLE	55738-54-0		(CA) 7
0227	beta-DIMETHYLAMINOPROPIONITRILE PROPIONITRILE, 3-(DIMETHYLAMINO)	1738-25-6		4 15
0741	DIMETHYLANILINE BENZENAMINE, N,N-DIMETHYL-	121-69-7	2253	1 2 3 4 6 8 15 17 18
syn add	7,12-DIMETHYL-BENZ(a)ANTHRACENE see BENZ(a)ANTHRACENE, * 7,12-DIMETHYL-			
0742	# 3,3'-DIMETHYLBENZIDINE 1,1'-BIPHENYL -4,4'-DIAMINE, 3,3'-DIMETHYL-	119-93-7		(CA,MU) 2 3 4 5 6 7 8 18 20 21
0743	DI(2-METHYLBENZOYL) PEROXIDE BIS(2-METHYLBENZOYL) PEROXIDE	3034-79-5	2593	3 17

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syn add	alpha,alpha-DIMETHYLBENZYLHYDROPEROXIDE see CUMENE * HYDROPEROXIDE			
0744	+ 2,3-DIMETHYLBUTANE BUTANE, 2,3-DIMETHYL-	79-29-8	2457	(F3) 3 15 17
0745 chg	# 1,3-DIMETHYLBUTYLAMINE 2-PENTANAMINE, 4-METHYL-	108-09-8	2379	(F3) 3 15 17
0746	# DIMETHYLCARBAMOYL CHLORIDE CARBAMIC CHLORIDE, DIMETHYL-	79-44-7	2262	(CA,MU) 2 3 4 6 7 17 18 20 21
0747	# DIMETHYL CARBONATE CARBONIC ACID, DIMETHYL ESTER	616-38-6	1161	(F3) 3 15 17
syn add	DIMETHYL CHLOROTHIOPHOSPHATE see DIMETHYL THIOPHOSPHORYL- * CHLORIDE			
0748	# 1,4-DIMETHYLCYCLOHEXANE CYCLOHEXANE, 1,4-DIMETHYL-	589-90-2	2263	(F3) 3 15
3281 add	DIMETHYLCYCLOHEXANE (o,m,p)		2263	3 17
0749	# DIMETHYLCYCLOHEXYL AMINE CYCLOHEXANAMINE, N,N-DIMETHYL	98-94-2	2264	(CO) 3
3282 add	2,3-DIMETHYLCYCLOHEXYLAMINE		2264	17
0750	2,5-DIMETHYL-2,5-DI-(BENZOYLPEROXY)HEXANE BENZENECARBOPEROXOIC ACID, 1,1,4,4-TETRAMETHYL-1,4- * BUTANEDIYL ESTER	2618-77-1	2959+	3 17
0751	DIMETHYL-1,2-DIBROMO-2,2-DICHLOROETHYL PHOSPHATE PHOSPHORIC ACID, 1,2-DIBROMO-2,2-DICHLOROETHYL DIMETHYL ESTER	300-76-5	2783	1 2 3 4 8 20
0757	2,5-DIMETHYL-2,5-DI(tert-BUTYL PEROXY)HEXANE PEROXIDE, (1,1,4,4-TETRAMETHYL-1,4-BUTANEDIYL)BIS (1,1- * DIMETHYLETHYL)	78-63-7	2155+	3 17
2345 add	2,5-DIMETHYL-2,5-DI(tert-BUTYLPEROXY)-3-HEXYNE	1068-27-5	2158+	3 17
0752	# DIMETHYL DICHLOROSILANE DICHLORODIMETHYLSILANE	75-78-5	1162	(CO,F3) 3 15 16 17 19
0753	DIMETHYLDIETHOXYSILANE SILANE, DIETHOXYDIMETHYL-	78-62-6	2380	3 17
3112 add	2,5-DIMETHYL-2,5-DI(2-ETHYLHEXANOYLPEROXY)HEXANE		2157	3 17
0754	2,5-DIMETHYL-2,5-DIHYDRO-PEROXYHEXANE HYDROPEROXIDE, (1,1,4,4-TETRAMETHYL-1,4-BUTANEDIYL)BIS-	3025-88-5	2174	3 17
0755	# DIMETHYLDIOXANE 1,4-DIOXANE, DIMETHYL-	25136-55-4	2707	(F3) 3 15 17
0756 chg	# DIMETHYLDISULFIDE DISULFIDE, DIMETHYL	624-92-0	2381	(F3) 16 17
3284 add	2,5-DIMETHYL-2,5-DI-(3,5,5-TRIMETHYL HEXANOYLPEROXY)HEXANE		3060	17
syn add	DIMETHYLETHANOLAMINE see DIMETHYLAMINOETHANOL			
0758	# DIMETHYL ETHER METHANE, OXYBIS-	115-10-6	1033	(F4) 3 15 17
0759	DIMETHYLFORMAMIDE N,N-DIMETHYLFORMAMIDE	68-12-2	2265	1 2 3 4 8 15 17

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0760	2,6-DIMETHYLHEPTANONE 4-HEPTANONE, 2,6-DIMETHYL	108-83-8	1157	1 2 3 4 15 17
syn add	DIMETHYLHEXANEDIHYDROPEROXIDE see 2,5-DIMETHYL- * 2,5-DIHYDROPEROXYHEXANE			
0761 chg	# 1,1-DIMETHYLHYDRAZINE HYDRAZINE, 1,1-DIMETHYL-	57-14-7	1163	(CA,CO,F3) 1 2 3 4 5 6 7 15 16 17 18 19 20 21
1008	# 1,2-DIMETHYLHYDRAZINE	540-73-8	2382	(CA,MU) 3 7 17 20 21
syn add	DIMETHYLHYDRAZINE, UNSYMMETRICAL see 1,1-DIMETHYLHYDRAZINE			
0762	DIMETHYLMAGNESIUM MAGNESIUM, DIMETHYL-	2999-74-8	1368+	17
0763	@ DIMETHYL MERCURY MERCURY, DIMETHYL-	593-74-8		2
3016 add	alpha,alpha-DIMETHYL PHENETHYLAMINE	122-09-8		3 20 21
syn add	DIMETHYL-p-NITROSOANILINE see p-NITROSODIMETHYLANILINE			
0764	2,4-DIMETHYLPHENOL PHENOL, 2,4-DIMETHYL-	105-67-9		3 6 8 18 20 21
3285 add	2,6-DIMETHYLPHENOL PHENOL, 2,6-DIMETHYL	576-26-1		8
3286 add	3,4-DIMETHYLPHENOL PHENOL, 3,4-DIMETHYL	95-65-8		8
syn add	DIMETHYL PHOSPHOROCHLORIDOTHIOATE see DIMETHYL THIOPHOS * PHORYL CHLORIDE			
0765	DIMETHYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIMETHYL ESTER	131-11-3		1 2 3 4 6 8 15 18 16 20 21
2348 add	DIMETHYL-p-PHENYLENEDIAMINE	99-98-9		16 19
0766	# DIMETHYLPROPANE PROPANE, 2,2-DIMETHYL	463-82-1	2044	(F4) 3 15 17
0767	# DIMETHYLPROPYLAMINE 1-PROPANAMINE, N,N-DIMETHYL-	926-63-6	2266	(CO) 3 17
0768	# DIMETHYL SULFATE SULFURIC ACID, DIMETHYL ESTER	77-78-1	1595	(CA,CO,MU) 1 2 3 4 5 6 7 8 15 16 17 18 19 20 21
0769	# DIMETHYL SULFIDE METHANE, THIOBIS-	75-18-3	1164	(R4) 3 15 16 17
3287 add	DIMETHYLTEREPHTHALATE	120-61-6		8 15
0770	# DIMETHYL PHOSPHOROCHLORIDOTHIOATE PHOSPHOROCHLORIDOTHIOIC ACID, O,O-DIMETHYL ESTER	2524-03-0	2267	(CO) 3 16 17 19
3288 add	# DIMETHYLVINYL CHLORIDE	513-37-1		(CA) 5

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0771	+ DIMETHYLZINC ZINC, DIMETHYL-	544-97-8	1370	(F4,R2) 3 6 17 18
2349 add	DIMETILAN	644-64-4		16 19
syn add	DIMPYLATE see DIAZINON			
0772	DIMYRISTYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DITETRADECYL ESTER	53220-22-7	2892+	17
0774	DINEX PHENOL, 2-CYCLOHEXYL-4,6-DINITRO-	131-89-5	9026	3 8 14 17 20 21
syn add	DINGU see DINITROGLYCOLURIL			
0775	DINITOLMIDE BENZAMIDE, 2-METHYL-3,5-DINITRO-	148-01-6		2 4
0776	# DINITROANILINE BENZENAMINE, DINITRO-	26471-56-7	1596	(R3) 3 15 17
0777	# DINITROBENZENE BENZENE, DINITRO	25154-54-5	1597	(R4) 1 2 3 17 20
3017 add	m-DINITROBENZENE	99-65-0		1 2 3 4 6 8 18 20
3018 add	o-DINITROBENZENE	528-29-0		1 2 3 4 6 8 15 18 20
3019 add	p-DINITROBENZENE	100-25-4		1 2 3 4 6 18 20
0778	# DINITROCHLOROBENZENE BENZENE, CHLORODINITRO-	25567-67-3	1577	(R4) 3 15 17
0779	4,6-DINITRO-o-CRESOL PHENOL, 2-METHYL-4,6-DINITRO-	534-52-1	1598	1 2 3 4 6 14 16 17 18 19 20 21
syn add	4,6-DINITRO-o-CYCLOHEXYLPHENOL see DINEX			
syn add	DINITROGEN TETROXIDE see NITROGEN TETROXIDE			
2350 gen add	DINITROPHENOLATES ALKALI METALS, dry or wetted		0077	3 17
3578 add	DINITROGLYCOLURIL		0489	3
0780	DINITROPHENOL PHENOL, DINITRO-	25550-58-7	0076+	3 20
2950 add	2,4-DINITROPHENOL	51-28-5	0076+	3 6 8 18 20 21
2951 add	2,5-DINITROPHENOL	329-71-5	0076+	3 20
2953 add	2,6-DINITROPHENOL	573-56-8	0076+	3 20

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2351 gen add	DINITROPHENOLATES, with not less than 15% WATER		1321	3 17
0781	DINITRORESORCINOL 1,3-BENZENEDIOL, DINITRO-	35860-51-6	0078+	3 17
0782	DINITROSOBENZENE BENZENE, DINITROSO-	25550-55-4	0406	3
2352 add	DINITROSO-DIMETHYL TEREPHTHALAMIDE		2973	17
2353 add	DINITROSOPENTAMETHYLENE TETRAMINE	101-25-7	2972	17
2985 add	# DINITROTOLUENE	25321-14-6	2038+	(CA,MU) 2 3 4 6 15 17 18 20
0783	# 2,4-DINITROTOLUENE BENZENE, 1-METHYL-2,4-DINITRO-	121-14-2	2038+	(CA,MU,R3) 1 3 4 6 8 15 17 18 20 21
0784	+ 2,6-DINITROTOLUENE BENZENE, 2-METHYL-1,3-DINITRO-	606-20-2	2038+	(MU,R3) 1 3 4 6 17 18 20 21
3071 add	3,4-DINITROTOLUENE	610-39-9	2038+	3 17 20
0785	DI-N-NONANOYL PEROXIDE PEROXIDE, BIS(1-OXONONOYL)	762-13-0	2130	3 17
2354 add	DINOSEB 4,6-DINITRO-2-(1-METHYL-PROPYL)PHENOL	88-85-7	2902	3 8 14 16 19 20 21
2355 add	DINOTERB 2,4-DINITRO-6-TERT-BUTYLPHENOL	1420-07-1		16 19
0786	DI-N-OCTANOYL PEROXIDE PEROXIDE, BIS(1-OXOOCTYL)	762-16-3	2129	3 17
0787	DI-N-OCTYL PHTHALATE 1,2-BENZENEDICARBOXYLIC ACID, DIOCTYL ESTER	117-84-0		3 6 15 16 18 20 21
syn add	DI-sec-OCTYLPHTHALATE see BIS(2-ETHYLHEXYL)PHTHALATE			
0789 chg	# 1,4-DIOXANE	123-91-1	1165	(CA,F3) 1 2 3 4 5 6 7 8 15 17 18 20 21
0790	DIOXATHION PHOSPHORODITHIOIC ACID, S,S'-1,4-DIOXANE-2,3-DIYL O,O,O',O'- * TETRAETHYL ESTER	78-34-2		2 4 14 16 19
syn add	DIOXIN see 2,3,7,8-TETRACHLORODIBENZO-p-DIOXIN			
0791	# DIOXOLANE 1,3-DIOXOLANE	646-06-0	1166	(F3,R2) 3 15 16 17
0792	DIPENTENE CYCLOHEXENE, 1-METHYL-4-(1-METHYLETHENYL)-	138-86-3	2052	3 15 17
0793	DIPEROXY AZELAIC ACID NONANEDIPEROXOIC ACID	1941-79-3	2958	17
3289 add	DIPEROXYDODECANE DIACID		3063	17
0794	DIPHACINONE 1H-INDENE-1,3(2H)-DIONE, 2-(DIPHENYLACETYL)-	82-66-6	3027	14 16 17 19

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3290 add	DIPHENAMID 2,2-DIPHENYL-N,N-DIMETHYLACETAMIDE	957-51-7		8
3291 add	DI-(2-PHENOXYETHYL)PEROXYDICARBONATE		3058+	17
0795	DIPHENYL 1,1'-BIPHENYL	92-52-4		1 2 4 6 8 15 18
0796	DIPHENYLAMINE BENZENAMINE, N-PHENYL-	122-39-4		2 4 8 15 20
0797	DIPHENYLAMINECHLORO-ARSINE PHENARSAZINE, 10-CHLORO-5,10-DIHYDRO-	578-94-9	1698	3 6 7 17 18 20
0798	DIPHENYLCHLOROARSINE ARSINOUS CHLORIDE, DIPHENYL-	712-48-1	1699	3 6 7 17 18 20
0799	# DIPHENYL DICHLOROSILANE DICHLORODIPHENYLSILANE	80-10-4	1769	(CO) 3 15 17
syn add	DIPHENYLHYDRAZINE see 1,2-DIPHENYLHYDRAZINE			
0800	# 1,2-DIPHENYLHYDRAZINE HYDRAZINE, 1,2-DIPHENYL-	122-66-7		(CA) 3 5 6 8 18 20 21
syn add	DIPHENYLMETHANE-DIISOCYANATE see METHYLENE BISPHENYL * ISOCYANATE			
syn add	DIPHENYLMETHANE-4,4'-DIISOCYANATE see METHYLENE BISPHENYL * ISOCYANATE			
0801	# DIPHENYLMETHYL BROMIDE BENZENE, 1,1'-(BROMOMETHYLENE)BIS-	776-74-9	1770	(CO) 3 17
2356 add	DIPHENYLOXIDE-4,4'-DI-SULFOHYDRAZIDE	80-51-3	2951	17
syn add	DIPHOSGENE see PHOSGENE			
2357 add	DIPHOSPHORAMIDE, OCTAMETHYL-	152-16-9	3018	3 16 19 20 21
0802	DIPICRYL SULFIDE BENZENE, 1,1'-THIOBIS 2,4,6-TRINITRO-	2217-06-3	0401+	3
2358 add	DIPROPIONYL PEROXIDE		2132+	3 17
0803	# DIPROPYLAMINE 1-PROPANAMINE, N-PROPYL-	142-84-7	2383	(F3) 3 15 17 20 21
2359 add	4-DIPROPYLAMINOBENZENE-DIAZONIUM ZINC CHLORIDE		3034	3 6 17 18
0804 chg	DIPROPYLENE GLYCOL METHYL ETHER PROPANOL, (2-METHOXYMETHYLETHOXY)-	34590-94-8		1 2 4 15
syn add	DIPROPYLENE TRIAMINE see BIS(AMINOPROPYL)AMINE			
0805	# DIPROPYL ETHER PROPANE, 1,1'-OXYBIS-	111-43-3	2384	(F3) 3 15 17
0806	DIPROPYL KETONE 4-HEPTANONE	123-19-3	2710	2 3 4 15 17

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syn add	DI-N-PROPYLNITROSAMINE see N-NITROSODI-N-PROPYLAMINE			
0788	DI-N-PROPYL PEROXYDICARBONATE PEROXYDICARBONIC ACID, DIPROPYL ESTER	16066-38-9	2176	3 17
0807	+ DIQUAT DIPYRIDO 1,2-A:2',1'-C PYRAZINEDIIUM, 6,7-DIHYDRO-	2764-72-9	2781	(MU) 2 3 4 20
0808 chg	DIQUAT DIBROMIDE DIPYRIDO 1,2-A:2' ,1'-C PYRAZINEDIIUM, 6,7-DIHYDRO-, DIBROMIDE	85-00-7	2781	2 3 4 8 20
syn add	DIRECT BLACK 38 see C.I. DIRECT BLACK 38			
syn add	DIRECT BLUE 6 see C.I. DIRECT BLUE 6			
syn add	DIRECT BROWN 95 see C.I. DIRECT BROWN 95			
2362 gen add	DISINFECTANTS, n.o.s., LIQUID OR SOLID		1601+	3 17
3292 add	2,4-D ISOBUTYL ESTERS, MIXED	1713-15-1		14
3293 add	# DISODIUM HYDROGEN ARSENATE	7778-43-0		(CA) 5
0810	DISTEARYL PEROXYDI-CARBONATE PEROXYDICARBONIC ACID, DIOCTADECYL ESTER	52326-66-6	2592	3 17
syn add	DISUCCINIC ACID PEROXIDE see SUCCINIC * ACID PEROXIDE			
0811	DISULFIRAM THIOPEROXYDICARBONIC DIAMIDE, TETRAETHYL-	97-77-8		2 4
0812	DISULFOTON PHOSPHORODITHIOIC ACID, O,O-DIETHYL S- 2-(ETHYLTHIO)ETHYL ESTER	298-04-4	2783	2 3 4 8 14 16 17 19 20 21
3294 add	1,4-DITHIANE 1,4-DITHIACYCLOHEXANE	505-29-3		8
2367 add	DITHIAZANINE IODIDE BENZOTHIAZOLIUM, 3-ETHYL-2-(5-(3-ETHYL-2(3H)- * BENZOTHIAZOLYLIDENE)-1, 3-PENTADIENYL), IODIDE	514-73-8		16 19
2368 add	DITHIOBIURET UREA, 2-THIO-1-(THIOCARBAMOYL)-	541-53-7	2771	3 16 19 20 21
2371 gen add	DITHIOCARBAMATE PESTICIDES, n.o.s.		3006+	3 17
2373 gen add	DI(3,5,5-TRIMETHYL-1,2-DIOXOLANYL-3) PEROXIDE, paste		2597	3 17
2374 add	DI(3,5,5-TRIMETHYLHEXANOYL) PEROXIDE		2128	3 17
0819	DIURON UREA, N'-(3,4-DICHLOROPHENYL)-N,N-DIMETHYL-	330-54-1	2767	2 3 4 8 20
0820 chg	# DIVINYL BENZENE BENZENE, 1,3-DIETHENYL-	108-57-6		(R2) 2 4 15
0821	# DIVINYL ETHER ETHENE, 1,1'-OXYBIS-	109-93-3	1167	(F3,R2) 3 15 17

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syn add	DMBA see BENZ(a)ANTHRACENE, 7,12-DIMETHYL			
syn add	DNC see 4,6-DINITRO-o-CRESOL			
syn add	DNOC see 4,6-DINITRO-o-CRESOL			
syn add	DNOCHP see DINEX			
3295 add	DODECANETHIOL	112-55-0		4 15
0822	# DODECYLBENZENE SULFONIC ACID BENZENESULFONIC ACID, DODECYL-	27176-87-0	2584	(CO) 3 17 20
0823	# DODECYL TRICHLOROSILANE TRICHLORODODECYLSILANE	4484-72-4	1771	(CO) 3 17
3579 add	DODINE	2439-10-3		8
syn add	DOXORUBICIN see ADRIAMYCIN			
3296 add	2,4-DIPROPYLENE GLYCOL BUTYLETHER ESTERS	1928-45-6		14
syn add	DRY ICE see CARBON DIOXIDE			
3297 add	2,4-D, SODIUM SALT	2702-72-9		14
syn add	DTBP see DI-tert-BUTYL PEROXIDE			
syn add	DURSBAN see CHLORPYRIFOS			
syn add	EDTA see ETHYLENEDIAMINE TETRA-ACETIC ACID			
2387 add	EMETINE, DIHYDROCHLORIDE	316-42-7		16 19
syn add	EMERY see ALUMINUM OXIDE			
0824	ENDOSULFAN 6,9-METHANO-2,4,3-BENZODIOXATHIEPIN, 6,7,8,9,10,10-HEXACHLORO-1, * 5,5A,6,9,9A-HEXAHYDRO-, 3-OXIDE	115-29-7	2761	2 3 4 8 14 16 17 19 20 21
3014 add	alpha-ENDOSULFAN 5-NORBORENE-2,3-DIMETHANOL, 1,4,5,6,7,7-HEXACHLORO-, * CYCLIC SULFITE, endo-	949-98-8	2761	3 17 20
3015 add	beta-ENDOSULFAN 5-NORBORENE-2,3-DIMETHANOL, 1,4,5,6,7,7-HEXACHLORO-, * CYCLIC SULFITE, exo-	33213-65-9	2761	3 17 20
2987 add	ENDOSULFAN AND METABOLITES		2761	3 17 20
2988 add	ENDOSULFAN SULFATE 6,7,8,9,10,10-HEXACHLORO-1,5,5A,6,9,9A-HEXAHYDRO-6,9-METHANO- * 2,4,3-BENZODIOXATHIEPIN-3,3-DIOXIDE	1031-07-8	2761	3 20

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2989 add	ENDOTHALL -OXABICYCLO[2.2.1]HEPTANE-2,3-DICARBOXYLIC ACID	145-73-3		3 8 20 21
2389 add	ENDOTHION 5-METHOXY-2-(DIMETHOXYPHOSPHINYLTHIOMETHYL) PYRONE-4	2778-04-3		16 19
0825	ENDRIN 2,7:3,6-DIMETHANONAPHTH 2,3-B OXIRENE, 3,4,5,6,9,9-HEXACHLORO- * 1A,2,2A,3,6,6A,7,7A-OCTAHYDRO-, (1AALPHA, 2BETA, 2ABETA, * 3ALPHA, 6ALPHA, 6ABETA, 7BETA, 7AALPHA)-	72-20-8	2761	1 2 3 4 8 14 15 16 19 20 21
2990 add	ENDRIN ALDEHYDE 1,2,4-METHENECYCLOPENTA(c,d)PENTALENE-R-CARBOXALDEHYDE, * 2,2A,3,3,4,7-HEXACHLORODECAHYDRO	7421-93-4	2761	3 20
2991 add	ENDRIN AND METABOLITES		2761	3 20 21
0826	ENFLURANE ETHANE, 2-CHLORO-1-(DIFLUOROMETHOXY)-1,1,2-TRIFLUORO-	13838-16-9		2 4
0827	EPIBROMOHYDRIN OXIRANE, BROMOMETHYL-	3132-64-7	2558	3 17
0828	# EPICHLOROHYDRIN OXIRANE, CHLOROMETHYL-	106-89-8	2023	(CA,MU,R2) 1 2 3 4 5 6 7 8 12(B) 15 16 17 18 19 20 21
0829	EPN PHOSPHONOTHIOIC ACID, PHENYL-, O-ETHYL O-(4-NITROPHENYL) ESTER	2104-64-5	2783+	1 2 4 8 14 16 19
syn add	1,2-EPOXY BUTANE see 1-BUTENE OXIDE			
0830	EPOXY ETHYLOXY PROPANE (ETHOXYMETHYL)-OXIRANE	4016-11-9	2752	3 17
syn add	1,2-EPOXY-3-ETHYLOXYPROPANE see EPOXY ETHYLOXY PROPANE			
0831	# 2,3-EPOXY 1-PROPANOL OXIRANEMETHANOL	556-52-5		(MU) 1 2 4
syn add	EPOXY RESINS see EPICHLOROHYDRIN			
2391 add	ERGOCALCIFEROL	50-14-6		16 19
2392 add	ERGOTAMINE TARTRATE	379-79-3		16 19
3089 add	# ERIONITE	66733-21-9		(CA) 5 7
syn add	ERYTHRITOL ANHYDRIDE see BUTANEDIONE			
0832	# ESTRADIOL ESTRA-1,3,5(10)-TRIENE-3,17-DIOL (17beta)-	50-28-2		(CA) 5
0833	# ESTRONE ESTRA-1,3,5(10)-TRIEN-17-ONE, 3-HYDROXY-	53-16-7		(CA) 5
syn add	ETHANAMINE, N-ETHYL-N-NITROSO- see N-NITROSODIETHYLAMINE			
syn add	ETHANAL see ACETALDEHYDE, CHLORO			

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0834	# ETHANE	74-84-0	1035+	(F4) 2 3 15 17
2920 add	ETHANEDIYL BISCARBAMODITHIOIC ACID	111-54-6		3 20 21
syn add	ETHANE, 1,1,2,2,2-HEXACHLORO- see HEXACHLOROETHANE			
syn add	ETHANE, 1,1'-OXYBIS- see DIETHYL ETHER			
2393 add	ETHANESULFONYL CHLORIDE, 2-CHLORO-	1622-32-8		16 19
syn add	ETHANETHIOAMIDE see THIOACETAMIDE			
syn add	1-ETHANETHIOL see ETHYL MERCAPTAN			
syn add	ETHANE, 1,1,1-TRICHLORO-2,2-BIS(p-METHOXYPHENYL)- see * METHOXYCHLOR			
0835	# ETHANOLAMINE ETHANOL, 2-AMINO-	141-43-5	2491	(CO) 1 2 3 4 12 (A) 15 17
2394 add	ETHANOL, 1,2-DICHLORO-, ACETATE	10140-87-1		16 19
syn add	ETHENAMINE, N-METHYL-N-NITROSO- see NITROSOMETHYLVINYLAMINE			
syn add	ETHENE, CHLORO- see VINYL CHLORIDE			
3299 add	ETHEPHON 2-(CHLOROETHYL)PHOSPHONIC ACID	16672-87-0		8
syn add	ETHER see DIETHYL ETHER			
0836	# ETHINYLOESTRADIOL 19-NORPREGNA-1,3,5(10)-TRIEN-20-YNE-3,17-DIOL, (17alpha)-	57-63-6		(CA,MU) 5
0837	ETHION PHOSPHORODITHIOIC ACID, S,S'-METHYLENE O,O,O',O'- * TETRAETHYL ESTER	563-12-2	2783	2 3 4 8 14 16 17 19 20
0838	# ETHIONAMIDE ISONICOTINAMIDE, 2-ETHYLTHIO-	536-33-4		(TE) 7 13(Y,EE,FF)
syn add	ETHOPROP see ETHOPROPHOS			
2395 add	ETHOPROPHOS O-ETHYL S,S-DIPROPYL DITHIOPHOSPHATE	13194-48-4		14 16 19
0839	+ 2-ETHOXYETHANOL ETHANOL, 2-ETHOXY-	110-80-5	1171	(TE) 1 2 3 4 6 8 15 17 18 20 21
0840	2-ETHOXYETHYLACETATE ETHANOL, 2-ETHOXY-, ACETATE	111-15-9	1172	1 2 3 4 15

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	ETHOXYPROPANE see ETHYL PROPYL ETHER			
syn add				
0841	# ETHYL ACETATE ACETIC ACID, ETHYL ESTER	141-78-6	1173	(F3) 1 2 3 4 8 15 17 20 21
	ETHYL ACETONE see METHYL PROPYL KETONE			
syn add				
0842	ETHYL ACETYLENE 1-BUTYNE	107-00-6	2452	17
0843	# ETHYL ACRYLATE 2-PROPENOIC ACID, ETHYL ESTER	140-88-5	1917	(F3,R2) 1 2 3 4 5 6 7 15 17 18 20 21
0844	# ETHYL ALCOHOL ETHANOL	64-17-5	1170	(F3) 1 2 3 4 13 (Y) 15 17
	ETHYLALDEHYDE see ACETALDEHYDE			
syn add				
0845	# ETHYL ALUMINUM DICHLORIDE ALUMINUM, DICHLOROETHYL-	563-43-9	1924	(F3,R3) 2 15 17
0846	# ETHYL ALUMINUM SESQUICHLORIDE ALUMINUM, TRICHLOROTRIETHYLDI-	12075-68-2	1925	(F3,R3) 2 15 17
0847	# ETHYLAMINE ETHANAMINE	75-04-7	1036+	(F4) 1 2 3 4 15 17 20
0848 chg	ETHYL AMYL KETONE 3-OCTANONE	541-85-5	2271	1 2 3 4 17
0849	2-ETHYLANILINE BENZENAMINE, 2-ETHYL-	578-54-1	2273	3 17
0850	ETHYLANILINE BENZENAMINE, N-ETHYL-	103-69-5	2272+	3 15 17
0851	# ETHYL BENZENE BENZENE, ETHYL-	100-41-4	1175	(F3) 1 2 3 4 6 8 15 17 18 20
0852	ETHYLBENZYLANILINE BENZENEMETHANAMINE, N-ETHYL-N-PHENYL-	92-59-1	2274	3 15 17
0853	ETHYLBENZYLTOLUIDINE BENZENEMETHANAMINE, N-ETHYL-N-(3-METHYL-PHENYL)-	119-94-8	2753	3 17
2396 add	ETHYLBIS(2-CHLOROETHYL)AMINE	538-07-8	2810	3 16 17 19
0854	# ETHYL BORATE BORIC ACID (H3BO3), MONOETHYL ESTER	34099-73-5	1176	(F3) 3 15 17
0855	ETHYL BROMIDE ETHANE, BROMO-	74-96-4	1891	1 2 3 4 15 17
0856	ETHYL BROMOACETATE ACETIC ACID, BROMO-, ETHYL ESTER	105-36-2	1603	3 15 17
0857	@ ETHYLBUTANOL 1-BUTANOL, 2-ETHYL	97-95-0	2275	3 15 17
0858 chg	ETHYLBUTYL ACETATE HEXANOIC ACID, ETHYL ESTER	123-66-0	1177	3 15 17
0859	# ETHYLBUTYL ETHER BUTANE, 1-ETHOXY-	628-81-9	1179	(F3) 3 15 17

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0860	ETHYL BUTYL KETONE 3-HEPTANONE	106-35-4		1 2 4 15
0861	# ETHYLBUTYRALDEHYDE BUTANAL, 2-ETHYL	97-96-1	1178	(F3) 3 15 17
0862	# ETHYL BUTYRATE BUTANOIC ACID, ETHYL ESTER	105-54-4	1180	(F3) 3 15 17
syn add	ETHYL CARBAMATE see URETHANE			
syn add	ETHYL CARBONATE see DIETHYL CARBONATE			
0863	# ETHYL CHLORIDE ETHANE, CHLORO-	75-00-3	1037	(F4) 1 2 3 4 6 8 15 17 18 20
0864	# ETHYL CHLOROACETATE ACETIC ACID, CHLORO-, ETHYL ESTER	105-39-5	1181	(F3) 3 15 17
syn add	ETHYL CHLOROCARBONATE see ETHYL CHLOROFORMATE			
0865	# ETHYL CHLOROFORMATE CARBONOCHLORIDIC ACID, ETHYL ESTER	541-41-3	1182	(CO,F3) 3 6 15 17 18
0866	ETHYL-2-CHLOROPROPIONATE PROPANOIC ACID, 2-CHLORO-, ETHYL ESTER	535-13-7	2935	3
0867 chg	# ETHYL CHLOROTHIOFORMATE CARBONOCHLORIDOTHIOIC ACID, O-ETHYL ESTER	2812-73-9	2826	(CO) 3 17
0869 chg	# ETHYL CROTONATE 2-BUTENOIC ACID, ETHYL ESTER-	623-70-1	1862	(F3) 3 15 17
syn add	ETHYL CYANIDE see PROPIONITRILE			
0870	ETHYL CYANOACETATE ACETIC ACID, CYANO-, ETHYL ESTER	105-56-6	2666	2 3 6 15 17 18 20
2399 add	ETHYL-3,3-DI(tert-BUTYL-PEROXY)BUTYRATE		2184+	3 17
0871	ETHYL DICHLOROARSINE ARSONOUS DICHLORIDE, ETHYL-	598-14-1	1892	3 6 17 18
0205	# ETHYL-4,4'-DICHLOROBENZILATE BENZILIC ACID, 4,4'-DICHLORO-, ETHYL ESTER	510-15-6		(CA) 3 6 8 18 20 21
0872	# ETHYL DICHLOROSILANE SILANE, DICHLOROETHYL-	1789-58-8	1183	(CO,F3) 3 15 17
3300 add	S-ETHYLDIPROPYLTHIOCARBAMATE	759-94-4		8
0873	# ETHYLENE ETHENE	74-85-1	1962+	(F4,R2) 2 3 6 15 17 18
0874	# ETHYLENE CHLOROHYDRIN ETHANOL, 2-CHLORO-	107-07-3	1135	(MU) 1 2 3 4 15 16 17 19
syn add	ETHYLENE CYANOHYDRIN see GYCOL CYANOHYDRIN			

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0875	# ETHYLENEDIAMINE 1,2-ETHANEDIAMINE	107-15-3	1604	(CO) 1 2 3 4 8 12(A,B) 15 16 17 19 20
3302 add	ETHYLENE DIAMINE DIPERCHLORATE			3
0876	ETHYLENEDIAMINE TETRA-ACETIC ACID GLYCINE, N,N'-1,2-ETHANEDIYLBIS N-(CARBOXYMETHYL)-	60-00-4		20
0877	# ETHYLENE DIBROMIDE ETHANE, 1,2-DIBROMO-	106-93-4	1605	(CA,MU) 2 3 4 5 6 7 8 15 17 18 20 21
syn add	ETHYLENE DICHLORIDE see 1,2-DICHLOROETHANE			
2400 add	ETHYLENE FLUOROHYDRIN ETHANOL, 2-FLUORO-	371-62-0		16 19
0878	ETHYLENE GLYCOL 1,2-ETHANEDIOL	107-21-1		1 2 4 6 8 15 18
0879	# ETHYLENE GLYCOL DIETHYL ETHER ETHANE, 1,2-DIETHOXY-	629-14-1	1153	(F3) 3 15 17
0880	ETHYLENE GLYCOL DINITRATE 1,2-ETHANEDIOL, DINITRATE	628-96-6		2 3 4
syn add	ETHYLENE GLYCOL MONOBUTYL ETHER see 2-BUTOXYETHANOL			
syn add	ETHYLENE GLYCOL MONOETHYL ETHER see 2-ETHOXYETHANOL			
syn add	ETHYLENE GLYCOL MONOMETHYL ETHER see 2-METHOXYETHANOL			
syn add	ETHYLENE GLYCOL MONOMETHYL ETHER ACETATE see 2-METHOXYETHYL * ACETATE			
0881 chg	# ETHYLENEIMINE	151-56-4	1185	(F3,MU,R2) 1 2 3 4 6 8 15 16 17 18 19 20 21
0882 chg	# ETHYLENE OXIDE	75-21-8	1040	(CA,F4,MU,R3) 2 3 4 5 6 7 12(A) 15 16 17 18 19 20 21
0883	# ETHYLENE THIOUREA 2-IMIDAZOLIDINETHIONE	96-45-7		(CA,TE) 3 4 5 6 7 8 18 20 21
syn add	ETHYL ETHER see DIETHYL ETHER			
syn add	ETHYL FLUID see MOTOR FUEL ANTI-KNOCK COMPOUNDS			
0884	# ETHYL FLUORIDE ETHANE, FLUORO-	353-36-6	2453	(F4) 2 3 15 17
0885	# ETHYL FORMATE FORMIC ACID, ETHYL ESTER	109-94-4	1190	(F3) 1 2 3 4 15 17

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0886	ETHYL HEXALDEHYDE HEXANAL, 2-ETHYL-	123-05-7	1191	3 17
0888	2-ETHYL HEXYLAMINE HEXYLAMINE, 2-ETHYL-	104-75-6	2276	3 15
0889	# ETHYL HEXYLCHLOROFORMATE CARBONOCHLORIDIC ACID, 2-ETHYLHEXYL ESTER	24468-13-1	2748	(CO) 3 17
syn add	ETHYLIDENE CHLORIDE see 1,1-DICHLOROETHANE			
0890	ETHYLIDENE NORBORNENE BICYCLO 2.2.1 HEPT-2-ENE, 5-ETHYLIDENE-	16219-75-3		2 4
0891	# ETHYL ISOBUTYRATE PROPANOIC ACID, 2-METHYL-, ETHYL ESTER	97-62-1	2385	(F3) 3 15 17
0892	ETHYL ISOCYANATE ISOCYANATOETHANE	109-90-0	2481	3 17
0893	ETHYL LACTATE PROPANOIC ACID, 2-HYDROXY-, ETHYL ESTER	97-64-3	1192	3 15 17
0894	# ETHYL MERCAPTAN ETHANETHIOL	75-08-1	2363	(F4) 1 2 3 4 15 17
0895	@ ETHYL MERCURIC CHLORIDE MERCURY, CHLOROETHYL-	107-27-7	2777	2 3 6 18
0896	ETHYLMERCURIC PHOSPHATE MERCURATE(2-), ETHYL PHOSPHATO(3-)-O -, DIHYDROGEN	2235-25-8		2 6 16 18
syn add	(ETHYLMERCURIC)-p-TOLUENE SULPHONANILIDE see N-(ETHYL- * MERCURIC)-p-TOLUENE SULFONANILIDE			
1337	N-(ETHYLMERCURIC)-p-TOLUENE SULPHONANILIDE MERCURY, ETHYL-(p-TOLUENESULPHONANILIDATO)-	517-16-8		2 6 18
0897	# ETHYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, ETHYL ESTER	97-63-2	2277	(F3) 3 15 17 20 21
syn add	ETHYL METHANESULPHONATE see METHANESULFONIC ACID, ETHYL ESTER			
syn add	ETHYL METHYL ETHER see METHYL ETHYL ETHER			
syn add	ETHYL METHYL KETONE see METHYL ETHYL KETONE			
syn add	ETHYL MORPHINE see 2-METHYL-5-ETHYLPYRIDINE			
1338	n-ETHYLMORPHOLINE MORPHOLINE, 4-ETHYL-	100-74-3		(F3) 1 2 4 15
0898	+ ETHYL NITRATE NITRIC ACID, ETHYL ESTER	625-58-1	1993	(F3,R4) 3 15 17
0899	# ETHYL NITRITE NITROUS ACID, ETHYL ESTER	109-95-5	1194	(F4,R4) 3 15 17
syn add	N-ETHYL-N-NITROSOUREA see N-NITROSO-N-ETHYL UREA			
0900	ETHYL ORTHOFORMATE ETHANE, 1,1',1''- METHYLIDYNETRIS(OXY) TRIS-	122-51-0	2524	3 17
0901	ETHYL OXALATE ETHANEDIOIC ACID, DIETHYL ESTER	95-92-1	2525	3 15 17

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	ETHYL PARATHION see PARATHION			
syn add				
0902	# ETHYL PHENYL DICHLOROSILANE SILANE, DICHLOROETHYLPHENYL	1125-27-5	2435	(CO) 3 17
0903	ETHYLPHOSPHONOTHIOIC DICHLORIDE PHOSPHONOTHIOIC DICHLORIDE, ETHYL-	993-43-1	1760	3 17
0904	# ETHYL PHOSPHONOUS DICHLORIDE PHOSPHONOUS DICHLORIDE, ETHYL-	1498-40-4	2845	(CO) 3 17
0905	# ETHYL PHOSPHORODICHLORIDATE PHOSPHORODICHLORIDIC ACID, ETHYL ESTER	1498-51-7	1760	(CO) 3 17
	ETHYL PHTHALATE see DIETHYL PHTHALATE			
syn add				
3304 add	ETHYL PHTHALYL ETHYL GLYCOLATE	84-72-0		8 15
0906	1-ETHYL PIPERIDINE PIPERIDINE, 1-ETHYL-	766-09-6	2386	3 17
0907	# ETHYL PROPIONATE PROPANOIC ACID, ETHYL ESTER	105-37-3	1195	(F3) 15 17
0908	# ETHYL PROPYL ETHER PROPANE, 1-ETHOXY-	628-32-0	2615	(F3) 3 15 17
0909 chg	ETHYL SILICATE SILICIC ACID, TETRAETHYL ESTER	78-10-4	1292	2 3 4 15 17
	ETHYL SULFATE see DIETHYL SULFATE			
syn add				
	ETHYL SULFIDE see DIETHYL SULFIDE			
syn add				
0910	# ETHYL SULFURIC ACID SULFURIC ACID, MONOETHYL ESTER	540-82-9	2571	(CO) 3 17
2402 add	ETHYL THIOCYANATE	542-90-5	2902	2 3 16 17 19 20
0911 chg	ETHYL-P-TOLUIDINE N-ETHYL-4-METHYLBENZENAMINE	622-57-1	2754	3 17
0912	# ETHYLTRICHLOROSILANE SILANE, TRICHLOROETHYL-	115-21-9	1196	(CO,F3) 15 16 17 19
3598 gen add	# EXPLOSIVES, FORBIDDEN FOR TRANSPORT BY DOT			3
2404 gen add	EXPLOSIVES A			17
2405 gen add	EXPLOSIVES B			17
2406 gen add	EXPLOSIVES C			17
3305 add	EXPRESS BENZOIC ACID, 2-[[[[N-(4METHOXY-6-METHYL-1,3,5-TRIAZIN-2YL)- * N-METHYLAMINO]CARBONYL]AMINO]SULFONYL]-METHYL ESTER	10200-48-0		8
2915 add	FAMPHUR PHOSPHOROTHIOIC ACID, O,O-DIMETHYL ESTER, O-ESTER with * p-HYDROXY-N,N-DIMETHYL BENZENE-SULFONAMIDE	52-85-7		3 20 21

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0913	FENAMINOSULF (LESAN) BENZENEDIAZOSULFONIC ACID, p-(DIMETHYLAMINO)-,SODIUM SALT	140-56-7		14
0914	FENAMIPHOS PHOSPHORAMIDIC ACID, (1-METHYLETHYL)-, ETHYL (3-METHYL-4- * (METHYLTHIO)PHENYL) ESTER	22224-92-6		2 4 8 14 16 19
2410 add	FENITROTHION O,O-DIMETHYL O-(4-NITRO-3-METHYLPHENYL) THIOPHOSPHATE	122-14-5		16 19
0915	FENSULFOTHION PHOSPHOROTHIOIC ACID, O,O-DIETHYL O- 4- * (METHYLSULFINYL)PHENYL ESTER	115-90-2	3018	2 4 14 16 19
0916	FENTHION PHOSPHOROTHIOIC ACID, O,O-DIMETHYL O- 3-METHYL-4- * (METHYLTHIO)PHENYL ESTER	55-38-9		1 2 4 14
3134 add	FENVALERATE (PYDRIN) BENZENEACETIC ACID,4 CHLORO-ALPHA-(1-METHYLETHYL), * CYANO(3-PHENOXYPHENYL)METHYL ESTER	51630-58-1		8
0917	FERBAM IRON, TRIS(DIMETHYLCARBAMODITHIOATO-S,S')-, (OC-6-11)-	14484-64-1		1 2 4
0918	FERRIC AMMONIUM CITRATE 1,2,3-PROPANETRICARBOXYLIC ACID, 2-HYDROXY-, * AMMONIUM IRON(III) SALT	1185-57-5		2 3 20
0919 chg	FERRIC AMMONIUM OXALATE FERRATE, TRIS ETHANEDIOATO-O,O' -, TRIAMMONIUM-	14221-47-7		2 3 20
0920	@ FERRIC ARSENATE ARSENIC ACID, IRON(III) SALT (1:1)	10102-49-5	1606	3 6 17 18
0921	FERRIC ARSENITE IRON(III) O-ARSENITE PENTAHYDRATE	63989-69-5	1607	3 6 17 18
syn add	FERRIC CHLORIDE see IRON CHLORIDE			
syn add	FERRIC DEXTRAN see IRON DEXTRAN COMPLEX			
0923	FERRIC FLUORIDE IRON FLUORIDE	7783-50-8		3 20
0924	FERRIC NITRATE NITRIC ACID, IRON(III) SALT	10421-48-4	1466	2 3 17 20
1036	FERRIC OXIDE(FUME)	1309-37-1	1376	2 3 4
0925	FERRIC SULFATE SULFURIC ACID, IRON(3+) SALT (3:2)	10028-22-5		2 3 20
0926	FERROCERIUM	69523-06-4	1323	3 17
0927	FERROSILICON	8049-17-0	1408	3 17
0928	FERROUS AMMONIUM SULFATE SULFURIC ACID, AMMONIUM IRON(2+) SALT (2:2:1)	10045-89-3		2 3 20
0929	FERROUS ARSENATE ARSENIC ACID, IRON(2+) SALT (2:3)	10102-50-8	1608	3 6 17 18
0930	# FERROUS CHLORIDE IRON CHLORIDE	7758-94-3	1759+	(CO) 2 3 17 20
0931	FERROUS SULFATE SULFURIC ACID, IRON(2+) SALT (1:1)	7720-78-7		2 3 20
0932	FERROVANADIUM	12604-58-9		1 2 4

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2877 gen add	FERTILIZER AMMONIATING SOLUTION, more than 35% free Ammonia		1043	3 17
syn add	FIBERGLASS see FIBROUS GLASS (DUST)			
0933 chg	FIBROUS GLASS (DUST)			2 4
2433 add	FLUENETIL (1,1-BIPHENYL)-4-ACETIC ACID, 2-FLUOROETHYL ESTER	4301-50-2	2902	3 16 19
0934	# FLUOBORIC ACID BORATE(1-), TETRAFLUORO-, HYDROGEN	16872-11-0	1775	(CO) 2 3 17
0935	FLUOMETURON UREA, N,N-DIMETHYL-N-((3-TRIFLUOROMETHYL)PHENYL)	2164-17-2		6 8 18
syn add	FLUORANTHENE see BENZO(jk)FLUORANTHENE			
2993 add	FLUORENE	86-73-7		3 8 20
syn add	FLUORIC ACID see HYDROGEN FLUORIDE			
0936 chg	FLUORIDES			1 2 4
0937	# FLUORINE	7782-41-4	1045+	(R3) 1 2 3 4 8 12(A) 15 16 17 19 20 21
syn add	FLUORINE MONOXIDE see OXYGEN DIFLUORIDE			
2434 add	FLUOROACETAMIDE	640-19-7		3 14 16 19 20 21
0938	FLUOROACETIC ACID ACETIC ACID, FLUORO-	144-49-0	2642	2 3 16 17 19
syn add	FLUOROACETIC ACID, SODIUM SALT see SODIUMFLUOROACETATE			
2435 add	FLUOROACETYL CHLORIDE	359-06-8		16 19
2436 add	2-FLUOROANILINE	348-54-9	2941	3
2437 add	4-FLUOROANILINE	371-40-4	2944	3
0939	# FLUOROBENZENE BENZENE, FLUORO-	462-06-6	2387	(F3) 3 15 17
syn add	FLUOROFORM see TRIFLUOROMETHANE			
0940 chg	# FLUOROPHOSPHORIC ACID	13537-32-1	1776	(CO) 2 3 17
2438 gen add	FLUOROSILICATES, n.o.s.		2856	3 17
syn add	FLUOROSILICIC ACID see SILICOFLUORIC ACID			

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0941	# FLUOROSULPHONIC ACID FLUOROSULFURIC ACID	7789-21-1	1777	(CO) 3 17
0942	FLUOROTOLUENE BENZENE, FLUOROMETHYL-	25496-08-6	2388	2 3 17
syn add	FLUOROURACIL see 5-FLUOROURACIL			
1966 chg	5-FLUOROURACIL 2,4(1H,3H)-PYRIMIDINEDIONE, 5-FLUORO-	51-21-8		13(C,F,G,H,R) 16 19
syn add	FLUOSILICIC ACID see SILICOFLUORIC ACID			
0944	# FLURAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 1,3-DIHYDRO-7-CHLORO-1-(2- * (DIETHYLAMINO) ETHYL)-5-(O-FLUOROPHENYL)	17617-23-1		(TE) 13(EE)
3306 add	FLURIDONE	59756-60-4		8
3307 add	FLUROXENE ETHER, 2,2,2-TRIFLUOROETHYL VINYL	406-90-6		4
3308 add	FLURPRIMIDOL 5-PYRIMIDINEMETHANOL, ALPHA-(1-METHYLETHYL)-ALPHA- * (4-TRIFLUOROMETHOXY)PHENYL)	56425-91-3		8
3309 add	FLUTOLANIL BENZAMIDE, N-(3-(1-METHYLETHOXY)PHENYL)-2-(TRIFLUOROMETHYL)-	66332-96-5		8
3310 add	FLUVALINATE N-(2-CHLORO-4-(TRIFLUOROMETHYL)PHENYL)-O-VALINE CYANO(3- * PHENOXYPHENYL)METHYL ESTER	69409-94-5		8
3554 add	FOLPET 1H-ISOINDOLE-1,3(2H)-DIONE, 2-((TRICHLOROMETHYL)THIO)-	133-07-3		8
3312 add	FOMESAFEN 5-(2-CHLORO-4-(TRIFLUOROMETHYL)PHENOXY)-N-(METHYLSULFONYL) * -2-NITROBENZAMIDE	72178-02-0		8
0945	FONOFOS PHOSPHONODITHIOIC ACID, ETHYL-, O-ETHYL S-PHENYL ESTER	944-22-9		2 4 8 14 16 19
0946 chg	# FORMALDEHYDE	50-00-0	1198+	(CA,F4,MU) 1 2 3 4 5 6 7 8 12(B, C) 15 16 17 18 19 20 21
syn add	FORMALDEHYDE CYANOHYDRIN see GLYCOLONITRILE			
syn add	FORMALIN see FORMALDEHYDE			
0947	FORMAMIDE	75-12-7		2 4 15
2862 add	FORMETANATE HYDROCHLORIDE	23422-53-9		16 19
0948	# FORMIC ACID	64-18-6	1779	(CO) 1 2 3 4 8 15 17 20 21
2439 add	FORMOTHION ACETAMIDE, N-FORMYL-2-MERCAPTO-N-METHYL, S-ESTER with O,O- * DIMETHYL PHOSPHORODITHIOATE	2540-82-1		16 19

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2440 add	FORMPARANATE CARBAMIC ACID, METHYL-, ESTER with N'-(4-HYDROXY-O-TOLYL)-N,N- * DIMETHYLFORMAMIDINE	17702-57-7		16 19
3313 add	# 2-(2-FORMYLHYDRAZINO)-4-(5-NITRO-2-FURYL)THIAZOLE	3570-75-0		(CA) 7
3581 add	FOSETYL-AL	39148-24-8		8
2441 add	FOSTHIETAN (DIETHOXYPHOSPHINEYLIMINO)-1,3-DIETHIETANE	21548-32-3		16 19
syn add	FREON-11 see TRICHLOROFLUOROMETHANE			
syn add	FREON-12 see DICHLORODIFLUOROMETHANE			
syn add	FREON-13b1 see TRIFLUOROBROMOMETHANE			
syn add	FREON-113 see 1,1,2-TRICHLOROETHANE			
syn add	FREON-114 see DICHLOROTETRAFLUOROETHANE			
syn add	FREON-115 see CHLOROPENTAFLUOROETHANE			
2442 add	FUBERIDAZOLE BENZIMIDAZOLE, 2-(2-FURYL)-	3878-19-1		16 19
2443 gen add	FUEL, AVIATION, TURBINE ENGINE		1863	3 17
2444 gen add	FUEL OIL (2,4,5 OR 6)		1993	3 15 17
syn add	FUEL OIL #1 see KEROSENE			
2445 gen add	FUEL, PYROPHORIC, n.o.s.		1375	3 17
0949	FUMARIC ACID 2-BUTENEDIOIC ACID (E)-	110-17-8		3 20
0950	FUMARIN COUMARIN, 3-(alpha-ACETONYLFURFURYL)-4-HYDROXY-	117-52-2		14 16
0951	# FUMARYL CHLORIDE 2-BUTENEDIOYL DICHLORIDE, (E)-	627-63-4	1780	(CO) 3 17
0952	# FURAN 1,4-EPOXY-1,3-BUTADIENE	110-00-9	2389	(F4) 3 8 15 16 17 19 20 21
syn add	2-FURANCARBOXALDEHYDE see FURFURAL			
syn add	2,5 FURANDIONE see MALEIC ANHYDRIDE			

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0953	FURFURAL 2-FURANCARBOXALDEHYDE	98-01-1	1199	1 2 3 4 8 15 17 20 21
0954	FURFURYL ALCOHOL 2-FURANMETHANOL	98-00-0	2874	1 2 3 4 15 17
0955	# FURFURYLAMINE 2-FURANMETHANAMINE	617-89-0	2526	(F3) 3 15 17
3314 add	FURMECYCLOX 3-FURANCARBOXAMIDE, N-CYCLOHEXYL-N-METHOXY-2,5-DIMETHYL	60568-05-0		8
3114 add	FUSEL OIL	8013-75-0	1201	3 17
0956	# GALLIUM	7440-55-3	2803	(CO) 3 17
3315 add	GALLIUM ARSENIDE	1303-00-0		3 4 6 7 18 20
2448 add	GALLIUM TRICHLORIDE	13450-90-3		16 19
2451 gen add	GASOHOL	1203		3 17
2452 gen add	GAS OIL	64741-44-2	1202	3 15 17
0957 gen	# GASOLINE	8006-61-9	1203	(F3) 2 3 4 15 17
0958	GERMANIUM HYDRIDE GERMANE	7782-65-2	2192	2 3 4 17
syn add	GERMANIUM TETRAHYDRIDE see GERMANIUM HYDRIDE			
0959	GLUCOSE OXIDASE OXIDASE, GLUCOSE	9001-37-0		12(A)
3316 add	GLUFOSINATE-AMMONIUM MONOAMMONIUM-2-AMINO-4-(HYDROXY-METHYLPHOSPHINYL)BUTANOATE	77182-82-2		8
3317 add	# GLU-P-1 2-AMINO-6-METHYLDIPYRIDO[1,2-a:3',2'-d]IMIDAZOLE	67730-11-4		(CA) 7
3318 add	# GLU-P-2 2,AMINODIPYRIDO[1,2-a:3',2'-d]IMIDAZOLE	67730-10-3		(CA) 7
0960	GLUTARALDEHYDE PENTANEDIAL	111-30-8		2 4
3319 add	GLYCERIN MIST	56-81-5		2 4
3320 add	GLYCEROL-1,3-DINITRATE	623-87-0		3
2453 add	GLYCEROL-alpha-MONOCHLOROHYDRIN	96-24-2	2689	3 17
syn add	GLYCERYL TRINITRATE SOLUTION see NITROGLYCERIN			
0961	# GLYCIDALDEHYDE OXIRANECARBOXALDEHYDE	765-34-4	2622	(CA) 3 7 8 17 20 21

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syn add	GLYCIDOL see 2,3-EPOXY 1-PROPANOL			
syn add	GLYCIDYLALDEHYDE see GLYCIDALDEHYDE			
3321 gen add	GLYCIDYL ETHERS			4
3322 add	GLYCOL CYANOHYDRIN	109-78-4		2 6 15 18 20
2265 gen add	GLYCOL ETHERS, n.o.s.			4 6 18
0962	+ GLYCOLONITRILE ACETONITRILE, HYDROXY-	107-16-4		(F3) 4 16 19
3139 add	GLYPHOSATE GLYCINE, N-(PHOSPHONOMETHYL)-	1071-83-6		8
3324 gen add	GRAIN DUST			1 2 4 12(A, B)
3325 add	GRAPHITE	7782-42-5		1 2 4
3326 add	# GRISEOFULVIN	126-07-8		(CA) 7
syn add	GUAIACOL see 4-METHOXYPHENOL			
syn add	GUANIDINE, 1-METHYL-3-NITRO-1-NITROSO- see 1-METHYL-3-NITRO-1- * NITROSO-GUANIDINE			
0964 chg	GUANIDINE NITRATE GUANIDINE, MONONITRATE	506-93-4	1467	3 17
0966	GUTHION PHOSPHORODITHIOIC ACID, O,O-DIMETHYL S- (4-OXO-1,2,3- * BENZOTRIAZIN-3(4H)-YL)METHYL ESTER	86-50-0	2783	1 2 3 4 14 16 17 19 20
0967 chg	HAFNIUM (POWDER)	7440-58-6	2545+	1 2 3 4 17
0968	# HALAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 1,3-DIHYDRO-7-CHLORO-5-PHENYL-1-(2, * 2-TRIFLUOROETHYL)-	23092-17-3		(TE) 13(EE)
2994 gen add	HALOETHERS			3 20
2458 gen add	HALOGENATED IRRITATING LIQUIDS, n.o.s.		1610	3 17
2995 gen add	HALOMETHANES			3 20
syn add	HALON 1211 see CHLORODIFLUOROBROMOMETHANE			
syn add	HALON 1301 see TRIFLUOROBROMOMETHANE			

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	HALON 2402 see DIBROMOTETRAFLUOROETHANE			
syn add				
0969	HALOTHANE ETHANE, 2-BROMO-2-CHLORO-1,1,1-TRIFLUORO-	151-67-7		2 4
3328 add	HALOXYFOP-METHYL PROPANOIC ACID, 2-(4-((3-CHLORO-5-(TRIFLUOROMETHYL)-2- * PYRIDINYL)OXY)PHENOXY)-, METHYL ESTER	69806-40-2		8
3329 add	HARMONY (((((4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)AMINO)CARBONYL) * AMINO)SULFONYL)-2-THIOPHENECARBOXYLIC ACID, METHYL ESTER	79277-27-3		8
2461 gen add	HAZARDOUS WASTE, n.o.s.		9189	3
0970	# 7H-DIBENZO(c,g)CARBAZOLE	194-59-2		(CA) 5 7
	HEATING OIL see FUEL OIL			
syn add				
0972	HELIUM (COMPRESSED OR LIQUIFIED)	7440-59-7	1046+	2 3 17
	HEMPA see HEXAMETHYL PHOSPHORAMIDE			
syn add				
	HENDECANE see UNDECANE			
syn add				
3330 add	HEPTALDEHYDE		3056	3 17
0974 chg	# HEPTACHLOR 4,7-METHANO-1H-INDENE, 1,4,5,6,7,8,8-HEPTACHLORO-3A,4,7,7A- * TETRAHYDRO-	76-44-8	2761	(MU) 1 2 3 4 6 8 14 18 20 21
2996 gen add	HEPTACHLOR AND METABOLITES			20
2997 add	HEPTACHLOR EPOXIDE	1024-57-3	2761	3 8 20
1339	# n-HEPTANE HEPTANE	142-82-5	1206	(F3) 1 2 3 4 8 15 17
0975	1-HEPTANETHIOL	1639-09-4		4
0976	# HEPTENE	81624-04-6	2278	(F3) 3 15 17
3331 add	HEXABROMOBENZENE	87-82-1		8
3332 add	HEXABROMODIPHENYL ETHER	36483-60-0		8
0977	HEXACHLOROACETONE 2-PROPANONE, 1,1,1,3,3,3-HEXACHLORO-	116-16-5	2661	3 17
0978	# HEXACHLOROBENZENE BENZENE, HEXACHLORO-	118-74-1	2729	(CA) 3 5 6 7 8 17 18 20 21
0979	# HEXACHLOROBUTADIENE 1,3-BUTADIENE, 1,1,2,3,4,4, HEXACHLORO-	87-68-3	2279	(CA) 2 3 4 6 8 15 17 18 20 21

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3334 add	# HEXACHLOROCYCLOHEXANE technical grade	608-73-1		(CA) 3 5 7 8 20
0566 chg	# alpha-HEXACHLOROCYCLOHEXANE CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, alpha-ISOMER	319-84-6		(CA) 3 5 7 8 20
0567 chg	# beta-HEXACHLOROCYCLOHEXANE CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, beta-ISOMER	319-85-7		(CA) 3 5 7 8 20
3013 add	delta-HEXACHLOROCYCLOHEXANE	319-86-8		3 8 20
syn add	gamma-HEXACHLOROCYCLOHEXANE see LINDANE			
3610 add	epsilon-HEXACHLOROCYCLOHEXANE	6108-10-7		8
0980	# HEXACHLOROCYCLOPENTADIENE 1,2,3,4,5,5-HEXACHLORO-1,3-CYCLOPENTADIENE	77-47-4	2646	(CO) 2 3 4 6 8 16 17 18 19 20 21
3335 add	HEXACHLORODIBENZO-p-DIOXIN (MIXTURE)	19408-74-3		8
0981	# HEXACHLOROETHANE ETHANE, HEXACHLORO-	67-72-1	9037	(CA) 1 2 3 4 6 8 17 18 20 21
0982	HEXACHLORONAPHTHALENE NAPHTHALENE, HEXACHLORO-	1335-87-1		1 2 4 6 16 18
0983	HEXACHLOROPHENE PHENOL, 2,2'-METHYLENEBIS 3,4,6-TRICHLORO-	70-30-4	2875	3 8 17 20 21
2998 add	HEXACHLOROPROPENE	1888-71-7		3 20 21
0984	1-HEXADECANETHIOL	2917-26-2		4
3336 add	HEXADECYLTRICHLOROSILANE	5894-60-0	1781	3 15 17
0985	# HEXADIENE	42296-74-2	2458	(F3) 3 17
0986	HEXAETHYL TETRAPHOSPHATE TETRAPHOSPHORIC ACID, HEXAETHYL ESTER	757-58-4	1611+	3 17 20 21
syn add	HEXAETHYLTETRAPHOSPHATE AND COMPRESSED GAS MIXTURE see * HYDROHEXAPHTHALIC ANHYDRIDE			
0987	HEXAFLUOROACETONE 2-PROPANONE, 1,1,1,3,3,3-HEXAFLUORO-	684-16-2	2420	2 3 4 17
0988	HEXAFLUOROACETONE HYDRATE 2-PROPANONE, 1,1,1,3,3,3-HEXAFLUORO-, MONOHYDRATE	10543-95-0	2552	2 3 17
0989	HEXAFLUOROETHANE ETHANE, HEXAFLUORO-	76-16-4	2193	2 3 17
0990	# HEXAFLUOROPHOSPHORIC ACID PHOSPHATE(1-), HEXAFLUORO-, HYDROGEN	16940-81-1	1782	(CO) 2 3 17
0991	HEXAFLUOROPROPYLENE 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-	116-15-4	1858	2 3 17
0992	HEXAFLUOROPROPYLENE OXIDE OXIRANE, TRIFLUORO(TRIFLUOROMETHYL)-	428-59-1	1956	2 3 17
syn add	HEXAHYDROCRESOL see METHYLCYCLOHEXANOL			

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	HEXAHYDROPHTHALIC ANHYDRIDE see HYDROHEXAPHTHALIC ANHYDRIDE			
syn add				
	HEXAHYDRO-1,3,5-TRINITRO-1,3,5-TRIAZINE see CYCLONITE			
syn add				
0993	# HEXALDEHYDE	66-25-1	1207	(F3) 3 15 17
	HEXAMETHYLENEAMINE see HEXAMINE			
syn add				
0994	# HEXAMETHYLENE DIAMINE 1,6-HEXANEDIAMINE	124-09-4	2280+	(CO) 3 17
2462 add	HEXAMETHYLENEDIAMINE, N,N'-DIBUTYL-	4835-11-4		16 19
0995	HEXAMETHYLENE DIISOCYANATE HEXANE, 1,6-DIISOCYANATO-	822-06-0	2281	2 3 4 12(A) 17 20
2463 add	HEXAMETHYLENEIMINE	111-49-9	2493	3 17
	HEXAMETHYLENE TETRAMINE see HEXAMINE			
syn add				
0973 chg	+ HEXAMETHYLPHOSPHORAMIDE HEXAMETHYLPHOSPHORIC TRIAMIDE	680-31-9		(CA) 2 4 5 6 7 18
2465 add	3,3,6,6,9,9-HEXAMETHYL-1,2,4,5-TETRAOXOCYCLONONANE	2166+		3 17
0996	HEXAMINE 1,3,5,7-TETRAAZATRICYCLO 3.3.1.13,7 DECANE	100-97-0	1328	3 12(A) 17
	HEXANAL see HEXALDEHYDE			
syn add				
1340	# n-HEXANE HEXANE	110-54-3	1208	(F3) 1 2 3 4 8 15 17
	1,6-HEXANEDIAMINE see HEXAMETHYLENE DIAMINE			
syn add				
0998	1-HEXANETHIOL	111-31-9		4
3337 add	2,2',3',4,4'6-HEXANITRODIPHENYLAMINE	131-73-7		3
0999	HEXANITRODIPHENYLAMINE BENZENAMINE, N-PHENYL-, HEXANITRO DERIV.	35860-31-2	0079	3
3338 add	HEXANITROETHANE	918-37-6		3
1000	HEXANITROSTILBENE BENZENE, 1,1'-(1,2-ETHENEDIYL)-BIS 2,4,6-TRINITRO-	20062-22-0	0392	3
1001 chg	n-HEXANOL 1-HEXANOL	111-27-3	2282	3 15 17
3339 add	HEXAZINONE	15235-04-2		4 8
1002	# 1-HEXENE	592-41-6	2370	(F3) 3 15 17

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syn add	HEXOLITE see CYCLONITE			
syn add	HEXYL ACETATE see METHYL AMYL ACETATE			
syn add	sec-HEXYL ACETATE see METHYL AMYL ACETATE			
1003	HEXYLENE GLYCOL 2,4-PENTANEDIOL, 2-METHYL-	107-41-5		2 4 15
1004	# HEXYL TRICHLOROSILANE SILANE, TRICHLOROHEXYL-	928-65-4	1784	(CO) 3 17
1005	HIMIC ANHYDRIDE 4,7-METHANOISOBENZOFURAN-1,3-DIONE, 3A,4,7,7A-TETRAHYDRO-, * (3Aalpha,4beta,7beta,7Aalpha)-	2746-19-2		12(A)
1006	# HYDRAZINE	302-01-2	2029+	(CA,CO,F3,MU,R2) 1 2 3 4 5 6 7 8 15 16 17 18 19 20 21
syn add	HYDRAZINE, 1,2-DIETHYL- see 1,2-DIETHYLHYDRAZINE			
3115 add	HYDRAZINE HYDRATE	7803-57-8	2030	3 17
2360 add	# HYDRAZINE SULFATE	10034-93-2		(CA) 5 6 8 18
syn add	HYDRAZOBENZENE see 1,2-DIPHENYL HYDRAZINE			
2467 gen add	HYDRIDES, METAL, n.o.s.		1409	3 17
1009	# HYDRIODIC ACID	10034-85-2	1787+	(CO) 3 15 17
2468 gen add	HYDROCARBON GASES, n.o.s.		1964+	3 17
syn add	HYDROCHLORIC ACID see HYDROGEN CHLORIDE			
syn add	HYDROCYANIC ACID see HYDROGEN CYANIDE			
syn add	HYDROFLUORIC ACID see HYDROGEN FLUORIDE			
syn add	HYDROFLUOROSILICIC ACID see SILICOFLUORIC ACID			
1010 chg	# HYDROGEN (COMPRESSED OR LIQUIFIED)	1333-74-0	1049+	(F4) 2 3 15 17
3340 add	HYDROGENATED TERPHENYLS	61788-32-7		2 4
1011	# HYDROGEN BROMIDE HYDROBROMIC ACID	10035-10-6	1048+	(CO) 1 2 3 4 15 17

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1012	# HYDROGEN CHLORIDE HYDROCHLORIC ACID	7647-01-0	1050+	(CO) 1 2 3 4 6 8 15 16 17 18 19 20
1013	# HYDROGEN CYANIDE HYDROCYANIC ACID	74-90-8	1051+	(F4,R2) 1 2 3 4 6 8 14 15 16 17 18 19 20 21
1014	# HYDROGEN FLUORIDE HYDROFLUORIC ACID	7664-39-3	1052+	(CO) 1 2 3 4 6 15 16 17 18 19 20 21
syn add	HYDROGEN IODIDE, ANHYDROUS see HYDRIODIC ACID			
syn add	HYDROGEN IODIDE SOLUTION see HYDRIODIC ACID			
1015 chg	# HYDROGEN PEROXIDE	7722-84-1	2984+	(CO,MU,R3) 1 2 3 4 15 16 17 19
syn add	HYDROGEN PHOSPHIDE see PHOSPHINE			
1016	HYDROGEN SELENIDE	7783-07-5	2202	1 2 3 4 17 19
syn add	HYDROGEN SULFATE see SULFURIC ACID			
1017	# HYDROGEN SULFIDE	7783-06-4	1053	(F4) 1 2 3 4 6 8 15 16 17 19 20 21
1018	HYDROHEXAPHTHALIC ANHYDRIDE HEXAHYDRO-1,3-ISOBENZOFURANDIONE	85-42-7		12(A)
1019	# HYDROQUINONE 1,4-BENZENEDIOL	123-31-9	2662	(MU) 1 2 3 4 6 8 15 16 17 18 19
syn add	HYDROSILICOFLUORIC ACID see SILICOFLUORIC ACID			
3341 add	3-(2-HYDROXYETHOXY)-4-PYRROLIDIN-1-YLBENZENEDIAZONIUM ZINC * CHLORIDE		3035	3 17
2475 add	1-HYDROXY-1'-HYDROPEROXY DICYCLOHEXYL PEROXIDE	78-18-2	2119+	3 17
1020	# HYDROXYLAMINE SULFATE	10039-54-0	2865	(CO) 3 17
3342 add	2-HYDROXYPROPYL ACRYLATE	999-61-1		2 3 4
1021 chg	# HYDROXYUREA UREA, HYDROXY-	127-07-1		(CA,MU,TE) 13(F,O,V)
2477 gen add	HYPOCHLORITE SOLUTIONS with less than 5% AVAILABLE CHLORINE		1791	3 17
3343 add	IMAZALIL (+-)-1-(BETA-(ALLYLOXY)-2,4-DICHLOROPHENETHYL)IMIDAZOLE	35554-44-0		8

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3344 add	IMAZAQUIN	81335-37-7		8
syn add	IMIDAZOLE-4-CARBOXAMIDE, 5-(3,3-DIMETHYL-1-TRIAZENO)- * see DACARBAZINE			
syn add	3,3'-IMINOBISPROPYLAMINE see BIS(AMINOPROPYL)AMINE			
1023	INDENE 1H-INDENE	95-13-6		2 4
3052 add	# INDENO(1,2,3-cd)PYRENE	193-39-5		(CA) 3 5 7 8 20 21
1025	INDIUM	7440-74-6		2 4
3345 gen add	INDIUM COMPOUNDS			2 4
2480 add	INDOMETHACIN 1-(p-CHLOROBENZOYL)-2-METHYL-5-METHOXY-3-INDOLE-ACETIC ACID	53-86-1		16
2484 gen add	INK, flammmable		1210	3 17
1026	IODINE	7553-56-2		1 2 4
1027	# IODINE MONOCHLORIDE IODINE CHLORIDE (ICl)	7790-99-0	1792	(CO) 3 17
1028	IODINE PENTAFLUORIDE IODINE FLUORIDE (IF5)	7783-66-6	2495	3 17
1029 chg	2-IODOBUTANE BUTANE, 2-IODO-	513-48-4	2390	3 17
1030	IODOFORM METHANE, TRIIODO-	75-47-8		2 4
1031 chg	1-IODO-2-METHYLPROPANE	513-38-2	2391	3 17
1032 chg	2-IODO-2-METHYLPROPANE	558-17-8	2391	3 17
1033	IODO PROPANE PROPANE, IODO-	26914-02-3	2392	3 17
3346 add	IPRODIONE 3-(3,5-DICHLOROPHENYL)-N-(1-METHYLETHYL)-2,4-DIOXO- * 1-IMIDAZOLIDINECARBOXAMIDE	36734-19-7		8
3347 add	# IQ 2-AMINO-3-METHYLIMIDAZO[4,5-f]QUINOLINE	76180-96-6		(CA) 7
2490 add	IRIDIUM TETRACHLORIDE	10025-97-5		16
1034 chg	# IRON CHLORIDE	7705-08-0	1773+	(CO) 2 3 17 20
1035	# IRON-DEXTRAN COMPLEX IRON DEXTRAN	9004-66-4		(CA) 5 7
syn add	IRON OXIDE (DUST & FUME) see FERRIC OXIDE			
syn add	IRON OXIDE, SPENT see FERRIC OXIDE			

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1037	# IRON PENTACARBONYL IRON CARBONYL (Fe(CO)5), (TB-5-11)-	13463-40-6	1994	(F3) 2 3 4 16 17 19
syn add	IRON SESQUICHLORIDE see IRON CHLORIDE			
1038	# ISOAMYL ACETATE 1-BUTANOL, 3-METHYL-, ACETATE	123-92-2		(F3) 1 2 3 4 15 20
1039	ISOAMYL ALCOHOL 1-BUTANOL, 3-METHYL-	123-51-3	1105	1 2 4 15 17
syn add	ISOAMYL BROMIDE see BROMOMETHYLBUTANE			
2494 add	ISOBENZAN 4,7-METHANOISOBENZOFURAN, 1,3,4,5,7,8,8-OCTACHLORO-1,3,3a,4,7, * 7a-HEXAHYDRO	297-78-9		16 19
1040	# ISOBUTANE PROPANE, 2-METHYL-	75-28-5	1969	(F4) 3 15 17
1041	# ISOBUTYL ACETATE ACETIC ACID, 2-METHYLPROPYL ESTER	110-19-0	1213	(F3) 1 2 3 4 17 20
1042	# ISOBUTYL ACRYLATE 2-PROPENOIC ACID, 2-METHYLPROPYL ESTER	106-63-8	2527	(F3) 3 15 17
1043	# ISOBUTYL ALCOHOL 1-PROPANOL, 2-METHYL-	78-83-1	1212	(F3) 1 2 3 4 15 17 20 21
1044	# ISOBUTYLAMINE 1-PROPANAMINE, 2-METHYL-	78-81-9	1214	(F3) 3 15 17 20
syn add	ISOBUTYL BROMIDE see BROMOMETHYLPROPANE			
3348 add	ISOBUTYLCHLOROFOMATE		2742	3 17
1045	# ISOBUTYLENE 1-PROPENE, 2-METHYL-	115-11-7	1055	(F4) 3 15 17
1046	# ISOBUTYL FORMATE FORMIC ACID, 2-METHYLPROPYL ESTER	542-55-2	2393	(F3) 3 15 17
syn add	ISOBUTYL IODIDE see IODO METHYLPROPANE			
1047	ISOBUTYL ISOBUTYRATE PROPANOIC ACID, 2-METHYL-, 2-METHYLPROPYL ESTER	97-85-8	2528	3 15 17
1048	ISOBUTYL ISOCYANATE 1-ISOCYANATO-2-METHYLPROPANE	1873-29-6	2486	2 3 17 20
syn add	ISOBUTYL KETONE see 2,6-DIMETHYL HEPTANONE			
1049	ISOBUTYLMETHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, 2-METHYLPROPYL ESTER	97-86-9	2283	3 17
syn add	ISOBUTYLMETHYLKETONE PEROXIDE see METHYLISOBUTYLKETONE * PEROXIDE			
1050	ISOBUTYL PROPIONATE PROPANOIC ACID, 2-METHYLPROPYL ESTER	540-42-1	2394	3 17
1051	+ ISOBUTYRALDEHYDE PROPANAL, 2-METHYL-	78-84-2	2045	(F3) 3 6 15 17 18

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1052	# ISOBUTYRIC ACID PROPANOIC ACID, 2-METHYL-	79-31-2	2529	(CO) 3 15 17 20
1053	# ISOBUTYRIC ANHYDRIDE PROPANOIC ACID, 2-METHYL-, ANHYDRIDE	97-72-3	2530	(CO) 3 15 17
1054	# ISOBUTYRONITRILE PROPANENITRILE, 2-METHYL-	78-82-0	2284	(F3) 3 4 15 16 17 19
1055	ISOBUTYRYLCHLORIDE PROPANOYL CHLORIDE, 2-METHYL-	79-30-1	2395	3 17
syn add	ISOBUTRYL PEROXIDE see DI-ISOBUTRYL PEROXIDE			
2496 gen add	ISOCYANATES, n.o.s.		2206+	2 3 17 20
1056	ISOCYANATOBENZOTRIFLUORIDE BENZENE, ISOCYANATO (TRIFLUOROMETHYL)-	71121-36-3	2285	3 17
syn add	ISOCYANIC ACID, 3,4-DICHLOROPHENYL ESTER see 1,2-DICHLORO-4- * PHENYLISOCYANATE			
2498 add	ISODODECANE	31807-55-3	2286	15 17
2499 add	ISODRIN 1,4:5,8-DIMETHANONAPHTHALENE, 1,2,3,4,10,10-HEXACHLORO-1,4,4A, * 5,8,8A-HEXAHYDRO-, 1ALPHA, 4ALPHA, 4ABETA, 5BETA, 8BETA, * 8ABETA)	465-73-6	2761	3 16 19 20 21
2500 add	ISOFLUORPHATE DIISOPROPYLFLUOROPHOSPHATE	55-91-4		3 16 19 20 21
1058	ISOHEPTENE	68975-47-3	2287	3 17
1059	ISOHEXENE PENTENE, 2-METHYL-	27236-46-0	2288	3 17
1060	ISONONANOYL PEROXIDE PEROXIDE, BIS(1-OXOISONONYL)	58449-37-9	2128	17
1061 chg	# ISOOCTANE PENTANE, 2,2,4-TRIMETHYL-	540-84-1	1262	(F3) 3 8 15 17
1062	# ISOOCTENE	11071-47-9	1216	(F3) 3 17
1063	ISOOCTYL ALCOHOL ISOOCTANOL	26952-21-6		2 4 15
1064	# ISOPENTANE BUTANE, 2-METHYL-	78-78-4	1265	(F4) 3 15 17
1065	# ISOPENTANOIC ACID BUTANOIC ACID, 3-METHYL-	503-74-2	1760	(CO) 3 15 17
2501 gen add	ISOPENTENES		2371	3 17
syn add	ISOPENTYL ALCOHOL see ISOAMYL ALCOHOL			
1066	ISOPHORONE 2-CYCLOHEXEN-1-ONE, 3,5,5-TRIMETHYL-	78-59-1		1 2 3 4 8 15 20
1067	# ISOPHORONEDIAMINE CYCLOHEXANEMETHANAMINE, 5-AMINO-1,3,3-TRIMETHYL-	2855-13-2	2289	(CO) 3 17

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1068	ISOPHORONE DIISOCYANATE CYCLOHEXANE, 5-ISOCYANATO-1-(ISOCYANATOMETHYL)-1,3,3-TRIMETHYL-	4098-71-9	2290	2 3 4 16 17 19
1069	# ISOPRENE 1,3-BUTADIENE, 2-METHYL-	78-79-5	1218	(F4,R2) 3 15 17 20
3584 add	ISOPROPALIN	33820-53-0		8
	ISOPROPANOL see ISOPROPYL ALCOHOL			
syn add				
1070 chg	ISOPROPANOLAMINE DODECYLBENZENESULFONATE BENZENESULFONIC ACID, 4-DODECYL-, compound WITH 1-AMINO-2- * PROPANOL (1:1)	42504-46-1		3 20
1071	# ISOPROPENYL ACETATE 1-PROPEN-2-OL, ACETATE	108-22-5	2403	(F3) 3 15 17
1072	ISOPROPENYL BENZENE BENZENE, (1-METHYLETHENYL)-	98-83-9	2303	2 3 17
1073	ISOPROPOXYETHANOL 2-(1-METHYLETHOXY)ETHANOL	109-59-1		2 4
1074	# ISOPROPYL ACETATE ACETIC ACID, 1-METHYLETHYL ESTER	108-21-4	1220	(CO,F3) 1 2 4 3 15 17
	ISOPROPYLACETONE see METHYL ISOBUTYL KETONE			
syn add				
1075	# ISOPROPYL ACID PHOSPHATE PHOSPHORIC ACID, MONO(1-METHYLETHYL) ESTER	1623-24-1	1793	(CO) 3 17
1076	# ISOPROPYL ALCOHOL 2-PROPANOL	67-63-0	1219	(F3) 1 2 3 4 15 17
1077	# ISOPROPYLAMINE 2-PROPANAMINE	75-31-0	1221	(F4) 1 2 3 4 15 17
	ISOPROPYLANILINE see n-ISOPROPYLANILINE			
syn add				
1354	n-ISOPROPYLANILINE BENZENAMINE, N-(1-METHYLETHYL)-	643-28-7		2 4
	ISOPROPYL BENZENE see CUMENE			
syn add				
1078	ISOPROPYL BUTYRATE BUTANOIC ACID, 1-METHYLETHYL ESTER	638-11-9	2405	3 17
1079	ISOPROPYL CHLOROACETATE ACETIC ACID, CHLORO-, 1-METHYLETHYL ESTER	105-48-6	2947	3 17
1080	# ISOPROPYL CHLOROFORMATE CARBONOCHLORIDIC ACID, 1-METHYLETHYL ESTER	108-23-6	2407	(CO) 3 16 17 19
1081	ISOPROPYL-2-CHLOROPROPIONATE PROPIONIC ACID, 2-CHLORO-1-METHYLETHYL ESTER	40058-87-5	2934	3
2502 add	ISOPROPYLCUMYL HYDROPEROXIDE		2171	17
	ISOPROPYL ETHER see DIISOPROPYL ETHER			
syn add				
2504 add	ISOPROPYL FORMATE	625-55-8	2408	15 16 17

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1082	ISOPROPYL GLYCIDYL ETHER OXIRANE, (1-METHYLETHOXY)METHYL-	4016-14-2		1 2 4
	4,4'-ISOPROPYLIDENEDIPHENOL see BISPHENOL A			
syn add				
1083	ISOPROPYL ISOBUTYRATE PROPANOIC ACID, 2-METHYL-, 1-METHYLETHYL ESTER	617-50-5	2406	3 17
1084	ISOPROPYL ISOCYANATE PROPANE, 2-ISOCYANATO-	1795-48-8	2483	3 17
1085	ISOPROPYL MERCAPTAN 2-PROPANETHIOL	75-33-2	2703	3 17
1621 chg	# n-ISOPROPYL-alpha-(2-METHYLHYDRAZINO)-p-TOLUAMIDE	671-16-9		(CA,MU) 7
3585 add	ISOPROPYLMETHYLPHOSPHONIC ACID	1832-54-8		8
2505 add	ISOPROPYLMETHYLPYRAZOLYL DIMETHYLCARBAMATE	119-38-0		16 19
1086	ISOPROPYL NITRATE NITRIC ACID, 1-METHYLETHYL ESTER	1712-64-7	1222	3 17
syn add	ISOPROPYL PEROXYDICARBONATE see DI-ISOPROPYL PEROXY- * DICARBONATE			
syn add	ISOPROPYL PHOSPHORIC ACID see ISOPROPYL ACID PHOSPHATE			
1087	ISOPROPYL PROPIONATE PROPANOIC ACID, 1-METHYLETHYL ESTER	637-78-5	2409	3 17
syn add	ISOSAFROLE see 1,2-METHYLENEDIOXY-4-PROPENYL BENZENE			
2508 add	ISOSORBIDE DINITRATE MIXTURE with not less than 60% lactose, * mannose, starch or calcium	87-33-2	2907	3 17
3349 add	ISOXABEN BENZAMIDE, N-(3-(1-ETHYL-1-METHYLPROPYL)-5-ISOXAZOLYL)-2,6 * DIMETHOXY-	82558-50-7		8
1088	KANAMYCIN D-STREPTAMINE, O-3-AMINO-3-DEOXY-ALPHA-D-GLUCOPYRANOSYL- * (1-6)-ortho-(6-AMINO-6-DEOXY-ALPHA-D-GLUCOPYRANOSYL-(1-4))-2- DEOXY-	59-01-8		13(Y)
1089 chg	KARAYA STERCULIA GUM	9000-36-6		12(A)
syn add	KELTHANE see DICOFOL			
1090	# KEPONE 1,3,4-METHENO-2H-CYCLOBUTA(cd)PENTALEN-2-ONE, 1,1A,3,3A,4,5,5, * 5A,5B,6-DECACHLOROOCTAHYDRO-	143-50-0	2761	(CA) 3 4 5 7 20 21
1091	KEROSENE KEROSINE	8008-20-6	1223	3 4 15 17
1092	KETENE ETHENONE	463-51-4		1 2 4
2510 gen add	KETONE, LIQUID, n.o.s.		1224	3 4 17
3550 add	LACTOFEN BENZOIC ACID, 5-(2-CHLORO-4-(TRIFLUOROMETHYL)PHENOXY)- 2-NITRO-, * 2-ETHOXY-1-METHYL-2-OXOETHYL ESTER	77501-63-4		8

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2514 add	LACTONITRILE	78-97-7		15 16 19
1094	# LASIOCARPINE 2-BUTENOIC ACID, 2-METHYL-, 7- 2,3-DIHYDROXY-2-(1- * METHOXYETHYL)-3-METHYL-1-OXOBUTOXY METHYL -2,3,5,7A- * TETRAHYDRO-1H-PYRROLIZIN-1-YL ESTER, 1S- 1ALPHA(Z),7(2S*, * 3R*),7AALPHA-	303-34-4		(CA,MU) 3 7 20 21
1095	LAUROYL PEROXIDE PEROXIDE, BIS(1-OXODODECYL)	105-74-8	2893+	15 17
1096	# LEAD	7439-92-1		(TE) 2 3 4 6 7 8 18 20
1097	# LEAD ACETATE	301-04-2	1616	(CA,TE) 2 3 4 5 6 8 17 18 20 21
2873 gen add	# LEAD, inorganic compounds			(CA,TE) 2 3 4 6 7 8 18 20
1098 chg	# LEAD ARSENATE ARSENIC ACID [H3AsO4], LEAD (2+)SALT (1:1)	7784-40-9	1617	(CA) 2 3 4 5 6 7 8 15 17 18 20
1099	LEAD ARSENITE ARSENOUS ACID, LEAD(2+) SALT	10031-13-7	1618	2 3 4 6 8 17 18 20
1100	# LEAD AZIDE	13424-46-9	0129	(TE) 2 3 4 6 8 18 20
1101 chg	# LEAD CHLORIDE HYDROCHLORIC ACID, LEAD(2+)SALT (2:1)	7758-95-4	2291	(TE) 2 3 4 6 8 17 18 20
1102 chg	# LEAD CHROMATE CHROMIC ACID, LEAD SALT	7758-97-6		(CA) 2 3 4 5 6 7 8 18 20
2266 gen add	LEAD compounds, n.o.s.			3 6 18 20
2515 gen add	LEAD compounds, soluble, n.o.s.		2291	3 6 17 18 20
1103	# LEAD CYANIDE HYDROCYANIC ACID, LEAD(2+)SALT (2:1)	592-05-2	1620	(TE) 2 3 4 6 8 17 18 20
1104	LEAD DIOXIDE LEAD(4+)OXIDE (1:2)	1309-60-0	1872	2 3 4 6 8 17 18 20
1105	LEAD FLUOBORATE BORATE(1-), TETRAFLUORO-, LEAD(2+)	13814-96-5	2291	2 3 4 6 8 17 18 20
1106 chg	# LEAD FLUORIDE HYDROFLUORIC ACID, LEAD(2+)SALT (2:1)	7783-46-2	2811	(TE) 2 3 4 6 8 17 18 20
1107 chg	# LEAD IODIDE HYDROIODIC ACID, LEAD(2+)SALT (2:1)	10101-63-0		(TE) 2 3 4 6 8 18 20
1108 chg	# LEAD NITRATE NITRIC ACID, LEAD (2+) SALT	10099-74-8	1469	(TE) 2 3 4 6 8 15 17 18 20

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1109	# LEAD PERCHLORATE PERCHLORIC ACID, LEAD (2+) SALT	13637-76-8	1470	(TE) 2 3 4 6 8 17 18 20
	LEAD PEROXIDE see LEAD DIOXIDE			
syn add				
1110	# LEAD PHOSPHATE PHOSPHORIC ACID, LEAD(2+) SALT(2:3)	7446-27-7		(CA) 2 3 4 5 6 7 8 18 20 21
2293 add	LEAD PHOSPHITE, DIBASIC	15845-52-0	2989	3 4 6 8 17 18 20
1111	LEAD STEARATE OCTADECANOIC ACID, LEAD SALT	7428-48-0		2 3 4 6 8 18 20
1112	LEAD STYPHNATE 1,3-BENZENEDIOL, 2,4,6-TRINITRO-, LEAD(2+) SALT	15245-44-0	0130	2 3 4 6 8 18 20
2999 add	LEAD SUBACETATE	1335-32-6		2 3 4 6 18 20 21
1113 chg	LEAD SULFIDE LEAD(2+) SULFIDE(1:1)	1314-87-0		2 4 6 8 18 20
1114 chg	# LEAD SULPHATE SULFURIC ACID, LEAD (2+) SALT (1:1)	7446-14-2	1794	(CO,TE) 2 3 4 6 8 17 18 20
	LEAD TETRAETHYL see TETRAETHYL LEAD			
syn add				
	LEAD TETRAMETHYL see TETRAMETHYL LEAD			
syn add				
1115	# LEAD THIOCYANATE THIOCYANIC ACID, LEAD (2+) SALT	592-87-0		(TE) 2 3 4 6 8 15 18 20
2516 add	LEPTOPHOS O-(2,5-DICHLORO-4-BROMOPHENYL) O-METHYLPHENYLTHIOPHOSPHONATE	21609-90-5		16 19
1116	LETHANE THIOCYANIC ACID, 2-(2-BUTOXYETHOXY)ETHYL ESTER	112-56-1		14
2517 add	LEWISITE ARSENOUS DICHLORIDE, (2-CHLOROETHENYL)	541-25-3		16 19
	LIME see CALCIUM OXIDE			
syn add				
	LIME-NITROGEN see CALCIUM CYANAMIDE			
syn add				
	LIMONENE, inactive see DIPENTENE			
syn add				
1117	# LINDANE CYCLOHEXANE, 1,2,3,4,5,6-HEXACHLORO-, (1alpha, 2alpha, * 3beta, 4alpha, 5alpha, 6beta)-	58-89-9	2761	(CA) 1 2 3 4 5 6 8 14 15 16 17 18 19 20 21
3352 add	LINURON 1-METHOXY-1-METHYL-3-(3,4-DICHLOROPHENYL)UREA	330-55-2		8

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1118	+ LIQUEFIED PETROLEUM GAS	68476-85-7	1075	(F4) 1 2 3 4 15 17
1119	LITHIUM	7439-93-2	1415	3 15 17
1120	LITHIUM ACETYLIDE ETHYLENEDIAMINE	50475-76-8	2813	3 17
1121	LITHIUM ALUMINUM HYDRIDE ALUMINATE(1-), TETRAHYDRO-, LITHIUM	16853-85-3	1410+	2 3 15 17
1122	LITHIUM AMIDE	7782-89-0	1412	17
1123	LITHIUM BOROHYDRIDE BORATE(1-), TETRAHYDRO-, LITHIUM	16949-15-8	1413	3 17
1124	# LITHIUM CARBONATE CARBONIC ACID, DILITHIUM SALT	554-13-2		(TE) 13(Y,EE)
1125	LITHIUM CHROMATE CHROMIC ACID, DILITHIUM SALT	14307-35-8		2 3 6 18 20
1126 chg	LITHIUM FERROSILICON FERRATE(1-), SILANETETRAYL-, LITHIUM	64082-35-5	2830	3 17
1127	# LITHIUM HYDRIDE	7580-67-8	2805+	(F4,R2) 1 2 3 4 15 16 17 19
1128	# LITHIUM HYDROXIDE MONOHYDRATE	1310-66-3	2680	(CO) 3 17
1129	LITHIUM HYPOCHLORITE HYPOCHLOROUS ACID, LITHIUM SALT	13840-33-0	1471	3 17
1130	LITHIUM NITRATE NITRIC ACID, LITHIUM SALT	7790-69-4	2722	3 17
1131	LITHIUM NITRIDE	26134-62-3	2806	3 17
1132	LITHIUM PEROXIDE	12031-80-0	1472	3 17
1133 chg	LITHIUM SILICON	68848-64-6	1417	3 17
3353 add	LONDAX BENZOIC ACID, 2-((((((4,6-DIMETHOXY-2-PYRIMIDINYL)AMINO) * CARBONYL)AMINO)SULFONYL)METHYL)-, METHYL ESTER	83055-99-6		8
1134	LONDON PURPLE	8012-74-6	1621	3 17
1135	# LORAZEPAM 2H-1, 4-BENZODIAZEPIN-2-ONE, 7-CHLORO-5-(O-CHLOROPHENYL)-1,3- * DIHYDRO	846-49-1		(TE) 13(Y,EE)
syn add	LPG see LIQUEFIED PETROLEUM GAS			
syn add	LYE SOLUTION see SODIUM HYROXIDE			
syn add	LYNESTRENOL see ETHINYLOESTRADIOL			
syn add	MACE see alpha-CHLOROACETOPHENONE			
1136	# MAGNESIUM	7439-95-4	1869+	(R2) 3 17

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2523 add	MAGNESIUM ALKYL		3053	17
2524 add	MAGNESIUM ALUMINUM PHOSPHIDE		1419	3 17
syn add	MAGNESIUM AMIDE see MAGNESIUM DIAMIDE			
1137	MAGNESIUM ARSENATE ARSENIC ACID, MAGNESIUM SALT	10103-50-1	1622	3 6 7 17 18 20
2525 add	MAGNESIUM BISULFITE	13774-25-9	2693	3 17
1138	MAGNESIUM BROMATE BROMIC ACID, MAGNESIUM SALT	7789-36-8	1473	3 17
1139	MAGNESIUM CHLORATE CHLORIC ACID, MAGNESIUM SALT	10326-21-3	2723	3 17
1140	MAGNESIUM DIAMIDE MAGNESIUM AMIDE	7803-54-5	2004	3 17
1141	MAGNESIUM DIPHENYL	555-54-4	2005	3 17
syn add	MAGNESIUM FLUOROSILICATE see MAGNESIUM SILICOFLUORIDE			
syn add	MAGNESIUM GRANULES, COATED see MAGNESIUM			
1142	MAGNESIUM HYDRIDE	60616-74-2	2010	3 17
1143	MAGNESIUM NITRATE NITRIC ACID, MAGNESIUM SALT	10377-60-3	1474	3 15 17
1144	MAGNESIUM OXIDE	1309-48-4		1 2 4
1145	MAGNESIUM PERCHLORATE PERCHLORIC ACID, MAGNESIUM SALT	10034-81-8	1475	3 15 17
1146 chg	MAGNESIUM PEROXIDE	14452-57-4	1476	3 17
1147	MAGNESIUM PHOSPHIDE	12057-74-8	2011	3 17
1148	MAGNESIUM SILICIDE	39404-03-0	2624	3 17
1149 chg	MAGNESIUM SILICOFLUORIDE SILICATE (2-), HEXAFLUORO-, MAGNESIUM, HEXAHYDRATE	18972-56-0	2853	2 3 17
1150 chg	@ MALATHION BUTANEDIOIC ACID, (DIMETHOXYPHOSPHINOTHIOYL)THIO -, * DIETHYL ESTER	121-75-5	2783	1 2 3 4 8 17 20
1151	MALEIC ACID 2-BUTENEDIOIC ACID	110-16-7	2215	3 17 20
1152	MALEIC ANHYDRIDE 2,5-FURANDIONE	108-31-6	2215	1 2 3 4 6 8 15 17 18 20 21
syn add	MALEIC HYDRAZIDE see 1,2-DIHYDRO-3,6-PYRIDAZINEDIONE			
3582 add	MALONALDEHYDE	542-78-9		4

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3354 add	MALONICETHYLESTER NITRILE		2666	17
1153	MALONONITRILE PROPANEDINITRILE	109-77-3	2647	3 4 6 16 19 20 21
1154	@ MANEB MANGANESE, (ETHYLENEBIS(DITHIOCARBAMATO))-	12427-38-2	2968+	3 6 8 17 18
1155 chg	MANGANESE (DUST AND FUME)	7439-96-5		1 2 4 6 8 18
3552 gen add	MANGANESE compounds, n.o.s.			2 4 6 18
1156	MANGANESE CYCLOPENTADIENYL TRICARBONYL MANGANESE, TRICARBONYL(eta 5-2,4-CYCLOPENTADIEN-1-YL)-	12079-65-1		2 4 6 18
1157	MANGANESE DIOXIDE MANGANESE(4+) OXIDE (1:2)	1313-13-9		2 6 18
syn add	MANGANESE ETHYLENE-BIS-DITHIOCARBAMATE see MANEB			
1158	MANGANESE NITRATE NITRIC ACID, MANGANESE(2+) SALT	10377-66-9	2724	2 3 6 17 18
2526 add	MANGANESE RESINATE	9008-34-8	1330	2 3 6 17 18
syn add	MANGANESE, TRICARBONYL METHYLCYCLOPENTADIENYL see METHYL- * CYCLOPENTADIENYL MANGANESE TRICARBONYL			
1159	MANGANESE TRIOXIDE MANGANESE(3+) OXIDE(2:3)	1317-34-6		2 4 6 18
1160	MANNITOL HEXANITRATE d-MANNITOL, HEXANITRATE	15825-70-4	0133	3
syn add	MATTING ACID see SULFURIC ACID			
syn add	MDI see METHYLENE BISPHENYL ISOCYANATE			
syn add	MECHLORETHAMINE see NITROGEN MUSTARD			
syn add	MECRYLATE see METHYL 2-CYANOACRYLATE			
3587 add	MEDROXYPROGESTERONE ACETATE			(CA) 7
syn add	MEKP see METHYL ETHYL KETONE PEROXIDE			
1162	# MELPHALAN L-PHENYLALANINE, 4- BIS(2-CHLOROETHYL)AMINO-	148-82-3		(CA,MU) 3 5 7 13(A, E,H,EE) 20 21
2534 add	MEMTETRAHYDROPHTHALIC ANHYDRIDE	25134-21-8	1760	3
1163	p-MENTHANE HYDROPEROXIDE MENTHANE-8-HYDROPEROXIDE	80-47-7	2125	3 17

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2535 add	MEPHOSFOLAN PHOSPHORAMIDIC ACID, (4-METHYL-1,3-DITHIOLAN-2-YLIDENE)-, * DIETHYL ESTER	950-10-7		16 19
3356 add	MEPIQUAT CHLORIDE 1,1-DIMETHYLPIPERIDINIUM CHLORIDE	24307-26-4		8
1164	# MEPROBAMATE 1,3-PROPANEDIOL, 2-METHYL-2-PROPYL-, DICARBAMATE	57-53-4		(TE) 13(Y,EE)
2536 gen add	MERCAPTANS AND MIXTURES, LIQUID, n.o.s.		1228+	3 17
1165	MERCAPTODIMETHUR PHENOL, 3,5-DIMETHYL-4-(METHYLTHIO)-, METHYLCARBAMATE	2032-65-7	2757	3 14 16 19 20
1166	+ MERCURIC ACETATE ACETIC ACID, MERCURY(2+) SALT	1600-27-7	1629	(TE) 2 3 4 6 16 17 18 19 20
syn add	MERCURIC AMMONIUM CHLORIDE see MERCURY AMMONIUM CHLORIDE			
1167	MERCURIC ARSENATE ARSENIC ACID, MERCURY(2+) SALT (1:1)	7784-37-4	1623	2 3 4 6 17 18 20
1168	MERCURIC BENZOATE MERCURY (2+) BENZOATE	583-15-3	1631	2 3 6 18 20
1169	MERCURIC BROMIDE	7789-47-1	1634	2 3 4 6 17 18 20
1170	MERCURIC CHLORIDE HYDROCHLORIC ACID, MERCURY(2+) SALT (2:1)	7487-94-7	1624	2 3 4 6 16 17 18 19 20
syn add	MERCURIC CHLORIDE, AMMONIATED see MERCURY AMMONIUM CHLORIDE			
1171	MERCURIC CYANIDE MERCURY CYANIDE	592-04-1	1636	2 3 4 6 15 17 18 20
1172 chg	MERCURIC IODIDE MERCURY (2+) IODIDE	7774-29-0	1638	2 3 4 6 17 18 20
1173	MERCURIC NITRATE NITRIC ACID, MERCURY(2+) SALT	10045-94-0	1625	2 3 4 6 17 18 20
syn add	MERCURIC OLEATE see MERCURY OLEATE			
2537 add	MERCURIC OXIDE	21908-53-2	1641	2 3 4 6 16 17 18 19 20
1174	+ MERCURIC OXYCYANIDE MERCURY CYANIDE OXIDE	1335-31-5	1642	(R3) 2 3 4 6 17 18 20
1175	MERCURIC POTASSIUM CYANIDE MERCURATE(-2), TETRAKIS(CYANO-C)-,DIPOTASSIUM, (T-4)-	591-89-9	1626	2 3 4 6 17 18 20
syn add	MERCURIC POTASSIUM IODIDE see MERCURY POTASSIUM IODIDE			

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	MERCURIC SALICYLATE see MERCURY SALICYLATE			
syn add				
1176	MERCURIC SUBSULFATE MERCURY OXIDE SULFATE	1312-03-4		2 4 6 18 20
1177	MERCURIC SULFATE SULFURIC ACID, MERCURY(II) SALT (1:1)	7783-35-9	1645+	2 3 4 6 17 18 20
	MERCURIC SULOCYANATE see MERCURY THIOCYANATE			
syn add				
	MERCURIC THIOCYANATE see MERCURY THIOCYANATE			
syn add				
1178	MERCUROL	12002-19-6	1639	2 3 6 17 18 20
1179	MERCUROUS CHLORIDE HYDROCHLORIC ACID, MERCURY(1+) SALT	7546-30-7		2 3 4 6 18 20
	MERCUROUS GLUCONATE see MERCURY GLUCONATE			
syn add				
1189 chg	MERCUROUS IODIDE	7783-30-4	1638	2 3 4 6 18 20
1181	MERCUROUS NITRATE NITRIC ACID, MERCURY(1+) SALT	10415-75-5	1627	2 3 4 6 17 18 20
1191 chg	MERCUROUS OXIDE	15829-53-5	1641	2 3 4 6 17 18 20
1182	MERCUROUS SULFATE SULFURIC ACID, DIMERCURY(1+) SALT	7783-36-0	1628	2 3 4 6 17 18 20
1183	# MERCURY	7439-97-6	2809	(CO) 2 3 4 6 8 17 18 20 21
	MERCURY ACETATE see MERCURIC ACETATE			
syn add				
	MERCURY, AMMONIATED see MERCURY AMMONIUM CHLORIDE			
syn add				
1184	MERCURY AMMONIUM CHLORIDE MERCURY AMIDE CHLORIDE (Hg(NH2)Cl)	10124-48-8	1630	2 3 6 17 18 20
2540 gen add	MERCURY-BASED PESTICIDES, TOXIC, n.o.s.		3012+	2 3 6 14 17 18 20
	MERCURY BISULFATE see MERCURIC SULFATE			
syn add				
1185	MERCURY BROMIDE MERCURY BROMIDE (1:1)	10031-18-2	1634	2 3 4 6 17 18 20
1180 chg	MERCURY CHLORIDE MERCURY CHLORIDE (Hg2Cl2)	10112-91-1		2 3 4 6 18 20

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2874 gen add	MERCURY COMPOUNDS, INORGANIC		2025+	2 3 4 6 18 20
3357 gen add	MERCURY COMPOUND, ORGANIC			2 6 18 20
2414 gen add	MERCURY COMPOUNDS, n.o.s.			6 18
syn add	MERCURY CYANIDE see MERCURIC CYANIDE			
1187	MERCURY FULMINATE FULMINIC ACID, MERCURY SALT	628-86-4	0135	2 3 4 6 18 20 21
1188	MERCURY GLUCONATE	63937-14-4	1637	2 3 4 6 17 18 20
syn add	MERCURY IODIDE see MERCURIC IODIDE			
syn add	MERCURY NUCLEATE see MERCUROL			
1190	MERCURY OLEATE 9-OCTADECENOIC ACID (Z)-, MERCURY(2+) SALT	1191-80-6	1640	2 3 6 18 20
syn add	MERCURY (1) OXIDE see MERCUROUS OXIDE			
syn add	MERCURY OXYCYANIDE see MERCURIC OXYCYANIDE			
1192	MERCURY POTASSIUM IODIDE MERCURATE (2-), TETRAIODO-, DIPOTASSIUM	7783-33-7	1643	2 3 4 6 17 18 20
1193	MERCURY SALICYLATE MERCURY, 2-HYDROXYBENZOATO(2-)-O1,O2-	5970-32-1	1644	2 3 4 6 17 18 20
1194 chg	MERCURY THIOCYANATE THIOCYANIC ACID, MERCURY (2+) SALT	592-85-8	1646	2 3 4 6 17 18 20
3358 add	# MERPHALAN ALANINE, 3-(p-BIS(2-CHLOROETHYL)AMINOPHENYL)-,DL-	531-76-0		(CA) 7
3359 add	MERPHOS BUTYL PHOSPHOROTRITHIOITE	150-50-5		8
3360 add	MERPHOS OXIDE S,S,S-TRIBUTYLPHOSPHOROTRITHIOLATE	78-48-8		8
syn add	MESITYLENE see 1,3,5-TRIMETHYLBENZENE			
1195	MESITYL OXIDE 3-PENTEN-2-ONE, 4-METHYL-	141-79-7	1229	(F3) 1 2 3 4 6 15 17 20
1196	# MESTRANOL 19-NORPREGNA-1,3,5(10)-TRIEN-20-YN-17-OL, 3-METHOXY-, * (17 alpha)-	72-33-3		(CA,MU) 5 7
3361 add	METALAXYL ALANINE, N-(METHOXYACETYL)-N-(2,6-XYLYL)-, METHYL ESTER, DL-	57837-19-1		8

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1197 chg	# METALDEHYDE 1,3,5,7-TETROXOCANE, 2,4,6,8-TETRAMETHYL-	108-62-3	1332	(F3) 3 15 17
2549 add	METHACROLEIN DIACETATE	10476-95-6		16 19
1198	METHACRYLALDEHYDE 2-PROPENAL, 2-METHYL-	78-85-3	2396	3 17
1199	# METHACRYLIC ACID 2-PROPENOIC ACID, 2-METHYL-	79-41-4	2531	(CO,R2) 2 3 4 15
2550 add	METHACRYLIC ANHYDRIDE	760-93-0		16 19
syn add	METHACRYLONITRILE see METHYLACRYLONITRILE			
2551 add	# METHACRYLOYL CHLORIDE	920-46-7		(R2,F2) 16 19
2552 add	METHACRYLOYLOXYETHYL ISOCYANATE	30674-80-7		16 19
1200	# METHALLYL ALCOHOL 2-PROPEN-1-OL, 2-METHYL-	513-42-8	2614	(F3) 3 15 17
1201	METHAMIDOPHOS PHOSPHORAMIDOTHIOIC ACID, O, S-DIMETHYL ESTER	10265-92-6		8 14 16 19
1202	# METHANE	74-82-8	1971+	(F4) 2 3 15 17
syn add	METHANE, DIBROMO- see METHYLENE BROMIDE			
syn add	METHANE, DICHLORO- see METHYLENE CHLORIDE			
1203	# METHANESULFONIC ACID, ETHYL ESTER	62-50-0		(CA,MU) 3 7 8 20 21
1204	# METHANESULFONIC ACID, METHYL ESTER METHYL METHANE SULPHONATE	66-27-3		(CA,MU) 5 7
3362 add	METHANESULFONYL CHLORIDE		9265	17
2553 add	METHANESULFONYL FLUORIDE	558-25-8		16 19
syn add	METHANETHIOL see METHYL MERCAPTAN			
syn add	METHANOL see METHYL ALCOHOL			
1205	# METHAPYRILENE 1,2-ETHANEDIAMINE, N,N-DIMETHYL-N'-2-PYRIDINYL-N'-(2- * THIENYLMETHYL)-	91-80-5		(CA) 20 21
syn add	METHENAMINE see HEXAMINE			
1206	METHIDATHION PHOSPHORODITHIOIC ACID, S-((5-METHOXY-2-OXO-1,3,4-THIAZOL-3(2H)- * YL)METHYL) O,O-DIMETHYL ESTER	950-37-8		8 14 16 19
1207	METHIMAZOLE 2H-IMIDAZOLE-2-THIONE, 1,3-DIHYDRO-1-METHYL-	60-56-0		13(Y)
syn add	METHIOCARB see MERCAPTODIMETHUR			

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1208	METHOMYL ETHANIMIDOTHIOIC ACID, N- (METHYLAMINO)CARBONYL OXY-, * METHYL ESTER	16752-77-5	2757	2 3 4 8 14 16 19 20 21
1209	# METHOTREXATE L-GLUTAMIC ACID, N- 4- (2,4-DIAMINO-6- * PTERIDINYL)METHYL METHYLAMINO BENZOYL-	59-05-2		(MU,TE) 13(C,F,G,O,Y, EE)
1210	METHOXYCHLOR BENZENE, 1,1'-(2,2,2-TRICHLOROETHYLIDENE)BIS 4-METHOXY-	72-43-5	2761	1 2 3 4 6 8 18 20 21
1211	+ 2-METHOXYETHANOL	109-86-4	1188	(TE) 1 2 3 4 6 15 17 18
1212	2-METHOXYETHYL ACETATE 2-METHOXYACETATE ETHANOL	110-4-96	1189	2 3 4 17
2554 add	METHOXYETHYLMERCURIC ACETATE	151-38-2		16 19
1213	METHOXYFLURANE ETHANE, 2,2-DICHLORO-1,1-DIFLUORO-1-METHOXY-	76-38-0		4
1214	METHOXYMETHYL ISOCYANATE METHANE, ISOCYANATOMETHOXY-	6427-21-0	2605	3 17
1215	4-METHOXY-4-METHYLPENTAN-2-ONE 2-PENTANONE, 4-METHOXY-4-METHYL-	107-70-0	2293	3
1216	4-METHOXYPHENOL PHENOL, 4-METHOXY-	150-76-5		2 4
syn add	1-METHOXY-2-PROPANOL see PROPYLENE GLYCOL MONOMETHYL ETHER			
3588 add	# 5-METHOXYPSORALEN	484-20-8		(CA) 7
1217	# METHYL ACETATE ACETIC ACID, METHYL ESTER	79-20-9	1231	(F3) 1 2 3 4 15 17
syn add	METHYL ACETONE see METHYL ETHYL KETONE			
1218	# METHYL ACETYLENE 1-PROPYNE	74-99-7		(F4,R2) 1 2 4 15
syn add	beta-METHYL ACROLEIN see CROTONALDEHYDE			
1219	# METHYL ACRYLATE 2-PROPENOIC ACID, METHYL ESTER	96-33-3	1919	(F3,R2) 1 2 3 4 6 8 15 17 18
1220	+ METHYLACRYLONITRILE 2-PROPENENITRILE, 2-METHYL-	126-98-7		(F3,R2) 2 3 4 8 15 16 19 20 21
1221	# METHYLAL METHANE, DIMETHOXY-	109-87-5	1234	(F3,R2) 1 2 3 4 15 17
1222	# METHYL ALCOHOL METHANOL	67-56-1	1230	(F3) 1 2 3 4 6 8 15 17 18 20 21
1223	+ METHYL ALLYL CHLORIDE 1-PROPENE, 3-CHLORO-2-METHYL-	563-47-3	2554	(CA) 3 5 17
2555 add	# METHYL ALUMINUM SESQUIBROMIDE	12263-85-3	1926	(F3,R3) 3 15 17

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1224	# METHYL ALUMINUM SESQUICHLORIDE ALUMINUM, TRICHLOROTRIMETHYLDI-	12542-85-7	1927	(F3,R3) 3 15 17
1225	# METHYLAMINE METHANAMINE	74-89-5	1061+	(F4) 1 2 3 4 15 17 20
1227	METHYL AMYL ACETATE 2-PENTANOL, 4-METHYL, ACETATE	108-84-9	1233	1 3 4 15 17
1228 chg	METHYL AMYL ALCOHOL 2-PENTANOL, 4-METHYL-	108-11-2	2053	1 2 3 4 15 17
1279	METHYL (n-AMYL) KETONE 2-HEPTANONE	110-43-0	1110	1 2 3 4 15 17
syn add	2-METHYLAZIRIDINE see PROPYLENE IMINE			
1229	METHYLANILINE BENZENAMINE, N-METHYL-	100-61-8	2294	2 3 4 17
3363 add	# METHYLAZOXYMETHANOL	590-96-5		(CA) 7
3364 add	# METHYLAZOXYMETHANOL ACETATE	592-62-1		(CA) 7
1230	METHYLBENZOATE BENZOIC ACID, METHYL ESTER	93-58-3	2938	3 15 17
0049	alpha-METHYLBENZYL ALCOHOL BENZENEMETHANOL, alpha-METHYL-	98-85-1	2937	3 17
1231	+ METHYL BROMIDE METHANE, BROMO-	74-83-9	1062+	(MU) 1 2 3 4 6 8 14 15 16 17 18 19 20 21
1232	METHYL BROMOACETATE ACETIC ACID, BROMO-, METHYL ESTER	96-32-2	2643	3 17
2925 add	1-METHYL BUTADIENE	504-60-9		3 20 21
syn add	2-METHYL-1,3-BUTADIENE see ISOPRENE			
syn add	2-METHYL-2-BUTANETHIOL see AMYL MERCAPTAN			
syn add	METHYLBUTANONE see METHYL ISOPROPYL KETONE			
syn add	3-METHYLBUTAN-2-ONE see METHYL ISOPROPYL KETONE			
1233 chg	# METHYLBUTENE 2-METHYL-1-BUTENE	563-46-2	2459	(F4,R2) 3 15 17
3365 add	# 2-METHYL-2-BUTENE	513-35-9	2460	(F3) 15 17
3366 add	# 3-METHYL-1-BUTENE	563-45-1	2561	(F4) 3 15 17
1401	+ n-METHYLBUTYLAMINE 1-BUTANAMINE, n-METHYL-	110-68-9	2945	(F3) 3 15 17
syn add	METHYL-1,3-BUTYLENE GLYCOL ACETATE see BUTOXYL			

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1293	METHYL-tert-BUTYL ETHER ETHYL, tert-BUTYL METHYL	1634-04-4	2398	3 6 8 17 18
1280	+ METHYL N-BUTYL KETONE 2-HEXANONE	591-78-6		(F3) 1 2 4 15
1234	# METHYL BUTYRATE BUTANOIC ACID, METHYL ESTER	623-42-7	1237	(F3) 3 15 17
syn add	METHYL CELLOSOLVE see 2-METHOXYETHANOL			
syn add	METHYL CELLOSOLVE ACETATE see 2-METHOXYETHYL ACETATE			
1235	# METHYL CHLORIDE CHLOROMETHANE	74-87-3	1063	(F4) 2 3 4 6 15 17 18 20 21
1236	METHYL CHLOROACETATE ACETIC ACID, CHLORO-, METHYL ESTER	96-34-4	2295	3 15 17
2556 add	METHYL-2-CHLOROACRYLATE	80-63-7	2810	3 16 17 19
syn add	METHYL CHLOROCARBONATE see METHYL CHLOROFORMATE			
1237	METHYL CHLOROFORM ETHANE, 1,1,1-TRICHLORO-	71-55-6	2831	1 2 3 4 6 7 8 15 17 18 20 21
1238	METHYL CHLOROFORMATE CARBONOCHLORIDIC ACID, METHYL ESTER	79-22-1	1238	3 8 16 17 19 20 21
1239	METHYL-2-CHLOROPROPIONATE PROPANOIC ACID, 2-CHLORO-, METHYL ESTER	17639-93-9	2933	3
syn add	METHYL CHLORMETHYL ETHER see CHLOROMETHYLMETHYL ETHER			
3369 add	4-(2-METHYL-4-CHLOROPHENOXY)BUTYRIC ACID	94-81-5		8
syn add	2-(2-METHYL-4-CHLOROPHENOXY)PROPIONIC ACID see 2-(4-CHLORO * 2-METHYLPHENOXYL)PROPANOIC ACID			
syn add	2-METHYL-4-CHLOROPHENOXYACETIC ACID see 4-CHLORO-2-METHYL * PHENOXYACETIC ACID			
1240	METHYL CHLOROSILANE CHLOROMETHYLSILANE	993-00-0	2534	3 17
0427 chg	# 3-METHYLCHOLANTHRENE BENZ(j)ACEANTHRYLENE, 1,2-DIHYDRO-3-METHYL-	56-49-5		(CA,MU) 3 20 21
3367 add	# 5-METHYLCHRYSENE	3697-24-3		(CA) 5 7
syn add	METHYLCYANIDE see ACETONITRILE			
1241	METHYL-2-CYANOACRYLATE 2-PROPENOIC ACID, 2-CYANO-, METHYL ESTER	137-05-3		2 4
1242	# METHYLCYCLOHEXANE CYCLOHEXANE, METHYL-	108-87-2	2296	(F3) 1 2 3 4 15 17

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1243	METHYL CYCLOHEXANOL CYCLOHEXANOL, METHYL-	25639-42-3	2617	1 2 3 4 15 17
1438	o-METHYLCYCLOHEXANONE METHYLCYCLOHEXANONE	583-60-8	2297	1 2 3 4 15 17
3368 add	METHYLCYCLOHEXANONE PEROXIDE	66903-2-39	3046	17
1244	METHYLCYCLOPENTADIENYL MANGANESE TRICARBONYL MANGANESE, TRICARBONYL (1,2,3,4,5-eta)-1-METHYL-2,4- * CYCLOPENTADIEN-1-YL-	12108-13-3		2 4 6 16 18 19
1245	# METHYL CYCLOPENTANE CYCLOPENTANE, METHYL-	96-37-7	2298	(F3) 3 15 17
1246	METHYL DEMETON PHOSPHOROTHIOIC ACID, O- 2-(ETHYLTHIO)ETHYL O,O-DIMETHYL ESTER, * mixture with S- 2-(ETHYLTHIO)ETHYL O,O-DIMETHYL PHOSPHORO- * THIOATE	8022-00-2	3018	2 3 4 14
2886 add	METHYL-S-DEMETON PHOSPHOROTHIOIC ACID, S-(2(ETHYLTHIO)ETHYL) O,O-DIMETHYL ESTER	919-86-8	3018	3 14 16 19
1247	# METHYL DICHLOROACETATE ACETIC ACID, DICHLORO-, METHYL ESTER	116-54-1	2299	(CO) 3 17
1248	METHYL DICHLOROARSINE ARSENOUS DICHLORIDE, METHYL-	593-89-5	1556	2 3 6 17 18
1249	# METHYL DICHLOROSILANE SILANE, DICHLOROMETHYL-	75-54-7	1242	(CO,F3,R2) 3 15 17
syn add	METHYL DISULFIDE see DIMETHYLDISULFIDE			
1250	# 4,4'-METHYLENEBIS (2-CHLOROANILINE) BENZENAMINE, 4,4'-METHYLENEBIS 2-CHLORO-	101-14-4		(CA) 2 3 4 5 6 7 18 20 21
1251	METHYLENE BIS(4-CYCLOHEXYLISOCYANATE) 1,1'-METHYLENEBIS 4-ISOCYANATOCYCLOHEXANE	5124-30-1		2 4
syn add	4,4'-METHYLENE BIS(N,N-DIMETHYL ANILINE) see 4,4'- * METHYLENEBIS(N,N-DIMETHYLBENZENAMINE)			
1252	# 4,4'-METHYLENEBIS(N,N-DIMETHYLBENZENAMINE) ANILINE, 4,4'-METHYLENEBIS (N,N-DIMETHYL)-	101-61-1		(CA,MU) 5 6 8 18
3589 add	# 4,4'-METHYLENEBIS(2-METHYLANILINE)	838-88-0		(CA) 7
1253	METHYLENE BISPHENYL ISOCYANATE ISOCYANIC ACID, METHYLENE DI-p-PHENYLENE ESTER	101-68-8	2489	2 3 4 6 12 (A,C) 17 18
1254	+ METHYLENE BROMIDE METHANE, DIBROMO-	74-95-3	2664	(MU) 3 6 17 18 20 21
1255	+ METHYLENE CHLORIDE METHANE, DICHLORO-	75-09-2	1593	(CA,MU,TE) 2 3 4 5 6 7 8 15 17 18 20 21
1256	+ 4,4'-METHYLENE DIANILINE BENZENAMINE, 4,4'-METHYLENEBIS-	101-77-9	2651	(CA) 2 3 4 5 6 7 15 17 18
3370 add	# 4,4'-METHYLENE DIANILINE DIHYDROCHLORIDE	13552-44-8		(CA) 7

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0198 chg	@ 1,2-METHYLENEDIOXY-4-PROPENYL-BENZENE 1,3-BENZODIOXOLE, 5-(1-PROPENYL)-	120-58-1		3 6 18 20 21
0199 chg	# 1,2-METHYLENEDIOXY-4-PROPYLBENZENE 1,3-BENZODIOXOLE, 5-PROPYL-	94-58-6		(CA) 3 7 20 21
syn add	METHYL ETHER see DIMETHYL ETHER			
1257	# METHYL ETHYL ETHER ETHANE, METHOXY-	540-67-0	1039	(F4) 3 15 17
1258	+ METHYL ETHYL KETONE 2-BUTANONE	78-93-3	1193+	(F3) 1 2 3 4 6 8 15 17 18 20 21
1259	METHYL ETHYL KETONE PEROXIDE 2-BUTANONE, PEROXIDE	1338-23-4	2127+	2 3 4 20 21
1260	# 2-METHYL-5-ETHYLPYRIDINE 2-PICOLINE, 5-ETHYL-	104-90-5	2300	(CO,F3) 3 15 17
1261	METHYL FLUORIDE METHANE, FLUORO-	593-53-3	2454	2 3 17
1262	# METHYL FORMATE FORMIC ACID, METHYL ESTER	107-31-3	1243	(F4) 1 2 3 4 15 17
1263	2-METHYLFURAN FURAN, 2-METHYL-	534-22-5	2301	3
syn add	5-METHYL-3-HEPTANONE see ETHYL AMYL KETONE			
3590 add	5-METHYLHEXAN-2-ONE		2302	3 17
1265 chg	# METHYL HYDRAZINE HYDRAZINE, METHYL-	60-34-4	1244	(CA,CO,F3,MU) 2 3 4 6 15 16 17 18 19 20 21
3371 add	METHYL-3-HYDROXYBUTYRATE	1487-49-6		3
1266 chg	# METHYL IODIDE METHANE, IODO-	74-88-4	2644	(MU) 1 2 3 4 6 17 18 20 21
1267	METHYL ISOAMYL KETONE 2-HEXANONE, 5-METHYL-	110-12-3	2302	2 3 4 15
syn add	METHYL ISOBUTYL CARBINOL see METHYL AMYL ALCOHOL			
1268	# METHYL ISOBUTYL KETONE 2-PENTANONE, 4-METHYL-	108-10-1	1245	(F3) 1 2 3 4 6 8 15 17 18 20 21
1269	METHYL ISOBUTYL KETONE PEROXIDE 2-PENTANONE, 4-METHYL-, PEROXIDE	37206-20-5	2126	3 17
1270	# METHYL ISOCYANATE METHANE, ISOCYANATO-	624-83-9	2480	(F3,R3) 1 2 3 4 6 8 15 16 17 18 19 20 21
2557 add	METHYL ISOPROPENYL KETONE, inhibited	814-78-8	1246	3 15 17
1271	METHYL ISOPROPYL KETONE 2-BUTANONE, 3-METHYL-	563-80-4	2397	2 3 4 17

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1272	METHYL ISOTHIOCYANATE METHANE, ISOTHIOCYANATO-	556-61-6	2477	3 16 17 19
1273	METHYL ISOVALERATE BUTANOIC ACID, 3-METHYL-, METHYL ESTER	556-24-1	2400	3 17
syn add	METHYLLACTONITRILE see ACETONE CYANOHYDRIN			
1274	METHYL MAGNESIUM BROMIDE MAGNESIUM, BROMOMETHYL-	75-16-1	1928	3 17
1275	# METHYL MERCAPTAN METHANETHIOL	74-93-1	1064	(F4) 1 2 3 4 15 16 17 19 20 21
1276	# METHYL MERCURY DICYANDIAMIDE MERCURY, (3-CYANOGUANIDINO)-METHYL	502-39-6	2777	(TE) 2 3 6 16 18 19
3591 add	METHYL MERCURY	22967-92-6		8
1277	# METHYL METHACRYLATE 2-PROPENOIC ACID, 2-METHYL-, METHYL ESTER	80-62-6	1247	(F3,R2) 1 2 3 4 6 15 17 18 20 21
syn add	METHYL METHANESULPHONATE see METHANE SULFONIC ACID, * METHYL ESTER			
1278	# METHYLMORPHOLINE 4-METHYLMORPHOLINE	109-02-4	2535	(CO,F3) 3 15 17
1281	METHYL NITRITE NITROUS ACID, METHYL ESTER	624-91-9	2455	17
3372 add	# 2-METHYL-1-NITROANTHRAQUINONE	129-15-7		(CA) 5 7
0963 chg	# 1-METHYL-3-NITRO-1-NITROSOGUANIDINE GUANIDINE, N-METHYL-N'-NITRO-N-NITROSO-	70-25-7		(CA,MU) 3 7 20 21
syn add	N-METHYL-N'-NITRO-N-NITROSOGUANIDINE see * 1-METHYL-3-NITRO-1-NITROSOGUANIDINE			
1297	# N-METHYL-N-NITROSOETHYLCARBAMATE	615-53-2		(CA,MU) 3 5 7 20 21
syn add	N-METHYL-N-NITROSOUREA see N-NITROSO-N-METHYL UREA			
syn add	N-METHYL-N-NITROSOURETHANE see N-METHYL-N-NITROSOETHYL * CARBAMATE			
syn add	METHYL ORTHOSILICATE see METHYL SILICATE			
1283	# METHYL PARATHION PHOSPHOROTHIOIC ACID, O,O-DIMETHYL O-(4-NITROPHENYL) ESTER	298-00-0	2783	(MU) 2 3 4 8 14 15 16 17 19 20 21
1284 chg	METHYLPENTADIENE PENTADIENE, METHYL-	54363-49-4	2461	3 17
1285	METHYLPENTANE PENTANE, METHYL-	43133-95-5	2462	3 17
2558 add	2-METHYL-2-PENTANOL	590-36-3	2560	3
syn add	4-METHYL-2-PENTANONE see METHYL ISOBUTYL KETONE			

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	METHYL PENTYL KETONE see METHYL (N-AMYL) KETONE			
syn add				
2559 add	METHYL PHENKAPTON	3735-23-7	2783+	3 16 19
	2-METHYLPHENOL see o-PHENOL			
syn add				
	3-METHYLPHENOL see m-PHENOL			
syn add				
	4-METHYLPHENOL see p-PHENOL			
syn add				
1286	# METHYLPHENYLDICHLOROSILANE SILANE, DICHLOROMETHYLPHENYL-	149-74-6	2437	(CO) 3 16 17 19
2560 add	METHYL PHOSPHONIC DICHLORIDE	676-97-1	9206+	3 16 17 19
1287	METHYL PHOSPHONOTHIOIC DICHLORIDE PHOSPHONOTHIOIC DICHLORIDE, METHYL-	676-98-2	1760	3 17
1288	# METHYL PHOSPHONOUS DICHLORIDE PHOSPHONOUS DICHLORIDE, METHYL-	676-83-5	2845	(CO) 3 17
1289	1-METHYLPIPERIDINE PIPERIDINE, 1-METHYL-	626-67-5	2399	3 17
1290	# METHYL PROPIONATE PROPANOIC ACID, METHYL ESTER	554-12-1	1248	(F3) 3 15 17
3502 add	METHYL PROPYL BENZENE	28729-54-6	2046	17
1291	# METHYL PROPYL ETHER PROPANE, 1-METHOXY-	557-17-5	2612	(F3) 3 15 17
1292	# METHYL PROPYL KETONE 2-PENTANONE	107-87-9	1249	(F3) 1 2 3 4 15
1282 chg	METHYL SILICATE SILICIC ACID, TETRAMETHYL ESTER	681-84-5	2606	2 3 17
	METHYL STYRENE see ISOPROPENYL BENZENE			
syn add				
	METHYL SULFATE see DIMETHYL SULFATE			
syn add				
	METHYL SULFIDE see DIMETHYL SULFIDE			
syn add				
1294	# METHYL TETRAHYDROFURAN FURAN, TETRAHYDROMETHYL-	25265-68-3	2536	(F3) 3 15 17
2562 add	METHYL THIOCYANATE	556-64-9		16 19
1967 chg	# 6-METHYL-2-THIOURACIL 4(1H)-PYRIMIDINONE, 2,3-DIHYDRO-6-METHYL-2-THIOXO-	56-04-2		(CA) 3 7 20 21
1295	METHYL TRICHLOROACETATE ACETIC ACID, TRICHLORO-, METHYL ESTER	598-99-2	2533	3 17
1296	# METHYL TRICHLOROSILANE TRICHLOROMETHYLSILANE	75-79-6	1250	(CO,F3,R2) 3 15 16 17 19
1299	# METHYL VALERALDEHYDE PENTANAL, 2-METHYL	123-15-9	2367	(F3) 3 15 17

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1301	# METHYL VINYL KETONE 3-BUTEN-2-ONE	78-94-4	1251	(F3,R2) 3 15 16 17 19
3374 add	METOLACHLOR ACETAMIDE, 2-CHLORO-N-(6-ETHYL-o-TOLYL)N-(2-METHOXY-1- * METHYLETHYL)-	51218-45-2		8
2563 add	METOLCARB CARBAMIC ACID, METHYL-, 3-METHYLPHENYL ESTER	1129-41-5		16 19
1302	METRIBUZIN 1,2,4-TRIAZIN-5(4H)-ONE, 4-AMINO-6-(1,1-DIMETHYLETHYL)-3- * (METHYLTHIO)-	21087-64-9		2 4 8
1303	# METRONIDAZOLE 1H-IMIDAZOLE-1-ETHANOL, 2-METHYL-5-NITRO-	443-48-1		(CA,MU) 5 7
3507 add	MEVINPHOS 1-METHOXYCARBONYL-1-PROPEN-2-YL DIMETHYL PHOSPHATE	7786-34-7	2783	2 3 4 14 16 17 19 20
1304	MEXACARBATE PHENOL, 4-(DIMETHYLAMINO)-3,5-DIMETHYL-, METHYLCARBAMATE ESTER	315-18-4	2757	3 14 16 17 19 20
3511 add	MICA (DUST)	12001-26-2		2 4
1305	# MICHLERS KETONE METHANONE-BIS 4-(DIMETHYLAMINO) PHENYL-	90-94-8		(CA) 5 6 18
	MINERAL SPIRITS see STODDARD SOLVENT			
syn add				
2564 gen add	MINING REAGENT, LIQUID		2022	3 17
1306	# MIREX 1,3,4-METHENO-1H-CYCLOBUTA cd PENTALENE, 1,1a,2,2,3,3a,4,5,5,5a, * 5b,6-DODECACHLOROOCTAHYDRO-	2385-85-5		(CA) 5 7 8
1307 chg	+ MITOMYCIN C AZIRINO (2',3':3,4) PYRROLO (1,2-A) INDOLE-4,7-DIONE, 6-AMINO-8- * (((AMINOCARBONYL)OXY)METHYL)-1,1A,2,8,8A,8B-HEXAHYDRO-8-A- * METHOXY-5-METHYL-, (1AS-(1A ALPHA, 8 BETA, 8A ALPHA, 8B * ALPHA))-	50-07-7		(CA,MU) 7 13(F,H) 16 19 20 21
	MOCAP see ETHOPROPHOS			
syn add				
1309	MOLYBDENUM	7439-98-7		1 2 4 8
3376 gen add	MOLYBDENUM COMPOUNDS			1 2
1310	MOLYBDENUM (IV) SULFIDE	1317-33-5		1 2
1311	# MOLYBDENUM PENTACHLORIDE MOLYBDENUM CHLORIDE (MoCl5)	10241-05-1	2508	(CO) 1 2 3 17
1312	+ MOLYBDENUM TRIOXIDE	1313-27-5		(CA) 1 2 6 18
	MONOCHLORAMINE see CHLORAMINE			
syn add				
	MONOCHLOROACETONE see CHLOROACETONE			
syn add				

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	MONOCHLOROETHYLENE see VINYL CHLORIDE			
syn add				
3377 add	# MONOCROTALINE	315-22-0		(CA) 7
1313	MONOCROTOPHOS PHOSPHORIC ACID, DIMETHYL 1-METHYL-3-(METHYLAMINO)-3-OXO-1- * PROPENYL ESTER, (E)-	6923-22-4		2 4 14 16 19
	MONOETHANOLAMINE see ETHANOLAMINE			
syn add				
	MONOETHYLAMINE see ETHYLAMINE			
syn add				
	MONOFLUOROPHOSPHORIC ACID see FLUOROPHOSPHORIC ACID			
syn add				
	MONOMETHYLANILINE see METHYLANILINE			
syn add				
1315	# MORPHOLINE 2H-1,4-OXAZINE, TETRAHYDRO	110-91-8	2054+	(CO,F3) 1 2 3 4 15 17
3378 add	# 5-(MORPHOLINOMETHYL)-3-[(5-NITROFURFURYLIDENE)AMINO]- * 2-OXAZOLIDINONE	3795-88-8		(CA) 7
	MOTHBALLS see NAPHTHALENE			
syn add				
2568 gen add	MOTOR FUEL ANTI-KNOCK COMPOUND		1649	3 15 17
2569 gen add	MOTOR FUEL, n.o.s.		1203	3 17
	MOTOR SPIRIT see GASOLINE			
syn add				
	MURIATIC ACID see HYDROGEN CHLORIDE			
syn add				
2571 add	MUSCIMOL 3-HYDROXY-5-AMINOMETHYLISOXAZOLE-AGARIN	2763-96-4		3 16 19 20 21
	MUSK XYLENE see tert-BUTYL-2,4,6-TRINITRO-m-XYLENE			
syn add				
1319 chg	# MUSTARD GAS ETHANE, 1,1'-THIOBIS-2-CHLORO-	505-60-2		(CA) 5 6 7 16 18 19
	MYLERAN see BUSULFAN			
syn add				
3379 add	# NAFENOPIN	3771-19-5		(CA) 7
	NALED see DIMETHYL 1,2-DIBROMO-2,2-DICHLOROETHYL PHOSPHATE			
syn add				
	NAPHTHA see VM & P NAPHTHA or COAL TAR NAPHTHA			
syn add				

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	NAPHTHA DISTILLATE see COAL TAR NAPHTHA			
syn add				
1322	NAPHTHALENE	91-20-3	1334+	1 2 3 4 6 8 15 17 18 20 21
1323	NAPHTHALENE DIISOCYANATE NAPHTHALENE, DIISOCYANATO-	25551-28-4		4
2924 add	1,4-NAPHTHALENEDIONE	130-15-4		3 20 21
	NAPHTHA, PETROLEUM see PETROLEUM NAPHTHA			
syn add				
2575 gen add	NAPHTHA, SOLVENT		1256	3 15
1325	@ 1-NAPHTHYLAMINE 1-NAPHTHALENAMINE	134-32-7	2077	3 4 6 15 17 18 20 21
1324	# 2-NAPHTHYLAMINE 2-NAPHTHALENAMINE	91-59-8	1650	(CA,MU) 2 3 4 5 6 7 17 18 20 21
	alpha-NAPHTHYLAMINE see 1-NAPHTHYLAMINE			
syn add				
	beta-NAPHTHYLAMINE see 2-NAPHTHYLAMINE			
syn add				
0051	alpha-NAPHTHYL THIOUREA THIOUREA, 1-NAPHTHALENYL-	86-88-4	1651	1 2 3 4 14 16 17 19 20 21
1327 chg	NAPHTHYLUREA UREA, NAPHTHALENYL		1652	3 17
3380 add	NAPROPAMIDE N,N-DIETHYL-2-(1-NAPHTHALENEYLOXY)PROPIONAMIDE	15299-99-7		8
2576 add	NAPTHENIC ACID	1338-24-5		3 20
0438 chg	NEOCHROMIUM BASIC CHROMIUM SULFATE	64093-79-4		2 3 6 18 20
1335	# NEOHEXANE BUTANE, 2,2-DIMETHYL-	75-83-2	1208	(F3) 3 15 17
	NEOPENTANE see DIMETHYLPROPANE			
syn add				
3381 add	NIAX CATALYST ESN	62765-93-9		4
1341 chg	# NICKEL (DUST AND FUME)	7440-02-0		(CA) 1 2 3 4 5 6 7 8 12(A) 16 18 20
2875 gen add	NICKEL, inorganic compounds			1 2 3 4 6 18 20
3382 add	# NICKEL ACETATE	373-02-4		(CA) 5 6 7 18

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1342	NICKEL AMMONIUM SULFATE SULFURIC ACID, AMMONIUM NICKEL(2+) SALT (2:2:1)	15699-18-0		1 2 3 4 6 18 20
3086 add	# NICKEL CARBONATE NICKEL (II) CARBONATE (1:1)	3333-67-3		(CA) 1 2 3 5 6 7 18 20
1343 chg	# NICKEL CARBONYL	13463-39-3	1259	(CA,F3,R3) 1 2 3 4 5 6 8 15 16 17 18 19 20 21
2581 gen add	NICKEL CATALYST, FINELY DIVIDED, ACTIVATED OR SPENT	1378+		1 2 3 4 6 15 17 18 20
1344 chg	NICKEL CHLORIDE	7718-54-9		1 2 3 4 6 18 20
2366 gen add	NICKEL compounds, n.o.s.			1 2 3 6 18 20
1345	NICKEL CYANIDE	557-19-7	1653	1 2 3 4 6 17 18 20 21
1346 chg	+ NICKEL HYDROXIDE	12054-48-7		(CA) 1 2 3 4 5 6 7 18 20
3078 add	# NICKELOCENE NICKEL, COMPOUND WITH pi-CYCLOPENTADIENYL (1:2)	1271-28-9		(CA) 1 2 5 6 7 18
1347	NICKEL NITRATE NITRIC ACID, NICKEL(2+) SALT	13138-45-9	2725	1 2 3 4 6 15 17 18 20
2582 add	NICKEL NITRITE	17861-62-0	2726	1 2 3 4 6 17 18 20
3082 add	# NICKEL OXIDE NICKEL (2+) OXIDE (1:1)	1313-99-1		(CA) 1 2 3 4 5 6 7 18 20
3383 gen add	NICKEL, SOLUBLE SALTS			6 8 18
3077 add	# NICKEL SUBSULFIDE NICKEL SUBSULFIDE (3:2)	12035-72-2		(CA) 1 2 3 4 5 6 7 8 18 20
1348	NICKEL SULFATE SULFURIC ACID, NICKEL(2+) SALT (1:1)	7786-81-4		1 2 3 4 6 12(B) 18 20
syn add	NICKEL SULFIDE-ROASTING, FUME & DUST see NICKEL SUBSULFIDE			
1349	NICOTINE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-	54-11-5	1654	1 2 3 4 15 16 17 19 20 21
2583 gen add	NICOTINE, COMPOUNDS AND PREPARATIONS, n.o.s.		1655	3 17
1350	NICOTINE HYDROCHLORIDE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, HYDROCHLORIDE, (S)-	2820-51-1	1656	3 17

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1351	NICOTINE SALICYLATE BENZOIC ACID, 2-HYDROXY-, COMPD. WITH (S)-3-(1-METHYL-2- * PYRROLIDINYL)PYRIDINE (1:1)	29790-52-1	1657	3 17
1352 chg	NICOTINE SULFATE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-, SULFATE	65-30-5	1658	3 16 17 19
1353	NICOTINE TARTRATE PYRIDINE, 3-(1-METHYL-2-PYRROLIDINYL)-, (S)-, R-(R*,R*) -2,3- * DIHYDROXYBUTANEDIOATE	3275-73-8	1659	3 17
3384 add	# NIRIDAZOLE 2-IMIDAZOLIDINONE, 1-(5-NITRO-2-THIAZOLYL)-	61-57-4		(CA) 7
syn add	NITRAMINE see TETRYL			
1355	NITRAPYRIN PYRIDINE, 2-CHLORO-6-(TRICHLOROMETHYL)-	1929-82-4		2 8
syn add	NITRATE OF SODA and POTASH MIXTURE see SODIUM NITRATE and * POTASH MIXTURES			
2584 gen add	NITRATES, INORGANIC, n.o.s.		1477	3 17
1356	# NITRIC ACID	7697-37-2	2031+	(CO) 1 2 3 4 6 15 16 17 18 19 20
1357	NITRIC OXIDE NITROGEN OXIDE (NO)	10102-43-9	1660	1 2 3 4 8 16 17 19 20 21
1358	# NITRILOTRIACETIC ACID GLYCINE, N,N-BIS(CARBOXYMETHYL)-	139-13-9		(CA) 5 6 18
2587 gen add	NITRITES, INORGANIC, n.o.s.		2627	3 17
3385 add	# 5-NITROACENAPHTHENE	602-87-9		(CA) 7
3386 add	m-NITROANILINE	99-09-2	1661	3
1359 chg	o-NITROANILINE BENZENAMINE, 2-NITRO-	88-74-4	1661	(R3) 3
1548	# p-NITROANILINE BENZENAMINE, 4-NITRO-	100-01-6	1661	(MU,R3) 1 2 3 4 15 20 21
syn add	4-NITROANILINE see p-NITROANILINE			
1388	5-NITRO-o-ANISIDINE BENZENAMINE, 2-METHOXY-5-NITRO-	99-59-2		6 18
3387 add	o-NITROANISOLE	91-23-6	2730	3 17
1360	p-NITROANISOLE BENZENE, 1-METHOXY-4-NITRO-	100-17-4	2730	3
1361	NITROBENZENE BENZENE, NITRO-	98-95-3	1662	1 2 3 4 6 8 15 16 17 18 19 20 21
1362	# NITROBENZENESULFONIC ACID BENZENESULFONIC ACID, NITRO-	31212-28-9	2305	(CO) 3 17

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syn add	NITROBENZOL see NITROBENZENE			
1363	5-NITROBENZOTRIAZOL 1H-BENZOTRIAZOLE, 5-NITRO-	2338-12-7	0385	3
1364	3-NITROBENZOTRIFLUORIDE TOLUENE, 3-NITRO-alpha, alpha, alpha-TRIFLUORO-	98-46-4	2306	2 3 15 17
0229 chg	4-NITROBIPHENYL 1,1'-BIPHENYL, 4-NITRO-	92-93-3		2 3 4 6 15 18
3388 gen add	NITROBROMOBENZENE		2732	3 17
3389 add	NITROCARBONITRATE			3
1366 chg	# NITROCELLULOSE CELLULOSE, NITRATE	9004-70-0	2556	(F4) 3 15 17
syn add	NITROCHLOROBENZENE see CHLORONITROBENZENE			
3390 add	m-NITROCHLOROBENZENE	121-73-3	1578	3
1549	# p-NITROCHLOROBENZENE BENZENE, 1-CHLORO-4-NITRO-	100-00-5	1578	(CO) 1 2 3 4 15 17
1369 chg	1-NITRO-2-CHLOROBENZO-3-TRIFLUORIDE BENZENE, 2-CHLORO, 1-NITRO,-3-(TRIFLUOROMETHYL)-	39974-35-1	2307	2 17
1368 chg	1-NITRO-4-CHLOROBENZO-2-TRIFLUORIDE BENZENE, 4-CHLORO, 1-NITRO,-2-(TRIFLUOROMETHYL)-	118-83-2	2307	2 17
1367 chg	2-NITRO-1-CHLOROBENZO-4-TRIFLUORIDE BENZENE, 1-CHLORO, 2-NITRO,-4-(TRIFLUOROMETHYL)-	121-17-5	2307	2 3 17
1371 chg	2-NITRO-4-CHLOROBENZO-1-TRIFLUORIDE BENZENE, 4-CHLORO, 2-NITRO,-1-(TRIFLUOROMETHYL)-	25889-38-7	2307	2 17
syn add	3-NITRO-4-CHLOROBENZOTRIFLUORIDE see 2-NITRO-1-CHLOROBENZO * 4-TRIFLUORIDE			
1370 chg	4-NITRO-1-CHLOROBENZO-2-TRIFLUORIDE BENZENE, 1-CHLORO, 4-NITRO,-2-(TRIFLUOROMETHYL)-	777-37-7	2307	2 17
1372	NITROCRESOL PHENOL, METHYLNITRO-	12167-20-3	2446	3 17
2588 add	# NITROCYCLOHEXANE	1122-60-7	2810	(R3) 3 15 16 17 19
syn add	4-NITRODIPHENYL see 4-NITROBIPHENYL			
1373	# NITROETHANE ETHANE, NITRO-	79-24-3	2842	(F3,R3) 1 2 3 4 15 17
1374	# NITROFEN BENZENAMINE, 4-ETHOXY-N- (5-NITRO-2-FURANYL)METHYLENE-	1836-75-5		(CA) 5 6 7 18
3392 add	# N-[4-(5-NITRO-2-FURYL)-2-THIAZOLYL]ACETAMIDE	531-82-8		(CA) 7
1375 chg	NITROGEN (COMPRESSED OR LIQUIFIED)	7727-37-9	1066+	2 3 15 17

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1376	NITROGEN DIOXIDE NITROGEN OXIDE (NO2)	10102-44-0	1067+	1 2 3 4 8 12(A) 16 17 19 20 21
3393 add	NITROGEN FLUORIDE OXIDE	13847-65-9	9271	4 17
1377 chg	# NITROGEN MUSTARD ETHANAMINE, 2-CHLORO-N-(2-CHLOROETHYL)-N-METHYL-	51-75-2	2810	(CA,MU,TE) 3 6 7 13(F, H,L,Q,Y,EE) 16 18 19
3394 add	# NITROGEN MUSTARD HYDROCHLORIDE	55-86-7		(CA) 5
3395 add	# NITROGEN MUSTARD N-OXIDE	126-85-2		(CA) 7
1378	# NITROGEN MUSTARD N-OXIDE HYDROCHLORIDE DIETHYLAMINE,2,2'-DICHLORO-N-METHYL,N-OXIDE, HYDROCHLORIDE	302-70-5		(CA) 7
syn add	NITROGEN PEROXIDE see NITROGEN DIOXIDE			
syn add	NITROGEN TETRAOXIDE see NITROGEN TETROXIDE			
1379	NITROGEN TETROXIDE NITROGEN OXIDE (N2O4)	10544-72-6	1067	3 4 15 17 20
1380	NITROGEN TRIFLUORIDE NITROGEN FLUORIDE (NF3)	7783-54-2	2451	1 2 3 4 17
1381	NITROGEN TRIOXIDE NITROGEN OXIDE (N2O3)	10544-73-7	2421	3 4 17
1383	# NITROGLYCERIN 1,2,3-PROPANETRIOL, TRINITRATE	55-63-0	0143+	(R4) 1 2 3 4 6 15 18 20 21
1384	NITROGUANIDINE GUANIDINE, NITRO-	556-88-7	0282+	3 8 17
1385	# NITROHYDROCHLORIC ACID	8007-56-5	1798	(CO) 3 17
syn add	NITROMANNITE see MANNITOL HEXANITRATE			
1386	# NITROMETHANE METHANE, NITRO-	75-52-5	1261	(F3,R4) 1 2 3 4 15 17
syn add	NITROMURIATIC ACID see NITROHYDROCHLORIC ACID			
1387	NITRONAPHTHALENE NAPHTHALENE, NITRO-	27254-36-0	2538	3 4 15 17
3396 add	2-NITRONAPHTHALENE	581-89-5		4
1308	NITROOXYLENE 1,2-DIMETHYL-4-NITROBENZENE	99-51-4	1665	3 17
1389	3-NITROPHENOL PHENOL, 3-NITRO-	554-84-7	1663	3 20
1390	4-NITROPHENOL PHENOL, 4-NITRO-	100-02-7	1663	3 6 8 18 20 21
1391	2-NITROPHENOL PHENOL, 2-NITRO-	88-75-5	1663	3 6 18 20

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3001 add	NITROPHENOL, mixed isomers	25154-55-6	1663	3 17 20
1392 chg	# 2-NITROPROPANE PROPANE, 2-NITRO-	79-46-9	2608	(CA,F3) 1 2 3 4 5 6 7 8 15 17 18 20 21
1394	# 1-NITROPROPANE PROPANE, 1-NITRO-	108-03-2	2608	(R2) 1 2 3 4 15 17
3002 gen add	NITROSAMINES			20
1406	# N-NITROSODI-N-BUTYLAMINE 1-BUTANAMINE, N-BUTYL-N-NITROSO-	924-16-3		(CA,MU) 3 4 5 6 7 8 18 20 21
syn add	NITROSODI-N-BUTYLAMINE see N-NITROSODI-N-BUTYLAMINE			
1403	# N-NITROSODIETHANOLAMINE ETHANOL, 2,2'-(NITROSOIMINO)BIS-	1116-54-7		(CA) 3 4 5 7 8 20 21
syn add	NITROSODIETHANOLAMINE see N-NITROSODIETHANOLAMINE			
1404	# N-NITROSODIETHYLAMINE ETHANAMINE, N-ETHYL-N-NITROSO-	55-18-5		(CA,MU) 3 5 6 7 8 18 20 21
syn add	NITROSODIETHYLAMINE see N-NITROSODIETHYLAMINE			
1405	# N-NITROSODIMETHYLAMINE METHANAMINE, N-METHYL-N-NITROSO-	62-75-9		(CA,MU) 2 4 5 6 7 8 16 18 19 20 21
syn add	NITROSODIMETHYLAMINE see N-NITROSODIMETHYLAMINE			
1550	p-NITROSODIMETHYLANILINE BENZENAMINE, N,N-DIMETHYL-4-NITROSO-	138-89-6	1369	3 17
syn add	NITROSODIMETHYLANILINE see p-NITROSODIMETHYLANILINE			
1408	N-NITROSODIPHENYLAMINE BENZENAMINE, N-NITROSO-N-PHENYL-	86-30-6		3 6 8 18 20
1551	p-NITROSODIPHENYLAMINE BENZENAMINE, 4-NITROSO-N-PHENYL-	156-10-5		6 18
syn add	NITROSODIPHENYLAMINE see N-NITROSODIPHENYLAMINE or * p-NITROSODIPHENYLAMINE			
1407	# N-NITROSODI-N-PROPYLAMINE 1-PROPANEAMINE N-NITROSO, N-PROPYL-	621-64-7		(CA,MU) 3 5 6 7 8 18 20 21
syn add	NITROSODI-N-PROPYLAMINE see N-NITROSODI-N-PROPYLAMINE			
1410	# N-NITROSO-N-ETHYLUREA UREA, N-ETHYL-N-NITROSO-	759-73-9		(CA,MU,TE) 3 5 6 7 18 20 21

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syn add	NITROSO-N-ETHYLUREA see N-NITROSO-N-ETHYLUREA			
syn add	NITROSOGUANIDINE see 1-METHYL-3-NITRO-1-NITROSO-GUANIDINE			
3397 add	# 3-(N-NITROSOMETHYLAMINO)PROPIONITRILE	60153-49-3		(CA) 5 7
3398 add	# 4-(N-NITROSOMETHYLAMINO)-1-(3-PYRIDYL)-1-BUTANONE	64091-91-4		(CA) 4 5 7
3399 add	# N-NITROSOMETHYLETHYLAMINE	10595-95-6		(CA) 5 7 8
1411	# N-NITROSO-N-METHYLUREA UREA, N-METHYL-N-NITROSO-	684-93-5		(CA) 3 5 6 7 18 20 21
syn add	N-NITROSO-N-METHYLURETHANE see N-METHYL-N-NITROSOETHYL * CARBAMATE			
2907 add	# N-NITROSOMETHYLVINYLAMINE VINYLAMINE, N-METHYL-N-NITROSO-	4549-40-0		(CA) 3 5 6 7 18 20 21
1409	# N-NITROSOMORPHOLINE MORPHOLINE, 4-NITROSO-	59-89-2		(CA,MU) 3 5 6 7 8 18
syn add	NITROSOMORPHOLINE see N-NITROSOMORPHOLINE			
2900 add	# N-NITROSONORNICOTINE NICOTINE, 1'-DEMETHYL-1'-NITROSO-	16543-55-8		(CA) 4 5 6 7 18
1412 chg	# N-NITROSOPIPERIDINE PIPERIDINE, 1-NITROSO-	100-75-4		(CA) 3 5 6 7 18 20 21
syn add	NITROSOPIPERIDINE see N-NITROSOPIPERIDINE			
3000 add	# N-NITROSOPYRROLIDINE	930-55-2		(CA) 3 4 5 7 8 20 21
1413	# N-NITROSOSARCOSINE GLYCINE, N-METHYL-N-NITROSO-	13256-22-9		(CA) 5 7
syn add	NITROSOSARCOSINE see N-NITROSOSARCOSINE			
1395	NITROSTARCH STARCH, NITRATE	9056-38-6	0146+	3 17
1396	NITROSYL CHLORIDE	2696-92-6	1069	3 17
1397	# NITROSYLSULFURIC ACID SULFURIC ACID, MONOANHYDRIDE WITH NITROUS ACID	7782-78-7	2308	(CO) 3 17
1398	# NITROTOLUENE BENZENE, METHYLNITRO-	1321-12-6	1664	(R4) 1 2 3 15 17 20
3020 add	# m-NITROTOLUENE	99-08-1	1664	(R4) 1 2 3 4 20
3021 add	# o-NITROTOLUENE	88-72-2	1664	(R4) 1 2 3 4 20

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3022 add	# p-NITROTOLUENE	99-99-0	1664	(R4) 1 2 3 4 20
3401 add	NITROTOLUIDINE		2660	3 17
1444	# 5-NITRO-o-TOLUIDINE BENZENAMINE, 2-METHYL-5-NITRO-	99-55-8		(CA) 3 20 21
3593 add	NITROTRIAZOLONE			3
3402 add	NITROUREA	556-89-8	0147	3
1399	NITROUS OXIDE NITROGEN OXIDE	10024-97-2	1070+	2 3 4 17
1400	NITROXYLOL BENZENE, DIMETHYLNITRO-	25168-04-1	1665	3 17
3403 add	NONABROMODIPHENYL ETHER	63936-56-1		8
1414	# NONANE	111-84-2	1920	(F3) 2 3 4 5 17
1415	1-NONANETHIOL	1455-21-6		4
1416	# NONYL TRICHLOROSILANE SILANE, TRICHLORONONYL-	5283-67-0	1799	(CO) 3 17
2591 add	NORBORMIDE	991-42-4	2588	3 16 19
3404 add	2,5-NORBORNADIENE	121-46-0	2251	3 15 17
syn add	NORDHAUSEN ACID see SULFURIC ACID			
syn add	NORETHINDRONE see NORETHISTERONE			
1417	# NORETHISTERONE 19-NORPREGN-4-EN-20-YN-3-ONE, 17-HYDROXY-, (17alpha)-	68-22-4		(CA) 5
3405 add	NORFLURAZON 4-CHLORO-5-(METHYLAMINO)-2-(ALPHA,ALPHA,ALPHA-TRIFLUORO- * M-TOLYL)3(2H)-PYRIDAZINONE	27314-13-2		8
syn add	NOVOLDIAMINE see 2-AMINO-5-DIETHYLAMINOPENTANE			
syn add	NTO see NITROTRIAZALONE			
3406 add	NUSTAR BIS(4-FLUOROPHENYL)METHYL(1H-1,2,4-TRIAZOL-1-YLMETHYL) * SILANE	85509-19-9		8
3594 add	# OCHRATOXIN A	303-47-9		(CA) 5
3407 add	OCTABROMODIPHENYL ETHER	32536-52-0		8
1427	OCTACHLORONAPHTHALENE NAPHTHALENE, OCTACHLORO-	2234-13-1		1 2 4 6 18
1428	1-OCTADECANETHIOL	2885-00-9		4
1429 chg	# OCTADECYL TRICHLOROSILANE SILANE, TRICHLOROOCTADECYL-	112-04-9	1800	(CO,R2) 3 15 17

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1430	# OCTADIENE	63597-41-1	2309	(CO) 3 17
1431	OCTAFLUOROBUT-2-ENE 2-BUTENE, 1,1,1,2,3,4,4,4-OCTAFLUORO-	360-89-4	2422	3 17
1432	OCTAFLUOROCYCLOBUTANE CYCLOBUTANE, OCTAFLUORO-	115-25-3	1976	3 17
1433	OCTAFLUOROPROPANE PROPANE, OCTAFLUORO-	76-19-7	2424	3 17
syn add	OCTAHYDRO-1,3,5,7-TETRANITRO-1,3,5,7-TETRAZOCINE see * CYCLOTETRAMETHYLENETETRANITRAMINE			
syn add	OCTAMETHYL DIPHOSPHORAMIDE see DIPHOSPHORAMIDE, OCTAMETHYL-			
1434	# OCTANE	111-65-9	1262	(F3) 1 2 3 4 15 17
1435	1-OCTANETHIOL	111-88-6	3023	4 15 17
syn add	OCTANOYL PEROXIDE see DI-N-OCTANOYL PEROXIDE			
syn add	OCTYL ALDEHYDE see 2-ETHYL HEXALDEHYDE			
2592 add	tert-OCTYL HYDROPEROXIDE		2160	17
syn add	tert-OCTYL MERCAPTAN see 1-OCTANETHIOL			
2594 add	tert-OCTYL PEROXY-2-ETHYLHEXANOATE		2161	17
1436	# OCTYL TRICHLOROSILANE SILANE, TRICHLOROOCTYL-	5283-66-9	1801	(CO,R2) 3 17
syn add	OESTRADIOL-17beta see ESTRADIOL			
3408 add	# OESTROGENS, CONJUGATED			(CA) 7
syn add	OESTRONE see ESTRONE			
2595 gen add	OIL GAS		1071	3 17
1437	OIL MIST, MINERAL MINERAL OIL			1 2 4 15
syn add	OIL OF MIRBANE see NITROBENZENE			
syn add	OIL OF VITRIOL see SULFURIC ACID			
syn add	OLEUM see SULFURIC ACID FUMING			

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2598 gen add	ORGANIC PEROXIDE, n.o.s.		2255+	3 17
2601 gen add	ORGANIC PHOSPHATE COMPOUND, SOLID (POISON B)		2783	3 17
2602 gen add	ORGANIC PHOSPHORUS COMPOUND, MIXED WITH COMPRESSED GAS		1955	3 17
2605 gen add	ORGANOCHLORINE PESTICIDES, TOXIC, n.o.s.		2996+	3 17
2608 gen add	ORGANOPHOSPHOROUS PESTICIDES, TOXIC, n.o.s.		3018+	3 12(A) 17
2611 add	ORGANORHODIUM COMPLEX			16 19
2614 gen add	ORGANOTIN PESTICIDES, TOXIC, n.o.s.		3020+	3 4 17
2616 add	OROTIC ACID 4-PYRIMIDINECARBOXYLIC ACID,1,2,3,6-TETRAHYDRO-2,6-DIOXO-	65-86-1		16
3409 add	ORYZALIN 4-(DIPROPYLAMINO)-3,5-DINITROBENZENESULFONAMIDE	19044-88-3		8
1441	OSMIUM TETROXIDE OSMIUM OXIDE	20816-12-0	2471	1 2 3 4 6 16 17 18 20 21
2617 add	OUABAIN 3-((6-DEOXY-ALPHA-L-AMINOPYRANOSYL)OXY)-1,5,11ALPHA,14,19 * PENTAHYDROXYCARD-20(22)-ENOLIDE	630-60-4		16 19
3410 add	OXADIAZON PHOSPHORODITHIOIC ACID, S-((6-CHLORO-2-OXO-3(2H)- * BENZOXAZOLYL)METHYL)	19666-30-9		8
1445	# OXALIC ACID ETHANEDIOIC ACID	144-62-7	2449	(CO) 1 2 3 4 17
2618 add	OXAMYL	23135-22-0		8 16 19
1446	# 1,2-OXATHIOLANE 2,2-DIOXIDE 1,3-PROPANE SULTONE	1120-71-4		(CA,MU) 2 3 4 5 6 7 18 20 21
1447 chg	@ OXAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 7-CHLORO-1,3-DIHYDRO-3-HYDROXY-5- * PHENYL-	604-75-1		13(Y,EE)
2619 add	OXETANE, 3,3-BIS(CHLOROMETHYL)	78-71-7		16 19
syn add	OXIRANE see ETHYLENE OXIDE			
syn add	4,4'-OXYDIANILINE see 4,4'-DIAMINODIPHENYL ETHER			
2625 add	OXYDISULFOTON O,O-DIETHYL S-(2-(ETHYLSULFINYL)ETHYL)PHOSPHORODITHIOATE	2497-07-6		16 19
3411 add	OXYFLUORFEN	42874-03-3		8
1448 chg	OXYGEN (COMPRESSED OR LIQUIFIED)	7782-44-7	1072+	3 17

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1449	OXYGEN DIFLUORIDE OXYGEN FLUORIDE	7783-41-7	2190	1 2 3 4 17
1450	# OXYMETHOLONE ANDROSTAN-3-ONE, 17-HYDROXY-2-(HYDROXYMETHYLENE)-17-METHYL-,5 7 * (5alpha, 17beta)-	434-07-1		(CA) 5 7
1451	OZONE	10028-15-6		1 2 4 12(A) 16 19
3412 add	PACLOBUTRAZOL 1H-1,2,4-TRIAZOLE-1-ETHANOL-.beta.-((4-CHLOROPHENYL)METHYL) * -.alpha.-(1,1-DIMETHYLETHYL)-	76738-62-0		8
1452	PANCREATIN	8049-47-6		12(A)
3413 add	# PANFURAN S (CONTAINING DIHYDROXYMETHYLFURATRIZINE)	794-93-4		(CA) 7
1453	PAPAIN	9001-73-4		12(A,G)
3414 add	PARAFFIN WAX FUME	8002-74-2		2 4
1454	PARAFORMALDEHYDE	30525-89-4	2213	3 15 17 20
1455	# PARALDEHYDE 1,3,5-TRIOXANE, 2,4,6-TRIMETHYL-	123-63-7	1264	(F3) 3 15 17 20 21
1456 chg	PARAMETHANE HYDROPEROXIDE HYDROPEROXIDE, 4-METHYL-1-(1-METHYLETHYL) CYCLOHEXYL	52061-60-6	2125	17
1457	PARAOXON PHOSPHORIC ACID, DIETHYL P-NITROPHENYL ESTER	311-45-5		3 4 8 14 20 21
1458 chg	PARAQUAT 4,4'-BIPYRIDINIUM, 1,1'-DIMETHYL-, DICHLORIDE	1910-42-5		1 2 4 8 14 16 19
2630 add	PARAQUAT METHOSULFATE	2074-50-2		14 16 19
1459	PARATHION PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-(4-NITROPHENYL) ESTER	56-38-2	2783+	1 2 3 4 6 7 8 14 15 16 18 19 20 21
syn add	PARATHION-METHYL see METHYL PARATHION			
syn add	PARIS GREEN see COPPER ACETOARSENITE			
syn add	PBB's see POLYBROMINATED BIPHENYLS			
syn add	PCB's see POLYCHLORINATED BIPHENYLS			
syn add	PCB-1242 (CHLORODIPHENYL (42% Cl)) see POLYCHLORINATED * BIPHENYLS			
syn add	PCB-1254 (CHLORODIPHENYL (54% Cl)) see POLYCHLORINATED * BIPHENYLS			
1469	PECTINASE POLYGALACURONASE	9032-75-1		12(A)

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	PELARGONYL PEROXIDE see DI-N-NONANOYL PEROXIDE			
syn add				
3415 add	PENDIMETHALIN ANILINE, 3,4-DIMETHYL-2,6-DINITRO-N-(1-ETHYLPROPYL)	40487-42-1		8
1470	# PENTABORANE	19624-22-7	1380	(F3,R2) 1 2 3 4 15 16 17 19
3416 add	PENTABROMODIPHENYL ETHER	32534-81-9		8
3417 add	PENTACHLOROBENZENE	608-93-5		3 8 20 21
3418 add	PENTACHLOROCYCLOPENTADIENE	25329-35-5		8
1471	PENTACHLOROETHANE ETHANE, PENTACHLORO-	76-01-7	1669	3 4 16 17 20 21
1472	PENTACHLORONAPHTHALENE NAPHTHALENE, PENTACHLORO-	1321-64-8		1 2 4
	PENTACLORONITROBENZENE see QUINTOZENE			
syn add				
1473	PENTACHLOROPHENOL PHENOL, PENTACHLORO-	87-86-5	2020	1 2 3 6 8 14 15 16 18 20 21
2634 add	PENTADECYLAMINE	2570-26-5		16 19
1474	PENTAERYTHRITE TETRANITRATE PENTAERYTHRITOL, TETRANITRATE	78-11-5	0150+	3
1475	PENTAMETHYLHEPTANE HEPTANE, PENTAMETHYL-	30586-18-6	2286	3 17
	PENTANAL see VALERALDEHYDE			
syn add				
1476	# PENTANE	109-66-0	1265	(F4) 1 2 3 4 15 17
1477	PENTANE-2,4-DIONE 2,4-PENTANEDIONE	123-54-6	2310	3 15 17
	1-PENTANETHIOL see AMYL MERCAPTAN			
syn add				
	PENTANOIC ACID see VALERIC ACID			
syn add				
	PENTENE see n-AMYLENE			
syn add				
1478	PENTOL 9-OCTADECENOIC ACID (Z)-, ESTER WITH 2,2-BIS(HYDROXYMETHYL)- * 1,3-PROPANEDIOL	12772-47-3	2705	3 17
1479	PENTOLITE 1,3-PROPANEDIOL, 2,2-BIS (NITROOXY)METHYL -, DINITRATE ESTER, * MIXTURE . WITH 2-METHYL-1,3,5-TRINITROBENZENE	8066-33-9	0151	3
	PERACETIC ACID see PEROXYACETIC ACID			
syn add				

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2637 add	# PERCHLORIC ACID	7601-90-3	1802+	(R3) 3 15 17
syn add	PERCHLOROETHYLENE see TETRACHLOROETHYLENE			
1480	PERCHLOROMETHYL MERCAPTAN METHANESULFENYL CHLORIDE, TRICHLORO-	594-42-3	1670	1 2 3 4 16 17 19 20
1481	PERCHLORYL FLUORIDE	7616-94-6	3083	1 2 3 4 17
syn add	PERFLUORO-2-BUTENE see OCTAFLUOROBUT-2-ENE			
3419 add	PERFLUOROETHYLVINYL ETHER		3154	17
3420 add	PERFLUOROMETHYLVINYL ETHER	1187-93-5	3153	17
syn add	PERFLUOROPROPANE see OCTAFLUOROPROPANE			
syn add	PERMANGANATE OF POTASH see POTASSIUM PERMANGANATE			
3422 add	PERMETHRIN 3-PHENOXYBENZYL (+-)-3-(2,2-DICHLOROVINYL)-2,2-DIMETHYLCYCLO * PROPANECARBOXYLATE	52645-53-1		8
syn add	PEROXIDES, ORGANIC see ORGANIC PEROXIDE			
1482	# PEROXYACETIC ACID ETHANEPEROXOIC ACID	79-21-0	2131	(CO,R4) 3 6 15 16 17 18 19
syn add	PETROL see GASOLINE			
2647 gen add	PETROLEUM CRUDE OIL		1267	3 15 17
2648 gen add	PETROLEUM DISTILLATES, n.o.s.		1268	1 3 4 15 17
3504 add	# PETROLEUM ETHER		1271	(F4) 3 4 15 17
syn add	PETROLEUM GASES, LIQUEFIED see LIQUEFIED PETROLEUM GAS			
3333 gen add	PETROLEUM NAPHTHA		1255	3 17
2651 gen add	PETROLEUM OIL		1270	3
3505 gen add	PETROLEUM SPIRITS		1271	3 17
1483	# PHENACETIN N-(4-ETHOXYPHENYL)ACETAMIDE	62-44-2		(CA) 3 5 7 20 21

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1484	PHENACYL BROMIDE ETHANONE, 2-BROMO-1-PHENYL-	70-11-1	2645	3 17
3004 add	PHENANTHRENE	85-01-8		3 8 15 20
syn add	PHENARAZINE CHLORIDE see DIPHENYLAMINECHLORO-ARSINE			
1485	# PHENAZOPYRIDINE HYDROCHLORIDE 2,6-PYRIDINEDIAMINE, 3-(PHENYLAZO)-, MONOHYDROCHLORIDE	136-40-3		(CA) 5 7
1486	PHENETIDINE BENZENAMINE, AR-ETHOXY-	1321-31-9	2311	3 17
3424 add	PHENMEDIPHAM	13684-63-4		8
3425 add	# PHENOBARBITAL	50-06-6		(CA) 7
1487	# PHENOL	108-95-2	1671+	(MU) 1 2 3 4 6 8 12(B) 15 16 17 18 19 20 21
2654 add	PHENOL, 3-(1-METHYLETHYL)-, METHYLCARBAMATE	64-00-6		16 19
1488	# PHENOLSULPHONIC ACID BENZENESULFONIC ACID	98-11-3	1803	(CO) 3
syn add	PHENOL, 2,2'-THIOBIS(4-CHLORO-6-METHYL-) see 2,2'-THIOBIS * (4-CHLORO-6-METHYL-)PHENOL			
syn add	PHENOL, 2,2'-THIOBIS-4,6-DICHLORO- see 2,2'-THIOBIS-4,6 * DICHLORO-PHENOL			
1489	PHENOTHIAZINE 10H-PHENOTHIAZINE	92-84-2		2 4
2653 add	PHENOXARSINE OXIDE	58-36-6		16 19
syn add	PHENOXARSINE, 10,10'-OXYDI- see PHENOXARSINE OXIDE			
3427 add	# PHENOXYBENZAMINE HYDROCHLORIDE	63-92-3		(CA) 5 7
2657 gen add	PHENOXY PESTICIDES, TOXIC, n.o.s.		3000+	3 17
1490	PHENYLACETONITRILE BENZENEACETONITRILE	140-29-4	2470	3 16 17 19
1491	# PHENYLACETYL CHLORIDE BENZENEACETYL CHLORIDE	103-80-0	2577	(CO) 3 17
syn add	PHENYLBUTANE see BUTYL BENZENE			
1492	PHENYLCARBYLAMINE CHLORIDE CARBONIMIDIC DICHLORIDE, PHENYL-	622-44-6	1672	3 17
1493	# PHENYLCHLOROFORMATE CARBONOCHLORIDIC ACID, PHENYL ESTER	1885-14-9	2746	(CO) 3 17
1494	PHENYLDICHLOROARSINE ARSONOUS DICHLORIDE, PHENYL-	696-28-6	1556	3 16 17 19 20 21

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1316 chg	m-PHENYLENEDIAMINE 1,3-BENZENEDIAMINE	108-45-2	1673	4 8
1495 chg	o-PHENYLENEDIAMINE 1,2-BENZENEDIAMINE	95-54-5	1673	3 15
1586	p-PHENYLENEDIAMINE 1,4-BENZENEDIAMINE	106-50-3	1673	1 2 3 4 6 12(B) 18 20
1496	PHENYL ETHER BENZENE, 1,1'-OXYBIS-	101-84-8		1 2 4
syn add	PHENYL ETHYLENE see STYRENE MONOMER			
1497	PHENYL GLYCIDYL ETHER OXIRANE, (PHENOXYMETHYL)-	122-60-1		1 2 4
1499	PHENYLGLYCINE ACID alpha-AMINO-BENZENEACETIC ACID	69-91-0		12(A)
1500	PHENYLHYDRAZINE HYDRAZINE, PHENYL-	100-63-0	2572	1 2 3 4 15 17
2659 add	PHENYLHYDRAZINE HYDROCHLORIDE	59-88-1		16 19
1501	PHENYL ISOCYANATE ISOCYANATOBENZENE	103-71-9	2487	3 17
syn add	PHENYL MERCAPTAN see BENZENETHIOL			
1502	+ PHENYLMERCURIC ACETATE MERCURY, (ACETATO-O)PHENYL-	62-38-4	1674	(TE) 2 3 6 8 15 16 17 18 19 20 21
2660 gen add	PHENYLMERCURIC COMPOUND, SOLID, n.o.s.		2026	3 6 17 18
1503	@ PHENYLMERCURIC HYDROXIDE MERCURY, HYDROXYPHENYL-	100-57-2	1894	2 3 6 17 18
1504	# PHENYLMERCURIC NITRATE MERCURY, (NITRATO-O)PHENYL-	55-68-5	1895	(TE) 2 3 6 17 18
1418	n-PHENYL-beta-NAPHTHYLAMINE N-PHENYL-2-NAPHTHALENAMINE	135-88-6		2 4
syn add	PHENYLPHENOL see o-PHENYLPHENOL			
1439	o-PHENYLPHENOL 1,1'-BIPHENYL -2-OL	90-43-7		6 15 18
syn add	2-PHENYL PHENOL see o-PHENYLPHENOL			
1505	PHENYLPHOSPHINE PHOSPHINE, PHENYL-	638-21-1		2 4
syn add	PHENYL PHOSPHORUS DICHLORIDE see BENZENE PHOSPHOROUS * DICHLORIDE			
2662 add	PHENYL PHOSPHORUS THIODICHLORIDE	3497-00-5	2799	3 17
2663 add	PHENYLSILATRANE 2,8,9-TRIOXA-5-AZA-1-SILABICYCLO(3.3.3)UNDECANE, 1-PHENYL-	2097-19-0		16 19

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2664 add	PHENYLTHIOUREA	103-85-5		3 16 19 20 21
1506	# PHENYL TRICHLOROSILANE TRICHLOROPHENYLSILANE	98-13-5	1804	(CO) 3 15 16 17 19
2667 gen add	PHENYL UREA PESTICIDES, TOXIC, n.o.s.		3002+	3 17
1507	# PHENYTOIN 2,4-IMIDAZOLIDINEDIONE, 5,5-DIPHENYL-	57-41-0		(CA,TE) 5 7
1508	PHORATE PHOSPHORODITHIOIC ACID, O,O-DIETHYL S- (ETHYLTHIO)METHYL ESTER	298-02-2	2783	1 2 3 4 14 16 19 20 21
2669 add	PHOSACETIM PHOSPHORAMIDOTHIOIC ACID, (1-IMINOETHYL)-, O,O-DIS(4-CHLORO * PHENYL) ESTER	4104-14-7		14 16 19
3429 add	PHOSALONE 3-(6-CHLORO-2-OXOBENZOXAZOLIN-3-YL)METHYL O,O-DIETHYL * PHOSPHOROTHIOLOTHIONATE	2310-17-0		8 14
syn add	PHOSDRIN see MEVINPHOS			
2670 add	PHOSFOLAN (DIETHOXYPHOSPHINYL)DITHIOMIDOCARBONIC ACID CYCLIC ETHYLENE * ESTER	947-02-4		16 19
1510	PHOSGENE CARBONIC DICHLORIDE	75-44-5	1076	1 2 3 4 6 8 15 16 17 18 19 20 21
syn add	PHOSMET see DECEMTHION			
1511	# 9-PHOSPHABICYCLONONANE 9-PHOSPHABICYCLO 4.2.1 NONANE	13396-80-0	2940	(CO) 3 17
1513	PHOSPHAMIDON PHOSPHORIC ACID, 2-CHLORO-3-(DIETHYLAMINO)-1-METHYL-3- OXO-1-PRO	13171-21-6		14 16 19
1514	# PHOSPHINE HYDROGEN PHOSPHIDE	7803-51-2	2199	(F4) 1 2 3 4 8 15 16 17 19 20 21
syn add	PHOSPHINE SULFIDE, TRIS(1-AZIRIDINYL)- see TRIS(1-AZIRIDINYL) * PHOSPHINE SULFIDE			
2671 add	PHOSPHONOTHIOIC ACID, METHYL-, O-ETHYL O-(4-METHYLTHIO) * PHENYL ESTER	2703-13-1		16 19
2672 add	PHOSPHONOTHIOIC ACID, METHYL-, O-(4-NITROPHENYL) O- * PHENYL ESTER	2665-30-7		3 16 19
2673 add	PHOSPHONOTHIOIC ACID, METHYL-, S-(2-(BIS(METHYL * ETHYL)AMINO)ETHYL)O-ETHYL ESTER	50782-69-9		16 19
1516	# PHOSPHORIC ACID	7664-38-2	1805	(CO) 1 2 3 4 6 15 17 18 20
2674 add	PHOSPHORIC ACID, DIMETHYL 4-(METHYLTHIO)PHENYL ESTER	3254-63-5		16 19
syn add	PHOSPHORIC ACID TRIETHYLENEIMINE see 1-AZIRIDINYL * PHOSPHINE OXIDE (TRIS)			

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1517	# PHOSPHORIC ANHYDRIDE PHOSPHORUS OXIDE	1314-56-3	1807	(CO) 3 16 17 19
syn add	PHOSPHORODITHIOIC ACID,o,o-DIETHYL-S-METHYL ESTER see * o,o-DIETHYL-S-METHYL DITHIOPHOSPHATE			
2910 add	PHOSPHOROTHIOTIC ACID, O,O-DIMETHYL-S-(2-METHYLTHIO)ETHYL * ESTER	2587-90-8		19
1519	PHOSPHOROUS ACID, ortho PHOSPHONIC ACID	13598-36-2	2834	3 17
syn add	PHOSPHOROUS PENTOXIDE see PHOSPHORIC ANHYDRIDE			
syn add	PHOSPHORUS see PHOSPHORUS, AMORPHOUS, RED			
1520	PHOSPHORUS, AMORPHOUS, RED PHOSPHORUS (RED)	7723-14-0	1338	2 3 6 14 15 16 17 18 19 20
syn add	PHOSPHORUS BROMIDE see PHOSPHORUS TRIBROMIDE			
syn add	PHOSPHORUS CHLORIDE see PHOSPHORUS TRICHLORIDE			
1521	PHOSPHORUS HEPTA-SULPHIDE PHOSPHORUS SULFIDE	12037-82-0	1339	3 17
1522	# PHOSPHORUS OXYBROMIDE PHOSPHORYL BROMIDE	7789-59-5	2576+	(CO) 3 17
1523	PHOSPHORUS OXYCHLORIDE PHOSPHORYL CHLORIDE	10025-87-3	1810	1 2 3 4 15 16 17 19 20
1524	# PHOSPHORUS PENTABROMIDE PHOSPHORANE, PENTABROMO-	7789-69-7	2691	(CO) 3 17
1525	# PHOSPHORUS PENTACHLORIDE PHOSPHORANE, PENTACHLORO-	10026-13-8	1806	(CO) 1 2 3 4 16 17 19
1526	PHOSPHORUS PENTAFLUORIDE PHOSPHORANE, PENTAFLUORO-	7647-19-0	2198	1 2 3 17
1527	PHOSPHORUS PENTASULFIDE PHOSPHORUS SULFIDE	1314-80-3	1340	1 2 3 4 15 17 20 21
syn add	PHOSPHORUS PENTOXIDE see PHOSPHORIC ANHYDRIDE			
1528	PHOSPHORUS SESQUISULFIDE PHOSPHORUS SULFIDE	1314-85-8	1341	3 15 17
1529	# PHOSPHORUS TRIBROMIDE	7789-60-8	1808	(CO) 3 17
1530	# PHOSPHORUS TRICHLORIDE	7719-12-2	1809	(CO,R2) 1 2 3 4 6 15 16 17 19 20
1531	PHOSPHORUS TRIFLUORIDE	7783-55-3	9273	1 2 17
1532	# PHOSPHORUS TRIOXIDE PHOSPHORUS OXIDE	1314-24-5	2578	(CO) 3 17
1533	PHOSPHORUS TRISULFIDE PHOSPHORUS SULFIDE	12165-69-4	1343	3 17

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1534	# PHOSPHORUS (YELLOW) PHOSPHORUS (WHITE)	7723-14-0	1381+	(F3) 1 2 3 4 6 8 14 15 17 18 19
3005 gen add	PHTHALATE ESTERS			20
1535	PHTHALIC ANHYDRIDE 1,3-ISOBENZOFURANDIONE	85-44-9	2214	1 2 3 4 6 8 12(A,B,G)15 17 18 20 21
2676 gen add	PHTHALIMIDE DERIVATIVE PESTICIDES, LIQUID, TOXIC, n.o.s.		3008+	3 17
1317	m-PHTHALODINITRILE 1,3-BENZENEDICARBONITRILE	626-17-5		2 4
2680 add	PHYLLOQUINONE	84-80-0		16
2681 add	PHYSOSTIGMINE PYRROLO(2,3-B)INDOL-5-OL,1,2,3,3a,8,8a-HEXAHYDRO-1,3a, * 8-TRIMETHYL-, METHYLCARBAMATE ESTER, (3AS-CIS)-	57-47-6		16 19
2682 add	PHYSOSTIGMINE, SALICYLATE (1:1)	57-64-7	2757	3 16 19
1536	PICLORAM 2-PYRIDINECARBOXYLIC ACID, 4-AMINO-3,5,6-TRICHLORO-	1918-02-1		2 4 8 14
1537	PICOLINE PYRIDINE, METHYL-	1333-41-1	2313	3 17
2955 add	2-PICOLINE	109-06-8	2313	3 15 20 21
syn add	PICRATE OF AMMONIA see AMMONIUM PICRATE			
syn add	PICRIC ACID see 2,4,6-TRINITROPHENOL			
syn add	PICRITE see NITROGUANIDINE			
syn add	PICROTOXIN see COCCULUS			
1538	PINANE HYDROPEROXIDE HYDROPEROXIDE, 2,6,6-TRIMETHYLBICYCLO 3.1.1 HEPTYL	28324-52-9	2162	17
syn add	PINDONE see PIVAL			
0052	# alpha-PINENE BICYCLO 3.1.1 HEPT-2-ENE, 2,6,6-TRIMETHYL-	80-56-8	2368	(F3) 3 15 17
2684 add	PINE OIL	8002-09-3	1272	3 15 17
1540	# PIPERAZINE 1,4-DIAZACYCLOHEXANE	110-85-0	2579	(CO) 3 4 12(B) 15 17
1541	PIPERAZINE DIHYDROCHLORIDE DIETHYLENEDIAMINE DIHYDROCHLORIDE	142-64-3		2 4 12(A,E)
syn add	PIPERAZINE HYDROCHLORIDE see PIPERAZINE DIHYDROCHLORIDE			

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1543	# PIPERIDINE PENTAMETHYLENEIMINE	110-89-4	2401	(F3,R3) 3 15 16 17 19
2685 add	PIPROTAL BIS(2-(2-BUTOXYETHOXY)ETHYL) ACETAL	5281-13-0		16
1544	PIRIMICARB CARBAMIC ACID, DIMETHYL-,2-(DIMETHYLAMINO)-5,6-DIMETHYL-4- * PYRIMIDYL ESTER	23103-98-2		14
1545	PIRIMPHOS-ETHYL PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-(2-(DIETHYLAMINO)- 6-METHYL- * 4-PYRIMIDINYL) ESTER	23505-41-1		14 16 19
3430 add	PIRIMPHOS-METHYL	29232-93-7		8
1546	PIVAL 1H-INDENE-1,3(2H)-DIONE, 2-(2,2-DIMETHYL-1-OXOPROPYL)-	83-26-1		1 2 4 14
syn add	PIVALOYL CHLORIDE see TRIMETHYL ACETYLCHLORIDE			
2687 gen add	PLASTICS, NITROCELLULOSE BASED, SPONTANEOUSLY COMBUSTIBLE		2006	3 17
syn add	PLATINIC CHLORIDE see CHLOROPLATINIC ACID			
2688 add	PLATINOUS CHLORIDE	10025-65-7		1 2 16
1547	PLATINUM	7440-06-4		1 2 4 12(B)
2689 add	PLATINUM TETRACHLORIDE	13454-96-1		1 2 16
3431 add	PLICATIC ACID	16462-65-0		12(A)
1552 gen	# POLYBROMINATED BIPHENYLS			(CA) 4 5 6 7 18
1554 gen chg	# POLYCHLORINATED BIPHENYLS	1336-36-3	2315	(CA,TE) 3 4 5 6 7 8 17 18 20
3432 gen add	POLYCHLORINATED DIBENZOFURAN			4
3514 gen add	POLYCHLORINATED TRIPHENYLS	2642-23-8		6
2700 gen add	POLYSTYRENE BEADS, EXPANDED, MIXTURE WITH FLAMMABLE LIQUID		2211	3
syn add	PONCEAU 3R see C.I.FOOD RED 6			
syn add	PONCEAU MX see C.I.FOOD RED 5			
1555	# POTASSIUM	7440-09-7	2557	(R2) 3 17
1556	# POTASSIUM ARSENATE ARSENIC ACID, MONOPOTASSIUM SALT	7784-41-0	1677	(CA) 2 3 5 6 7 17 18 20

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1557	# POTASSIUM ARSENITE ARSENIC ACID, POTASSIUM SALT	10124-50-2	1678	(CA) 2 3 5 6 7 16 17 18 19 20
syn add	POTASSIUM BICHROMATE see POTASSIUM DICHROMATE			
syn add	POTASSIUM BIFLUORIDE see POTASSIUM HYDROGEN FLUORIDE			
syn add	POTASSIUM BISULFIDE see POTASSIUM HYDROGEN SULFATE			
2701 add	POTASSIUM BISULFITE	1310-61-8	2693	17
1558	POTASSIUM BOROHYDRIDE BORATE(1-), TETRAHYDRO-, POTASSIUM	13762-51-1	1870	3 17
1559	+ POTASSIUM BROMATE BROMIC ACID, POTASSIUM SALT	7758-01-2	1484	(CA) 3 7 15 17
1560	POTASSIUM CHLORATE CHLORIC ACID, POTASSIUM SALT	3811-04-9	1485+	3 15 17
1561	@ POTASSIUM CHROMATE CHROMIC ACID, DIPOTASSIUM SALT	7789-00-6		2 6 18 20
2702 add	POTASSIUM CUPROCYANIDE	13682-76-0	1679	2 3 6 17 18 20
1562	POTASSIUM CYANIDE	151-50-8	1680	2 3 6 8 15 16 17 18 19 20 21
1563	POTASSIUM DICHLOROISOCYANURATE 1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE, 1,3-DICHLORO-, * POTASSIUM SALT	2244-21-5	2465	2 3 6 15 17 18 20
syn add	POTASSIUM DICHLORO-S-TRIAZINETRIONE see POTASSIUM * DICHLOROISOCYANURATE			
1564	@ POTASSIUM DICHROMATE CHROMIC ACID, DIPOTASSIUM SALT	7778-50-9	1479	2 3 6 15 17 18 20
2703 gen add	POTASSIUM DITHIONITE		1929	17
1565	# POTASSIUM FLUORIDE	7789-23-3	1812	(CO) 2 3 17
1566	POTASSIUM FLUOROACETATE ACETIC ACID, FLUORO-, POTASSIUM SALT	23745-86-0	2628	2 3 17
1567	POTASSIUM HEXACHLOROPLATINATE PLATINATE(2-), HEXACHLORO-, DIPOTASSIUM, (OC-6-11)-	16921-30-5		2 12(D)
syn add	POTASSIUM HEXAFLUOROSILICATE see POTASSIUM SILICOFLUORIDE			
syn add	POTASSIUM HYDRATE see POTASSIUM HYDROXIDE			
1568	# POTASSIUM HYDROGEN FLUORIDE POTASSIUM FLUORIDE	7789-29-9	1811	(CO) 2 3 17
1569	# POTASSIUM HYDROGEN SULFATE SULFURIC ACID, MONOPOTASSIUM SALT	7646-93-7	2509	(CO) 3 17

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1570	POTASSIUM HYDROSULFITE DITHIONOUS ACID, DIPOTASSIUM SALT	14293-73-3	1929	3 17
1571	# POTASSIUM HYDROXIDE POTASSIUM HYDRATE	1310-58-3	1813+	(CO) 2 3 4 15 17 20
1572	POTASSIUM HYPOCHLORITE HYPOCHLOROUS ACID, POTASSIUM SALT	7778-66-7	1791	3 17
3434 add	POTASSIUM METABISULFITE	16731-55-8	2693	3
1573	POTASSIUM METAVANADATE VANADATE, POTASSIUM	13769-43-2	2864	3 17
1574	POTASSIUM NITRATE NITRIC ACID, POTASSIUM SALT	7757-79-1	1486	3 15 17
1575	POTASSIUM NITRITE NITROUS ACID, POTASSIUM SALT	7758-09-0	1488	3 17
1576	# POTASSIUM OXIDE POTASSIUM MONOXIDE	12136-45-7	2033	(CO) 3 17
1577	# POTASSIUM PERCHLORATE PERCHLORIC ACID, POTASSIUM SALT	7778-74-7	1489	(R2) 3 15 17
1578	POTASSIUM PERMANGANATE PERMANGANIC ACID, POTASSIUM SALT	7722-64-7	1490	3 15 17 20
1579	# POTASSIUM PEROXIDE	17014-71-0	1491	(R2) 3 15 17
1580	POTASSIUM PERSULFATE PEROXYDISULFURIC ACID, DIPOTASSIUM SALT	7727-21-1	1492	3 15 17
1581 chg	POTASSIUM PHOSPHIDE	20770-41-6	2012	3 17
2705 gen add	POTASSIUM SALTS OF NITRO-AROMATIC DERIVATIVES, explosive		0158	3
2706 add	POTASSIUM SELENATE	7790-59-2	2630	3 6 17 18
2707 add	POTASSIUM SELENITE	10431-47-7	2630	3 6 17 18
1582	POTASSIUM SILICOFLUORIDE SILICATE(2-), HEXAFLUORO-, DIPOTASSIUM	16871-90-2	2655	2 3 17
2708 add	POTASSIUM SILVER CYANIDE	506-61-6		6 8 16 18 19 20 21
1583 chg	# POTASSIUM SULFIDE	1312-73-8	1382+	(CO) 3 15 17
1584	POTASSIUM SUPEROXIDE	12030-88-5	2466	3 17
1585	POTASSIUM TETRACHLOROPLATINATE PLATINATE, TETRACHLORO-, DIPOTASSIUM,	10025-99-7		2 12(D)
1587	# PRAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 1,3-DIHYDRO-7-CHLORO-1- * (CYCLOPROPYLMETHYL)- PHENYL-	2955-38-6		(TE) 13(EE)
1588	PREDNISOLONE PREGNA-1,4-DIENE-3,20-DIONE, 11,17,21-TRIHYDROXY-, (11beta)-	50-24-8		7 13(Z,AA)
1589	PREDNISONE PREGNA-1,4-DIENE-3,11,20-TRIONE, 17,21-DIHYDROXY-	53-03-2		7 13(Z,AA)
syn add	PROCARBAZINE see n-ISOPROPYL-alpha-(2-METHYLHYDRAZINO) * -p-TOLUAMIDE			

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1590	# PROCARBAZINE HYDROCHLORIDE BENZAMIDE, N-(1-METHYLETHYL)-4- (2-METHYLHYDRAZINO) * METHYL -, MONOHYDROCHLORIDE	366-70-1		(CA,MU,TE) 5 13(D,H,L,Q)
3435 add	PROCHLORAZ 1H-IMIDAZOLE-1-CARBOXAMIDE, N-PROPYL-N-(2-(2,4,6-TRICHLORO * PHENOXY)ETHYL)	67747-09-5		8
1591	# PROGESTERONE PREGN-4-ENE-3,20-DIONE	57-83-0		(CA,MU) 5 7
2710 add	PROMECARB 3-ISOPROPYL-5-METHYLPHENYL METHYLCARBAMATE	2631-37-0		16 19
3436 add	PROMETON S-TRIAZINE, 2,4-BIS(ISOPROPYLAMINO)-6-METHOXY-	1610-18-0		8
3437 add	PROMETRYN S-TRIAZINE,2,4-BIS(ISOPROPYLAMINO)-6-(METHYLTHIO)-	7287-19-6		8
1592	# PRONAMIDE BENZAMIDE, 3,5-DICHLORO-n-(1,1-DIMETHYL-2-PROPYNYL)-	23950-58-5		(CA) 3 8 20 21
3438 add	PROPACHLOR ACETAMIDE, 2-CHLORO-N-(1-METHYLETHYL)-N-PHENYL-	1918-16-7		8
1593	PROPADIENE 1,2-PROPADIENE	463-49-0	2200	3 17
syn add	PROPANAL see PROPIONALDEHYDE			
syn add	1-PROPANAMINE see PROPYLAMINE			
1594	# PROPANE	74-98-6	1978	(F4) 1 2 3 4 15 17
syn add	1,3-PROPANE SULTONE see 1,2-OXATHIOLANE-2,2-DIOXIDE			
syn add	PROPANE MIXTURES see LIQUEFIED PETROLEUM GAS			
syn add	PROPANE SULTONE see 1,2-OXATHIOLANE 2,2-DIOXIDE			
1595 chg	PROPANETHIOL	107-03-9	2402	3 4 17
3439 add	PROPANIL PROPANAMIDE, N-(3,4-DICHLOROPHENYL)-	709-98-8		8
syn add	PROPANOIC ACID see PROPIONIC ACID			
1596	PROPARGITE SULFUROUS ACID, 2- 4-(1,1-DIMETHYLETHYL)PHENOXY CYCLOHEXYL * 2-PROPYNYL ESTER	2312-35-8	2765	3 8 20
1597	# PROPARGYL ALCOHOL 2-PROPYN-1-OL	107-19-7	1986	(F3,R3) 2 3 4 8 15 17 20 21
syn add	PROPARGYL BROMIDE see 3-BROMOPROPYNE			
3440 add	PROPAZINE 1,3,5-TRIAZINE-2,4-DIAMINE, 6-CHLORO-N-N'-BIS(1-METHYL * ETHYL)	139-40-2		8

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3441 add	PROPHAM ISOPROPYL-N-PHENYLCARBAMATE	122-42-9		8
3442 add	PROPICONAZOLE 1H-1,2,4-TRIAZOLE, 1-((2-(2,4-DICHLOROPHENYL)-4-PROPYL- * 1,3-DIOXOLAN-2-YL)METHYL)-	60207-90-1		8
0228	# beta-PROPIOLACTONE 2-OXETANONE	57-57-8		(CA,CO,MU) 2 3 4 5 6 7 8 15 16 18 19
1598	# PROPIONALDEHYDE PROPANAL	123-38-6	1275	(F3) 3 6 15 17 18
1599	# PROPIONIC ACID PROPANOIC ACID	79-09-4	1848	(CO) 2 3 4 15 17 20
1600	# PROPIONIC ANHYDRIDE PROPANOIC ACID, ANHYDRIDE	123-62-6	2496	(CO) 3 15 17 20
1601	# PROPIONITRILE PROPANENITRILE	107-12-0	2404	(F3) 3 4 15 16 17 19 20 21
syn add	PROPIONITRILE, 3-CHLORO- see 3-CHLOROPROPIONITRILE			
1602	# PROPIONYL CHLORIDE PROPANOYL CHLORIDE	79-03-8	1815	(CO,F3) 3 15 17
1603	PROPIONYL PEROXIDE PEROXIDE, BIS(1-OXOPROPYL)	3248-28-0	2132	3 17
2911 add	PROPIOPHENONE, 4-AMINO-	70-69-9		19
1604	PROPOXUR PHENOL, 2-(1-METHYLETHOXY)-, METHYLCARBAMATE	114-26-1		2 4 6 8 14 18
1419	# n-PROPYL ACETATE ACETIC ACID, PROPYL ESTER	109-60-4	1276	(F3) 1 2 3 4 15 17
1605	# PROPYL ALCOHOL 1-PROPANOL	71-23-8	1274	(F3) 1 2 3 4 15 17
syn add	sec-PROPYL ALCOHOL see ISOPROPYL ALCOHOL			
1606	# PROPYLAMINE 1-PROPANAMINE	107-10-8	1277	(F3) 3 15 17 20 21
1607	# PROPYL BENZENE BENZENE, PROPYL-	103-65-1	2364	(F3) 3 15 17
2062 add	# PROPYL CHLORIDE CHLOROPROPANE	540-54-5	1278	(F3) 3 15 17
1608	# PROPYLCHLOROFORMATE CARBONOCHLORIDIC ACID, PROPYL ESTER	109-61-5	2740	(CO) 3 16 17 19
1609	# PROPYLENE 1-PROPENE	115-07-1	1077	(F4) 2 3 6 15 17 18
1610	PROPYLENE CHLOROHYDRIN 1-PROPANOL, 2-CHLORO-	78-89-7	2611	3 15 17
1611	# PROPYLENEDIAMINE 1,2-PROPANEDIAMINE	78-90-0	2258	(CO,F3) 3 15 17

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	PROPYLENE DICHLORIDE see 1,2-DICHLOROPROPANE			
syn add				
3595 add	PROPYLENE GLYCOL	57-55-6		8
2712 add	PROPYLENE GLYCOL, ALLYL ETHER	1331-17-5		16
1612	PROPYLENE GLYCOL DINITRATE 1,2-PROPANEDIOL, DINITRATE	6423-43-4		2 4
1613	+ PROPYLENE GLYCOL MONOMETHYL ETHER 2-PROPANOL, 1-METHOXY-	107-98-2	3092	(F3) 2 4 8 15 17
1614	+ PROPYLENE IMINE 2-METHYLAZIRIDINE	75-55-8	1921	(CA) 1 2 3 4 5 6 7 8 16 17 18 19 20 21
1615 chg	# PROPYLENE OXIDE OXIRANE, METHYL-	75-56-9	1280	(CA,F4,MU,R2) 1 2 3 4 5 6 7 8 15 16 17 18 19 20
2713 add	PROPYLENE TETRAMER	6842-15-5	2850	3 17
	PROPYL ETHER see DIPROPYL ETHER			
syn add				
1616	# PROPYL FORMATE FORMIC ACID, PROPYL ESTER	110-74-7	1281	(F3) 3 15 17
1617	PROPYL ISOCYANATE 1-ISOCYANATOPROPANE	110-78-1	2482	3 17
	PROPYL MERCAPTAN see PROPANETHIOL			
syn add				
1420	# n-PROPYL NITRATE NITRIC ACID, PROPYL ESTER	627-13-4	1865	(F4,R3) 2 3 4 15 17
3443 add	PROPYLPEROXYDICARBONATE		2133	17
	PROPYLTHIOURACIL see 6-PROPYL-2-THIOURACIL			
syn add				
1968 chg	# 6-PROPYL-2-THIOURACIL 4(1H)-PYRIMIDINONE, 2,3-DIHYDRO-6-PROPYL-2-THIOXO-	51-52-5		(CA,MU) 5 7
1619	# PROPYL TRICHLOROSILANE SILANE, TRICHLOROPROPYL-	141-57-1	1816	(CO,F3,R2) 3 15 17
2715 add	PROTHOATE ACETAMIDE, N-ISOPROPYL-2-MERCAPTO-,S-ESTER with O,O-DIETHYL * PHOSPHORODITHIOATE	2275-18-5		16 19
	PRUSSIC ACID see HYDROGEN CYANIDE			
syn add				
2716 add	PSEUDOCUMENE	95-63-6		6 16 18
3444 add	PURSUIT	81335-77-5		8
	PYDRIN see FENVALERATE			
syn add				
1024 chg	# PYRENE	129-00-0		(CA) 3 8 16 19 20

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3064 gen add	PYRETHRINS			3 12(A,B) 20
1623	PYRETHRUM PYRETHRINS AND PYRETHROIDS	8003-34-7		1 2 3 4 20
1624	# PYRIDINE	110-86-1	1282	(F3) 1 2 3 4 6 8 15 17 18 20 21
syn add	PYRIDINE, 4-AMINO see AVITROL			
2717 add	PYRIDINE, 2-METHYL-5-VINYL-	140-76-1		16 19
2718 add	PYRIDINE, 4-NITRO-, 1-OXIDE	1124-33-0		16 19
2719 add	PYRIMINIL N-3-PYRIDYLMETHYL-N'-p-NITROPHENYLUREA	53558-25-1		16 19
syn add	PYROCATECHOL see 1,2-DIHYDROXYBENZENE			
syn add	PYROPHORIC FUEL, n.o.s. see FUEL, PYROPHORIC, n.o.s.			
1625	# PYROSULPHURYL CHLORIDE PYROSULFURYL CHLORIDE	7791-27-7	1817	(CO) 3 17
syn add	PYROXYLIN see NITROCELLULOSE			
1626	# PYRROLIDINE AZACYCLOPENTANE	123-75-1	1922	(F3) 3 15 17
syn add	QUARTZ, RESPIRABLE see SILICA, QUARTZ			
syn add	QUICK LIME see CALCIUM OXIDE			
1627	QUINACRINE HYDROCHLORIDE 1,4-PENTANEDIAMINE, N,N,N,N-(6-CHLORO-2-METHOXY-9-ACRIDINYL)-N, * N-DIETHYL-, DIHYDROCHLORINE	69-05-6		13(Y,EE)
3447 add	QUINALPHOS PHOSPHOROTHIOIC ACID, O,O-DIETHYL-O-(2-QUINOXALINYL)ESTER	13593-03-8		8
1628	# QUINOLINE BENZO(B)PYRIDINE	91-22-5	2656	(MU) 3 4 6 15 17 18 20
syn add	QUINONE see p-BENZOQUINONE			
1630 chg	@ QUINTOZENE BENZENE, PENTACHLORONITRO-	82-68-8		3 6 8 18 20 21
2730 gen add	RADIOACTIVE MATERIAL, n.o.s.		2982	4 17
3007 gen add	RADIONUCLIDES			3 20

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3448 add	RADIUM 226, 228	7440-14-4		8
3449 add	RADON 224	14859-67-7		8
syn add	R-12 see DICHLORODIFLUOROMETHANE			
syn add	R-22 see CHLORODIFLUOROMETHANE			
syn add	RDX see CYCLONITE			
1631 chg	RED SQUILL (3BETA, 6BETA)-6-ACETYLOXY-3-(BETA-D-GLUCOPYRANOSYLOXY)-8, * 14-DIHYDROXYBUFA-4,20,22-TRIENOLIDE	507-60-8	1681	14 17
1632	# RESERPINE YOHIMBAN-16-CARBOXYLIC ACID, 11,17-DIMETHOXY-18- (3,4,5- * TRIMETHOXYBENZOYL)OXY-, METHYL ESTER, (3BETA,16BETA, * 17ALPHA,18BETA,20ALPHA)-	50-55-5		(CA,MU) 3 5 20 21
1633	# RESIN FAST BLACK WP			(CA) 4
2749 gen add	RESIN SOLUTION		1866+	3 17
3450 add	RESMETHRIN CYCLOPROPANECARBOXYLIC ACID, 2,2-DIMETHYL-3- (2-METHYLPROPENYL)-, * (5-BENZYL-3-FURYL)METHYL ESTER	10453-86-8		8
1634	RESORCINOL 1,3-BENZENEDIOL	108-46-3	2876	2 3 4 15 17 20 21
2054	+ RESORCINOL DIGLYCIDYL ETHER OXIRANE, 2,2' - [1,3-PHENYLENEBIS (OXYMETHYLENE)] BIS-	101-90-6		(CA) 5 7
1635	RHODIUM(POWDWER)	7440-16-6		1 2 4
3451 gen add	RHODIUM COMPOUNDS			2 4
1636	RHODIUM TRICHLORIDE RHODIUM (III) CHLORIDE (1:3)	10049-07-7		2 4 16
syn add	ROAD ASPHALT, LIQUID see ASPHALT FUMES			
1637	RONNEL PHOSPHOROTHIOIC ACID, O,O-DIMETHYL O-(2,4,5- * TRICHLOROPHENYL) ESTER	299-84-3		1 2 4
2753 gen add	ROSIN OIL	8002-16-2	1286	3 3 15 17
1638	# ROTENONE (1) BENZOPYRANO (3,4-B) FURO (2,3-H) (1) BENZOPYRAN-6(6AH)-ONE, * 1,2,12,12A-TETRAHYDRO-8,9-DIMETHOXY-2-(1-METHYLETHENYL)-, * 2R-2 ALPHA,6AALPHA,12AALPHA)-	83-79-4		(CO) 1 2 4 8
syn add	ROZOL see CHLOROPHACINONE			
1639	RUBIDIUM	7440-17-7	1423	3 17

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1640	# RUBIDIUM HYDROXIDE	1310-82-3	2678+	(CO) 3 17
1641	@ SACCHARIN 1,1-DIOXIDE-1,2-BENZISOTHIAZOL-3(2H)-ONE	81-07-2		3 5 6 7 18 20 21
1642	# SAFROLE 1,3-BENZODIOXOLE, 5-(2-PROPENYL)-	94-59-7		(CA,MU) 3 5 6 7 15 18 20 21
2756 add	SALCOMINE COBALT, ((2,2'-(1,2-ETHANEDIYLBIS(NITRILOMETHYLIDYNE))BIS * (PHENOLATO))(2-)-N,N',O,O-, (SP-4-2)-	14167-18-1		16 19
syn add	SALTPETER see POTASSIUM NITRATE			
syn add	SAND ACID see SILICOFLUORIC ACID			
2757 add	SARIN PHOSPHONOFLUORIDIC ACID, METHYL-, ISOPROPYL ESTER	107-44-8		16 19
3452 add	SAVEY 3-THIAZOLIDINECARBOXAMIDE, 5-(4-CHLOROPHENYL)-N- * CYCLOHEXYL-4 METHYL-2-OXO-, TRANS-	78587-05-0		8
2761 gen add	SELENATES, n.o.s., or SELENITES, n.o.s.		2630	3 6 8 17 18 20
1647	# SELENIC ACID	7783-08-6	1905	(CO) 1 2 3 6 8 17 18 20
syn add	SELENIOUS ACID see SELENOUS ACID			
1648	SELENIUM	7782-49-2	2658	1 2 3 4 6 8 17 18 20
2347 gen add	SELENIUM compounds, n.o.s.			1 2 4 6 8 18 20
syn add	SELENIUM DIOXIDE see SELENIUM OXIDE			
1649	SELENIUM DISULFIDE	7488-56-4	2657	1 2 3 4 6 8 17 18 20
1650	SELENIUM HEXAFLUORIDE SELENIUM FLUORIDE (SeF6),	7783-79-1	2194	1 2 3 4 6 8 17 18 20
1651 chg	+ SELENIUM OXIDE	7446-08-4	2811	(MU) 1 2 3 4 6 8 17 18 20 21
1652	# SELENIUM OXYCHLORIDE SELENINYL CHLORIDE	7791-23-3	2879	(CO) 1 2 3 4 6 8 16 17 18 19 20
1653 chg	# SELENIUM SULFIDE	7446-34-6	2630	(CA) 1 2 3 4 5 6 8 18 20 21
syn add	SELENOUREA see CARBAMIMIDOSELENOIC ACID			

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2762 add	SELENOUS ACID	7783-00-8		1 2 3 4 6 8 16 18 19 20 21
2765 add	SEMICARBAZIDE HYDROCHLORIDE	563-41-7		16 19
1654	SESONE ETHANOL, 2-(2,4-DICHLOROPHENOXY)-, HYDROGEN SULFATE, SODIUM SALT	136-78-7		2 4
3453 add	SETHOXYDIM 2-CYCLOHEXEN-1-ONE, 2-(1-(ETHOXYIMINO)BUTYL)-5-(2-(ETHYLTHIO) * PROPYL)-3-HYDROXY	74051-80-2		8
2766 gen add	# SHALE OIL		1288	(CA) 3 7 17
2767 gen add	SHELLAC	9000-59-3	1263	17
syn add	SILANE see SILICON TETRAHYDRIDE			
2768 add	SILANE, (4-AMINOBUTYL)DIETHOXYMETHYL-	3037-72-7		16 19
syn add	SILICA, AMORPHOUS, DIATOMACEOUS EARTH see DIATOMACEOUS EART			
1656 chg	SILICA, FUSED	60676-86-0		1 2 4
3510 add	SILICA, AMORPHOUS, PRECIPITATE & GEL	112926-00-8		1 2 4
1657	+ SILICA, CRISTOBALITE (DUST) SILICA, CRYSTALLINE-CRISTOBALITE	14464-46-1		(CA) 1 2 4 5 7
3556 add	SILICA FUME (AMORPHOUS)	69012-64-2		2
1658 chg	SILICA, GRAPHITE (DUST) SILICON CARBIDE	409-21-2		1 3 4
1660 chg	+ SILICA, QUARTZ (DUST) SILICA, CRYSTALLINE-QUARTZ	14808-60-7		(CA) 1 2 4 5 7
1661	SILICATE, PORTLAND CEMENT	65997-15-1		1 2 4
1662	SILICATE, SOAPSTONE			1 2 4 12(A)
1663 chg	+ SILICA, TRIDYMITE (DUST) SILICA, CRYSTALLINE-TRIDYMITE	15468-32-3		(CA) 1 2 4 5 7
1664 chg	SILICA, TRIPOLI (DUST)	1317-95-9		1 2 4
1665 chg	SILICOFLUORIC ACID SILICATE (2-), HEXAFLUORO-, DIHYDROGEN	16961-83-4	1778	1 2 3 17
syn add	SILICOFLUORIDES, n.o.s. see FLUOROSILICATES, n.o.s.			
syn add	SILICON CARBIDE see SILICA, GRAPHITE			

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syn add	SILICON CHLORIDE see SILICON TETRACHLORIDE			
3125 add	SILICON POWDER	7440-21-3	1346	1 2 3 4 17
1666	SILICON TETRACHLORIDE SILANE, TETRACHLORO-	10026-04-7	1818	3 17
1667	SILICON TETRAFLUORIDE SILANE, TETRAFLUORO-	7783-61-1	1859	3 17
1668	SILICON TETRAHYDRIDE SILANE	7803-62-5		1 2 4
1669 chg	SILVER (DUST AND FUME)	7440-22-4		1 2 3 4 6 8 18 20
3008 gen add	SILVER compounds			2 3 4 6 18 20
1670	SILVER ARSENITE ARSENOUS ACID, TRISILVER(1+) SALT	7784-08-9	1683	1 3 4 6 17 18
1671	SILVER CYANIDE	506-64-9	1684	3 4 6 8 17 18 20 21
1672	SILVER NITRATE NITRIC ACID, SILVER(1+) SALT	7761-88-8	1493	2 3 4 6 15 17 18 20
1673	SILVER PICRATE PHENOL, 2,4,6-TRINITRO-, SILVER(1+) SALT	146-84-9	1347	2 3 4 6 17 18
3454 add	SIMAZINE s-TRIAZINE,2-CHLORO-4,6-BIS(ETHYLAMINO)-	122-34-9		8
2770 gen add	SLUDGE ACID	64742-24-1	1906	3 17
syn add	SOAPSTONE see SILICATE, SOAPSTONE			
syn add	SODA CHLORATE see SODIUM CACODYLATE			
2772 gen add	SODA LIME	8006-28-8	1907	3 17
1674	# SODIUM	7440-23-5	1428	(R2) 3 15 17 20
syn add	SODIUM ACID SULFATE see SODIUM HYDROGEN SULFATE			
3455 add	SODIUM ACIFLUORFEN BENZOIC ACID, 5-(2-CHLORO-4-(TRIFLUOROMETHYL)PHENOXY)-2-NITRO-, * SODIUM SALT	62476-59-9		8
1675 chg	# SODIUM ALUMINATE SODIUM ALUMINUM OXIDE	11138-49-1	1819+	(CO) 3 17
1676	SODIUM ALUMINUM FLUORIDE SODIUM FLUOALUMINATE	15096-52-3		2 4

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1677	SODIUM ALUMINUM HYDRIDE ALUMINATE(1-), TETRAHYDRO-, SODIUM, (T-4)-	13770-96-2	2835	2 3 17
1678	SODIUM AMALGAM MERCURY ALLOY, BASE	11110-52-4	1424	2 3 4 17 20
1679	SODIUM AMIDE	7782-92-5	1425	3 17
1680	SODIUM AMMONIUM VANADATE SODIUM VANADATE	13718-26-8	2863	3 17
2773 add	SODIUM ANTHRAQUINONE-1-SULFONATE	128-56-3		16
1681	SODIUM ARSANILATE ARSONIC ACID, (4-AMINOPHENYL)-, MONOSODIUM SALT	127-85-5	2473	2 3 6 17 18
1682	# SODIUM ARSENATE ARSENIC ACID, SODIUM SALT	7631-89-2	1685	(CA,TE) 2 3 4 5 6 8 16 17 18 19 20
1683 chg	# SODIUM ARSENITE ARSENOUS ACID, SODIUM SALT	7784-46-5	1686+	(CA,MU,TE) 2 3 4 5 6 7 14 16 17 18 19 20
1684	# SODIUM AZIDE	26628-22-8	1687	(MU) 2 3 4 8 14 16 17 19 20 21
syn add	SODIUM BICHROMATE see SODIUM DICHROMATE			
syn add	SODIUM BIFLUORIDE see SODIUM HYDROGEN FLUORIDE			
syn add	SODIUM BISULFATE see SODIUM HYDROGEN SULFATE			
syn add	SODIUM BISULFIDE see SODIUM HYDROSULFIDE			
1685	# SODIUM BISULFITE SULFUROUS ACID, MONOSODIUM SALT	7631-90-5	2693	(CO) 2 3 4 17 20
0241 gen chg	SODIUM BORATES BORATE,TETRA- SODIUM SALT			2
2063 add	SODIUM BOROHYDRIDE	16940-66-2	1426	3 17
1686	SODIUM BROMATE BROMIC ACID, SODIUM SALT	7789-38-0	1494	3 17
1687	SODIUM CACODYLATE ARSINIC ACID, DIMETHYL-, SODIUM SALT	124-65-2	1688	3 16 17 19
1688	# SODIUM CHLORATE CHLORIC ACID, SODIUM SALT	7775-09-9	1495+	(R2) 3 14 15 17
1689	# SODIUM CHLORITE CHLOROUS ACID, SODIUM SALT	7758-19-2	1496+	(CO,R2) 3 15 17
1690	SODIUM CHLOROACETATE ACETIC ACID, CHLORO-, SODIUM SALT	3926-62-3	2659	3 17
1691	SODIUM CHLOROPLATINATE PLATINATE(2-), HEXACHLORO-DISODIUM, TETRAHYDRATE	1307-82-0		2 12(D)
1692	@ SODIUM CHROMATE CHROMIUM SODIUM OXIDE	7775-11-3		1 2 6 8 18 20

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2774 add	SODIUM CUPROCYANIDE		2316+	2 3 6 17 18
1693	SODIUM CYANIDE	143-33-9	1689	2 3 4 6 8 14 15 16 17 18 19 20 21
2776 add	SODIUM 2-DIAZO-1-NAPHTHOL-4-SULFONATE		3040	17
2777 add	SODIUM 2-DIAZO-1-NAPHTHOL-5-SULFONATE		3041	17
1694	SODIUM DICHLORO-ISOCYANATE S-TRIAZINE-2,4,6 (1H,3H,5H)-TRIONE, DICHLORO-, SODIUM SALT	2893-78-9	2465	2 3 17 20
syn add	SODIUM DICHLOROISOCYANURATE see SODIUM DICHLORO-ISOCYANATE			
syn add	SODIUM DICHLORO-S-TRIAZINETRIONE see SODIUM DICHLORO- * ISOCYANATE			
1695	SODIUM DICHROMATE CHROMIC ACID, DISODIUM SALT	10588-01-9	1479	2 3 6 15 17 18 20
3456 add	SODIUM DIETHYL DITHIOCARBAMATE	148-18-5		8
1696	SODIUM DINITRO-ortho-CRESOLATE o-CRESOL, 4,6-DINITRO-, SODIUM SALT	2312-76-7	0234+	3 17
1697	+SODIUM DITHIONITE DITHIONOUS ACID, DISODIUM SALT	7775-14-6	1384	(F3,R4) 3 17
1698	SODIUM DODECYLBENZENE SULFONATE BENZENE SULFONIC ACID, DODECYL-, SODIUM SALT	25155-30-0		3 20
1699	SODIUM FLUORIDE	7681-49-4	1690	2 3 14 15 17 20
1700	SODIUM FLUOROACETATE ACETIC ACID, FLUORO-, SODIUM SALT	62-74-8	2629	1 2 3 4 8 14 16 17 19 20 21
1701	SODIUM FLUOROSILICATE SILICATE(2-), HEXAFLUORO-, DISODIUM	16893-85-9	2674	2 3 17
syn add	SODIUM HEXACHLOROPLATINATE (IV) see SODIUM CHLOROPLATINATE			
syn add	SODIUM HYDRATE see SODIUM HYDROXIDE			
1702	# SODIUM HYDRIDE	7646-69-7	1427	(F3,R2) 3 15 17
1703	# SODIUM HYDROGEN FLUORIDE SODIUM FLUORIDE	1333-83-1	2439	(CO) 2 3 17 20
1704	# SODIUM HYDROGEN SULFATE SULFURIC ACID, MONOSODIUM SALT	7681-38-1	1821+	(CO) 3 17
syn add	SODIUM HYDROGEN SULFITE see SODIUM BISULFITE			
1705	# SODIUM HYDROSULFIDE SODIUM SULFIDE	16721-80-5	2318+	(CO) 3 17 20

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	SODIUM HYDROSULFITE see SODIUM DITHIONITE			
syn add				
1706	# SODIUM HYDROXIDE SODIUM HYDRATE	1310-73-2	1823+	(CO) 1 2 3 4 15 17 20
1707 chg	SODIUM HYPOCHLORITE solution HYPOCHLOROUS ACID, SODIUM SALT	7681-52-9	1791	3 17 20
3039 add	SODIUM HYPOCHLORITE HYPOCHLOROUS ACID, SODIUM SALT, PENTAHYDRATE	10022-70-5	1791	3 20
1708	SODIUM METABISULFITE PYROSULFUROUS ACID, DISODIUM SALT	7681-57-4	2693	2 3 4
	SODIUM METHOXIDE see SODIUM METHYLATE			
syn add				
1709	SODIUM METHYLATE METHANOL, SODIUM SALT	124-41-4	1431+	3 17 20
1710	# SODIUM MONOXIDE SODIUM OXIDE	12401-86-4	1825	(CO) 3 17
1711	SODIUM NITRATE NITRIC ACID, SODIUM SALT	7631-99-4	1498	3 15 17
3457 gen add	SODIUM NITRATE and POTASH MIXTURES		1478	3 17
2258 add	SODIUM NITRITE	7632-00-0	1500	3 20
1712	SODIUM PENTACHLOROPHENATE PHENOL, PENTACHLORO-, SODIUM SALT	131-52-2	2567	3 16 17
1713	SODIUM PERCARBONATE CARBONOPEROXOIC ACID, DISODIUM SALT	4452-58-8	2467	3 17
1716	# SODIUM PERCHLORATE PERCHLORIC ACID, SODIUM SALT	7601-89-0	1502	(R2) 3 15 17
1717	SODIUM PERMANGANATE PERMANGANIC ACID, SODIUM SALT	10101-50-5	1503	3 17
1718	# SODIUM PEROXIDE	1313-60-6	1504	(R2) 3 15 17
1721	SODIUM PERSULFATE PEROXYDISULFURIC ACID, DISODIUM SALT	7775-27-1	1505	3 17
1722	# SODIUM PHENOLATE PHENOL, SODIUM SALT	139-02-6	2497	(CO) 3 17
	SODIUM PHENOXIDE see SODIUM PHENOLATE			
syn add				
3458 add	# SODIUM o-PHENYLPHENATE	132-27-4		(CA) 7
1723	SODIUM PHOSPHATE, DIBASIC PHOSPHORIC ACID, DISODIUM SALT	7558-79-4		3 20
1724	SODIUM PHOSPHATE, TRIBASIC PHOSPHORIC ACID, TRISODIUM SALT	7601-54-9		3 20
1725	SODIUM PHOSPHIDE	12058-85-4	1432	3 17
2780 add	SODIUM PICRAMATE, WET, not less than 20% water	831-52-7	1349+	3 17
2782 gen add	SODIUM SALTS OF NITRO-AROMATIC DERIVATIVES, n.o.s.		0203	3

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1726	SODIUM SELENATE SELENIC ACID, DISODIUM SALT	13410-01-0	2630	2 3 6 16 17 18 19
1727	SODIUM SELENITE SELENIOUS ACID, DISODIUM SALT	10102-18-8	2630	2 3 6 16 17 18 19 20
	SODIUM SILICOFLUORIDE see SODIUM FLUOROSILICATE			
syn add				
1728	# SODIUM SULFIDE	1313-82-2	1385+	(CO) 3 15 17
1729	SODIUM SUPEROXIDE	12034-12-7	2547	3 15 17
2783 add	SODIUM TELLURITE	10102-20-2		16 19
1730	SPIRAMYCIN	8025-81-8		12(A,B)
	SPIRITS OF NITROGLYCERIN see NITROGLYCERIN			
syn add				
	SPIRITS OF SALT see HYDROGEN CHLORIDE			
syn add				
2912 add	STANNANE, ACETOXYTRIPHENYL-	900-95-8		19
	STANNIC CHLORIDE see TIN TETRACHLORIDE			
syn add				

1731	# STANNIC CHLORIDE, HYDRATED
	TIN(IV) CHLORIDE, PENTAHYDRATE(1:4:5)
		10026-06-9	2440	(CO)
				1 2 3 17

1732 chg	STANNIC PHOSPHIDE TIN PHOSPHIDE	25324-56-5	1433	1 2 3 17
1733	STANNOUS CHLORIDE TIN CHLORIDE	7772-99-8	1759	1 2 3 17
1734	STANNOUS FLUORIDE TIN FLUORIDE	7783-47-3		1 2
3460 add	# STERIGMATOCYSTIN 3a,12c-DIHYDRO-8-HYDROXY-6-METHOXY-7HFURO(3',2':4,5)FURO(2,3-C) * XANTHEN-7-ONE	10048-13-2		(CA) 7
1735	STIBINE ANTIMONY TRIHYDRIDE	7803-52-3	2676	1 2 3 4
1736	STODDARD SOLVENT	8052-41-3	1268	1 2 3 4 15
1738	# STREPTOZOCIN D-GLUCOPYRANOSE, 2-DEOXY-2- (METHYLNITROSOAMINO) * CARBONYL AMINO	18883-66-4		(CA,MU) 5 7 20 21
	STREPTOZOTOCIN see STREPTOZOCIN			
syn add				
1739	STRONTIUM	7440-24-6	1434	8 17
1740	STRONTIUM ARSENITE	15195-06-9	1691	1 2 3 6 7 17 18 20
1741	STRONTIUM CHLORATE CHLORIC ACID, STRONTIUM SALT	7791-10-8	1506	3 17

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1742	# STRONTIUM CHROMATE CHROMIC ACID, STRONTIUM SALT (1:1)	7789-06-2		(CA) 1 2 5 6 7 18 20
1743	STRONTIUM NITRATE NITRIC ACID, STRONTIUM SALT	10042-76-9	1507	3 15 17
1744	STRONTIUM PERCHLORATE PERCHLORIC ACID, STRONTIUM SALT	13450-97-0	1508	3 17
1745	STRONTIUM PEROXIDE	1314-18-7	1509	3 15 17
1746	STRONTIUM PHOSPHIDE	12504-16-4	2013	3 17
1747	STRYCHNINE STRYCHNIDIN-10-ONE	57-24-9	1692	1 2 3 4 8 14 16 17 19 20 21
2789 add	STRYCHNINE, SULFATE	60-41-3		16 19
syn add	STYPHNIC ACID see TRINITRORESORCINOL			
1748 chg	# STYRENE MONOMER	100-42-5	2055	(F3,R2) 1 2 3 4 6 7 8 15 17 18 20
1749 chg	# STYRENE OXIDE OXIRANE, PHENYL-	96-09-3		(CA,MU,TE) 3 6 7 15 18
2794 gen add	SUBSTITUTED NITROPHENOL PESTICIDES, TOXIC, n.o.s.		2779+	3 17
1750	SUBTILISINS (Proteolytic enzyme as 100% pure cryst enzyme) BACILLUS SUBTILIS BPN	1395-21-7		2 4 12(A)
1751	SUCCINIC ACID PEROXIDE BUTANOIC ACID, 4,4'-DIOXYBIS 4-OXO-	123-23-9	2135+	3 17
1752	SUCCINONITRILE BUTANEDINITRILE	110-61-2		4 15
1753	# SULFALLATE CARBAMODITHIOIC ACID, DIETHYL-, 2-CHLORO-2-PROPENYL ESTER	95-06-7		(CA) 5 7
1754	SULFAMETHOXAZOLE BENZENESULFONAMIDE, 4-AMINO-N-(5-METHYL-3-(ISOXAZOLYL)-	723-46-6		13(Y,EE)
1755	SULFATHIAZOLE BENZENESULFONAMIDE, 4-AMINO-N-2-THIAZOLYL-	72-14-0	1851	3 12(A, B) 17
1756	SULFOTEPP THIODIPHOSPHORIC ACID, O-TETRAETHYL ESTER	3689-24-5	1704+	2 3 4 8 14 16 17 19 20 21
2795 add	SULFOXIDE, 3-CHLOROPROPYL OCTYL	3569-57-1		16 19
1757	SULFUR	7704-34-9	1350+	3 15 17
syn add	SULFUR CHLORIDE see SULFUR MONOCHLORIDE			
1759	SULFUR DIOXIDE	7446-09-5	1079	1 2 3 4 12 (A) 15 16 17 19
syn add	SULFUR FLOWER see SULFUR			

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1760	SULFUR HEXAFLUORIDE SULFUR FLUORIDE	2551-62-4	1080	1 2 3 4 17
1761	# SULFURIC ACID	7664-93-9	1830+	(CO,R2) 1 2 3 4 6 15 16 17 18 19 20
1762 chg	+ SULFURIC ACID, FUMING SULFURIC ACID, MIXED WITH SULFUR TRIOXIDE	8014-95-7	1831	(CO) 1 2 3 4 17 20
	SULFURIC ANHYDRIDE see SULFUR TRIOXIDE			
syn add				
3048 add	# SULFUR MONOCHLORIDE	10025-67-9	1828	(CO,R2) 1 2 3 4 15 17 20
1764 chg	# SULFUROUS ACID SULFUROUS ACID (H2S03)	7782-99-2	1833	(CO) 3 17
1765 chg	SULFUR PENTAFLUORIDE SULFUR FLUORIDE (S2Fl0)	5714-22-7		1 2 4
1766	SULFUR TETRAFLUORIDE SULFUR FLUORIDE	7783-60-0	2418	1 2 3 4 16 17 19
1767	# SULFUR TRIOXIDE	7446-11-9	1829	(CO) 3 16 17 19
1768	# SULFURYL CHLORIDE	7791-25-5	1834	(CO,R2) 3 15 17
1769	SULFURYL FLUORIDE	2699-79-8	2191	1 2 3 4 17
1770	SULPHAMIC ACID SULFAMIC ACID	5329-14-6	2967	3 17
1771	SULPROFOS PHOSPHORODITHIOIC ACID, O-ETHYL O- 4-(METHYLTHIO)PHENYL S- * PROPYL ESTER	35400-43-2		2 4
	SUTAN see BUTYLATE			
syn add				
1772	SWAT GLUTACONIC ACID, 3-HYDROXY-,DIMETHYL ESTER, DIMETHYL PHOSPHATE	122-10-1		14
	SYMCLOSENE see TRICHLOROISOCYANURIC ACID			
syn add				
3462 add	SYSTHANE 1H-1,2,4-TRIAZOLE-1-PROPANENITRILE, ALPHA-BUTYL-ALPHA * (4-CHLOROPHENYL)-	88671-89-0		8
2796 add	TABUN ETHYL-N-DIMETHYLPHOSPHORAMIDOCYANIDATE	77-81-6		16 19
1773	TALC	14807-96-6		2 4 12(A)
	2,4,5-T see 2,4,5-(TRICHLOROPHENOXY) ACETIC ACID			
syn add				
1774 gen add	2,4,5-T AMINES PHENOL, 2,4,5-TRICHLORO COMPOUND WITH AMINE			3 20
3463 add	TANNIC ACID	1401-55-4		12(B) 15

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1775	TANTALUM	7440-25-7		1 2 4
1776	2,3,6-TBA BENZOIC ACID, 2,3,6-TRICHLORO-	50-31-7		14
syn add	TCA see TRICHLOROACETIC ACID			
syn add	TCDD see 2,3,7,8-TETRACHLORODIBENZO-p-DIOXIN			
2800 gen add	TEAR GAS, irritating substances, liquid or solid, n.o.s.		1693	3 17
3464 add	TEBUTHIURON UREA, N-(5-(1,1-DIMETHYLETHYL)-1,3,4-THIADIAZOL-2-YL)-N,N'- * DIMETHYL-	34014-18-1		8
1777	TELLURIUM	13494-80-9		1 2 4 16 19
3465 gen add	TELLURIUM COMPOUNDS			2 4
1778	TELLURIUM HEXAFLUORIDE TELLURIUM FLUORIDE	7783-80-4	2195	1 2 3 4 16 17 19
1779	# TEMAZEPAM 2H-1,4-BENZODIAZEPIN-2-ONE, 7-CHLORO-1,3-DIHYDRO-3-HYDROXY-1- * METHYL-5-PHENYL-	846-50-4		(TE) 13(EE)
1780	TEMEPHOS PHOSPHOROTHIOIC ACID, O,O'-(THIODI-4,1-PHENYLENE) O,O,O',O'- * TETRAMETHYL ESTER	3383-96-8		2 4
1781	TEPP DIPHOSPHORIC ACID, TETRAETHYL ESTER	107-49-3		1 2 3 4 14 16 19 20 21
3466 add	TERBACIL UREACIL, 3-tert-BUTYL-5-CHLORO-6-METHYL	5902-51-2		8
2801 add	TERBUFOS PHOSPHORODITHIOIC ACID, S-(((1,1-DIMETHYLETHYL)THIO)METHYL) * O,O-DIETHYL ESTER	13071-79-9		16 19
3467 add	TERBUTYRN S-TRIAZINE, 2-(TERT-BUTYLAMINO)-4-(ETHYLAMINO)-6-(METHYLTHIO)-	886-50-0		8
2802 gen add	TERPENE HYDROCARBONS, n.o.s.	68956-56-9	2319	3 17
3518 gen add	TERPENEPOLYCHLORINATES	8001-50-1		6
1782	m-TERPHENYL 1,3-DIPHENYLBENZENE	92-06-8		1 2 15
1783	o-TERPHENYL 1,2-DIPHENYLBENZENE	84-15-1		1 2 15
1784	p-TERPHENYL 1,4-DIPHENYLBENZENE	92-94-4		1 2
1785	TERPINOLENE CYCLOHEXENE, 1-METHYL-4-(1-METHYLETHYLIDENE)-	586-62-9	2541	3 17
syn add	TERTIARY ALCOHOL see ALCOHOL, n.o.s.			

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1801 gen	2,4,5-T ESTERS ACETIC ACID (2,4,5-TRICHLOROPHENOXY) ESTERS			3 20
1804 chg	# TESTOSTERONE ANDROST-4-EN-5-ONE, 17-HYDROXY-	58-22-0		(CA,TE) 13(Y,BB)
3468 add	TETRABROMODIPHENYL ETHER	40088-47-9		8
1805	TETRABROMOETHANE ETHANE, TETRABROMO-	25167-20-8	2504	3 15 17
	TETRABROMOETHANE see ACETYLENE TETRABROMIDE			
syn add				
2965 add	1,2,4,5-TETRACHLOROBENZENE	95-94-3		3 8 15 20 21
3469 add	TETRACHLOROCYCLOPENTADIENE	695-77-2		8
1806	# 2,3,7,8-TETRACHLORODIBENZO-p-DIOXIN DIBENZO(b,e)(1,4)-DIOXIN, 2,3,7,8-TETRACHLORO-	1746-01-6		(CA,TE) 3 4 5 7 20
1807	1,1,1,2-TETRACHLORO-2,2-DIFLUOROETHANE ETHANE, 1,1,1,2-TETRACHLORO-2,2-DIFLUORO-	76-11-9		1 2 4
1808	1,1,2,2-TETRACHLORO-1,2-DIFLUOROETHANE ETHANE, 1,1,2,2-TETRACHLORO-1,2-DIFLUORO-	76-12-0		1 2 4
	TETRACHLOROETHANE see 1,1,2,2-TETRACHLOROETHANE			
syn add				
2992 add	1,1,1,2-TETRACHLOROETHANE	630-20-6	1702	3 4 8 17 20 21
1809	# 1,1,2,2-TETRACHLOROETHANE ETHANE, 1,1,2,2-TETRACHLORO-	79-34-5	1702	(CA) 1 2 3 4 6 8 17 18 20 21
1810	# TETRACHLOROETHYLENE ETHENE, TETRACHLORO-	127-18-4	1897	(CA) 1 2 3 4 5 6 7 8 15 17 18 20 21
1811	TETRACHLORONAPHTHALENE NAPHTHALENE, TETRACHLORO-	1335-88-2		1 2 4
2916 add	2,3,4,6-TETRACHLOROPHENOL	58-90-2		3 8 20 21
1812	TETRACHLOROPHTHALIC ANHYDRIDE 1,3-ISOBENZOFURANDIONE, 4,5,6,7-TETRACHLORO-	117-08-8		12(A)
1813	TETRACHLORVINPHOS PHOSPHORIC ACID, 2-CHLORO-1-(2,4,5- * TRICHLOROPHENYL) VINYL DIMETHYL ESTER	961-11-5		6 8 18
1814	# TETRACYCLINE 2-NAPHTHACENECARBOXAMIDE, 4-(DIMETHYLAMINO)-1,4,4A,5,5A,6,11, * 12A-OCTAHYDRO-3,6,10,12,12A-PENTAHYDROXY-6-METHYL-1,11-DIOXO-	60-54-8		(TE) 12(A)
	TETRAETHYL DITHIOPYRO-PHOSPHATE see SULFOTEPP			
syn add				
1816	# TETRAETHYLENEPENTAMINE 1,2-ETHANEDIAMINE, N-(2-AMINOETHYL)-N'- 2- (2- * AMINOETHYL)AMINO ETHYL—	112-57-2	2320	(CO) 3 15 17
1817	# TETRAETHYL LEAD PLUMBANE, TETRAETHYL-	78-00-2	1649	(R3) 1 2 3 4 6 8 15 16 17 18 19 20 21

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	TETRAETHYL PYROPHOSPHATE see TEPP			
syn add				
	TETRAETHYL SILICATE see ETHYL SILICATE			
syn add				
2803 add	TETRAETHYLTIN	597-64-8		16 19
1819	# TETRAFLUOROETHYLENE ETHENE, TETRAFLUORO-	116-14-3	1081	(F4,R3) 3 15 17
1820	TETRAFLUOROHYDRAZINE NITROGEN FLUORIDE (N2F4)	10036-47-2	1955	2 17
1821	TETRAFLUOROMETHANE METHANE, TETRAFLUORO-	75-73-0	1982	3 17
1822	TETRAHYDROBENZALDEHYDE CYCLOHEXENECARBOXALDEHYDE	1321-16-0	2498	17
3470 add	1,2,3,6-TETRAHYDROBENZALDEHYDE	100-50-5	2498	3 15
	1,2,3,4-TETRAHYDROBENZENE see CYCLOHEXENE			
syn add				
1823	# TETRAHYDROFURAN FURAN, TETRAHYDRO-	109-99-9	2056	(F3) 1 2 3 4 15 17 20 21
1824	TETRAHYDROFURFURYLAMINE 2-FURANMETHANAMINE, TETRAHYDRO-	4795-29-3	2943	3 17
3471 add	TETRAHYDRONAPHTHYLHYDRO PEROXIDE		2136	17
1825	TETRAHYDROPHTHALIC ANHYDRIDE 1,3-ISOBENZOFURANDIONE, 3A,4,7,7A-TETRAHYDRO-	85-43-8	2698	3 17
1826	1,2,3,6-TETRAHYDROPYRIDINE PYRIDINE, 1,2,3,6-TETRAHYDRO-	694-05-3	2410	3
1827	TETRAHYDROTHIOPHENE THIOPHENE, TETRAHYDRO-	110-01-0	2412	3 17
1828	TETRALIN HYDROPEROXIDE HYDROPEROXIDE, 1,2,3,4-TETRAHYDRO-1-NAPHTHALENYL	771-29-9	2136	17
	TETRAMETHOXYSILANE see METHYL SILICATE			
syn add				
1829	# TETRAMETHYL AMMONIUM HYDROXIDE METHANAMINIUM, N,N,N-TRIMETHYL-, HYDROXIDE	75-59-2	1835	(CO) 3 17
1830 chg	1,1,3,3-TETRAMETHYL BUTYL HYDROPEROXIDE HYDROPEROXIDE, 1,1,3,3-TETRAMETHYLBUTYL	5809-08-5	2160	3 17
2804 add	1,1,3,3-TETRAMETHYLBUTYLPEROXY-2-ETHYL HEXANOATE, * technical pure	22288-43-3	2161	3 17
	TETRAMETHYLDIAMINOBENZOPHENONE see MICHLERS KETONE			
syn add				
1831	# TETRAMETHYL LEAD PLUMBANE, TETRAMETHYL-	75-74-1	1649	(F3,R3) 1 2 3 4 6 15 16 17 18 19
1832	TETRAMETHYLMETHYLENEDIAMINE METHANEDIAMINE, N,N,N',N'-TETRAMETHYL-	51-80-9	9069	17
1833	TETRAMETHYL SILANE SILANE, TETRAMETHYL-	75-76-3	2749	3 17

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1834	TETRAMETHYL SUCCINONITRILE BUTANEDINITRILE, TETRAMETHYL-	3333-52-6		1 2 4
1835	TETRANITRO-ANILINE BENZENAMINE, TETRANITRO-	53014-37-2	0207	3
1836	TETRANITROMETHANE METHANE, TETRANITRO-	509-14-8	1510	1 2 3 4 16 17 19 20 21
2805 add	TETRAPROPYLORTHOTITANATE	3087-37-4	2413	3 17
1837	TETRASODIUM PYROPHOSPHATE DIPHOSPHORIC ACID, TETRASODIUM SALT	7722-88-5		2 4
1838	TETRAZOL-1-ACETIC ACID 1H-TETRAZOLE-1-ACETIC ACID	21732-17-2	0407	3
1839	TETRYL BENZENAMINE, N-METHYL-N,2,4,6-TETRANITRO-	479-45-8	0208	2 3 4
2807 add	THALLIC OXIDE	1314-32-5		3 6 8 16 18 20 21
1840	THALLIUM	7440-28-0	1707	1 2 3 4 6 18 20
3062 add	THALLIUM ACETATE	563-68-8		1 2 3 4 6 8 18 20 21
syn add	THALLIUM(1+)CARBONATE see THALLOUS CARBONATE			
2808 add	THALLIUM CHLORATE	13453-30-0	2573	3 4 6 17 18
syn add	THALLIUM CHLORIDE see THALLOUS CHLORIDE			
2809 gen add	THALLIUM COMPOUNDS, n.o.s.		1707	3 4 6 17 18 20
1841 chg	THALLIUM NITRATE NITRIC ACID, THALLIUM(1+) SALT	10102-45-1	2727	1 2 3 4 6 8 17 18 20 21
2810 gen add	THALLIUM SALT, n.o.s.		1707	3 4 6 17 18
3010 add	THALLIUM SELENIDE	12039-52-0		3 4 6 8 18 20 21
1842	THALLIUM SULFATE SULFURIC ACID, THALLIUM SALT	10031-59-1	1707	1 2 3 4 6 8 16 17 18 19 20 21
syn add	THALLIUM(I)SULFATE see THALLIUM SULFATE			
2811 add	THALLOUS CARBONATE THALLIUM(1)CARBONATE	6533-73-9		1 2 6 8 16 18 19 20 21
2812 add	THALLOUS CHLORIDE	7791-12-0		1 2 6 8 16 18 19 20 21

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2813 add	THALLOUS MALONATE	2757-18-8		6 16 18 19
2887 add	THALLOUS SULFATE	7446-18-6		1 2 3 6 16 18 19 20 21
1843	4-THIAPENTANAL PROPANAL, 3-(METHYLTHIO)-	3268-49-3	2785	3 17
1844	# THIOACETAMIDE ETHANETHIOAMIDE	62-55-5		(CA) 3 5 6 7 18 20 21
1845	THIOACETIC ACID ETHANETHIOIC ACID	507-09-5	2436	3 17
3472 add	THIOBENCARB S-(p-CHLOROBENZYL) N,N-DIETHYLTHIOCARBAMATE	28249-77-6		8
1846	4,4'-THIOBIS (6-tert BUTYL-m-CRESOL) m-CRESOL, 4,4'-THIOBIS (6-tert-BUTYL)-	96-69-5		2 4
2816 add	2,2'-THIOBIS(4-CHLORO-6-METHYL)PHENOL	4418-66-0		16 19
2817 add	2,2'-THIOBIS-4,6-DICHLORO-PHENOL	97-18-7		16
2818 add	THIOCARBAZIDE 1,3-DIAMINO-2-THIOUREA	2231-57-4		16 19
syn add	THIOCARBONYL CHLORIDE see THIOPHOSGENE			
2819 add	THIOCYANIC ACID, (2-BENZOTHIAZOLYLTHIO)METHYL ESTER	21564-17-0		2 3 16 20
1847	+ 4,4'-THIODIANILINE BENZENAMINE, 4,4'-THIOBIS-	139-65-1		(CA) 6 7 18
2820 add	THIOFANOX 2-BUTANONE, 3,3-DIMETHYL-1-(METHYLTHIO)-, O-((METHYLAMINO) * CARBONYL)OXIME	39196-18-4	2757	3 16 19 20 21
2821 add	THIOGLYCOL ETHANOL, 2-MERCAPTO	60-24-2	2966	3 17
1848	# THIOGLYCOLIC ACID ACETIC ACID, MERCAPTO-	68-11-1	1940	(CO) 2 3 4 17
1849	THIOLACTIC ACID PROPANOIC ACID, 2-MERCAPTO-	79-42-5	2936	3 17
2822 add	THIOMETON PHOSPHORODITHIOIC ACID, S-(2-ETHYLTHIO)ETHYL) O,O-DIMETHYL ESTER	640-15-3		16 16
syn add	THIONAZIN see ZINOPHOS			
1850	# THIONYL CHLORIDE	7719-09-7	1836	(CO,R2) 2 3 4 15 17
3473 add.	THIOPHANATE-METHYL	23564-05-8		8
1851	# THIOPHENE DIVINYLENE SULFIDE	110-02-1	2414	(F3) 3 15 17
syn add	THIOPHENOL see BENZENETHIOL			
1852	THIOPHOSGENE CARBONOTHIOIC DICHLORIDE	463-71-8	2474	3 17

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3129 add	THIOPHOSPHORYL CHLORIDE	3982-91-0	1837	3 17
2823 add	THIOSEMICARBAZIDE	79-19-6		3 16 19 20 21
1853	# THIOUREA	62-56-6	2877	(CA,MU) 3 5 6 7 17 18 20 21
2824 add	THIOUREA, (2-CHLOROPHENYL)- 1-(o-CHLOROPHENYL)THIOUREA	5344-82-1	2588	3 16 17 19 20 21
2825 add	THIOUREA, (2-METHYLPHENYL)-	614-78-8		16 19
1854	THIRAM THIOPEROXYDICARBONIC DIAMIDE, TETRAMETHYL-	137-26-8	2771	1 2 3 4 8 17 20 21
1855	THORIUM	7440-29-1	9170+	3 17
1856	# THORIUM DIOXIDE THORIUM OXIDE	1314-20-1		(CA) 5 6 18
1857	THORIUM NITRATE NITRIC ACID, THORIUM SALT	13823-29-5	9171+	3 15 17
1858	TIN(FUME OR POWDER)	7440-31-5		1 2 4
syn add	TIN CHLORIDE, FUMING see TIN TETRACHLORIDE			
syn add	TIN PERCHLORIDE see TIN TETRACHLORIDE			
1859	# TIN TETRACHLORIDE	7646-78-8	1827	(CO) 1 2 3 4 17
1860 chg	TITANIUM (POWDER)	7440-32-6	2546+	3 17
1861 chg	TITANIUM DIOXIDE (DUST) TITANIUM OXIDE	13463-67-7		1 2 4 6
1862	TITANIUM HYDRIDE	11140-68-4	1871	3 17
2827 add	TITANIUM Sponge, Granules or Powder		2878	3 17
1863	# TITANIUM SULFATE TITANIUM OXO(SULFATO)-	13825-74-6	1760	(CO) 3 17
1864	# TITANIUM TETRACHLORIDE	7550-45-0	1838	(CO) 3 6 15 16 17 18 19
1865	# TITANIUM TRICHLORIDE	7705-07-9	2869+	(CO) 3 17
syn add	TNT see 2,4,6-TRINITROTOLUENE			
syn add	o-TOLIDINE see 3,3'-DIMETHYLBENZIDINE			
syn add	p-TOLUAMIDE-n-ISOPROPYL-alpha-(2-METHYLHYDRAZINO) see * n-ISOPROPYL-alpha-(2-METHYLHYDRAZINO)-p-TOLUAMIDE			

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1866	# TOLUENE BENZENE, METHYL-	108-88-3	1294	(F3) 1 2 3 4 6 8 15 17 18 20 21
	TOLUENEDIAMINE see DIAMINOTOLUENES			
syn add				
	2,4-TOLUENE DIAMINE see 2,4-DIAMINOTOLUENE			
syn add				
	TOLUENE-2,6-DIAMINE see 2,6-DIAMINOTOLUENE			
syn add				
	TOLUENE-3,4-DIAMINE see 3,4-DIAMINOTOLUENE			
syn add				
1869	+ TOLUENE-2,4-DIISOCYANATE BENZENE, 2,4-DIISOCYANATO-1-METHYL-	584-84-9	2078	(CA) 1 2 3 4 5 6 7 12(A,B,G) 15 16 17 18 19 20
1868	+ TOLUENE-2,6-DIISOCYANATE BENZENE, 1,3-DIISOCYANATO-2-METHYL-	91-08-7	2078	(CA) 3 4 5 6 7 16 18 19 20
1870	# TOLUENE SULFONIC ACID BENZENESULFONIC ACID, METHYL-	25231-46-3	2584+	(CO) 3 15 17
1318	m-TOLUIDINE BENZENAMINE, 3-METHYL-	108-44-1	1708	1 2 3 4
1442	# o-TOLUIDINE 2-METHYLBENZENAMINE	95-53-4	1708	(CA,MU) 1 2 3 4 6 7 15 18 20 21
1622	p-TOLUIDINE BENZENAMINE, 4-METHYL-	106-49-0	1708	1 2 3 4 15 20 21
1443	# o-TOLUIDINE HYDROCHLORIDE BENZENAMINE, 2-METHYL-, HYDROCHLORIDE	636-21-5		(CA) 3 5 6 7 18 20 21
	o-TOLUIDINE-5-NITRO- see 5-NITRO-o-TOLUIDINE			
syn add				
	TOLUOL see TOLUENE			
syn add				
1871 chg	# TOXAPHENE OCTACHLOROCAMPHENE	8001-35-2	2761	(CA,TE) 1 2 3 4 5 6 7 8 14 16 17 18 19 20 21
2939 gen add	2,4,5-TP ESTERS	32534-95-5	2765	3 20
1872	TRAGACANTH GUM GUM TRAGACANTH	9000-65-1		12(A,B)
	TREMOLITE see ASBESTOS, TREMOLITE			
syn add				
1874	# TREOSULFAN 1,2,3,4-BUTANETETROL, 1,4-DIMETHANESULFONATE, S-(R*,R*)-	299-75-2		(CA) 7
3474 add	TRIALLATE 2-PROPENE-1-THIOL, 2,3,3-TRICHLORO-, DIISOPROPYLCARBAMATE	2303-17-5		8

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1875	TRIALLYLAMINE 2-PROPEN-1-AMINE, N,N-DI-2-PROPENYL-	102-70-5	2610	3 17
1876	TRIALLYL BORATE BORIC ACID (H3BO3), TRI-2-PROPENYL ESTER	1693-71-6	2609	3 17
2830 add	TRIAMIPHOS BIS(DIMETHYLAMINO)-3-AMINO-5-PHENYLTRIAZOLYL PHOSPHINE OXIDE	1031-47-6	2783	3 16 19
3475 add	TRIASULFURON BENZENESULFONAMIDE, 2-(2-CHLOROETHOXY)-N-(((4-METHOXY-6- * METHYL-1,3,5-TRIAZIN-2-YL)AMINO)CARBONYL)-	82097-50-5		8
2834 gen add	TRIAZINE PESTICIDES, TOXIC, n.o.s.		2763+	3 17
syn add	TRIAZIQUONE see 2,3,5-TRIS(1-AZIRIDINYL)-p-BENZOQUINONE			
syn add	TRI(1-AZIRIDINYL)PHOSPHINE OXIDE see 1-AZIRIDINYL PHOSPHINE * OXIDE (TRIS)			
2835 add	TRIAZOFOS PHOSPHOROTHIOIC ACID, O,O-DIETHYL O-(1-PHENYL-1H-1,2,4-TRIAZOL- * 3-YL) ESTER	24017-47-8		16 19
1877	# TRIAZOLAM 4H-S-TRIAZOLO (4,3-A) (1,4) BENZODIAZEPINE, 8-CHLORO-6-(O- * CHLOROPHENYL)-1-METHYL-	28911-01-5		(TE) 13(EE)
3476 add	1,2,4-TRIBROMOBENZENE	615-54-3		8
3477 add	TRIBROMOCHLOROMETHANE	594-15-0		8
3478 add	TRIBROMODIPHENYL ETHER	49690-94-0		8
1878	TRIBUTYL ALUMINUM ALUMINUM, TRIBUTYL-	1116-70-7	1930+	3 15 17
1879	# TRIBUTYLAMINE 1-BUTANAMINE, N,N-DIBUTYL-	102-82-9	2542	(CO) 3 15 17
1880	TRIBUTYL PHOSPHATE PHOSPHORIC ACID, TRIBUTYL ESTER	126-73-8		1 2 4 15
1881	TRIBUTYLTIN ACETATE STANNANE, ACETOXYTRIBUTYL	56-36-0		2 14
3479 add	TRIBUTYLTIN OXIDE	56-35-9		8
1882	TRICHLORFON PHOSPHONIC ACID, (2,2,2-TRICHLORO-1-HYDROXYETHYL)-, * DIMETHYL ESTER	52-68-6	2783+	3 6 14 16 17 18 20
1883	# TRICHLOROACETIC ACID ACETIC ACID, TRICHLORO-	76-03-9	1839+	(CO) 2 4 3 17
1884	TRICHLOROACETYL CHLORIDE ACETYL CHLORIDE, TRICHLORO-	76-02-8	2442	3 16 17 19
1885	1,2,3-TRICHLOROBENZENE BENZENE, 1,2,3-TRICHLORO-	87-61-6	2321	3
1887	1,2,4-TRICHLOROBENZENE BENZENE, 1,2,4-TRICHLORO-	120-82-1	2321	2 3 4 6 8 15 18 20
1886	TRICHLOROBENZENES BENZENE, TRICHLORO-	12002-48-1	2321	3 17
1888	TRICHLOROBUTENE BUTENE, TRICHLORO-	51023-22-4	2322	3 17

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2836 add	TRICHLORO(CHLOROMETHYL)SILANE	1558-25-4		16 19
3480 add	TRICHLOROCYCLOPENTADIENE	77323-84-3		8
syn add	TRICHLORO(DICHLOROPHENYL)SILANE see DICHLOROPHENYL TRI- * CHLOROSILANE			
syn add	1,1,1-TRICHLOROETHANE see METHYL CHLOROFORM			
1889	# 1,1,2-TRICHLOROETHANE ETHANE, 1,1,2-TRICHLORO-	79-00-5	2831	(CA) 1 2 3 4 6 8 17 18 20 21
syn add	TRICHLOROETHENE see TRICHLOROETHYLENE			
1890 chg	# TRICHLOROETHYLENE TRICHLOROETHENE	79-01-6	1710	(MU) 1 2 3 4 6 8 15 17 18 20 21
syn add	TRICHLOROETHYLSILANE see ETHYLTRICHLOROSILANE			
1891	TRICHLOROFLUOROMETHANE METHANE, TRICHLOROFLUORO-	75-69-4		1 2 6 8 15 18 20 21
1892	TRICHLOROISOCYANURIC ACID 1,3,5-TRICHLORO-1,3,5-TRIAZINE-2,4,6(1H,3H,5H)-TRIONE	87-90-1	2468	2 3 17 20
syn add	TRICHLORO METHANE SULFENYL CHLORIDE see PERCHLOROMETHYL * MERCAPTAN			
1893	TRICHLORONAPHTHALENE NAPHTHALENE, TRICHLORO-	1321-65-9		1 2 4
2837 add	TRICHLORONATE PHENOL, 2,4,5-TRICHLORO-, O-ESTER with O-ETHYL * ETHYLPHOSPHONOTHIOATE	327-98-0	3018	3 16 19
3011 add	TRICHLOROPHENOL	25167-82-2	2020	3 17 20
2926 add	2,3,4-TRICHLOROPHENOL	15950-66-0	2020	3 17 20
2927 add	2,3,5-TRICHLOROPHENOL	933-78-8	2020	3 17 20
2928 add	2,3,6-TRICHLOROPHENOL	933-75-5	2020	3 17 20
1895 chg	2,4,5-TRICHLOROPHENOL PHENOL, 2,4,5-TRICHLORO-	95-95-4	2020	3 6 8 17 18 20 21
1894	# 2,4,6-TRICHLOROPHENOL PHENOL, 2,4,6-TRICHLORO-	88-06-2	2020+	(CA) 3 5 6 7 8 18 20 21
2956 add	3,4,5-TRICHLOROPHENOL	609-19-8	2020	3 17 20
1896	# 2,4,5-(TRICHLOROPHENOXY) ACETIC ACID ACETIC ACID, (2,4,5-TRICHLOROPHENOXY)-	93-76-5	2765	(MU) 2 3 4 7 8 14 17 20 21
1899	TRICHLOROPHENOXYPROPIONIC ACID PROPIONIC ACID, 2-(2,4,5-TRICHLORO-PHENOXY)-	93-72-1	2765	3 8 17 20 21

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1898	TRICHLOROPHENOXYPROPIONIC ACID ESTER PROPIONIC ACID, 2-(2,4,5) TRICHLORO-PHENOXY)-,p-CHLORO- * PHENACYL ESTER	73826-29-6	2765	3
1900	TRICHLOROPHENOXYPROPIONIC ACID ESTER PROPIONIC ACID, 3-(2,4,5) TRICHLORO-PHENOXY)-3-BUTOXY- * PROPYL ESTER	6047-17-2	2765	3
syn add	TRICHLOROPHENYL ETHER see CHLORINATED DIPHENYL OXIDE			
syn add	TRICHLOROPHENYLSILANE see PHENYL TRICHLOROSILANE			
syn add	TRICHLOROPHON see TRICHLORFON			
1902	# 1,2,3-TRICHLOROPROPANE PROPANE, 1,2,3-TRICHLORO-	96-18-4		(MU) 1 2 4 8 15 20
3596 add	1,1,2-TRICHLOROPROPANE PROPANE, 1,1,2-TRICHLORO-	5998-77-6		8
1903	# TRICHLOROSILANE SILANE, TRICHLORO-	10025-78-2	1295	(CO,F4,R2) 3 15 17
syn add	TRICHLORO-S-TRIAZINETRIONE see TRICHLOROISOCYANURIC ACID			
1904	1,1,2-TRICHLORO 1,2,2-TRIFLUOROETHANE ETHANE, 1,1,2-TRICHLORO-1,2,2-TRIFLUORO-	76-13-1		1 2 4 6 8 18
syn add	TRICRESOL see CRESYLIC ACID			
3130 add	TRICRESYLPHOSPHATE	1330-78-5	2574	3 17
3597 add	TRIDIPHANE	58138-08-2		8
1905	TRIETHANOLAMINE DODECYLBENZENESULFONATE ETHANOL, 2-2',2''-NITRILOTRIS-DODECYLBENZENESULFONATE (SALT)	27323-41-7		20
2838 add	TRIETHOXYSILANE	998-30-1		16 19
1906	# TRIETHYL ALUMINUM ALUMINUM, TRIETHYL	97-93-8		(F3,R3) 15
1907	# TRIETHYLAMINE N,N-DIETHYLETHANAMINE	121-44-8	1296	(F3) 1 2 3 4 8 15 17 20
1908	# TRIETHYLENE TETRAMINE 1,2-ETHANEDIAMINE, N,N'-BIS(2-AMINOETHYL)-	112-24-3	2259	(CO) 3 15 17
1909	TRIETHYL PHOSPHITE PHOSPHOROUS ACID, TRIETHYL ESTER	122-52-1	2323	3 17
1910	TRIETHYLTIN CHLORIDE STANNANE, CHLOROTRIETHYL	994-31-0		1 2
1911	# TRIFLUOROACETIC ACID ACETIC ACID, TRIFLUORO-	76-05-1	2699	(CO) 3 17
3483 add	TRIFLUOROACETYLCHLORIDE	354-32-5	3057	17
syn add	TRIFLUOROAMINE OXIDE see NITROGEN FLUORIDE OXIDE			

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1912	TRIFLUOROBROMOMETHANE METHANE, BROMOTRIFLUORO-	75-63-8	1009	1 2 3 4 6 17 18
1913	# TRIFLUOROCHLOROETHYLENE ETHENE, CHLOROTRIFLUORO-	79-38-9	1082	(F4) 3 15 17
	TRIFLUOROCHLORMETHANE see CHLOROTRIFLUOROMETHANE			
syn add				
1914	TRIFLUOROETHANE ETHANE, TRIFLUORO-	27987-06-0	2035	3 17
1915	TRIFLUOROMETHANE METHANE, TRIFLUORO-	75-46-7	1984	3 17
1917	2-TRIFLUOROMETHYL ANILINE BENZENAMINE, 2-(TRIFLUOROMETHYL)-	88-17-5	2942	3 17
1916	3-TRIFLUOROMETHYL ANILINE BENZENAMINE, 3-(TRIFLUOROMETHYL)-	98-16-8	2948	3 16 17 19
3485 add	3-TRIFLUOROMETHYLPHENYL ISOCYANATE	329-01-1	9268	17
1918	TRIFLURALIN BENZENAMINE, 2,6-DINITRO-N,N-DIPROPYL-4-(TRIFLUOROMETHYL)-	1582-09-8	2588	3 6 8 18
1919	# TRIISOBUTYL ALUMINIUM ALUMINUM, TRIS(2-METHYLPROPYL)-	100-99-2	1930	(F3,R3) 3 15 17
1920	TRIISOBUTYLENE 1-PROPENE, 2-METHYL-, TRIMER	7756-94-7	2324	3 17
2840 gen add	TRIISOCYANATOISOCYANURATE OF ISOPHORONEDIISOCYANATE, solution		2906	3 17
1921	TRIISOPROPYL BORATE BORIC ACID (H3BO3), TRIS(1-METHYLETHYL) ESTER	5419-55-6	2616	3 15 17
1922	TRIMELLITIC ANHYDRIDE 5-ISOBENZOFURANCARBOXYLIC ACID, 1,3-DIHYDRO-1,3-DIOXO-	552-30-7		2 4 12(A,G,H)
1923	TRIMETHADIONE 2,4-OXAZOLIDINEDIONE, 3,5,5-TRIMETHYL-	127-48-0		13(Y,EE)
1924	TRIMETHOPRIM 2,4-PYRIMIDINEDIAMINE, 5-((3,4,5-TRIMETHOXY-PHENYL)METHYL)-	738-70-5		13(Y,EE)
3131 add	TRIMETHOXY SILANE	2487-90-3	9269	17
1925	# TRIMETHYLACETYL CHLORIDE PROPANOYL CHLORIDE, 2,2-DIMETHYL-	3282-30-2	2438	(CO) 3 17
1926	# TRIMETHYL ALUMINUM ALUMINUM, TRIMETHYL	75-24-1	1103	(F3,R3) 2 3 15 17
1927	# TRIMETHYLAMINE N,N-DIMETHYLMETHANAMINE	75-50-3	1083 +	(F4) 2 3 4 15 17 20
2841 add	2,4,6-TRIMETHYL ANILINE	88-05-1	2810	3 16 17 19
1929	TRIMETHYL BENZENE BENZENE, TRIMETHYL-	25551-13-7	2325	2 4 17
	1,2,4-TRIMETHYL BENZENE see PSEUDOCUMENE			
syn add				
1928	1,3,5-TRIMETHYLBENZENE	108-67-8	2325	3 15 16 17
1930	# TRIMETHYLBORATE BORIC ACID, TRIMETHYL ESTER	121-43-7	2416	(F3) 3 15 17

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1931	# TRIMETHYLCHLOROSILANE CHLOROTRIMETHYLSILANE	75-77-4	1298	(CO,F3,R2) 3 15 16 17 19
1932	# TRIMETHYLCYCLOHEXYLAMINE CYCLOHEXYLAMINE, TRIMETHYL-	34216-34-7	2326	(CO) 3 17
syn add	TRIMETHYLETHYLENE see 2-METHYL-2-BUTENE			
1933	# TRIMETHYLHEXAMETHYLENEDIAMINE 1,6-HEXANEDIAMINE, TRIMETHYL-	25620-58-0	2327	(CO) 3 17
1934	TRIMETHYLHEXAMETHYLENEDIISOCYANATE HEXANE, 1,6-DIISOCYANATOTRIMETHYL-	28679-16-5	2328	3 17
syn add	TRIMETHYL NORPINANYL HYDROPEROXIDE see PINANE HYDROPEROXIDE			
2843 add	TRIMETHYLOLPROPANE PHOSPHITE	824-11-3		16 19
syn add	2,2,4-TRIMETHYLPENTANE see ISOOCTANE			
syn add	2,4,4-TRIMETHYLPENTENE see DI-ISOBUTYLENE			
2844 add	2,4,4-TRIMETHYLPENTYL-2-PEROXYPHENOXY-ACETATE		2961	3 17
1935	TRIMETHYL PHOSPHITE PHOSPHOROUS ACID, TRIMETHYL ESTER	121-45-9	2329	2 3 4 15 17
2845 add	TRIMETHYLTIN CHLORIDE	1066-45-1		16 19
1936	TRINITRO-ANILINE BENZENAMINE, TRINITRO-	26952-42-1	0153	3
1937	TRINITROANISOLE BENZENE, 2-METHOXY-1,3,5-TRINITRO	606-35-9	0213	3
1938	# TRINITROBENZENE BENZENE, 1,3,5-TRINITRO-	99-35-4	0214+	(F4,R4) 3 8 15 17 20 21
1939	TRINITROBENZENESULFONIC ACID BENZENESULFONIC ACID, 2,4,6-TRINITRO-	2508-19-2	0386	3
1940 chg	TRINITROBENZOIC ACID BENZOIC ACID, 2,4,6-TRINITRO-	129-66-8	0215+	3
1941	TRINITROCHLOROBENZENE BENZENE, CHLOROTRINITRO-	28260-61-9	0155	3
1943	TRINITRO-m-CRESOL PHENOL, 3-METHYL-2,4,6-TRINITRO-	602-99-3	0216	3
1942	TRINITROFLUORENONE 9H-FLUOREN-9-ONE, TRINITRO-	25322-14-9	0387	2 3
1944	TRINITRONAPHTHALENE NAPHTHALENE, TRINITRO	55810-17-8	0217	3
1945	TRINITROPHENETOLE BENZENE, 2-ETHOXY-1,3,5-TRINITRO-	4732-14-3	0218	3
1946	+ 2,4,6-TRINITROPHENOL PHENOL, 2,4,6-TRINITRO-	88-89-1	0154+	(F4,R4) 1 2 3 4 6 18
syn add	TRINITROPHENYLMETHYLNITRAMINE see TETRYL			

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1947	TRINITRORESORCINOL RESORCINOL, 2,4,6-TRINITRO	82-71-3	0394+	3
1948 chg	# 2,4,6-TRINITROTOLUENE BENZENE, 2-METHYL-1,3,5-TRINITRO-	118-96-7	0209+	(F4,R4) 2 3 4 8
1949	TRIORTHOCRESYL PHOSPHATE PHOSPHORIC ACID, TRI-O-TOLYL ESTER	78-30-8		1 2 4
1950	TRIPHENYL AMINE N,N-DIPHENYLBENZENAMINE	603-34-9		2 4
1951	TRIPHENYL PHOSPHATE PHOSPHORIC ACID, TRIPHENYL ESTER	115-86-6		1 2 4 15
1952	TRIPHENYLTIN CHLORIDE STANNANE, CHLOROTRIPHENYL	639-58-7		2 16 19
1953	TRIPHENYLTIN HYDROXIDE STANNANE, HYDROXYTRIPHENYL	76-87-9	2588	2 3 4 14 17
1954	# TRIPROPYL ALUMINUM ALUMINUM, TRIPROPYL-	102-67-0	2718	(F3,R3) 3 15 17
1955	# TRIPROPYLAMINE 1-PROPANAMINE, N,N-DIPROPYL-	102-69-2	2260	(CO) 3 15 17
1956	# TRIPROPYLENE 1-PROPENE, TRIMER	13987-01-4	2057	(F3) 3 15 17
1461	# 2,3,5-TRIS(1-AZIRIDINYL)-p-BENZOQUINONE 2,5-CYCLOHEXADIENE-1,4-DIONE, 2,3,5-TRIS(1-AZIRIDINYL)-	68-76-8		(MU) 6 7 18
syn add	TRIS(1-AZIRIDINYL)PHOSPHINE OXIDE, solution see 1- * AZIRIDINYL PHOSPHINE OXIDE(TRIS)			
1515	# TRIS(1-AZIRIDINYL)PHOSPHINE SULFIDE AZIRIDINE, 1,1',1"-PHOSPHINOTHIOYLIDYNETRIS-	52-24-4		(CA,MU) 5 7
2847 add	TRIS(2-CHLOROETHYL)AMINE	555-77-1		16 19
1957	# TRIS (2,3-DIBROMOPROPYL) PHOSPHATE 1-PROPANOL, 2,3-DIBROMO-, PHOSPHATE (3:1)	126-72-7		(CA) 3 5 6 7 18 20 21
syn add	TROCLOSENE POTASSIUM see POTASSIUM DICHLOROISOCYANURATE			
3486 add	# TRP-P-1 3-AMINO-1,4-DIMETHYL-5H-PYRIDO[4,3-b]INDOLE	62450-06-0		(CA) 7
3487 add	# TRP-P-2 3-AMINO-1-METHYL-5H-PYRIDO[4,3-b]INDOLE	62450-07-1		(CA) 7
syn add	TRYPAN BLUE see C.I. DIRECT BLUE 14, TETRASODIUM SALT			
1958	TRYPSIN	9002-07-7		12(A)
2940 gen add	2,4,5-T SALTS	13560-99-1	2765	3 20
1959	TUNGSTEN	7440-33-7		2 4
1960	TUNGSTEN CARBIDE	12070-12-1		2 4 12(B)
3488 gen add	TUNGSTEN compounds			2 4
1961	# TUNGSTEN HEXAFLUORIDE TUNGSTEN FLUORIDE Wf(6+)	7783-82-6	2196	(CO) 2 3 4 17

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1962 chg	# TURPENTINE	8006-64-2	1299	(F3) 1 2 3 4 15 17
syn add	UDMH see 1,1-DIMETHYLHYDRAZINE			
1963	UNDECANE	1120-21-4	2330	3 15 17
1964	1-UNDECANETHIOL	5332-52-5		4
syn add	URACIL, 5-(BIS(2-CHLOROETHYL)AMINO) see 5-(BIS(2-CHLOROETHYL) * AMINO)URACIL			
syn add	URACIL, 5-FLUORO see 5-FLUOROURACIL			
syn add	URACIL, 6-METHYL-2-THIO- see 6-METHYL-2-THIOURACIL			
syn add	URACIL MUSTARD see 5-[BIS(2-CHLOROETHYL)AMINO]URACIL			
syn add	URACIL, 6-PROPYL-2-THIO- see 6-PROPYL-2-THIOURACIL			
1969	URANIUM	7440-61-1	2979+	1 2 3 4 8 17
1970	URANIUM HEXAFLUORIDE URANIUM FLUORIDE	7783-81-5	2977+	1 2 3 17
3490 add	URANIUM NITRATE HEXAHYDRATE SOLUTION		2980	17
3491 gen add	URANIUM, SOLUBLE SALTS			4 8
1971	URANIUM TETRACHLORIDE URANIUM (IV) CHLORIDE	10026-10-5		1 2
1972	URANIUM TETRAFLUORIDE	10049-14-6		1 2
1973	URANIUM TRICHLORIDE	10025-93-1		1 2
1974	URANIUM TRIOXIDE	1344-58-7		1 2
1975	URANYL ACETATE URANIUM, BIS(ACETATO-O)DIOXO-	541-09-3	9180	1 2 3 17 20
1976	URANYL CHLORIDE URANIUM (VI), DICHLORODIOXY	7791-26-6		1 2
1977	URANYL DIOXIDE URANIUM DIOXIDE	1344-57-6		1 2
1978	URANYL NITRATE URANIUM, BIS(NITRATO-O)DIOXO-	10102-06-4	2981	1 2 3 15 17 20
1980	URANYL NITRATE HEXAHYDRATE URANIUM, BIS(NITRATO-O)DIOXO-, HEXAHYDRATE	13520-83-7	2980	1 2 3
1981	URANYL PEROXIDE URANIUM PEROXIDE	19525-15-6		1 2

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1982	URANYL PHOSPHATE	18433-48-2		1 2
1983	URANYL SULFATE	1314-64-3		1 2
syn add	UREA HYDROGEN PEROXIDE see UREA PEROXIDE			
1984 chg	UREA NITRATE UREA, MONONITRATE	124-47-0	1357+	3 17
1985 chg	UREA PEROXIDE UREA, compound with HYDROGEN PEROXIDE	124-43-6	1511	3 17
1986	# URETHANE CARBAMIC ACID, ETHYL ESTER	51-79-6		(CA,MU,TE) 3 5 6 7 8 18 20 21
1987	# VALERALDEHYDE	110-62-3	2058	(F3) 2 3 4 15 17
1988	# VALERIC ACID	109-52-4	1760	(CO) 3 15 17
1989	# VALERYL CHLORIDE PENTANOYL CHLORIDE	638-29-9	2502+	CO 3 17
2850 add	VALINOMYCIN 1,7,13,19,25,31-HEXAOXA-4,10,16,22,28,34-HEXAAZOCYCLOHEXA * TRIACONTANE-2,5,8,11,14,17,20,23,26,29,32,35-DODECONE, * 12,24,36-TRIMETHYL-3,6,9,15,18,21,27,30,33-NONAKIS(1-METHYL * ETHYL)-	2001-95-8		16 19
1990 chg	VANADIUM (DUST AND FUME)	7440-62-2		1 2 4 6 12 (B)18
1991	VANADIUM CARBIDE	11130-21-5		4
3492 gen add	VANADIUM compounds			4
1992	# VANADIUM OXYTRICHLORIDE VANADIUM, TRICHLOROOXO-	7727-18-6	2443	(CO) 3 4 17
1993	VANADIUM PENTOXIDE VANADIUM OXIDE	1314-62-1	2862	1 2 3 4 8 12(B) 16 17 19 20 21
1994	# VANADIUM TETRACHLORIDE VANADIUM CHLORIDE	7632-51-1	2444	(CO) 3 4 15 17
1995	# VANADIUM TRICHLORIDE VANADIUM CHLORIDE	7718-98-1	2475	(CO) 3 4 17
1996	VANADIUM TRIOXIDE VANADIUM OXIDE	1314-34-7	2860	3 4 12(B) 17
1997	VANADYL SULFATE VANADIUM, OXOSULFATO(2-)-O-	27774-13-6	2931+	3 17 20
syn add	VANADYL TRICHLORIDE see VANADIUM OXYTRICHLORIDE			
syn add	VARNOLINE see STODDARD SOLVENT			
syn add	VARSOL see STODDARD SOLVENT			

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3493 add	VERNAM N-PROPYL-DI-N-PROPYLTHIOLCARBAMATE	1929-77-7		8
3494 add	VINCLOZOLIN 2,4-OXAZOLIDINEDIONE, 3-(3,5-DICHLORPHENYL)-5-METHYL-5-VINYL	50471-44-8		8
1998	# VINYL ACETATE ACETIC ACID, ETHENYL ESTER	108-05-4	1301	(F3,R2) 2 3 4 6 8 15 16 17 18 19 20
syn add	VINYL ACETATE MONOMER see VINYL ACETATE			
syn add	VINYL BENZINE see STYRENE MONOMER			
1999	VINYL BROMIDE ETHENE, BROMO-	593-60-2	1085	2 3 4 6 7 8 15 17 18
syn add	VINYL-n-BUTYL ETHER see BUTYL VINYL ETHER			
2000	# VINYL BUTYRATE BUTANOIC ACID, ETHENYL ESTER	123-20-6	2838	(F3,R2) 3 15 17
2001	# VINYL CHLORIDE ETHENE, CHLORO-	75-01-4	1086	(CA,F4,MU) 2 3 4 5 6 7 15 17 18 20 21
2002	VINYL CHLOROACETATE ACETIC ACID, CHLORO-, ETHENYL ESTER	2549-51-1	2589	3 17
3495 add	4-VINYLCYCLOHEXENE	100-40-3		2 15
2003	# VINYL CYCLOHEXENE DIOXIDE 7-OXABICYCLO(4.1.0)HEPTANE, 3-OXIRANYL-	106-87-6		(MU) 2 4
2004	# VINYL ETHYL ETHER ETHENE, ETHOXY-	109-92-2	1302	(F4,R2) 3 15 17
2005	# VINYL FLUORIDE ETHENE, FLUORO-	75-02-5	1860	(F4,R2) 3 4 15 17
2006 chg	# VINYLIDENE CHLORIDE ETHENE, 1,1-DICHLORO-	75-35-4	1303	(CA,F4,R2) 2 3 4 6 8 15 17 18 20 21
2007	# VINYLIDENE FLUORIDE ETHENE, 1,1-DIFLUORO-	75-38-7	1959	(F4,R2) 3 4 15 17
2008	# VINYL ISOBUTYL ETHER PROPANE, 1-(ETHENYLOXY)-2-METHYL-	109-53-5	1304	(F3,R2) 3 15 17
2009	# VINYL METHYL ETHER ETHENE, METHOXY-	107-25-5	1087	(F4,R2) 3 15 17
2852 add	VINYLNORBORNENE BICYCLO(2.2.1)HEPT-2-ENE, 5-ETHENYL-	3048-64-4		16
3496 add	VINYL PYRIDINE	1337-81-1	3073	17
2010	VINYL TOLUENE BENZENE, ETHENYLMETHYL-	25013-15-4	2618	1 2 3 4 15 17
2011	# VINYL TRICHLOROSILANE SILANE, TRICHLOROETHENYL-	75-94-5	1305	(CO,F3,R2) 3 15 17
0206 chg	+ VM & P NAPHTHA	8032-32-4	1115+	(F3) 1 2 3 4 15 17

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2012	# WARFARIN 2H-1-BENZOPYRAN-2-ONE, 4-HYDROXY-3-(3-OXO-1-PHENYLBUTYL)-	81-81-2	3027	(TE) 1 2 3 4 8 14 16 17 19 20 21
2860 add	WARFARIN SODIUM	129-06-6	3027	16 17 19
2854 gen add	WAX, LIQUID		1993	3 17
syn add	WHITE PHOSPHORUS see PHOSPHORUS (YELLOW)			
syn add	WHITE SPIRITS see STODDARD SOLVENT			
syn add	WOOD ALCOHOL see METHYL ALCOHOL			
2902 add	# m-XYLENE BENZENE, m-DIMETHYL-	108-38-3	1307	(F3) 2 3 4 6 15 18 20 21
2903 add	# o-XYLENE BENZENE, o-DIMETHYL-	95-47-6	1307	(F3) 2 3 4 6 15 18 20 21
2904 add	# p-XYLENE BENZENE, p-DIMETHYL-	106-42-3	1307	(F3) 2 3 4 6 15 18 20 21
1320	m-XYLENE alpha, alpha'-DIAMINE m-PHENYLENEBIS(METHYLAMINE)	1477-55-0		1 2 4
2014	# XYLENES DIMETHYLBENZENE	1330-20-7	1307	(F3) 1 2 3 4 6 8 15 17 18 20 21
2015	XYLENOL PHENOL, DIMETHYL-	1300-71-6	2261	3 17 20
2016 chg	+ 2,6-XYLIDINE BENZENEAMINE, 2,6-DIMETHYL-	87-62-7		(CA) 6 18
2017	XYLIDINE BENZENAMINE, AR,AR-DIMETHYL-	1300-73-8	1711	1 2 3 4 15 17
2018 chg	XYLYL BROMIDE XYLENE, BROMO-	28258-59-5	1701	3 17
2858 add	XYLYLENE DICHLORIDE	28347-13-9		16 19
2019	YTTRIUM	7440-65-5		1 2 4
3498 gen add	YTTRIUM compounds			2
2021 chg	ZINC (DUST AND FUME)	7440-66-6	1436+	3 6 8 15 17 18 20
2022	ZINC ACETATE ACETIC ACID, ZINC SALT	557-34-6		3 6 8 18 20
2859 add	ZINC AMMONIUM CHLORIDE	14639-97-5		3 20

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2023	ZINC AMMONIUM NITRITE	63885-01-8	1512	3 6 8 17 18
2024	ZINC ARSENATE	1303-39-5	1712	3 6 7 8 17 18 20
2025	ZINC ARSENITE ARSENIOUS ACID, ZINC SALT	10326-24-6	1712	2 3 6 7 8 17 18 20
3087 add	# ZINC BERYLLIUM SILICATE SILICIC ACID, BERYLLIUM ZINC SALT	39413-47-3		(CA) 2 5 6 7 8 18
2881 add	ZINC BISULFITE solution		2693	6 8 17 18
2026	ZINC BORATE BORIC ACID, ZINC SALT	1332-07-6		3 6 8 18 20
2882 add	ZINC BROMATE	14519-07-4	2469	3 6 8 17 18
2027	ZINC BROMIDE	7699-45-8		3 6 8 18 20
2028	ZINC CARBONATE CARBONIC ACID, ZINC SALT (1:1)	3486-35-9		3 6 8 18 20
2029	ZINC CHLORATE CHLORIC ACID, ZINC SALT	10361-95-2	1513	3 6 8 15 17 18
2030	# ZINC CHLORIDE	7646-85-7	2331	(CO) 1 2 3 4 8 17 18 20
2031	# ZINC CHROMATE CHROMIC ACID, ZINC SALT (1:1)	13530-65-9		(CA) 2 4 6 7 8 18
3012 gen add	ZINC compounds			3 6 8 18 20
2032	ZINC CYANIDE	557-21-1	1713	2 3 6 8 17 18 20 21
2863 add	ZINC, DICHLORO(4,4-DIMETHYL-5-((((METHYLAMINO) * CARBONYL)OXY)IMINO)PENTANE NITRILE)-	58270-08-9		6 16 18 19
2033	ZINC DITHIONITE DITHIONOUS ACID, ZINC SALT (1:1)	7779-86-4	1931	3 6 17 18 20
syn add	ZINC ETHYL see DIETHYL ZINC			
2034	ZINC FLUORIDE	7783-49-5		2 3 6 18 20
syn add	ZINC FLUOROSILICATE see ZINC SILICOFLUORIDE			
2035	ZINC FORMATE FORMIC ACID, ZINC SALT	557-41-5		3 6 18 20
syn add	ZINC HYDROSULFITE see ZINC DITHIONITE			
syn add	ZINC MURIATE see ZINC CHLORIDE			

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2036	ZINC NITRATE NITRIC ACID, ZINC SALT	7779-88-6	1514	3 6 17 18 20
2037 chg	ZINC OXIDE (DUST AND FUME)	1314-13-2		1 2 4
2038	ZINC PERMANGANATE PERMANGANIC ACID, ZINC SALT	23414-72-4	1515	3 6 17 18
2039	ZINC PEROXIDE	1314-22-3	1516	3 6 17 18
2040	ZINC PHENOLSULFONATE BENZENESULFONIC ACID, 4-HYDROXY-, ZINC SALT (2:1)	127-82-2		3 6 18 20
2041 chg	ZINC PHOSPHIDE	1314-84-7	1714	3 6 8 14 16 17 18 19 20 21
2042 chg	ZINC POTASSIUM CHROMATE CHROMATE (1-),HYDROXYOCTAOXODIZINCATEDI-, POTASSIUM	11103-86-9		2 6 18
2883 add	ZINC RESINATE	9010-69-9	2714	3 6 17 18
2864 add	ZINC SELENATE		2630	2 3 6 17 18 20
2865 add	ZINC SELENITE	13597-46-1	2630	2 3 6 17 18 20
2043	ZINC SILICOFLUORIDE SILICATE(2-), HEXAFLUORO-, ZINC (1:1)	16871-71-9	2855	2 3 6 17 18 20
2044	ZINC SULFATE SULFURIC ACID, ZINC SALT (1:1)	7733-02-0		3 6 18 20
2045 chg	# ZINEB ZINC, ETHYLENE BIS(DITHIOCARBAMATE)	12122-67-7		(TE) 6 8 18
2046	ZINOPHOS PHOSPHOROTHIOIC ACID, O,O-DIETHYL, O-PYRAZINYL ESTER	297-97-2		3 14 16 19 20 21
2047	# ZIRCONIUM	7440-67-7	2008+	(F4) 1 2 3 4 15 17
3499 gen add	ZIRCONIUM compounds			1 2 4
2048 chg	ZIRCONIUM HYDRIDE	77049-96-1	1437	1 2 3 4 17
2049	ZIRCONIUM NITRATE NITRIC ACID, ZIRCONIUM (4+) SALT	13746-89-9	2728	1 2 3 4 17 20
2050	ZIRCONIUM PICRAMATE PICRAMIC ACID, ZIRCONIUM SALT	63868-82-6	1517	1 2 3 4 17
2051	ZIRCONIUM POTASSIUM FLUORIDE ZIRCONATE (2-), HEXAFLUORO-, DIPOTASSIUM,	16923-95-8		1 2 3 4 20
2052 chg	ZIRCONIUM SULFATE SULFURIC ACID, ZIRCONIUM (4+) SALT (2:1)	14644-61-2	9163	1 2 3 4 17 20
2053	# ZIRCONIUM TETRACHLORIDE ZIRCONIUM CHLORIDE	10026-11-6	2503	(CO) 1 2 3 15 17 20

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HIGHER EDUCATION

(a)

EDUCATIONAL OPPORTUNITY FUND

Administrative Procedures and Policies
Program Support

Proposed Readoption with Amendments: N.J.A.C. 9:11 and 9:12

Authorized By: Educational Opportunity Fund Board of Directors, Judith Cambria, Chairperson.

Authority: N.J.S.A. 18A:71-28 et seq. and N.J.S.A. 18A:71-33 through 36.

Proposal Number: PRN 1993-655.

Submit comments by March 9, 1994 to:
Jeanne Oswald
Administrative Practice Officer
Department of Higher Education
20 West State Street
CN 542
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 9:11 and 9:12 expire on April 17, 1994. The Department of Higher Education and the members of the Educational Opportunity Fund (EOF) Board of Directors, in consultation with representatives of the higher education community, have reviewed the rules proposed for readoption and determined them to be necessary, reasonable and proper for the efficient operation of the Educational Opportunity Fund program, as required by the Executive Order.

In 1968, the Educational Opportunity Fund Board of Directors was created (N.J.S.A. 18A:71 et seq and N.J.S.A. 18A:71-33 through 36) to administer the Educational Opportunity Fund Program. In addition, the Board of Directors was given responsibility for the development and maintenance of a statewide system for the identification and recruitment of potential college students from "needy" families; for advising the Chancellor, in cooperation with public and independent institutions of higher education in the state, on the organization, coordination and support of remedial education programs; for the development of eligibility criteria for financial assistance from the Fund based on need and potential for success in college; for establishing procedures for determining the amount of each award according to the total financial need of each student; for adopting by-laws, and making, enforcing, altering and repealing rules for its own operation; and for carrying out the provisions of the Educational Opportunity Fund Program legislation. In addition, the EOF Board of Directors was given the responsibility for adopting rules and regulations necessary to effectuate the objectives of the Martin Luther King Physician-Dentist Scholarship and the C. Clyde Ferguson Law Scholarship programs.

In order to comply with Executive Order No. 66(1978), the EOF Board of Directors established a task force of EOF directors and representatives from the New Jersey Association of Student Financial Aid Administrators to conduct a thorough review of the EOF regulations. The task force met on three separate occasions to review and recommend changes in the EOF regulations. In addition, copies of the EOF regulations were sent to all institutional EOF directors, financial aid officers, and business officers with a letter explaining that the regulations required readoption and requesting their input for changes. Responses were received from representatives of Burlington County College, the Hispanic Association for Higher Education in New Jersey, the University of Medicine and Dentistry of New Jersey, and Rutgers, the State University of New Jersey. All of the recommendations for additions and deletions to the regulations suggested by these groups were considered.

The current EOF regulations have served the program well. Over the last five years, enrollment in the Educational Opportunity Fund Program has increased, and EOF students now represent 12 percent of the first-time, full-time students enrolled in our public and independent colleges and universities. The program has also realized gains in the short-term retention rates of EOF students. However, significant changes in the level of educational preparation in the pool of eligible students has led the EOF Board of Directors to expand their concept of the desired program outcomes from that of access and short-term retention to transfer, graduation and increasing EOF student participation in math and science related majors. In order to achieve these desired outcomes, the Board of Directors believes it is necessary to clearly define the target population and provide institutions the direction and flexibility to provide a holistic range of educational support and enrichment activities.

The proposed amendments to the readoption of Chapter 11, Administrative Policies and Procedures, and Chapter 12, Program Support reflect the demographic, educational and socioeconomic changes that have occurred since the EOF program's inception. In view of the characteristics of the EOF students enrolled in our programs, the task force recommended amplifying the mission of the program, and incorporating processes to address long-term institutional retention (graduation) and educational goals.

The proposed amendments to Chapter 11 Administrative Policies and Procedures divide the Chapter into four subchapters. Subchapter 1. will contain the undergraduate EOF financial eligibility regulations; Subchapter 2. is the graduate EOF financial eligibility regulations; and Subchapters 3. and 4. will be for the C. Clyde Ferguson Law Scholarship and Martin Luther King Physician-Dentist Scholarship, respectively. The regulations were divided into four subchapters to (1) emphasize that the EOF program was designed to assist educationally and economically disadvantaged students through the entire higher educational system, undergraduate as well as graduate and professional school; and (2) clarify student eligibility for each phase of the higher education continuum.

The proposed amendments to Chapter 12, Program Support reflect the EOF Board of Directors' priority to improve EOF student retention and graduation rates by expanding the scope of eligible program support services. The amendments will provide institutions with the direction and flexibility to offer a holistic range of educational support and enrichment activities that will (1) increase transfer opportunities for students from two-year to four-year institutions, (2) increase enrollment in fields where minority students are traditionally underrepresented, and (3) improve graduation rates.

The amendments proposed to N.J.A.C. 9:11-1.1 "Scope and Purpose" outline the intent of the regulations and provide a clearer description of the target population the EOF Program was designed to serve. The EOF Program was created in 1968 to provide access to higher education for "needy students". The Board of Directors of EOF determined one of the characteristics of a "needy" student to be a background of historical poverty. The socio-economic conditions that exist today in New Jersey demand forceful amplification of exactly what constitutes historical poverty.

N.J.A.C. 9:11-1 deletes references to the eligibility criteria for graduate financial assistance (9:11 1.1 (b), (c) 5; 9:11-1.7 (d); 9:11-1.18; 9:11-1.19; and 9:11-1.20), since they will be contained in Subchapter 2.

The proposed N.J.A.C. 9:11-1.4 "Foreign Nationals" and N.J.A.C. 9:11-1.5 "Dependent/Independent Student Defined" adds language which allows EOF to maintain consistency with other New Jersey student assistance programs.

The proposed N.J.A.C. 9:11-1.6 "Financial Eligibility for Undergraduate Grants" currently changes yearly because the income eligibility scale is based on the College Scholarship Service's Income Protection Allowance which is adjusted annually. The proposed changes reflect the annual increase in the income eligibility scales which were previously published by the College Scholarship Service, but now appear in the Federal Register. Other proposed amendments to N.J.A.C. 9:11-1.6 provide further clarification of what constitutes "historical poverty" for individuals who experience a reduction of their income due to separation, divorce or death of a wage earner, and permits the campus EOF director, in cooperation with the financial aid director, to utilize professional judgment in exceptional cases.

The proposed N.J.A.C. 9:11-1.7 "Verification of Financial Eligibility" would require institutional officials to verify the income and assets of all grant applicants at the time of initial enrollment. This amendment would require institutions to collect additional information from all first-time applicants that was recently eliminated by the federal Department of Education during the recent reauthorization of the Higher Education Amendments. However, without information about the amount and source of an applicant's assets there is no way to truly identify individuals who actually meet the spirit and intent of the EOF Program.

The proposed N.J.A.C. 9:11-1.10 "Non-funded Students" eliminates the one year time frame on the provision of support services for students who are non-funded. These students were admitted to the institution

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based on academic as well as financial criteria. To no longer provide academic support services because the student no longer meets the financial criteria punishes the student for improved economic circumstances and increases the student's chance of becoming an attrition statistic.

The other amendments proposed to N.J.A.C. 9:11-1 are minor. They correct grammatical errors, eliminate language which refers to processes that are no longer used and add language that actually describes current operational procedures.

N.J.A.C. 9:11-2, 9:11-3, and 9:11-4 draw a distinction between undergraduate and graduate/professional school programs by placing in these subchapters the financial eligibility and program administration requirements pertinent to the EOF graduate grants and Ferguson and King scholarships. In order to maintain a logical sequence, the proposal calls for N.J.A.C. 9:11-2 to contain the Graduate EOF Financial Eligibility regulations, and the creation of a new subchapter N.J.A.C. 9:11-4 to contain the Martin Luther King Physician-Dentist Scholarship Program regulations. The creation of a subchapter to address the graduate EOF program is one that has been requested for a number of years by financial aid administrators responsible for the EOF graduate/professional school grant programs at their institutions. The major distinction between the graduate/professional school and undergraduate regulations is the deletion of references to undergraduate financial eligibility criteria that do not apply on the graduate/professional school level. Overall, these proposed changes clarify eligibility for graduate grants and make it easier to access information pertaining to student eligibility and payment.

The major language changes proposed for N.J.A.C. 9:12-1.1 turn what is currently the preface to N.J.A.C. 9:12 into 9:12-1.1 "Scope and Purpose".

The proposed N.J.A.C. 9:12-1.3 "Eligible EOF Program Requirements" expands the list of eligible program requirements to include supplemental instruction, preparation for students enrolled at county/community colleges to transfer to four year institutions, and preparation for graduate and professional education.

The proposed N.J.A.C. 9:12-1.6 "Institutional Commitment" calls for the inclusion of state of the art technological equipment as an appropriate institutional share item.

The proposed N.J.A.C. 9:12-1.8 "Institutional Administration" includes language that calls for the development of policies and procedures to facilitate retention and graduation, and insuring that the EOF director makes the final determination on students admitted to the EOF program and receiving a grant at institutions with open admissions policies.

The proposed N.J.A.C. 9:12-1.11 "Eligible Program Support Components" expands the mission for institutional EOF programs by including on going evaluations of all students to include clearly defined activities to assist students with the identification of educational and career goals and the development of an academic plan that will ensure retention.

The proposed N.J.A.C. 9:12-1.12 "Students for Whom English is a Second Language" expands the definition of services or students who require English as a Second Language (ESL) to include developmental services.

The proposed amendments to, N.J.A.C. 9:12-1.3, 1.6, 1.8, 1.11, and 1.12 recognize the expanded mission outlined for institutional EOF programs in the statement of strategic direction "Eye on the Future" adopted by the EOF Board of Directors in 1991. It reflects the Board's expectation that institutions will use the EOF Program not only for access, financial aid and remediation, but will also stress the importance of EOF program activities to improve long-term student retention and graduation, integral to the program's mission. The changes also shift the emphasis from record keeping to the identification and amplification of critical programmatic components that have been recognized in retention literature as essential program activities related to the success of minority and underprepared students. Additionally, they reflect the Board's desire to increase student transfer rates and graduate student enrollments.

The other amendments proposed to N.J.A.C. 9:12 are minor. They correct grammatical errors, eliminate language which refers to processes that are no longer used and add language that actually describes current operational procedures.

Social Impact

These rules were originally enacted to identify the EOF target population and to establish the criteria for student and institutional eligibility and the process by which institutions receive and utilize funds. The proposed amendments update the regulations to reflect the socio-economic conditions that currently exist.

EOF students come from every county in New Jersey. They have generally lived and attended high school in neighborhoods characterized by depressed economic conditions, substandard educational services and unequal opportunities. Almost half come from the state's most distressed communities and about two-thirds are from communities ranked among the fifty most distressed in the state. Many EOF students spend their elementary and secondary school years in public school districts that by all objective measures fail to provide an adequate teaching-learning environment and those experiences that provide the level of educational preparation needed for success in the more demanding curricula and challenging majors of our colleges and universities. In addition, the need for English as a Second Language (ESL) courses has increased due to the enrollment growth of Hispanic and Asian students, and other potentially limited English proficient (LEP) populations.

Failure to adopt rules would result in the elimination of the EOF financial aid grant currently used by 13,000 students who are enrolled in the 56 EOF programs statewide to help offset the non-tuition costs of attending New Jersey colleges and universities. The academic program support services available to these students would also decrease significantly.

Economic Impact

The EOF program is a collaborative effort between the New Jersey Department of Higher Education (which administers the program) and the state's colleges and universities (which recruit and directly serve the students). Funds for student financial aid grants are derived from State appropriations, and funding for EOF program academic support services is shared equally by the State and participating institutions. The FY 1994 State appropriation to support EOF Article III student grants, Article IV program support services, King and Ferguson scholarships is $29,412,000.

During both semesters of the 1992/93 academic year the EOF Program had more than 13,500 students (unduplicated headcount) participating at 44 New Jersey colleges and universities. The median annual family income of dependent EOF students in Fall 1992 was $14,506 (compared to $31,909 for all other recipients of state financial aid programs in New Jersey and a 1990 state median family income of $39,000). Almost all EOF students are first generation college students, 70 percent come from single female parent households, and 15 percent come from households receiving public welfare assistance.

The proposed amendments to N.J.A.C. 9:11 and 9:12 are designed to insure that the EOF program will continue to serve this population of individuals who have been burdened by long-term economic deprivation and a lack of access to quality educational preparation. The amendments do not have a direct impact on the total number of awards or total costs associated with the program because the maximum enrollment is limited by the level of annual State appropriation.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed readoption does not impose reporting, recordkeeping or other compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14b-16 et seq. The proposed readoption merely reinforces the rules which were enacted to develop the criteria for the determination of eligibility for financial assistance from the Fund, and to establish procedures for the amount of each award and minimal requirements for institutional participation. These rules pertain to student participants and participating New Jersey colleges and universities.

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

SUBCHAPTER 1. [FINANCIAL AID GUIDELINES] **UNDERGRADUATE EOF FINANCIAL ELIGIBILITY**

9:11-1.1 Scope and purpose

(a) The rules contained in Chapter 11 govern the awarding of Article III Educational Opportunity Fund Grants to students for undergraduate study leading to a baccalaureate degree, associate degree, or other approved certificate, and for graduate and professional study leading to an approved Master's and Doctoral degree.

(b) Subchapter 1 governs the determination of financial eligibility for undergraduate financial assistance from the New Jersey Educa-

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tional Opportunity Fund (EOF) based on need and potential for success in college.

(c) The EOF Program was created by law in 1968 to ensure meaningful access to higher education for students who are from families disdavantaged by low income and the lack of access to the quality educational preparation necessary to attend college.

(d) Each campus is expected to give priority to applicants from families burdened by historical poverty, which implies that either the family has endured long-term economic deprivation or that the student represents a segment of the population underrepresented in higher education, or both. Families in this status are generally characterized by little or no accumulation of assets, and the inability to provide for more than the basic needs of family members. Eligible students are as a rule the first generation to attend college in their families.

(e) There shall be no discrimination in admissions decisions based on race, age, creed, religion, marital status, national origin, color, gender, sexual orientation, or disability.

9:11-[1.1]**1.2** Student eligibility

(a) The undergraduate EOF Program is designed to provide an opportunity for higher education to disadvantaged New Jersey residents who would not be able to attend **and/or succeed academically in** college without the financial assistance and special services that are part of this program. The program is geared toward the student who shows potential, [but] **and** traditionally has been unable to attend college because of poor high school preparation coupled with a background of historical poverty.

[(b) The overall objective of the graduate E.O.F. program is to increase the number of New Jersey residents from backgrounds of historical poverty participating in graduate and professional study. The academic deficiencies that serve to identify the undergraduate students as educationally disadvantaged are not applicable at the graduate level. The graduate E.O.F. program is designed to provide the opportunity for New Jersey residents whose undergraduate record reflects the potential for advanced study beyond the baccalaureate degree, and whose economic background reflects a history of poverty.]

[(c)](**b**) To be initially eligible for an Educational Opportunity Fund grant, a student must have demonstrated that he or she:

1. Is **now** and has been a legal resident of the State of New Jersey for at least 12 consecutive months prior to receiving the grant.

2. Meets the financial criteria established in [sections 5 and 6 of this subchapter] **N.J.A.C. 9:11-1.5 and 1.6.**

3. Is or will be a full-time student as defined by the institution offering the undergraduate [or graduate] program of study.

4. As an undergraduate student, is enrolled or intends to be enrolled full-time and matriculated in a curriculum leading to an undergraduate degree or certificate in an institution of collegiate grade in New Jersey approved or licensed by the State Board of Higher Education and participating in the [E.O.F.] **EOF** Program. Degree or certificate programs must have a minimum requirement [equal to the] equivalent [of] **to** 24 semester hours and be at least one academic year in duration. An eligible student must exhibit evidence for potential success in college, but:

i. Has not demonstrated a sufficient academic preparation to gain admission to an approved institution of higher education under its regular standards of admission (where applicable); [and] **or**

ii. [Whose] **Has** standardized test scores that are below the institutional norms; [and] **or**

iii. [Whose] **Has an** educational background **that** indicates a need for improvement of basic skills; and

iv. [Whose] **Comes from an** economic background **which** reflects a history of poverty **as defined in N.J.A.C. 9:11-1.1 and 1.6(f)1 through 5**.

[5. As a graduate or professional student, is enrolled or intends to be enrolled full time and matriculated in a curriculum leading to a graduate degree or certificate at an institution of collegiate grade in New Jersey approved or licensed by the State Board of Higher Education and participating in the E.O.F. program, provided that the student has not already received a graduate E.O.F. degree or professional degree at the same level of study that he or she is applying for. Graduate E.O.F. degree or certificate programs must have a minimum requirement equal to the equivalent of 24 semester hours and be at least one academic year in duration.]

Recodify (d)-(e) (No change in text.)

9:11-[1.2]**1.3** Student residency

(No change in text)

9:11-[1.3]**1.4** Foreign nationals

(a) A foreign national must present affirmative evidence that he or she is not in the United States for the temporary purpose of obtaining an education. Such evidence must include documentation from the United States Immigration and Naturalization Service that the student may remain permanently in this country and such evidence must be placed in the student's file. The student must:

1.-3. (No change.)

4. Be the holder of an arrival departure record form I-94 endorsed by the Immigration and Naturalization Service showing one of the following:

i. Parole [Edition] **Indefinite Humanitarian**: Paroled pursuant to Sec. 212(d)(5) of the Immigration and Naturalization Act: or

ii. Refugees: Admitted as a refugee pursuant to Sec. 207 of the Immigration and Naturalization Act: or

[iii. Employment Authorized and Adjustment Applicant: A foreign national holding form I-94 with this endorsement would normally meet the requirements of this regulation. However, if the institution has knowledge that the student is planning to leave the United States following the completion of his or her educational program, the Office of Student Assistance shall be notified and the award canceled.]

iii. Granted Asylum: Asylum status granted pursuant to Sec. 208 of the Immigration and Naturalization Act; or

iv. Cuban-Haitian Entrant: Status pending; or

v. Conditional Entrant: Admission into this status through March 31, 1980.

5. The Arrival Departure Record form I-94 for persons in the aforementioned categories must be updated for each award year as required by the Immigration and Naturalization Service.

(b) (No change.)

9:11-[1.4]**1.5** Dependent/independent student defined

(a) (No change.)

(b) An individual meets the requirements of this subsection if such individual:

1.-5. (No change.)

6. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances. For the purposes of receiving financial assistance under the E.O.F. Program as an independent student due to unusual circumstances, at least one of the following criteria must be met:

i.-ii. (No change.)

iii. The student's economic and personal circumstances are of such a unique or unusual nature that denial of independent student status would create an unjust hardship upon the student. Documentation of eligibility under this subparagraph [is subject to the approval of] **must be acceptable to** the Executive Director of the Educational Opportunity Fund.

(c) (No change).

9:11-[1.5]**1.6** Financial eligibility for undergraduate grants

(a) A dependent student is financially eligible for an initial EOF **undergraduate** grant if the gross income of his or her parent(s) or guardian(s) does not exceed the applicable amount set forth [below] in the EOF [Income Eligibility Scale] **dependent student income eligibility scale**. Where the dependent student's parent(s) or guardian(s) are receiving welfare as the primary means of family support, the student is presumed to be eligible without regard to the amount of primary welfare support.

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1. EOF Dependent Student **Income** Eligibility Scale:

Applicants with a household of	Gross Income (Not to Exceed)
2 persons	[$15,510]**$15,590**
3	[18,030]**18,190**
4	[20,550]**20,790**
5	[23,070]**23,390**
6	[25,590]**25,990**
7	[28,110]**28,590**

2. For each additional member of the household, an allowance of [$2,520] **$2,600** shall be added to this amount in order to determine eligibility for EOF for the [1993-94] **1994-95** Academic Year. This allowance shall be adjusted annually to reflect changes in the Income Protection Allowance as published [by the College Scholarship Service] **in the Federal Register**. In addition, the gross income level for each household size also shall be adjusted to reflect the change in the annual Income Protection Allowance.

3. The E.O.F. Executive Director shall annually inform institutions of adjustments to the Income Eligibility Scale, in accordance with the Income Protection Allowance published [by the College Scholarship Service] **in the Federal Register**.

(b) A dependent student who comes from a family with both parent(s) or guardian(s) working and whose combined [income] **incomes** exceed the applicable amount set forth in the E.O.F. [Income Eligibility Scale] **dependent student income eligibility scale** above, may be eligible for E.O.F., only if:

1. The total income does not exceed the applicable amount set forth in the E.O.F. [Income Eligibility Scale] **dependent student income eligibility scale** when 50 percent of the income of the smaller wage earner is subtracted from the gross combined income of the two wage earners.

2. (No change.)

[(c) An independent student is financially eligible for an E.O.F. grant if the gross income of his or her parent(s) or guardian(s) does not exceed income limits set forth for dependent students.

1. An independent student's income is not to be added to that of his or her parent(s) or guardian(s) but the two incomes should be considered separately.

2. In cases where the independent student's parent(s) or guardian(s) are receiving welfare support, parental income eligibility shall be presumed to have been met.

3. In cases where welfare is the primary source of an independent student(s) income, parental income eligibility shall be presumed to have been met.

4. Notwithstanding any other provisions herein, an independent student shall, in lieu of specific financial information concerning his or her parent(s) or guardian(s) income, provide upon entry into the program, evidence that he or she is from a background of historical poverty by meeting one of the criteria set forth in N.J.A.C. 9:11-1.5 (e) 1 through 5.

5. Independent students who have attained the age of 24 are required to provide verification of their household income only.

(d) An independent student is financially eligible for an EOF grant providing his or her gross annual income (including spouse) for the calendar year prior to the academic year for which aid is requested and the calendar year during which aid is received does not exceed the following schedule:]

(c) An independent student (as defined in N.J.A.C. 9:11-1.5) who demonstrates evidence of a background of historical poverty as defined in N.J.A.C. 9:11-1.1 or by meeting the criteria set forth in N.J.A.C. 9:1-1.6(f)1 through 5 is financially eligible for an EOF undergraduate grant if the student/or the student's spouse's gross income for the calendar year prior to the academic year for which aid is requested and the calendar year during which aid is received does not exceed the applicable amount in the EOF independent student income eligibility scale:

1. [$10,520] **$10,600** family size (including student) 1;
2. [$13,100] **$13,490** family size (including spouse) 2;
3. [$16,180] **$16,670** family size (including spouse) 3;
4. [$19,090] **$19,660** family size (including spouse) 4;
5. [$22,320] **$23,000** family size (including spouse) 5;
6. Add [$2,520] **$2,600** for each additional dependent. This amount [should] **shall** be adjusted annually to reflect changes in the Independent Student Income Protection Allowance as published [by the College Scholarship Service] **in the Federal Register**.
7. (No change.)

(d) In determining the financial eligibility of dependent and independent students, separation, divorce, or death of a wage earner in the calendar year prior to the academic year for which eligibility is being determined with an accompanying decrease in family income below the EOF income eligibility scales does not automatically satisfy the family characteristic of historical poverty (as stated in N.J.A.C. 9:11-1.1 and 1.6(f)1 through 5) expected of EOF students.

(e) The campus EOF director must approve students in these cases (9:11-1.6(d)), after review and recommendation by the financial aid office. The campus EOF director, in cooperation with the director of financial aid, shall have the discretion to use professional judgment to assess whether a family is historically and economically disadvantaged in determining an applicant's financial eligibility for admission to the EOF Program.

[(e)]**(f)** Where there is evidence that strict adherence to the maximum income eligibility cut-offs will not serve the purpose of the EOF Program, the campus EOF director may admit up to a maximum of 10 percent of the annual freshman class under a waiver pursuant to the provisions of this section. Students admitted under this provision must have family incomes that do not exceed 175 percent of the official national poverty threshold as published annually by the Federal Government adjusted to reflect New Jersey's cost of living and meet one of the following criteria:

1.-2. (No change.)

3. The student has resided in an area of a municipality that is historically populated by low-income families; such an area is commonly known as a "pocket of poverty" as characterized by criteria outlined in [(e)] **(f)**2 above.

4.-5. (No change.)

[(f)]**(g)** The student's record must contain sufficient documentation for verification of the above criteria. All efforts should be made to give priority to those students whose incomes are within the limits of [these guidelines] **N.J.A.C. 9:11-1.6**.

[(g)]**(h)** (No change in text.)

9:11-[1.6]**1.7** Verification of financial eligibility

(a) It is the responsibility of institutional officials to verify **the** income **and assets** of [parent(s) or guardian(s) of independent students] **all undergraduate EOF grant applicants' parent(s) or guardian(s), as well as the applicant and applicant's spouse at the time of initial enrollment**. The purpose of the verification is to insure that E.O.F. funds are not granted to a student, regardless of his **or her** status or relationship to his **or her** family, whose family is in an economic position to assist in financing his or her education.

(b)-(e) (No change.)

(f) In every case, files should contain completed forms indicating all relevant data such as annual income, household size, sources of income **and assets**, parent(s) or guardian(s) income **and assets**, etc. Students' records should include the application for financial aid, the student's signed acceptance of the financial aid package and proof that the grant was actually received by the student.

9:11-[1.7]**1.8** Grant amount

(a) (No change).

(b) The exact amount of the [E.O.F.] **EOF** award will be determined by the institution's [E.O.F.] **EOF** and financial aid directors. Priority for determining need and awarding [E.O.F.] **EOF** grants shall be given first to students who meet the educational and income criteria in accordance with N.J.A.C. [9:11-1.1(a) and (c) and 9:11-1.5(a) through (d), followed by those students admitted using N.J.A.C. 9:11-1.5(e) through (g)] **9:11-1.1(c) and (d), 9:11-1.2(a) and (b), and 9:11-1.6 (a) through (c), followed by those students admitted using N.J.A.C. 9:11-1.6(f) through (h)**.

(c) (No change).

(d) The [E.O.F.] **EOF** Board of Directors shall annually review the State grant amounts of [E.O.F.] **EOF** students and make adjust-

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ments, if necessary. The minimum and maximum [awards] **award** range for adjustments to [full-time Graduate and] full-time Undergraduate [E.O.F.] **EOF** grants for each type of institution follows:

Undergraduate	Minimum	Maximum
Community Colleges:		
Freshman/Sophomore	$200	$ 650
State Colleges:		
Commuter:		
Freshman/Sophomore	200	750
Junior/Senior	200	550
Residential:		
Freshman/Sophomore	200	1,000
Junior/Senior	200	800
Rutgers, NJIT[:], **UMDNJ-SHRP:**		
Commuter:		
Freshman/Sophomore	200	750
Junior/Senior	200	550
Residential:		
Freshman/Sophomore	200	1,000
Junior/Senior	200	800
Independent Colleges:		
Freshman/Sophomore	200	1,950
Junior/Senior	200	1,700

[Graduate	Minimum	Maximum
State Colleges	$200	$2,000
4-Year Independent Colleges	200	2,500
Rutgers, NJIT	200	2,500
UMDNJ/FDU Dental School	200	4,000]

(e)-(f) (No change.)

9:11-[1.8]**1.9** Duration of student eligibility

(a) Students deemed eligible at the time of initial enrollment shall retain eligibility for program support services throughout the duration of the initial degree of study as long as he or she maintains full-time enrollment or has been approved in writing for a part-time [E.O.F.] **EOF** grant by the campus [E.O.F. Program Director] **EOF program director**. Part-time grant eligibility will be available only at those institutions approved to award part-time EOF grants by the EOF Board of Directors. In addition, students shall retain eligibility for an [E.O.F.] **EOF** grant as long as the student has demonstrated financial need as determined by the institution through submission of a financial aid form approved by the EOF Board of Directors in accordance with the annually established deadline dates **and continues to meet the academic progress standards in accordance with N.J.A.C. 9:11-1.11.**

(b) Students are eligible for a maximum of 12 semesters or [its] **the** equivalent of undergraduate study. Students in an established five year undergraduate course of study **at a senior institution** shall be eligible for an additional two semesters beyond the 12 semesters as stipulated in (c), (d) and (e) below.

(c) Students attending four-year institutions will receive ten terms of [E.O.F.] **EOF** payment to complete four class levels. Additional term awards up to the maximum allowable terms are available to students who are making satisfactory academic progress as stipulated in N.J.A.C. 9:11-[1.10]**1.11** and will be able to [meet] **complete** the institution's graduation requirements in these two additional semesters.

(d) Students attending two year institutions will be eligible to receive six terms of [E.O.F.] **EOF** payment to complete two class levels. Additional term awards up to the eight maximum allowable terms are available to students who are making satisfactory academic progress as stipulated in N.J.A.C. 9:1-[1.10]**1.11** and will be able to [meet] **complete** the institution's graduation requirements in these two additional semesters.

(e) [Formal] **A formal** written request from the institution and approval by the Executive Director of [E.O.F.] **EOF** is required for students **enrolled** in an established five year course of study who require additional term awards up to the 14th maximum allowable term.

(f) (No change.)

9:11-[1.9]**1.10** Non-funded students

(a) (No change.)

(b) Students who are denied Article III grants due to **their** inability to meet satisfactory academic progress, as defined in N.J.A.C. 9:11-[1.10]**1.11** [of the E.O.F. Financial Aid Guidelines], who enroll full-time the subsequent term, may be considered non-funded and are entitled to Program Support Services [for one year].

(c) Students who, due to extenuating circumstances, are advised to enroll at less than full time status, may be considered non-funded[,] and are entitled to Program Support Services [for one year]. Documentation of advisement shall be maintained in the student's record.

(d) To retain eligibility for program services a non-funded [students] **student** must continue to file the financial aid form approved by the Educational Opportunity Fund Board of Directors and have been determined eligible and received Article III academic year funds during initial enrollment into the program.

(e) A student who enrolls [into] **in** the pre-freshman summer program prior to the completion of eligibility determination and who is determined financially ineligible at the end of the eligibility determination process cannot be considered as a non-funded student.

[(f) Non-funded students shall constitute no more than 10 percent of the total institutional Educational Opportunity Fund Program enrollment.]

9:11-[1.10]**1.11** Academic progress

(a) (No change.)

(b) Academic progress criteria for [E.O.F.] **EOF** Article III Student Grants is as follows:

1. [E.O.F.] **EOF** students must complete 12 credits, or their equivalent, in a semester. With the written approval of the [E.O.F.] **EOF** campus director, a student may, for academic reasons, complete no less than **an average of** nine credits in a semester. Directors approving such circumstances must maintain documentation on file. The provision permitting completion of less than 12 credits in a semester may only be used during the first four terms of [a degree course and] **enrollment** or in the first year following transfer for transfer students.

2.-3. (No change.)

(c) (No change.)

Recodify 9:11-1.11 through 9:11-1.13 as **9:11-1.12 through 9:11-1.14** (No change in text.)

9:11-[1.14]**1.15** Discontinuance of [E.O.F.] **EOF** grants and program support services

(a) [Student support] **The Article III student grant** is to be discontinued immediately when the student ceases to be eligible under the criteria listed in [these guidelines and regulations] **N.J.A.C. 9:11-1**

.

(b) [Student support] **The Article III student grant** is to be discontinued for any student who has been academically dismissed unless reinstated in good standing by institutional officials.

(c) [Student support] **The Article III student grant** is to be discontinued for any student who is not matriculated in a full-time **or EOF Board approved part-time** program of study or any student who is not enrolled. The amount of any grants paid to the institution for that student must be repaid by the institution.

(d) [Student support is] **The Article III student grant and program support services are** to be discontinued for any student who refuses to abide by regulations established by the institution for participation in the [E.O.F.] **EOF** Program.

(e) [Student support is] **The Article III student grant and program support services are** to be discontinued for any student who intentionally falsifies or gives misleading information upon which eligibility was based. The amount of any grants previously paid to that student must be repaid by that student.

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[(f) In the event of the discontinuance of an award, the central E.O.F. office is to receive a complete termination form to be prepared and forwarded promptly by the institution's E.O.F. director and/or chief academic officer.

(g) Reinstatement of eligibility will be decided by the institution's E.O.F. director and appropriate college officials. Notification of such decisions must be made in writing to the central E.O.F. Office.]

9:11-[1.15]**1.16** Liability

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

(c) In cases where institutions have made awards in good faith based upon fraudulent and misleading information which has been conveyed by [the student(s), the student(s)] **a student, the student** is liable for the return of the [E.O.F.] **EOF** grant. A written statement to this effect shall accompany each student's award notification.

(d) (No change.)

9:11-[1.16]**1.17** Grant usage

(a) The [E.O.F.] **EOF** grant must be applied to the student's educational costs only. Educational costs as they relate to these guidelines and regulations are inclusive of whatever constitutes each institutional educational budget **and may include tuition, fees, room and board, transportation, books, educational supplies, and child care.**

(b) (No change.)

9:11-[1.17]**1.18** Grant awarding cycle

(a) An [E.O.F.] **EOF** grant is available for **each semester** of an academic year which usually includes two terms.

1.-2. (No change.)

[9:11-1.18 Eligibility requirements for graduate grants

(a) The E.O.F. board of directors must approve each institution's initial request to establish an E.O.F. graduate program. This written request is to be submitted on forms provided by the executive director of E.O.F. Requests must include information outlining the expected objectives to be achieved through participation in the E.O.F. graduate program, the number of students estimated to be eligible, and administrative responsibilites.

(b) Any New Jersey institution of higher education is eligible to participate in the E.O.F. graduate program as long as it is certified as a licensed, accredited public or independent, nonproprietary, graduate or professional school.

(c) Priority in the granting of E.O.F. graduate grants shall be given to those students who received E.O.F. undergraduate grants. Graduate students who did not receive an undergraduate grant must supply copies of their parents' income documentation and verification of historical poverty.

(d) Graduate E.O.F. students must continue to qualify based on all of the criteria set in N.J.A.C. 9:11-1.1 thru 9:11-1.9 with the following exceptions:

1. Financial eligibility for independent student who received E.O.F. as undergraduates and enroll in a graduate program within one academic year of graduation, shall be based upon their projected academic year student (spouse) income.

2. The annual gross income of all graduate grant recipients must be verified by the institution through the use of Internal Revenue Service documents.. Appropriate documentation of income must be maintained in each student's file.

3. No student may be eligible for a graduate E.O.F. grant for more than 10 semesters, however:

i. Length of eligibility at four-year public colleges, four-year independent colleges, Rutgers and N.J.I.T. shall be restricted to one semester beyond the normal number of semesters usually required for a full-time student to complete the degree requirements. For example:

Degree Requirements	Full-Time Graduate Student	Length of Eligibility
36 credits	9 credits	36/9 = 4 + 1 = 5 semesters
84 credits	12 credits	84/12 = 7 + 1 = 8 semesters

ii. Length of eligibility at medical and dental schools shall be restricted to one year beyond the normal number of years usually required for a full-time student to complete the degree requirements. In no case shall the maximum graduate eligibility exceed 10 semesters.

4. Graduate grant recipients may pursue more than one advanced degree, however:

i. Each degree must be a higher level than the previous one, and

ii. In no case shall the combined eligibility exceed 10 semesters..

5. No E.O.F. graduate grant is to be awarded for summer program study, excepting those programs that, by nature, require that specific courses be taken during the summer.

i. In cases where the program of study requires a mandatory sequence of courses for more than two terms in an academic year, an exception will be possible.

ii. In order to qualify for an exception, the institution will submit in writing a request to the E.O.F. Central Office.]

9:11-1.19 Operational provisions for undergraduate [and graduate] grants

(a) (No change.)

(b) Notification of action on institutional requests [from the Executive Director of E.O.F.] will be given in writing to the president of each institution.

(c) To apply for Article III[,] student grant funds, the Financial Aid and [E.O.F.] **EOF** Directors [are to] **must** complete a payment request form to be established prior to the academic year for which funds are being requested for [both] undergraduate [and graduate] students.

(d) [The] **At the request of the Executive Director,** institutions shall submit to the [E.O.F. Central] **DHE/EOF** office student background information that was essential in determining student eligibility for the [E.O.F.] **EOF** program [at the request of the executive director]. The format for the collection of this information shall be established prior to the academic year for which the students are enrolled.

(e) (No change.)

(f) All files of students receiving [E.O.F.] **EOF** grants [will be] are subject to a fiscal audit conducted by the Department of Higher Education[, Management Compliance Unit].

(g) All participating institutional programs shall be required to cooperate fully in specified program analysis and evaluation activities carried out by the [E.O.F. central] **DHE/EOF** office, **in accordance with N.J.A.C. 9:12-1.17 "Program audits and evaluations".**

9:11-1.20 Application procedures for [E.O.F. graduate and] **EOF** undergraduate grants

(a) (No change.)

(b) Applicants for undergraduate EOF must complete a financial aid form in accordance with N.J.A.C. 9:11-[1.6]**1.7**(e). Students must apply for the Pell Grant and State student assistance programs by authorizing release of information to the New Jersey Department of Higher Education.

[(c) Applicants for graduate E.O.F. must submit a New Jersey E.O.F. graduate application to the E.O.F. director and be accepted as a full-time matriculated degree candidate at a participating graduate institution.

1. Those graduate students who did not receive an E.O.F. grant as an undergraduate must document a background of historical poverty as established in these guidelines and regulations and submit applications to appropriate institutional officials.

2. Procedures for awarding graduate grants to students who did not receive an E.O.F. grant as an undergraduate shall be established prior to the academic year for which the funds are requested.

(d) Applicants for graduate EOF must complete a financial aid form approved by the Educational Opportunity Fund Board of Directors in accordance with the established deadline dates and procedures.]

9:11-1.21 Appeals

(a) A [student(s)] **student** or his or her parents may file a written appeal with the Executive Director of [E.O.F.] **EOF** regarding institutional decisions of ineligibility.

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(b)-(e) (No change.)

(f) If, after State payment deadline dates, new information or evidence has been presented regarding previous institutional eligibility decisions, the institution may request consideration by the [E.O.F.] **EOF** Executive Director for payment in the same fiscal year. Such requests must be submitted before fiscal year end reconciliation and should be submitted through payment rosters co-endorsed by the [E.O.F.] **EOF** campus director and financial aid officer. **The fiscal year ends on June 30 of each year.**

(g) (No change.)

9:11-1.22 Refunds and repayments of disbursements made to students

(a) If a refund is due to a student under the institution's refund policy and the student received financial assistance under any State student assistance program, the institution shall multiply the institutional refund by the following fraction to determine the amount to be refunded to the Treasurer, State of New Jersey, through the Office of Student Assistance:

$$\frac{\text{amount of State financial assistance (minus work earnings) awarded for the payment period}}{\text{total amount of financial aid (minus work earnings) awarded for the payment period}}$$

divided by

(b)-(g) (No change.)

9:11-1.23 Part-time students

(a) (No change.)

(b) Part-time grant eligibility shall only be available to EOF students attending those institutions approved by the Board of Directors of EOF to award part-time EOF grants to students pursuant to the provisions of N.J.A.C. 9:11-[1.8]**1.9**(a).

(c) (No change.)

(d) Part-time EOF grant awards shall be prorated against **the** full-time grant award for the applicable institutional sector [attended] and shall take into consideration any aid received from PELL and/or TAG. For the purposes of [this section] **N.J.A.C. 9:11-1.23**, full-time shall be considered to be 12 credit hours (part-time enrollment for nine credit hours shall equal 75 percent of a full-time grant award, six credit hours shall equal 50 percent, etc.) and determinations for such awards at Rutgers, NJIT and the state colleges shall be based upon full-time commuter award levels.

(e) (No change.)

(f) Any residential student at the state colleges, Rutgers, or NJIT receiving a part-time EOF grant, shall have $250.00 added to his or her award as determined by [this section] **N.J.A.C. 9:11-1.23**.

(g) (No change.)

Agency Note: Subchapter 2, Martin Luther King Physician-Dentist-Scholarship Program is recodified as new Subchapter 4.

SUBCHAPTER 2. GRADUATE EOF FINANCIAL ELIGIBILITY

9:11-2.1 Scope and purpose

(a) N.J.A.C. 9:11-2 governs the determination of financial eligibility for graduate financial assistance from the New Jersey Educational Opportunity Fund (EOF) based on need and potential for success in college.

(b) The EOF Program was created by law in 1968 to ensure meaningful access to higher education for students who are from families disadvantaged by low income and who have not had access to the quality educational preparation necessary to attend college.

(c) Each campus is expected to give priority to applicants from families burdened by historical poverty, which implies that either the family has endured long-term economic deprivation or that the student represents a segment of the population underrepresented in higher education, or both. Families in this status are generally characterized by little or no accumulation of assets, and the inability to provide for more than the basic needs of family members. Eligible students are as rule the first generation to attend college in their families.

(d) There shall be no discrimination in admission decisions based on race, age, creed, religion, marital status, national origin, color, gender, sexual orientation, or disability.

9:11-2.2 Student eligibility

(a) The overall objective of the graduate EOF Program is to increase the participation of New Jersey residents from backgrounds of historical poverty participating in graduate and professional study. The academic deficiencies that serve to identify the undergraduate student as educationally disadvantaged are not applicable at the graduate level. The graduate EOF Program is designed to provide the opportunity for New Jersey residents whose undergraduate record reflects the potential for advanced study beyond the baccalaureate degree, and whose economic background reflects a history of poverty.

(b) To be initially eligible for an Educational Opportunity Fund graduate grant, a student must have demonstrated that he or she:

1. Is and has been a legal resident of the State of New Jersey for at least 12 consecutive months prior to receiving the grant;

2. Meets the financial criteria established in the N.J.A.C. 9:11-2.6, Financial eligibility for graduate grants;

3. Is or will be a full-time graduate student as defined by the institution offering the graduate program of study; and

4. Is enrolled or intends to be enrolled full-time and matriculated in a curriculum leading to a graduate degree or certificate at an institution of collegiate grade in New Jersey approved or licensed by the State Board of Higher Education and participating in the EOF Program, provided that the student has not already received a graduate or professional degree at the same level of study for which he or she is applying. Graduate EOF degree or certificate programs must have a minimum requirement equivalent to 24 semester hours and be at least one academic year in duration.

(c) Students may not receive assistance under the programs administered by the EOF Board of Directors if they owe a refund on a grant or scholarship previously received from a State or Federal program through any institution, or are in default on any loan made under any State or Federal student financial assistance program at any institution. Students owing a refund on a grant or scholarship or who are in default on a loan may receive State financial assistance if they make arrangements with the appropriate office to repay the debt.

(d) EOF graduate grant awards may not be used by students attending out-of-state institutions.

9:11-2.3 Student residency

(a) Students must be legal residents of New Jersey for a period of not less than 12 consecutive months immediately prior to receiving a grant. The residence of a student is defined in terms of domicile. Domicile is defined as the place where a person has his true, fixed, permanent home and principal establishment, and to which, whenever he is absent, he has the intention of returning. Residence established solely for the purpose of attending a particular college cannot be considered as fulfilling the definition of domicile. When in question, a student must demonstrate proof of residence by presenting one of the following documents:

1. Driver's license;

2. Voter registration form; or

3. Tax returns.

(b) A dependent student as defined in N.J.A.C. 9:11-2.5 is presumed to be a legal resident of the state which his or her parent(s) or guardian(s) are residents. A dependent student whose parent(s) or guardian(s) are not legal residents of New Jersey is presumed to be in the state for the temporary purpose of obtaining an education. Any dependent student, as defined in N.J.A.C. 9:11-2.5, who is domiciled in this state and who is enrolled as an EOF graduate student in an institution of higher education in New Jersey, shall continue to be eligible for participation in the EOF Program despite his or her supporting parent(s) or guardian(s) change of domicile to another state, while such student continues to reside in New Jersey during the course of each academic year. The stu-

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dent's eligibility continues only if the student received a State grant or scholarship for at least one semester before the parent(s') or guardian(s') change of domicile to another state.

9:11-2.4 Foreign nationals

(a) A foreign national must present affirmative evidence that he or she is not in the United States for the temporary purpose of obtaining an education. Such evidence must include documentation from the United States Immigration and Naturalization Service that the student may remain permanently in this country and such evidence must be placed in the student's file. The student must:

1. Be the holder of an Alien Registration Receipt Card form I-151 or I-551;

2. Be the holder of an Approval Notice from the Immigration and Naturalization Service form I-181 stating that the non-citizen has met the requirements for Permanent Resident status;

3. Be the holder of a Temporary Resident Card form I-688 with a valid expiration date from the Immigration and Naturalization Service; or

4. Be the holder of an Arrival Departure Record form I-94 endorsed by the Immigration and Naturalization Service showing one of the following:

i. Parole Indefinite Humanitarian: Paroled pursuant to Sec. 212(d)(5) of the Immigration and Naturalization Act;

ii. Refugees: Admitted as a refugee pursuant to Sec. 207 of the Immigration and Naturalization Act;

iii. Granted Asylum: Asylum status granted pursuant to Sec. 208 of the Immigration and Naturalization Act;

iv. Cuban-Haitian Entrant: Status pending; or

v. Conditional Entrant: Admission into this status through March 31, 1980.

5. The Arrival Departure Record form I-94 for persons in the aforementioned categories must be updated for each award year as required by the Immigration and Naturalization Service.

(b) Foreign nationals with Student Visa Status, Fl or F2 Exchange Visitor Visa status of J1 or J2 Visa status even when stamped "employment authorized", or holders of form I-94 with one of the endorsements: "adjustment applicant", "245", "245 applicant", "applicant for permanent residence", "voluntary departure", and "deferred action", are considered to be in the United States for temporary reasons and are therefore not eligible for student assistance.

9:11-2.5 Dependent/independent student defined

(a) The term "independent", when used with respect to a student, means any individual who:

1. Is 24 years of age or older by December 31 of the award year; or

2. Meets the requirements of (b) below.

(b) An individual meets the requirements of this section if such individual:

1. Is an orphan or ward of the court; or

2. Is a veteran of the Armed Forces of the United States; or

3. Is a graduate or professional student; or

4. Is a married individual; or

5. Has legal dependents other than a spouse; or

6. Is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances. For the purpose of receiving financial assistance under the EOF Program as an independent student due to unusual circumstances, at least one of the following criteria must be met:

i. The student has been separated from his or her parents due to an unsafe home environment or has been institutionalized in a correctional facility. Documentation of such status must be received from a court, social service agency, or other similar source acceptable to the Executive Director of the EOF Program;

ii. The student has been separated from his or parents and comes from a documented background of historical poverty as set forth in N.J.A.C. 9:11-2.1, and 9:11-2.6, and is living with another relative who is providing support to the student; or

iii. The student's economic and personal circumstances are of such a unique or unusual nature that the denial of independent student status would create an unjust hardship upon the student. Documentation of eligibility under this subparagraph must be acceptable to the Executive Director of the Educational Opportunity Fund.

(c) A dependent student shall be any student who does not meet any of the eligibility criteria listed in (a) or (b) above for independent student status.

9:11-2.6 Financial eligibility for graduate grants

(a) A dependent student is financially eligible for an initial EOF graduate grant if the gross income of his or her parent(s) or guardian(s) does not exceed the applicable amount set forth in the EOF dependent student income eligibility scale. Where the dependent student's parent(s) or guardian(s) are receiving welfare as the primary means of family support, the student is presumed to be eligible without regard to the amount of primary welfare support.

1. EOF Dependent Student Income Eligibility Scale:

Applicants with a household of	Gross Income (Not to exceed)
2 persons	$15,590
3	18,190
4	20,790
5	23,390
6	25,990
7	28,590

2. For each additional member of the household an allowance of $2,600 shall be added to this amount in order to determine eligibility for EOF for the 1994-95 academic year. This allowance shall be adjusted annually to reflect changes in the Income Protection Allowance as published in the Federal Register. In addition the gross income level for each household size also shall be adjusted to reflect the change in the annual Income Protection Allowance.

3. The EOF Executive Director shall annually inform institutions of adjustments to the Income Eligibility Scale, in accordance with the Income Protection Allowance published in the Federal Register.

(b) A dependent student who comes from a family with both parent(s) or guardian(s) working whose combined incomes exceed the applicable amount set forth in the dependent student income eligibility scale above, may be eligible for EOF, only if:

1. The total income does not exceed the applicable amount set forth in the EOF dependent student income eligibility scale when 50 percent of the income of the smaller wage earner is subtracted from the gross income of the two wage earners.

2. Documentation in each student's file includes the mathematical computation along with wage and tax statements (form W2) of both parent(s) or guardian(s).

(c) An independent student (as defined in N.J.A.C. 9:11-2.5) who demonstrates evidence of a background of historical poverty as defined in N.J.A.C. 9:11-2.1 or by meeting the criteria set forth in N.J.A.C. 9:11-2.6(f)1 through 5 is financially eligible for an EOF graduate grant, if his or her and/or his or her spouse's gross income for the calendar year prior to the academic year for which aid is requested and the calendar year during which aid is received does not exceed the applicable amount set forth in the EOF independent student income eligibility scale:

1. $10,600 family size (including student) 1
2. $13,490 family size (including spouse) 2
3. $16,670 family size (including spouse) 3
4. $19,660 family size (including spouse) 4
5. $23,000 family size (including spouse) 5

6. Add $2,600 for each additional dependent. This amount shall be adjusted annually to reflect changes in the Independent Student Income Protection Allowance as published in the Federal Register.

7. An independent student who received welfare as the primary means of family support is presumed to be eligible without regard to the amount of primary welfare support.

(d) In determining the financial eligibility of dependent and independent students, separation, divorce, or death of a wage earner in the calendar year prior to the academic year for which eligibility is being determined, with an accompanying decrease in family in-

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come below the EOF income eligibility scales does not automatically satisfy the family characteristic of historical poverty (as stated in N.J.A.C. 9:11-2.1 and 2.6(f)1 through 5) expected of EOF students.

(e) The campus EOF director must approve students in these cases (N.J.A.C. 9:11-2.6(e)), after review and recommendation by the financial aid office. The campus EOF director, in cooperation with the director of financial aid, shall have the discretion to use professional judgment to assess whether a family is historically and economically disadvantaged in determining an applicant's financial eligibility for admission to the EOF Program.

(f) Where there is evidence that strict adherence to the maximum income eligibility cut-offs will not serve the purpose of the EOF Program, the institution may submit a formal written request to the executive director for permission to admit students under a waiver pursuant to the provisions of this section. Students admitted under this provision must have family incomes that do not exceed 175 percent of the official national poverty threshold as published annually by the Federal government adjusted to reflect New Jersey's cost of living and meet one of the following criteria:

1. The student attended high school in a district factor group a or b school district as certified by the New Jersey Department of Education.

2. The student has resided in a municipality defined as a "high distress" area. A high distress area, as defined by the New Jersey Office of Management and Budget, is one which, in comparison to the rest of the state, is characterized by old or sub-standard housing and/or low real estate value, low per capita income, high unemployment, population decline, and a high percentage of residents receiving welfare and other benefits targeted for low-income families.

3. The student has resided in an area of a municipality that is historically populated by low-income families; such an area is commonly known as a "pocket of poverty" as characterized by criteria outlined in (g)2 above.

4. The student has a sibling who was, or is currently enrolled in an EOF Program; or

5. The student (or family) is eligible for government assistance and educational programs targeted toward low-income and disadvantaged populations (TRIO programs, free and reduced breakfast/lunch programs, food stamps) and is a first-generation college student.

(g) The student's record must contain sufficient documentation for verification of the above criteria. All efforts should be made to give priority to those students whose incomes are within the limits of N.J.A.C. 9:11-2.6.

9:11-2.7 Grant amounts

(a) The dollar amount of each EOF graduate grant will be based on three factors:

1. Full time approved enrollment as defined by the institution offering the graduate program of study;

2. The financial need of the student; and

3. The type of institution which the student will be attending.

(b) The exact amount of the EOF award shall be determined by the institution's EOF and financial aid directors. Priority for determining need and awarding EOF graduate grants shall be given first to students who meet the educational and income criteria in accordance with N.J.A.C. 9:11-2.1(c) and (d), 9:11-2.2(a) and (b) and 9:11-2.6(a) through (c), followed by those students admitted using N.J.A.C. 9:11-2.6(f) through (h).

(c) Once it is determined that a student is eligible, he or she shall not receive less than the minimum grant nor more than the maximum grant. Under no circumstances shall an EOF award be granted which, in combination with other aid, exceeds the cost of attendance as determined by the institution.

(d) The EOF Board of Directors shall annually review the state grant amounts of EOF students and make adjustments if necessary. The minimum and maximum award ranges for full-time graduate EOF grants for each type of institution follows:

Graduate	Minimum	Maximum
State Colleges	$200.00	$2,000
4 Year Independent	200.00	2,500
Rutgers, NJIT	200.00	2,500
UMDNJ	200.00	4,000

(e) The minimum award, as set forth in this section, shall be granted to all eligible EOF students.

(f) The awarding of all grants within the above stated minimum and maximum range shall be based upon a careful analysis of the student's total financial situation and financial need. The neediest students must be accorded priority.

9:11-2.8 Duration of student eligibility

(a) Students deemed eligible at the time of initial graduate enrollment shall retain eligibility for program support services throughout the duration of the initial degree of study as long as he/she maintains full-time enrollment.

(b) In addition, students shall retain eligibility for an EOF grant as long as the student has demonstrated financial need as determined by the institution through submission of a financial aid form approved by the EOF Board of Directors, in accordance with annually established deadline dates.

9:11-2.9 Eligibility requirements for graduate grants

(a) The EOF Board of Directors must approve each institution's initial request to establish an EOF graduate Program. This written request is to be submitted on forms provided by the Executive Director of EOF. Requests must include information outlining the expected objectives to be achieved through participation in the EOF graduate program, the number of students estimated to be eligible, and administrative responsibilities.

(b) Any New Jersey institution of higher education is eligible to participate in the EOF graduate program as long as it is certified as a licensed, accredited public or independent, non-proprietary, graduate or professional school.

(c) Priority in the granting of EOF graduate grants shall be given to those students who received EOF undergraduate grants, and who continue to meet the financial eligibility criteria outlined in N.J.A.C. 9:11-2.6 and 9:11-2.9(d). Graduate students who did not receive an undergraduate grant must supply copies of their parents' and/or guardian's income documentation and verification of historical poverty.

(d) Graduate EOF students must continue to qualify based on all of the criteria set in N.J.A.C. 9:11-2.1 through 9:11-2.9 with the following exceptions:

1. Financial eligibility for independent students who received EOF as undergraduates and enroll in a graduate program within one academic year of graduation, shall be based upon their projected academic year student (spouse) income and assets.

2. The annual gross income and assets of all graduate grant recipients must be verified by the institution through the use of Internal Revenue Service documents. Appropriate documentation of income must be maintained in each student's file.

3. No student shall be eligible for a graduate EOF grant for more than 10 semesters, however:

i. Length of eligibility at four year public colleges, four year independent colleges, Rutgers and NJIT shall be restricted to one semester beyond the normal number of semesters usually required for a full-time student to complete the degree requirements. For example:

Degree Requirements	Full-Time Graduate Student	Length of Eligibility
36 credits	9 credits	(36/9) = 4 + 1 = 5 semesters
84 credits	12 credits	(84/12) = 7 + 1 = 8 semesters

ii. Length of eligibility in the pursuit of a medical or dental degree shall be restricted to one year beyond the normal number of years usually required for a full-time student to complete the degree requirements. In no case shall the maximum graduate eligibility exceed the equivalent of 10 semesters.

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4. Graduate grant recipients may pursue more than one advanced degree, however:

i. Each degree must be a higher level than the previous one, and

ii. In no case shall the combined eligibility exceed the equivalent of 10 semesters.

5. No EOF graduate grant is to be awarded for summer program study excepting those programs that, by nature, require that specific courses be taken during the summer.

i. Exception are possible, in cases where the program of study requires a mandatory sequence of courses for more than two terms in an academic year.

ii. In order to qualify for an exception, the institution must submit a request in writing to the DHE/EOF Office.

9:11-2.10 Operational provisions for graduate grants

(a) Participating institutions are to submit an annual academic year request for student slots to the Executive Director of EOF.

(b) Notification of action on institutional requests from the Executive Director of EOF will be given in writing to the President of each institution.

(c) To apply for Article III, graduate student grant funds, the financial aid and EOF directors must complete a payment request form to be established prior to the academic year for which funds are being requested for graduate students.

(d) The institutions shall annually submit to the DHE/EOF Office an EOF graduate payment request information form.

(e) A timetable for submission of reports and payment request forms shall be made available to each participating institution.

(f) All files of students receiving EOF graduate grants will be subject to a fiscal audit conducted by the Department of Higher Education.

9:11-2.11 Student notification and payment

(a) A student(s) shall be notified in writing by the institution's financial aid officer of the content of his or her financial aid package. The institution's written notification to the student shall contain a clause absolving the State of any responsibility for funding in the event that the grant is based upon fraudulent, inaccurate, or misleading information.

(b) The EOF Board of Directors may elect to provide payment directly to institutions on behalf of student recipients. Payments will be made to institutions for the eligible students in equal installments over the regular academic year, the number of installments corresponding to the number of school terms. Listings of eligible students to be credited will be provided to institutions.

9:11-2.12 Discontinuation of EOF graduate grants

(a) The Article III graduate grant is to be discontinued immediately when the student ceases to be eligible under the criteria listed in N.J.A.C. 9:11-2.

(b) The Article III graduate grant is to be discontinued for any student who has been academically dismissed unless reinstated in good standing by institutional officials.

(c) The Article III graduate grant is to be discontinued for any student who is not matriculated in a full-time program of study or any student who is not enrolled. The amount of any grant paid to the institution for that student must be repaid by the institution.

(d) The Article III graduate grant is to be discontinued for any student who refuses to abide by regulations established by the institution for participation in the EOF Program.

(e) The Article III graduate grant is to be discontinued for any student who intentionally falsifies or gives misleading information upon which eligibility was based. The amount of any grant previously paid to that student must be repaid by that student.

9:11-2.13 Liability

(a) The basic responsibility for submitting accurate information to institutional officials rests with the student.

(b) In the event that an institution has knowingly conveyed fraudulent and/or misleading information in order to obtain EOF grants for ineligible students, the institution will be held liable and will be required to make restitution.

(c) In cases where institutions have made awards in good faith based upon fraudulent and/or misleading information which has been conveyed by the student, the student is liable for the return of the EOF grant. A written statement to this effect shall accompany each student's award notification.

(d) The EOF Executive Director, with the cooperation of institutional officials, shall undertake appropriate steps to reclaim monies due the Educational Opportunity Fund from ineligible students.

9:11-2.14 Grant usage

(a) The EOF graduate grant must be applied to the student's educational costs only. Educational costs are inclusive of whatever constitutes each institutional educational budget and may include tuition, fees, room and board, transportation, books, educational supplies and child care.

(b) Use of EOF graduate grants for any other costs is strictly prohibited.

9:11-2.15 Grant awarding cycle

(a) An EOF grant is awarded for each semester of an academic year which usually includes two (2) terms.

1. If a student is not enrolled for two (2) terms, then the EOF graduate grant will only be awarded for the term the student is enrolled.

2. In no case will an initial EOF graduate award be given for the student's last two terms of graduate study.

9:11-2.16 Appeals

(a) A student(s) or his or her parent(s) may file a written appeal with the EOF Executive Director regarding institutional decisions of ineligibility.

1. The first step in appealing EOF grant eligibility begins within the institution. As a campus based program, the verification of EOF grant eligibility is the responsibility of institutional officials.

2. A student must have already appealed through institutional channels before his or her appeal will be heard by the EOF Executive Director.

3. The letter of appeal must furnish detailed information as to the nature of the case and contain the names of institutional officials who have been contacted.

(b) If, after state payment deadline dates, new information or evidence has been presented regarding previous institutional eligibility decisions, the institution may request consideration by the EOF Executive Director for payment in the same fiscal year. Such requests must be submitted before fiscal year end reconciliation and shall be submitted through payment rosters co-endorsed by the EOF campus director and financial aid officer. The fiscal year ends on June 30 of each year.

(c) In no case should institutional requests for opinions, clarification, or consideration based on new evidence constitute an appeal for a student or students who have not met the minimum standards set forth in state regulations. These standards are intended to be the "floor" above which institutional standards and appeals may operate, but no appeals, institutional or central, shall result in an EOF student not meeting these state minimum standards for eligibility.

9:11-2.17 Refunds and repayments of disbursements made to students

(a) If a refund is due to a student under the institution's refund policy and the student received State financial aid under any State student financial assistance program, the institution shall multiply the institutional refund by the following fraction to determine the amount to be refunded to the Treasurer, State of New Jersey, through the Office of Student Assistance:

$$\text{divided by } \frac{\text{Amount of state financial assistance (minus work earnings) awarded for the payment period}}{\text{Total amount of financial aid (minus work earnings) awarded for the payment period}}$$

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(b) The payment period is the time between the first day of classes for an academic term and the end of that term according to the institutional calendar.

(c) The refund period is the time between the first day of classes for an academic term and the date the student officially or unofficially withdraws from an institution, is expelled by an institution, or reduces his/her academic course load such that he/she is no longer eligible for State assistance.

(d) The formula at (a) above should be applied if a full-time student reduces his/her academic course load to less than full-time, prior to the end of the institutional refund period. However, if the student reduces his/her academic course load to less than full-time, or reduces the number of credits for which the student is enrolled on less than a full-time basis, after the end of the institutional refund period, a refund to the State is not required.

(e) If a combination of State student funds has been packaged for the student and a refund is due the State, a prorated amount is applied to each of the State programs in the student's financial assistance package.

(f) If a cash disbursement has been made by an institution for non-institutional costs from a State assistance program, and it is determined by application of the institution's refund policy and the formula in (a) that a refund should be paid to the State, the institution shall endeavor to collect the overpayment from the student and return it to the State. If this effort is unsuccessful, the institution shall notify the Department of Higher Education of the amount owed for each State financial assistance program. Non-institutional costs may include, but are not limited to: room and board, books and supplies, transportation, child care, and miscellaneous expenses.

(g) If a student utilizes any portion of a full-time award, it will be treated the same as a full semester payment in calculating the number of semesters of eligibility. Thus, the institution shall afford the student the opportunity to decline and repay the State award for that payment period.

SUBCHAPTER 3. C. CLYDE FERGUSON LAW SCHOLARSHIP

9:11-3.1 Student eligibility

(a) To be eligible for a C. Clyde Ferguson Law Scholarship, **(Ferguson Scholarship)** a student shall demonstrate that he or she:

1. (No change.)

2. Is a student who meets the requirements of N.J.A.C. 9:11-[1.5] **2.6** or falls within one of the following categories:

i. (No change.)

ii. A former or current recipient of the New Jersey EOF undergraduate **and/or graduate** grant; or

iii. (No change.)

3. (No change.)

9:11-3.2 Grant amounts

(a) (No change.)

(b) The amount of each Ferguson Scholarship shall be based on the financial need of the student as determined pursuant to N.J.A.C. [9:11-1.7(a), (b), (c) and (f)] **9:11-2.7(a), (b), and (c)**.

9:11-3.3 Rules incorporated by reference

The following provisions of [subchapter 1 of this chapter, N.J.A.C. 9:11-1] **subchapter 2 of this chapter, N.J.A.C. 9:11-2**, governing the EOF [Program] **graduate program** shall also apply to grants made under the C. Clyde Ferguson Law Scholarship program unless they are inconsistent with, or otherwise excepted within, the provisions of this subchapter: [N.J.A.C. 9:11-1.2, 1.3, 1.4, 1.6(a), (c), (d), (f), 1.13, 1.15, 1.16, 1.17, 1.19, 1.20, 1.21, and 1.22] **N.J.A.C. 9:11-2.3, 2.4, 2.9, 2.10, 2.11 2.13, 2.14, 2.15, 2.16, and 2.17**.

SUBCHAPTER [2.]**4** MARTIN LUTHER KING PHYSICIAN-DENTIST SCHOLARSHIP PROGRAM

9:11-[2.1]**4.1** Student eligibility

(a) To be eligible for a Martin Luther King Physician-Dentist Scholarship (King Scholarship), a student must have demonstrated that he or she:

1. (No change.)

2. Is a student who meets the requirements of N.J.A.C. 9:11-[1.5] **2.6** and falls within one of the following categories:

i. (No change.)

ii. A former or current recipient of the New Jersey EOF undergraduate **and/or graduate** grant, or;

iii. (No change.)

3. Is or will be a full-time student enrolled in a post-baccalaureate program of study leading toward an initial M.D., D.O., or D.M.D. degree at the University of Medicine and Dentistry of New Jersey [or the Fairleigh Dickinson University School of Dentistry].

(b) (No change.)

9:11-[2.2]**4.2** Grant amounts

(a) The maximum and minimum award ranges for a King Scholarship shall be annually established by the Board of Directors of the New Jersey Educational Opportunity Fund but shall not exceed the maximum amount of tuition charged at the [university in which the student is enrolled] **University of Medicine and Dentistry of New Jersey**.

(b) The amount of each King Scholarship shall be based on the financial need of the student as determined pursuant to N.J.A.C. [9:11-1.7(a), (b), (c) and (f)] **9:11-2.7(a), (b), and (c)**.

9:11-[2.3]**4.3** Rules incorporated by reference

The following provisions of subchapter [1 of this chapter, N.J.A.C. 9:11-1] **2 of this chapter, N.J.A.C. 9:11-2** governing the EOF [Program] **graduate program** shall also apply to grants made under the Martin Luther King Physician-Dentist Scholarship program unless they are inconsistent with, or otherwise excepted within the provisions of this subchapter: [N.J.A.C. 9:11-1.2, 1.3, 1.4, 1.6(a), (c), (d), (f), 1.13, 1.15, 1.16, 1.17, 1.19, 1.20, 1.21, and 1.22] **N.J.A.C. 9:11-2.3, 2.4, 2.9, 2.10, 2.11, 2.13, 2.14, 2.15, 2.16 and 2.17**.

CHAPTER 12
PROGRAM SUPPORT

[PREFACE

N.J.S.A.18A:71-39 provides that the Chancellor of Higher Education shall develop, establish and maintain programs of remedial and supplementary education for students who receive assistance under the Educational Opportunity Fund. These regulations govern the process by which institutions receive and utilize funds pursuant to this statutory authority. E.O.F. students, as students of the institution who pay tuition and for whom the institution received state support other than E.O.F., are entitled to all services available to all other students at the institution. E.O.F. funds are intended to supplement and not supplant existing services provided by the institution. The E.O.F. Program may not be charged directly nor through the institutional match provisions of these regulations for services which are not over and above those provided to the general student population.]

9:12-1.1 Scope and purpose

(a) N.J.S.A. 18A:71-39 provides that the Chancellor of Higher Education shall develop, establish and maintain programs of remedial and supplementary education for students who receive assistance under the Educational Opportunity Fund. The programs shall be designed to provide access to and preparation for undergraduate, graduate and professional education.

(b) N.J.S.A. 18A:71-39 governs the process by which institutions receive and utilize funds pursuant to this authority.

1. EOF students, as students of the institution who pay tuition and for whom the institution receives State support other than EOF are entitled to all services available to all other students at the institution.

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2. EOF funds are intended to supplement and not supplant existing services provided by the institution. The EOF program may not be charged directly nor through the institutional match provision of these rules for services which are not over and above those provided to the general student population.

9:12-[1.1]**1.2** Institutional eligibility
(No change in text.)

9:12-[1.2]**1.3** Eligible [E.O.F.] **EOF** program requirements
(a) Any program shall be eligible for funding consideration which increases access to higher education for students eligible for [E.O.F.] **EOF** grants, improves [E.O.F.] **EOF** student academic performance and promotes student retention, promotes student progress toward graduation within the established period of program eligibility and within the academic regulations of the institution, and provides effective administrative support for the operation of the [E.O.F. Program] **EOF program** within the institution. All programs **at a minimum** must meet all of these objective mandates for funding under this provision. Such programs [may] **shall** include, but are not limited to:
1.-5. (No change.)
6. Remedial/developmental **and supplemental** instruction;
7. (No change.)
8. Preparation for students enrolled at county/community colleges to transfer to four year institutions;
9. Preparation for graduate and professional education;
[8]**10.** (No change in text.)
[9]**11.** (No change in text.)
[10]**12.** (No change in text.)

9:12-[1.3]**1.4** Application process
(a) The [E.O.F.] **EOF** Executive Director will distribute a standard [proposal] application form to all eligible participating colleges and universities in the State each year.
(b) Each institution shall submit the [proposal] application to the **EOF** Executive Director [of the Educational Opportunity Fund] each year. All applications must include written endorsement of the campus [E.O.F. Director] **EOF director**, the Community Advisory Board, the President and/or governing board of the institution.
(c) The application will be reviewed by the [E.O.F.] **EOF** Executive Director in the Department of Higher Education for compliance and development of program recommendations to the [E.O.F.] **EOF** Board of Directors. The Board shall conduct an annual meeting to determine funding allocations for the next academic year for each institution. The Executive Director shall provide written notification of the Board's decision on each [proposal] **application**. This shall be in the form of a preliminary notification specifying the funding level and any stipulations regarding the conduct of the program or the disbursement of funds. This preliminary notification shall be endorsed by the institutional [president] President and returned to the Executive Director.
(d)-(e) (No change.)

9:12-[1.4]**1.5** Restriction on use of [E.O.F.] **EOF** funds
(a) [E.O.F.] **EOF** grant funds must not be used for the following items:
1.-2. (No change.)
3. Indirect expenses (for example, overhead cost—space heat, lights, postage and telephone); and
[4. Cultural trips; and]
[5.]**4.** Transportation of students for normal commuting costs.

9:12-[1.5]**1.6** Institutional commitment
(a) (No change.)
(b) The [E.O.F.] **EOF** Executive Director shall conduct a review of any exceptional items to determine acceptability of in-kind contributions on all [proposal] applications and make recommendations to the [E.O.F.] **EOF** Board of Directors. Institutions may appeal this decision by submitting a written request to the [E.O.F.] **EOF** Executive Director within 30 days of issuance of the formal agreement. The Executive Director will conduct a review of the appeal and make a recommendation to the Board of Directors.
1. The institutional share [may] **shall** consist of:
i. (No change.).
ii. The provision and maintenance of state of the art technological equipment (i.e., computer hardware, modems, fax machines).
[ii.]**iii.** (No change in text.)
[iii.]**iv.** Direct services rendered by other institutional staff to the [E.O.F. Program] **EOF program**.
2. Institutional share items [may] **shall** not include:
i.-iv. (No change.)

9:12-[1.6]**1.7** Accountability of institutional share
The budget[/proposal] application shall provide a format to record items for consideration of institutional share. Final determination will be made by the Board of Directors on the basis of their allocation decision on each [application budget/proposal] **budget application**. Each institution will receive written notification of its allocation from the [E.O.F.] **EOF** Executive Director. Institutional share and grant award items including fringe benefits shall be recorded by the program and are subject to audit at any time by the Department of Higher Education.

9:12-[1.7]**1.8** Institutional administration
(a) Each participating institution with 16 or more students which receives program support funds under Article IV is required to have a full-time Director responsible for the administration of the [E.O.F. Program] **EOF program**. [Working procedures with the various deans, to include fiscal officers, office of institutional research, office of the registrar, the admissions office and the financial aid office must be clearly defined in writing and maintained at the institution.
(b) Those programs with less than 16 students may employ a part-time staff member so long as adequate administrative support is provided to all program components.
(c) Each participating institution shall insure that provisions are made for the director to fulfill the following responsibilities:
1. Program planning;
2. Budget construction and administration;
3. Training and supervision of staff;
4. Monitoring of student progress;
5. Supervision and/or coordination of recruitment activities;
6. Review of financial aid packages for E.O.F. students to determine the appropriateness and adequacy of financial aid awards;
7. Evaluation of the effectiveness of all program components;
8. Supervision and submission of all required materials to the Central Office; and
9. Supervision of all data collection and development of research reports on the program.]
(b) Each participating institution shall insure that provisions are made for the director to fulfill the following responsibilities:
1. Program planning;
2. Budget development and administration;
3. Training and supervision of staff;
4. Monitoring of student progress in basic skills, developmental skills, and English as a Second Language courses;
5. Monitoring of student progress to include the development of policies and procedures which facilitate retention and graduation;
6. Supervision and/or coordination of recruitment activities;
7. Review of financial aid packages for EOF students to determine the appropriateness and adequacy of financial aid awards;
8. Evaluation of the outcomes of all program components;
9. Supervision and submission of all required materials to the DHE/EOF Office; and
10. Supervision of all data collection and development of research reports on the program.
(c) Those programs with less than 16 students may employ a part-time staff member as long as adequate administrative support is provided to all program components.
(d) Each participating institution shall maintain clearly defined written guidelines for cooperative interaction with the various offices responsible for the activities outlined in N.J.A.C. 9:12-1.8(b)1 through 10.

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(e) Each participating institution shall insure that provisions are made for the director to actively participate in all institutional policy making that impacts the EOF Program.

(f) Each participating institution with an open admissions policy, shall insure that the EOF director makes the final determination on students admitted to the EOF Program and receiving an EOF grant.

9:12-[1.8]**1.9** [Requirement] **Recruitment** and admission

(a) Each participating institution shall develop and implement an annual plan for the recruitment of potential students for the [E.O.F. Program] **EOF program**. This plan shall be [appended to the proposal application.] **subject to an audit by DHE/EOF at any time.** The plan will identify a significant pool of potential students from specific disadvantaged groups in the geographic region. Target populations shall include significant numbers of students with a background of historical poverty (in the black, Puerto Rican and other Hispanic communities, as well as other disadvantaged ethnic groups of the region). In addition, the plan shall identify a significant pool of potential non-traditional students such as welfare recipients, unemployed or underemployed adults, and participants enrolled in JTPA and Veterans Programs, as well as various social rehabilitation services in the community. The recruitment plan shall include the timetable, goals, objectives, and selection process for [E.O.F.] **EOF** students at the participating institution.

(b)-(c) (No change.)

(d) Students initially admitted to the institution's EOF Program who have stopped out, were academically dismissed or suspended, who are seeking readmission to the institution, must be reviewed by the institution's EOF director prior to being readmitted.

9:12-[1.9]**1.10** Criteria for admission

(a) Each institution shall develop clearly defined criteria for the admission of students into the [E.O.F. Program] **EOF program**. Such criteria shall be consistent with N.J.A.C. [9:11-1.1 (student eligibility) of the E.O.F. Financial Aid Guidelines.] **9:11-1.2 student eligibility** . Such criteria should be available to secondary schools and community organizations in the recruitment region and documentation of such action attached to the [proposal application.] **annual plan for recruitment.**

(b) (No change).

9:12-[1.10]**1.11** Eligible program support components

(a) Each institution participating in this program shall conduct an **on-going** evaluation of all students after admission [and prior to the first semester of enrollment]. This process shall **at a minimum** include, [but not be limited to,] **clearly defined activities to assist students with the identification of educational and career goals and the development of an academic plan that will ensure retention, graduation, preparation for county/community college students to transfer to a four year institution, and preparation for graduate and professional school for all undergraduate students. These activities shall include—but not be limited to:** [an assessment of student performance in the area of basic academic skills. This evaluation shall be utilized by the campus E.O.F. Program to determine academic plans for each student and appropriate program support devices. This information shall be included in the student's file maintained by the E.O.F. campus staff and is subject to audit at any time by the Department of Higher Education.

1. Developmental and Remedial: Each institution shall maintain remedial and developmental programs designed to remedy academic deficiencies. Such programs shall be coordinated with other diagnostic and prescriptive programs of the same type within the institution.]

1. Skills Assessment: An assessment of student basic skills needs and performance;

2. Remedial Developmental Instruction: The development of remedial, ESL and developmental programs designed to remedy academic deficiencies;

[2]**3.** Counseling: Each institution shall provide counseling programs designed to assist students to realize their personal and educational goals.

[i. Each program shall maintain counseling records. Included shall be student background information, academic data (transcripts, grade reports, warning notices), enrollment data (termination forms, leaves of absence), financial aid awards, and counseling logs.

3. Tutoring: Each institution shall provide well-defined programs of tutoring and study supervision to assist students to resolve learning difficulties.

i. The program shall maintain detailed tutorial records for accounting and evaluation.

4. Placement: Each institution shall provide career and graduate placement assistance to program participants in conjunction with the institutional placement office. These services shall be coordinated by the E.O.F. campus staff. In addition, the E.O.F. program shall submit to the E.O.F. Central Office a student separation report each semester which includes all students who have separated from the program. The report should indicate the specific reason for leaving the program, such as financial, graduation, suspension or dismissal, or withdrawal for personal reasons, etc.]

4. Supplemental instruction/tutoring: Each institution shall provide well-defined programs of supplemental instruction, tutoring, and study supervision to assist students to resolve learning difficulties. These programs may include specially adapted versions of courses that serve as gateways to majors and the use of peer learning groups.

5. Preparation for county/community college students to transfer to four year institutions: Each institution shall provide programs designed to inform county/community college students of the educational opportunities available for them at four year institutions. This service shall be coordinated by the EOF campus staff and include articulation agreements and joint admissions policies institutions have established with four year institutions, pre and post-transfer orientation, instructional exchanges during intersessions and summers, academic advisement and financial aid information.

6. Preparation for careers, graduate and professional education: Each institution shall provide programs designed to prepare undergraduate students for careers and enrollment in graduate/professional school. These services shall be coordinated by the EOF campus staff in conjunction with the institutional placement office and academic departments. These services shall include career interest testing, preparation of resumes, job search and interview techniques, as well as programs to nurture student interest in graduate and professional education. These programs may include the identification of and assistance with the application process for undergraduate research experience programs (e.g., Biomedical Careers, Mathematics Immersion Program, Pre-Legal Program, etc.), GRE test preparation, graduate and professional school application process, grants, scholarships, fellowships and other forms of financial assistance.

7. Student leadership development: Each institution shall provide programs designed to help foster cultural diversity, racial harmony, and the improvement of human relations. The program design may also include the development of conflict resolution and empowerment skills, as well as an understanding of the responsibilities leaders must assume.

9:12-[1.11]**1.12** Students for whom English is a second language

(a) [Supportive services which serve to enhance and strengthen the academic performance of students for whom English is a second language must be established to address the needs of students who are recruited and admitted to the program. The supportive services should include:] **Each institution shall establish developmental services to enhance and strengthen the academic performance of students for whom English is a second language. These services shall include:**

1.-2. (No change.)

3. Courses and programs designed to [meet the language] **develop the English language skills** and academic needs of students;

4. (No change).

(b) (No change).

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9:12-[1.12]**1.13** Transfer procedure

[Each participating institution shall develop and maintain a policy to facilitate transfer of E.O.F. students from two-year to four-year institutions and between institutions. The program shall have procedures to demonstrate delivery of services to students who are eligible for funding consideration under N.J.A.C. 9:11-1.12, Transfer of Grant, of the E.O.F. Financial Aid Guidelines.]

(a) Each participating institution shall develop and maintain in writing a well defined policy to facilitate transfer of EOF students from two-year to four-year institutions and between institutions.

(b) The EOF director shall make the final determination on students admitted and receiving an EOF grant as transfer students. This is to ensure that the EOF program can provide these students with adequate educational support services, and an EOF financial aid grant, and continue to monitor their academic progress.

(c) The EOF program shall have procedures to demonstrate delivery of services to students who are eligible for funding consideration under N.J.A.C. 9:11-1.13 Transfer of grant.

9:12-[1.13]**1.14** Academic progress

(a) Each institution shall establish a policy and maintain a process to monitor student performance in the [E.O.F. Program] **EOF program**. This process shall include operational procedures to record and review student progress [each semester] **prior to the beginning of each academic year** as indicated by credits accumulated, courses completed, grade point average, and extracurricular activities.

(b) To remain eligible for [E.O.F. Program Support Services] **EOF program support services**, students shall maintain satisfactory academic standing and progress according to the institution's established policy for the academic progress of [E.O.F.] **EOF** students and [sections 9:11-1.8, 9:11-1.9 and 9:11 1.10 of the E.O.F. Financial Aid Guidelines] **N.J.A.C. 9:11-1.9, 9:11-1.10, and 9:11-1.11.**

9:12-[1.14]**1.15** Academic probation/dismissal of [E.O.F.] **EOF** students

(a) Program support services may be discontinued for reasons outlined in N.J.A.C. [9:11-1.14 of the E.O.F. Financial Aid Guidelines] **9:11-1.15 Discontinuance of EOF grants and program support services.**

(b)-(c) (No change.)

9:12-[1.15]**1.16** Experimental programs

(No change in text.)

9:12-[1.16]**1.17** Program audits and evaluations

(a) The [E.O.F.] **EOF** Executive Director shall maintain adequate procedures to monitor all program functions and components of all institutions receiving funds under this section. Due notice shall be provided from the [E.O.F. Central] **DHE/EOF** Office to visit any institution to conduct monitoring activities which may include evaluation, audits, and post-audit activities on a random or selected basis as needed.

(b) The [E.O.F.] **EOF** Executive Director shall conduct regular program audits and evaluations to determine regulatory compliance and program effectiveness. During these processes, [E.O.F. Central] **DHE/EOF** Staff shall document any exceptional budgetary items and ineffective program components and report such items to the [E.O.F.] **EOF** Executive Director.

9:12-[1.17]**1.18** Transfer of funds

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

[(c) Approved budgets are based upon a specified ratio between personnel and O.T.P.S. categories. Transfers from personnel to O.T.P.S. (and vice versa) do not need approval from the Central Office unless such transfer falls outside of the specified ratio. Written approval must be granted by the Executive Director prior to the transfer being made. Requests for approval must be made in accordance with the deadlines contained in Attachment F (Required Submissions Timetable) of the current year contract.]

9:12-[1.18]**1.19** Program non-compliance

(No change in text.)

9:12-[1.19]**1.20** Program probationary status

(No change in text.)

9:12-[1.20]**1.21** Community Advisory Board

(a) (No change.)

(b) The Community Advisory Board shall meet at least six times during the calendar year. The Board shall demonstrate involvement in the following activities at a minimum:

1.-5. (No change.)

6. Reviewing and commenting on the institution's [E.O.F.] **EOF** funding [proposals] **application**, prior to [their] its submission to the Department of Higher Education; and

7. (No change.)

(c) (No change.)

9:12-[1.21]**1.22** Record keeping and data collection

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

(c) Each institution participating in this program shall maintain thorough academic and financial aid files on program participants. This information shall include, but not be limited to, the following:

1.-2. (No change.)

3. Data and assessment of tutorial/**supplemental instruction** services directed toward the [resolvement] **resolution** of academic difficulty;

4.-6. (No change.)

(d)-(e) (No change.)

9:12-[1.22]**1.23** Annual Program Report

(No change in text.)

9:12-2.2 Summer program requirements

(a) Summer programs shall be eligible for funding consideration if they:

1.-4. (No change.)

5. Provide a remedial and developmental curriculum to assess and work toward improving academic skills and performance. In addition, institutions may elect to develop projects which address objectives six, seven, [and] eight **and nine**;

6.-7. (No change.)

8. Improve graduate and/or professional school placement[.]**;**

9. Provide a systematic effort to assist students to succeed in majors traditionally underrepresented by minority students.

(b) All participating institutions shall operate program objectives one through five to receive funds for summer program. Any program may elect to develop projects according to objectives six, seven, [and] eight **and nine**.

(c) (No change.)

9:12-2.3 Student eligibility

(a) Any student deemed eligible for admission and matriculation to the [E.O.F.] **EOF** program by the institution in the academic year (pursuant to N.J.A.C. 9:11-1) is qualified to receive additional [grants] **grant** funds to support enrollment and full participation in the summer program in accordance with the following procedures:

1. Summer or pre-freshman attendance should be mandatory for all entering students. Institutions may permit entering students to enroll without attending the summer program, but shall provide alternative activities for such students consistent with criteria listed in N.J.A.C. 9:12-2.2 of the Summer Program [Regulations] **requirements**, during the academic year. Such program offerings must be described in the annual funding [proposal] **application**.

2. (No change.)

9:12-2.4 Application process

Each institution shall submit a summer program [plan] **application** in addition to its regular academic year funding application in accordance with provisions of N.J.A.C. [9:12-1.3, 9:12-1.4, and 9:12-1.5 (Program Support Regulations)] **9:12-1.4, 1.5, and 1.6.**

9:12-2.5 Funding process

(a) Funds will be allocated to eligible institutions according to program [proposal budgets] **budget applications** submitted to the [E.O.F. Central] **DHE/EOF** Office and approved by the [E.O.F.] **EOF** Board of Directors.

(b) (No change.)

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9:12-2.7 Liability
(a)-(c) (No change.)
(d) The **EOF** Executive Director, with the cooperation of institutional officials, shall undertake appropriate steps to reclaim monies due the **Department of Higher Education**/Educational Opportunity Fund from ineligible students.

9:12-2.8 Operational provisions for summer program payment
(a)-(c) (No change.)
(d) All files of students receiving [E.O.F.] **EOF** grants will be subject to a fiscal audit conducted by the Department of Higher Education[, Management Compliance Unit].

9:12-2.9 Refunds and repayments of disbursements made to students
(a) If a refund is due to a student under the institution's refund policy and the student received financial aid under any State student assistance program, the institution shall multiply the institutional refund by the following fraction to determine the amount to be refunded to the Treasurer, State of New Jersey, through the Office of Student Assistance:

$$\frac{\text{Amount of State assistance (minus work earnings) awarded for the payment period}}{\text{Total amount of financial aid (minus work earnings) awarded for the payment period}}$$

divided by

(b)-(c) (No change.)

9:12-2.10 Summer program evaluation
(a) The [E.O.F.] **EOF** Executive Director shall distribute a standard summer program evaluation form to participating programs. Each institution shall submit the completed form according to the required submission timetable to the [E.O.F. Central] **DHE/EOF** Office.
(b) The **DHE**/E.O.F. [Central] Office may, in addition, conduct summer program evaluations to insure maximum program effectiveness and accountability.
(c) (No change.)

HUMAN SERVICES

(a)

DIVISION OF DEVELOPMENTAL DISABILITIES

Notice of Comment Period Extension

Administration

Proposed Readoption with Amendments: N.J.A.C. 10:41

Take notice that the Department of Human Services is extending the deadline for public comments on the proposed readoption of N.J.A.C 10:41, published in the January 3, 1994 New Jersey Register at 26 N.J.R. 81(a), until March 3, 1994.

Submit comments by March 3, 1994 to:
James M. Evanochko
Administrative Practice Officer
CN 726
Trenton, New Jersey 08625

(b)

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

Business Enterprise Program

Proposed Readoption with Amendments: N.J.A.C. 10:97

Authorized By: William Waldman, Commissioner, Department of Human Services.
Authority: N.J.S.A. 30:1-12; 30:6-15.1 and 15.2; 20 U.S.C. 107 et seq.; and 34 CFR 395.
Proposal Number: PRN 1994-80.

Submit comments by March 9, 1994 to:
Jamie C. Hilton
Executive Director
Commission for the Blind and Visually Impaired
153 Halsey Street, P.O. Box 47107
Newark, New Jersey 07101

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), the Business Enterprise Program rules (N.J.A.C. 10:97) expire May 15, 1994. The Commission for the Blind and Visually Impaired sets forth the rules governing the Business Enterprise Program at N.J.A.C. 10:97, as State Licensing Agency, designated by the United States Department of Education, Rehabilitation Services Administration. The Commission was so designated by the Federal government, as provided at 34 CFR 395.4.

The Commission has reviewed the rules at N.J.A.C. 10:97 and has decided to readopt them, with amendments at N.J.A.C. 10:97-3.1, Completion of probation period and license, and the addition of a new section at N.J.A.C. 10:97-4.16, Motor vehicle operation. These amendments and new rule were recommended by the Committee of Business Enterprise Operators, legally designated representatives of all blind operators in the program (N.J.A.C. 10:97-9.1) with concurrence of the Commission.

At N.J.A.C. 10:97-3.1(b), the licenses will be classified according to the type of business enterprise. Requirements for snack bar/newsstand, vending machine, and coffee shop/cafeteria licenses are described.

N.J.A.C. 10:97-3.1(e) clarifies how it shall be determined that a person is still legally blind and eligible for the program. A biennial examination by a Commission-approved ophthalmologist or optometrist is mandated.

A new rule has been proposed at N.J.A.C. 10:97-4.16 that prohibits Business Enterprise Program operators from operating motor vehicles on any public street or highway.

Subchapter 1 contains general provisions, including definitions. Subchapter 2 sets forth the program entry requirements. The licensing of operators and the operations rules are in subchapters 3 and 4, respectively. Subchapter 5 contains the records and monitoring requirements. The fiscal requirements for the program are in subchapter 6. Transfer of a facility from one operator to another is regulated under subchapter 7. Rules governing suspensions and grievance procedures are in subchapter 8. Subchapter 9 contains provisions concerning the Committee of Blind Vendors.

Social Impact

The proposed amendments will describe, for the 72 operators in the Business Enterprise Program, the requirements for licensing for the three types of business enterprises that comprise the program and will ensure that career guidance services are available to licensees operating in the program. Also, the proposed amendment requiring biennial eye examinations will ensure that all participants in the program are still legally blind. The proposed new rule that will prohibit the operation of motor vehicles by operators in the program will promote the health and safety of the operators as well as the general public.

Economic Impact

The rules proposed for readoption govern a program which provides employment and income opportunities for clients of the Commission. The Program also furnishes assistance and continuing management services to vendors, in addition to making it possible for New Jersey to receive Federal monies. During the past Federal Fiscal Year, there were gross sales of $7.3 million by operators in the program. The average net income of operators in the program was over $27,000.00 per year.

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The 72 operators in the program would be affected economically only in case an individual had his or her license terminated because, through mandated eye examination, he or she was found to no longer meet the definition of legally blind or it had been determined that he or she was operating a motor vehicle. The Business Enterprise Program staff provides continuing management services to operators, thus making it possible for New Jersey to receive Federal funding.

Regulatory Flexibility Analysis

All businesses licensed under the program are small businesses, as the term is defined in N.J.S.A. 52:14B-16 et seq. Currently, the program consists of 72 businesses, including cafeterias, snack bars, newsstands and vending machines on Federal, State, county and municipal property, throughout all areas of the State. Operators are responsible for submitting weekly sales reports (see N.J.A.C. 10:97-5.1) to the Commission on at least a monthly basis, due on or before the 15th day of the following month, as well as keeping payments current on any stock loan (N.J.A.C. 10:97-3.4(b)). (The amendments and new rule will not change these requirements.) In addition, it is recommended to all vendors that they engage the services of accountants to help them comply with Federal and State record-keeping requirements.

Under the proposed rules, management services are provided to the vendors by the Commission. These services include supervision, inspection, quality control, consultation and other related services to assist the licensee in a profitable operation of his or her business.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10:97.

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

10:97-3.1 Completion of probation period and license

(a) (No change.)

(b) There shall be three classes of licenses, as follows:

1. "C" licenses shall be issued to all persons who have been assigned to a business enterprise and have satisfactorily completed the probationary period. The "C" license shall qualify an individual to operate a snack bar or newsstand.

2. "B" licenses shall be issued to all persons who possess a "C" license, have satisfactorily completed vending machine training approved by the Commission, and are able to demonstrate proficiency in the operation and maintenance of vending machines. The "B" license shall qualify an individual to operate a vending machine facility.

3. "A" licenses shall be issued to all persons who possess a "C" license, have completed a Food Service Manager Certification (FMC) course sponsored by the New Jersey State Department of Health, and subsequently have been certified by that department. The "A" license shall qualify an individual to operate a coffee shop or cafeteria facility.

(c) No person who currently operates a facility in the Business Enterprise Program shall be required to surrender his or her license and operating agreement for that facility because they do not possess an appropriate license. However, to be eligible for promotion or transer to another facility in the program, he or she must possess an appropriate license for that facility.

[(b) This license] **(d) All licenses** shall be displayed to the public.

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

[(d)]**(f)** The license shall be immediately terminated by improvement of vision if the operator no longer meets the definition of a **legally** blind person **set forth at N.J.A.C. 10:97-1.3. This shall be determined by a mandatory biennial examination of each operator by an ophthalmologist or optometrist on a list provided by the Commission for the Blind and Visually Impaired.** Also, the license shall be terminated by death, revocation or voluntary withdrawal from the business by the licensee.

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

10:97-4.16 Motor vehicle operation

Except as may otherwise be permitted by law, Business Enterprise Program operators shall not operate any motor vehicle on any public street or highway. If it is determined that an operator has operated a vehicle on any public street or highway for which a state driver's license is required, his or her Business Enterprise Program Operating Agreement and/or Business Enterprise Program Operator's license shall be subject to revocation, effective 15 days from the date of such notice of revocation, provided that the operator has been given an opportunity for an Administrative Review and/or an Administrative Hearing in accordance with N.J.A.C 10:97-8 prior to final determination.

CORRECTIONS

(a)

THE COMMISSIONER

Administration, Organization and Management Research

Proposed New Rules: N.J.A.C. 10A:1-10

Authorized By: William H. Fauver, Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Proposal Number: PRN 1994-72.

Submit comments by March 9, 1994 to:
William H. Fauver, Commissioner
Department of Corrections
CN 863
Trenton, New Jersey 08625

The agency proposal follows:

Summary

It has been a practice within the New Jersey Department of Corrections to allow systematically conducted research projects that are requested by a person(s) or agency(s). The new rules stipulate that no medical, pharmaceutical or cosmetic experiments or research shall be conducted except as provided by court order, consent decree, or other legal processes. The proposed new rules establish the procedures for submitting a request to conduct nonmedical, nonpharmaceutical and noncosmetic research projects; the requirements for inmate/parolee written consent; the policy regarding the refusal to participate in a research project; the policy for the release or examination of inmate/parolee records for research; and how research findings are to be disseminated.

Social Impact

The proposed new rules permit the conducting of a systematic inquiry in order to discover, gather and compile facts and/or principles in some field of knowledge. The permission and approval to conduct research could provide valuable information for the academic community and/or society at large.

Economic Impact

It has been a longtime practice of the Department of Corrections to allow approved, systematically conducted research projects. The expenses associated with the conducting of these research projects are incurred by the requesting person(s) or agency(s). Therefore, the proposed new rules will have no economic impact on the Department of Corrections because additional financial resources will not be necessary to implement or maintain these new rules.

Regulatory Flexibility Statement

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has made the following determinations as they would apply to small businesses. As discussed in the Summary, the Department is proposing new rules for individuals or agencies submitting a request to conduct research projects. These rules will impose reporting requirements in that a written consent must be obtained to conduct research within the Department of Corrections, and research project findings or results must be made available to the Department for review and comment prior to publication or public dissemination. There will be no initial costs or other costs of compliance except the costs associated with the copying and forwarding of the research results to the Department of Corrections. These rules do not establish different standards in reporting requirements based upon business size because the reporting requirements are not so unduly burdensome and are necessary to effectuate the basic implementation of the rules.

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Full text of the proposed new rules follows:

SUBCHAPTER 10. RESEARCH

10A:1-10.1 Medical research or experimentation

(a) No medical, pharamceutical or cosmetic experiments or research shall be conducted involving the use of inmates or parolees of the New Jersey Department of Corrections except as provided by court order, consent decree, or other legal processes (see N.J.A.C. 10A:16-2.20).

(b) The New Jersey Department of Corrections encourages nonmedical, nonpharmaceutical, and noncosmetic research projects that are conducted in accordance with this subchapter.

10A:1-10.2 Procedure for submitting a request to conduct nonmedical, nonpharmaceutical, and noncosmetic research projects

(a) Any person(s) or agency(s) who wishes to conduct nonmedical, nonpharmaceutical or noncosmetic research projects shall complete and submit Form 980-I RESEARCH PROJECT REQUEST to the correctional facility Superintendent, Parole District Supervisor or the noninstitutional operational unit administrator.

(b) The correctional facility Superintendent, Parole District Supervisor, or the noninstitutional operational unit administrator shall review Form 980-I to determine if the research will:

1. Adversely affect the maintenance of security and/or the orderly operation of the correctional facility or unit;

2. Involve the review of inmate or parolee records; and/or

3. Require inmate or parolee participation, such as interviews or questionnaires.

(c) When the research activity does not involve the review of inmate or parolee records or the participation of inmates or parolees, the correctional facility Superintendent, Parole District Supervisor, or the noninstitutional operational unit administrator may approve or disapprove a request for research by signing and dating Section IV of Form 980-I. The original Form 980-I shall be returned to the person(s) or agency(s) requesting to conduct the research, and a copy of Form 980-I shall be retained by the correctional facility Superintendent, Parole District Supervisor or noninstitutional operational unit administrator.

(d) When the research activity involves the review of inmate or parolee records or the participation of inmates or parolees, the correctional facility Superintendent, Parole District Supervisor or the noninstitutional operational unit administrator shall complete Section IV of Form 981-I and submit the Form to the appropriate Assistant Commissioner with a recommendation for approval or disapproval.

1. The Assistant Commissioner shall review Form 980-I and shall approve or disapprove the request to conduct research by signing and dating the appropriate section on Form 980-I and shall then submit Form 980-I to the Commissioner for final review.

2. The Commissioner shall retain the final review authority of any request to conduct research which involves the review of inmate or parolee records or the participation of inmates or parolees.

3. The Commissioner shall approve or disapprove the request to conduct research by signing and dating the appropriate section on Form 980-I and shall return Form 980-I to the Assistant Commissioner.

4. The Assistant Commissioner shall retain a copy of the signed Form 980-I and return the original to the correctional facility Superintendent, Parole District Supervisor, or the noninstitutional operational unit administrator.

10A:1-10.3 Express written inmate/parolee consent requirement

(a) The express written consent of the inmate and/or parolee shall be required:

1. To ensure that direct inmate participation in any research project is on a voluntary basis; and

2. To authorize inspection or release of records per N.J.A.C. 10A:22-2.8.

(b) In order to obtain written consent of an adult inmate or parolee to directly participate in a research activity, Form 980-II ADULT INMATE/PAROLEE RESEARCH PARTICIPATION CONSENT shall be completely filled in and signed by:

1. The inmate/parolee;

2. A witness; and

3. The correctional facility Superintendent, Parole District Supervisor or the noninstitutional operational unit administrator.

(c) In order to obtain written consent of a juvenile inmate or parolee, to directly participate in a research activity, Form 980-III JUVENILE INMATE/PAROLEE RESEARCH PARTICIPATION CONSENT shall be completely filled in and signed by:

1. The juvenile inmate/parolee;

2. A parent or guardian;

3. A witness; and

4. The Superintendent, Parole District Supervisor, or noninstitutional operational unit administrator.

10A:1-10.4 Refusal to participate in research

(a) An inmate or parolee shall not be required or coerced to participate in research activities.

(b) Refusal by an inmate or parolee to participate in research shall not constitute a reason for imposing penalties upon the inmate or parolee.

10A:1-10.5 Inmate/parolee records

Confidentiality of inmate/parolee records and procedures for release or examination of records by authorized individuals or agencies shall be in accordance with N.J.A.C. 10A:22-2, Records.

10A:1-10.6 Research findings

The person(s) or agency(s) who completes a research project must, prior to publication or any public dissemination, make available the research findings or results to the correctional facility Superintendent, Parole District Supervisor, or the noninstitutional operational unit administrator, and the Commissioner, New Jersey Department of Corrections, for review and comments (see Form 980-I Section III).

10A:1-10.7 Written procedures

(a) Each correctional facility, noninstitutional operational unit, and the Bureau of Parole shall develop written procedures governing research projects and activities consistent with the requirements of this subchapter.

(b) These written procedures shall be reviewed at least annually and updated as necessary and signed and dated by the Superintendent, Parole District Supervisor, or noninstitutional operational unit administrator.

(a)

THE COMMISSIONER

Inmate Discipline
Scope; Definitions
Adult County Correctional Facilities
Definitions; Disciplinary Rules and Sanctions; Disciplinary Rule Book; Adult County Correctional Facility Rules and Regulations

Proposed Amendments: N.J.A.C. 10A:4-1.2 and 1.3; and 10A:31-1.3, 16.1, 16.2 and 21.4

Authorized By: William H. Fauver, Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6, 30:1B-10 and 30:4-85.

Proposal Number: PRN 1994-66.

Submit comments by March 9, 1994 to:
William H. Fauver, Commissioner
Department of Corrections
CN 863
Trenton, New Jersey 08625

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The agency proposal follows:

Summary

The proposed amendments are being made pursuant to N.J.S.A. 30:4-85 and *Williams v. Beyer,* Dkt. No. A-551-91T3 (App. Div., June 1, 1993). This Appellate decision states that when a State sentenced inmate is incarcerated in a county correctional facility the inmate is subject to the inmate discipline of the county correctional facility except when there is a conflict with N.J.A.C. 10A:4. When a conflict exists, the State sentenced inmate is subject to N.J.A.C. 10A:4, Inmate Discipline. The Appellate decision further states that the State sentenced inmate must receive notice of both State and county discipline rules, and must be advised that if an infraction occurs while the inmate is incarcerated in the county correctional facility, the N.J.A.C. 10A:4 disciplinary sanctions will apply. The amendments proposed herein will establish the provisions of the Appellate decision at N.J.A.C. 10A:4-1.2, Scope; 10A:31-16.1, Disciplinary rules and sanctions; N.J.A.C. 10A:31-16.2, Disciplinary rule book; and 10A:31-21.4, Adult county correctional facility rules and regulations. For clarification purposes, the definition for "Handbook on Discipline" was added at N.J.A.C. 10A:4-1.3 and 10A:31-1.3.

Social Impact

In the day-to-day management of correctional facilities, the disciplinary procedures and sanctions imposed for violations of rules are among the most important tools by which the correctional facility administration is able to maintain institutional stability, safety, and order. These proposed amendments should clarify the disciplinary rules that are in effect and help to insure that fair and equitable due process is afforded. The addition of the term and definition for "Handbook on Discipline" will provide an accessible explanation of a Handbook on Discipline. The amendments should help the county facilities in the administration of provisions regarding State inmates as well as eliminating confusion on the part of the county correctional facilities and the inmates.

Economic Impact

The proposed amendments will have no new negative economic impact on the public or correctional facilities. The amendments delineate the disciplinary rules an inmate is subject to and require no additional financial resources to implement; therefore, funding is not necessary. The proposed amendments may lessen the likelihood of litigation and therefore the concomitant costs.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendments do not impose reporting, recordkeeping or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules and amendment impact on inmates and the New Jersey Department of Corrections and have no effect on small businesses.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

10A:4-1.2 Scope

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

(c) This chapter shall apply to State sentenced inmates incarcerated at county correctional facilities.

10A:4-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

. . .

"Handbook on Discipline" means a publication that is provided to inmates which contains the inmate's rights and responsibilities, the acts and activities which are prohibited, and the disciplinary procedures and sanctions imposed.

. . .

10A:31-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

. . .

"Handbook on Discipline" means a publication that is provided to inmates which contains the inmate's rights and responsibilities, the acts and activities which are prohibited, and the disciplinary procedures and sanctions imposed.

. . .

10A:31-16.1 Disciplinary rules and sanctions

(a)-(d) (No change.)

(e) N.J.A.C. 10A:4, Inmate Discipline, applies to State inmates incarcerated at adult county correctional facilities.

10A:31-16.2 Disciplinary rule book

(a) The adult county correctional facility will develop a written inmate discipline handbook which [lists] **includes:**

1.-2. (No change.)

3. The disciplinary procedures; [and]

4. The disciplinary appeal process[.]**; and**

5. A notice that N.J.A.C. 10A:4, Inmate Discipline, also applies to State sentenced inmates incarcerated within the adult county correctional facility.

(b)-(e) (No change.)

10A:31-21.4 Adult county correctional facility rules and regulations

(a) (No change.)

(b) State sentenced inmates incarcerated in a county correctional facility shall be advised that they are subject to the inmate discipline of the county correctional facility except when there is a conflict with N.J.A.C. 10A:4. When a conflict exists, the State sentenced inmate is subject to N.J.A.C. 10A:4, Inmate Discipline.

Recodify existing (b)-(c) as **(c)-(d)** (No change in text.)

(a)

THE COMMISSIONER
CLASSIFICATION PROCESS

Criteria for Consideration for Gang Minimum Custody Status and Full Minimum Custody Status

Proposed Amendment: N.J.A.C. 10A:9-4.6

Authorized By: William H. Fauver, Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Proposal Number: PRN 1994-65.

Submit comments by March 9, 1994 to:

William H. Fauver
Commissioner, Department of Corrections
CN 863
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Currently, at N.J.A.C. 10A:9-4.6(f), inmates who were considered for reduced custody status on or after April 2, 1990, and were sentenced to serve mandatory minimum sentences of more than 24 months are only eligible to be considered for gang minimum custody status and full minimum custody status when the inmate has served one-half of the mandatory minimum. This proposed amendment will allow an additional provision in which the inmate can become eligible for a reduced custody status when he or she is within 24 months of the expiration of the mandatory minimum term. For purposes of clarification, two examples regarding criteria for consideration for reduced custody status are provided and language regarding prior sentences was deleted and rewritten. This amendment is necessary because as currently written, the rule does not conform with the provisions at N.J.A.C. 10A:9-4.6(d) which states that inmates sentenced to serve mandatory minimum terms of 24 months or less are eligible to be considered for gang minimum custody status and full minimum custody status immediately following admission to a correctional facility. Many rule exemption requests to N.J.A.C. 10A:9-4.6(f) have been and continue to be submitted to the Commissioner, New Jersey Department of Corrections. The majority of the rule exemption requests received regarding N.J.A.C. 10A:9-4.6(f) are justified and approved by the Commissioner. The proposed amendment at N.J.A.C. 10A:9-4.6(f) will permit inmates who reach the point of being within 24 months of the expiration of their mandatory minimum term to be considered for reduced custody status.

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Social Impact

The proposed amendment could possibly ease the tension of those inmates who are within the required period of time prior to be considered for reduced custody status consideration. This may, in turn, serve as an incentive for good behavior. Allowing more inmates to qualify for reduced custody consideration should facilitate the Department's efforts to maintain reduced custody bed space at capacity and should create some additional bed space for the admission of new offenders who have State sentences.

Economic Impact

Counties receive from the Department of Corrections a per diem rate for housing State sentenced inmates in their correctional facilities. Upon adoption of the proposed amendment, it is likely that a greater number of inmates will qualify for reduced custody status, thereby creating bed space which would be available for offenders housed in county correctional facilities awaiting transfer to Department of Corrections' facilities. The transfer of State sentenced inmates from county correctional facilities will not provide a saving of per diem costs for the Department of Corrections because the continuous flow of State sentenced inmates from the courts provides an immediate replacement for any inmate who is transferred to a Department of Corrections' facility. The costs of housing inmates in county correctional facilities provide a continuous source of income to the counties, but the economic impact of this proposed amendment on the income counties receive from the Department of Corrections will be insignificant. The per diem costs that are received by counties for housing State sentenced inmates are provided by the approval of appropriation requests by the Department of Corrections utilizing the established State budgetary process. Also, it should be noted that the costs associated with the amount of paper work and staff processing time generated by numerous rule exemption requests regarding N.J.A.C. 10A:9-4.6(f) should be reduced.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed amendment does not impose reporting, recordkeeping or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment impacts on inmates and the New Jersey Department of Corrections and has no effect on small businesses.

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

10A:9-4.6 Criteria for consideration for gang minimum custody status and full minimum custody status

(a)-(e) (No change.)

(f) Inmates who were considered for reduced custody status on or after April 2, 1990, and were sentenced to serve mandatory minimum terms of more than 24 months are eligible to be considered for gang minimum custody status and full minimum custody status when the inmate has served one-half of the mandatory minimum **or is within 24 months of the expiration of the mandatory minimum term, whichever is less. (EXAMPLE 1: If the inmate has a mandatory minimum of three years, one-half of three years is equal to one year and six months. However, after the inmate serves one year on his or her three year mandatory minimum he or she is within 24 months of the expiration date. The inmate is therefore eligible for reduced custody after having served only one year in maximum custody because one year is less. EXAMPLE 2: If the inmate has a mandatory minimum of five years, one-half of five years is two and one-half years. However, the inmate must serve three years prior to being within 24 months of the expiration date. The inmate is therefore eligible for reduced custody after having served only two and one-half years in maximum custody because two and one-half years is less.)** Any New Jersey [county] **presentence jail** credit awarded on the instant offense shall be counted. [No credit toward this requirement is to be given on any prior sentence which an inmate may currently be serving.] **Time served on a prior sentence may not be applied to satisfy this requirement.**

(g)-(m) (No change.)

INSURANCE

(a)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Obligation of Licensees to the Public and to Each Other; Advertising Rules

Proposed Amendments: N.J.A.C. 11:5-1.15 and 1.23

Authorized By: New Jersey Real Estate Commission, Micki Greco Shillito, Executive Director.

Authority: N.J.S.A. 45:15-6.

Proposal Number: PRN 1994-74.

Submit written comments by March 9, 1994 to:
Robert J. Melillo
Special Assistant to the Director
New Jersey Real Estate Commission
CN-328
Trenton, New Jersey 08625-0328

The agency proposal follows:

Summary

The New Jersey Real Estate Commission proposes to amend N.J.A.C. 11:5-1.23(h), governing the obligations of licensees to the public and each other, and N.J.A.C. 11:5-1.15(i), governing advertising rules. Both rules currently prohibit real estate licensees from engaging in conduct which would constitute discrimination. The proposed amendments will more closely follow the language in the Law Against Discrimination, N.J.S.A. 10:5-1 et seq., upon which the above rules were patterned. The proposed amendments would make the rules consistent with the Law Against Discrimination as recently amended (see P.L. 1991, c.493).

The proposed amendment to N.J.A.C. 11:5-1.23(h) prohibits licensees from denying real estate brokerage services to individuals on the basis of their affectional or sexual orientation. It is also unlawful for licensees to participate or otherwise be a party to any plan, scheme, or agreement to discriminate against any person because of the person's affectional or sexual orientation. The law defines "affectional or sexual orientation" as "male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, having a history thereof or being perceived, presumed or identified by others as having such an orientation."

The proposed amendment to N.J.A.C. 11:5-1.15(i) will prohibit licensees from advertising in a discriminatory manner based upon a person's affectional and sexual orientation or handicapped status. In addition to advertising, the rule also prohibits real estate licensees from using any form of application or making any inquiry which directly or indirectly discriminates as to one of enumerated protected classes.

In order to be consistent with the recently amended definition of "handicapped" in the Law Against Discrimination in N.J.S.A. 10:5-5(q), N.J.A.C. 11:5-1.23(h) likewise expands its definition of "handicapped" so that it includes persons suffering from AIDS or HIV infection, as defined in N.J.S.A. 10:5-5(ff) and (gg). N.J.A.C. 11:5-1.15(i) incorporates by reference this definition of "handicapped."

Social Impact

The proposed amendments will have a favorable impact on all real estate licensees and those who seek the services of real estate licensees in this State.

Upon adoption, the proposed amendments will provide notice to licensees of the law in New Jersey on housing discrimination and serve as a deterrent against the unlawful practice of discriminating against individuals on the basis of their affectional or sexual orientation, or their suffering from AIDS or HIV infection when advertising or providing real estate brokerage services. It is anticipated that real estate licensees will become more informed of the legal rights of all those who seek their services and of their legal obligation render the same level and quality of brokerage services to all persons. The amendments will also alleviate any problems that may have been caused by the inconsistency between the Commission rule and the Law Against Discrimination since the amendments to that law became effective on January 19, 1992.

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Economic Impact

The proposed amendments will have a favorable economic impact on the real estate industry in this State. By bringing the rules into conformity with the New Jersey Law Against Discrimination, any confusion among licensees with regard to this matter should be dispelled. Thus, potential actionable conduct by and litigation against licensees should be reduced. Licensees who advertise or provide services to individuals suffering from AIDS or HIV infection and without regard to their sexual or affectional orientation will also financially profit from the rendering of such services.

The proposed amendments will help stimulate real estate sales throughout the State by confirming the legal requirement that real estate services be provided to members of a population who may have been discriminated against in the past.

Regulatory Flexibility Statement

The proposed amendments are designed to have no adverse economic impact on licensees who are small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. In fact, the rules will apply to small and large real estate businesses in the same manner. The amendments ensure that real estate licensees are aware that persons of different affectional and sexual orientations and persons suffering from AIDS and HIV infection are to receive equal access to real estate services as required by N.J.S.A. 10:5-12(h).

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

11:5-1.15 Advertising rules

(a)-(h) (No change.)

(i) No licensed individual, **limited or general** partnership, firm or corporation shall advertise or use any form of application or make any inquiry which expresses directly or indirectly any limitation, specification or discrimination as to race, religion, creed, color, sex, **affectional or sexual orientation,** marital status, [or] national origin, [or] ancestry **or as to whether a person is handicapped as that term is defined in N.J.A.C. 11:5-1.23(h).**

(j)-(n) (No change.)

11:5-1.23 Obligation of licensees to the public and to each other

(a)-(g) (No change.)

(h) No licensee shall deny real estate brokerage services to any person for reasons of race, religion, **color,** sex, **affectional or sexual orientation,** marital status, national origin or because a person is handicapped; and no licensee shall participate or otherwise be a party to any plan, scheme or agreement to discriminate against any person on the basis of race, religion, color, sex, **affectional or sexual orientation,** marital status, national origin or because a person is handicapped. For the purposes of this subsection, the term "handicapped" means suffering from physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or from any mental, physiological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. **Handicapped shall also mean suffering from AIDS or HIV infection, as defined in N.J.S.A. 10:5-5(ff) and (gg).**

(a)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Prelicensure Schools and Real Estate Instructors; Requirements

Proposed Amendment: N.J.A.C. 11:5-1.28

Authorized By: New Jersey Real Estate Commission, Micki Greco Shillito, Executive Director.

Authority: N.J.S.A. 45:15-6, 45:15-10.3 and 45:15-10.14.

Proposal Number: PRN 1994-75.

Submit written comments by March 11, 1994 to:

Robert J. Melillo
Special Assistant to the Director
New Jersey Real Estate Comission
CN 328
Trenton, New Jersey 08625-0328

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 11:5-1.28 implement the newly enacted licensure requirements for real estate instructors and schools established by N.J.S.A. 45:15-10.5. The changes are necessary in light of recent amendments to the licensing law, N.J.S.A. 45:15-1 et seq., which become effective July 1, 1994 (see P.L. 1993, c.51). The law as amended requires all real estate schools and instructors teaching prelicensure courses to be licensed by the Commission. N.J.S.A. 45:15-10.3. Currently, schools and instructors are approved by the Commission if they meet certain requirements, but are not licensed. Changes to this rule addressing the licensing of real estate instructors were proposed at 25 N.J.R. 4855(a) and adopted elsewhere in this issue of the New Jersey Register. The additional changes proposed herein should be read in conjunction with those earlier changes.

In order to insure that all real estate schools and their instructors are qualified to provide prelicensure courses to their students, many of the safeguards in the existing rule are retained. However, the word "licensed" now replaces the word "approved" throughout the rule in order to reflect the changeover from an approval scheme to a licensing scheme. Accordingly, real estate prelicensure schools may no longer use the word "approved" in their advertising or for publicity purposes. Other proposed rule changes set forth semiannual reporting by school directors on curriculum and scheduling and a uniform procedure to be followed when a school ceases operations.

The individual subsections of the rule have been reorganized so that the topics addressed are presented in a more orderly and easily understood format. All school directors and instructors are strongly encouraged to review the entire proposal in detail.

1. Real Estate School Licensure

Subsections (b) through (h) set forth the requirements for real estate school licensure. To streamline the application process for private real estate schools, an affidavit and proof of ownership or a copy of a lease of the school premises will no longer be required in all instances, although the Commission reserves the right to specifically request such information. Likewise, an affidavit explaining any discrepancy between predicted and actual enrollment figures may no longer be required in all instances. Of course, the Commission may investigate any decrease in enrollment figures pursuant to N.J.S.A. 45:15-10.4 and 45:15-17. Moreover, in verifying the integrity and character of applicants, the Commission has come to the conclusion that letters of reference are of limited probative value and, therefore, will no longer be required.

N.J.S.A. 45:15-10.9 now permits an individual not licensed as a real estate instructor to be approved as a director of a public adult education program or accredited college or university, so long as he or she has affirmatively demonstrated good moral character and, within two years of applying for director, has completed the real estate instructor prelicensure education requirements. The Commission, by proposing subsection (i), interprets this provision as requiring an applicant to be at least 18 years of age, to have no convictions for those crimes or other offenses specified under the provisions of N.J.S.A. 45:15-12.1, and to have fulfilled all of the education requirements imposed upon candidates for licensure as instructors within two years of applying to the Commission for approval to be a director. The Commission believes that it

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would be problematic for a director of a public education program to adequately oversee a real estate prelicensure education program and its instructors without having successfully completed the education courses required of the instructors themselves. The minimum age requirement and background check are analogous to the provisions applicable to brokers, broker-salespersons, and salespersons in recently amended N.J.S.A. 45:15-9.

As of July 1, 1994, a real estate prelicensure school will no longer be able to advertise or publicize that it is "approved" by the Commission to conduct courses in real estate. Instead, a licensed school may indicate that it is "licensed" to do so.

2. Curriculum

In order to enable the Commission to confirm that courses offered by real estate schools include the requisite hours of instruction as prescribed in N.J.S.A. 45:15-10.1(a) and (b) and N.J.A.C. 11:5-1.27, subsection (j) will require school directors to submit information on their schools' curricula to the Commission every six months. The information shall be retained by the schools as permanent records for not less than three years after submission.

3. School Closure

Subsection (u) sets forth a uniform procedure all directors must follow when closing their real estate schools. The proposed amendment requires that enrolled students and the Commission are timely notified by the school of its closing. The school director shall also withdrawl all advertising, trade materials and telephone directory listings which refer to the closed school.

No later than 10 days after the date of the school closing, the school director shall return the school license and school stamp to the Commission and shall notify the Commission in writing of the closing date. Within 30 days of the school closing, the director must submit an affidavit identifying the custodian of the student records and the location where they will be kept in compliance with newly amended N.J.A.C. 11:5-1.28(r), which requires that such records be kept for a period of not less than three years. The affidavit also must set forth the name of the owner or authorized representative of the school and the address where he or she may be contacted by the Commission. Lastly, the affidavit must certify that other steps have been taken for proper school closure, including providing timely notice to students and refunding tuition if necessary, withdrawing all advertising, and paying any outstanding fees, fines or penalties to the Commission.

Social Impact

The proposed amendments will have a positive social impact on the real estate schools by implementing the new licensing scheme and clarifying the reporting and recordkeeping requirements for the prelicensure schools. Moreover, by reorganizing the entire rule, the Commission intends to provide an easily understandable reference for currently approved real estate schools and instructors and those seeking licensure as schools or instructors. The semiannual reporting of schools' curricula and scheduling by school directors will better assure that schools are providing the requisite hours and subject matter set forth in the new law for broker and salesperson prelicensure education and increase the efficiency of the Commission's regulatory oversight of the schools.

In general, the new licensing requirement will have a positive impact on the level of service and professionalism of real estate schools and their instructors and enhance the overall quality of teaching in the schools. Licensing will also enhance the Commission's enforcement capabilities by empowering the Commission to impose fines or, in the extreme case, suspension or revocation.

By establishing a uniform procedure for school closings, the Commission will be better able to protect students' records and assure that any tuition for future or uncompleted courses will be refunded. If students at a particular school are given prompt and adequate notice of their school's closing, they will be better able to promptly complete their education elsewhere so that they may challenge the license examination and qualify for licensure with minimal disruption.

Economic Impact

The proposed amendments will have a positive economic impact on the entire real estate industry. The semiannual reporting requirement, as well as school licensure in general, will enhance the quality of education provided by the schools and their instructors, creating better trained real estate brokers and salespersons, which, in turn, will be better able to serve the needs of the public and protect their interests. As the number of satisfied buyers and sellers increases, there will be fewer lawsuits, decreasing the frequency and cost of litigation. The Commission, too, will save the time and expense of responding to complaints filed with the Commission. The reporting requirement will also help reduce any confusion and misunderstandings about the prelicensure curriculum requirements for brokers and salespersons, and will save the Commission and the real estate schools the time and expense of resolving these problems.

With regard to school closings, the new provisions will save the Commission the administrative costs associated with locating student records and/or the owners of a closed school who have failed to surrender their school stamp and license, who owe outstanding fees, fines or penalties to the Commission or prepaid tuition to their students. Requiring the school director to recall all advertising and promotional materials will reduce confusion among members of the public about the closed school's status.

Regulatory Flexibility Analysis

There are currently 71 real estate schools approved by the Commission to conduct prelicensure courses in real estate. Approximately half of these schools may be considered small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Under the new licensing scheme, real estate schools, their directors and instructors will be required to keep their corresponding licenses current. With regard to school licensure in particular, the Commission anticipates that the primary recordkeeping responsibility will be undertaken by the school director. However, since school directors must currently complete an approval application which requests much of the same information that will be requested under the new licensing scheme, the new licensing regulations will impose a minimal additional burden on these schools. In fact, the preparation of the new license applications may take less time to prepare than the earlier approval forms, since letters of reference will no longer be required from applicants seeking school licensure, and certain other information will only be requested if the Commission finds it necessary to do so.

The reporting requirement is an essential part of the new licensing scheme and is necessary in insuring that real estate schools are offering the required prelicensure courses to their students. The Commission had originally contemplated a quarterly reporting requirement; however, in an effort to minimize the regulatory burden and compliance costs to the schools, it concluded that a semiannual requirement was sufficient to protect the public interest. The Commission also concluded that to exempt certain schools from some or all of the reporting requirements would undermine the purpose of the rule by endangering the welfare of current and future students. Only by imposing the reporting requirement uniformly among all real estate schools can the Commission insure that all real estate school graduates have received satisfactory prelicensure education in order to prepare them to challenge the prelicensure examination.

In any event, the initial and annual compliance costs are estimated to be minimal. Information on courses and scheduling should be readily available to the director, since their schools need this information to inform its current students and to solicit new students. The Commission foresees no need for schools to retain professional services in order to conform to the new requirements, but rather the responsibility may be assumed by the school director in the course of his or her regular duties. Moreover, the overall effect of the proposed amendment will be to reduce confusion and misinformation between the Commission and licensed schools that might otherwise cost the schools significant time and expense. Also, the Commission will attempt to streamline the reporting procedure by using standard forms whenever possible.

Likewise, the school closing procedure will impose only minimal compliance and reporting costs on schools. The initial written notice to the Commission will impose a negligible burden on the schools. Requiring school directors to submit a letter to the Commission within 10 days of closing is reasonable and necessary in order for the Commission to protect the interests of the school's students and the public at large from confusion and potential dishonesty or fraud.

Most of the elements of the affidavit to be submitted within 30 days of school closure are nothing more than disclosure requirements, such as disclosing the location of the school records and identifying the custodian of those records. Other requirements—specifically, that the school provide proper notice to students, withdraw all advertisements and promotional materials, and pay any outstanding fees, fines and penalties due and owing the Commission—are reasonable in light of the

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important public interests to be protected. The provision will effectively prevent school directors and/or owners from avoiding their responsibilities or liabilities by ceasing operations in an improper manner.

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

(AGENCY NOTE: These subsections have been recodified with appropriate changes as follows:

Subsection (h) is recodified as proposed subsection (e).

Subsection (j) is recodified as proposed subsection (m).

Subsection (m) is recodified as proposed subsection (f).

Paragraphs (q)1 and (q)4 are recodified as proposed subsection (r).

Paragraph (q)2 is recodified as proposed subsection (s).

Paragraph (q)3 is recodified as proposed subsection (t).

Subsection (r) is recodified as proposed subsection (q).

Paragraph (s)2 is recodified as proposed subsection (v).

Subsection (t) is recodified as proposed subsection (h).

Subsection (w) is incorporated into the provisions of proposed subsection (b).)

11:5-1.28 Licensed schools and instructors; requirements

(a) (No change.)

(b) The Commission shall require any school **or instructor** in making application **for licensure** to submit certain documents, statements and forms [prior to approval], which shall form the basis for the Commission's judgment whether to [approve or] grant a license [hearing upon request when approval would be denied to conduct a school in the best interest of the general public] **license. Where the Commission initially denies an application for a school or instructor license, it shall provide to the applicant notification in writing with reasons for such action. The school may appeal such a decision to the full Commission. N.J.A.C. 11:5-5.1 shall be applicable to all such appeals.** [Application for approval to conduct a school in real estate courses is to be made on Form A as prescribed by the Commission.]

(c) [Colleges and universities approved as such by the State Department of Education shall be presumed to be of good moral character and responsible sponsors of a course of education in real estate subjects.] **Public adult education programs conducted under the auspices of a board of education in this State and any college or university accredited as such by the State Department of Higher Education shall be presumed to be qualified providers of real estate courses, so long as their real estate prelicensure education program is under the direction of a licensed instructor or other qualified individual who has affirmatively demonstrated to the Commission his or her good moral character and has met the other requirements of N.J.S.A. 45:15-10.9.**

(d) [see] **Except as provided in (c) above, all** other [sponsors of a proposed or existing school] **applicants for a license to operate a real estate prelicensure school**, and in the case of a corporation, [firm] or limited **or general** partnership, [each member or each stockholder, officer or director of a corporation, who would have an interest or be connected with the program of education to conduct real estate courses,] the members, officers, **directors and owners of a controlling interest thereof,** shall [be at least 18 years of age with a background of] **demonstrate their** good moral character, including the absence of any conviction for the [certain] crimes or other [like offense or] offenses specified under the provisions of N.J.S.A. 45:15-12.1. **The Commission may make such further investigation and require such proof as it deems proper as to the honesty, trustworthiness, character and integrity of an applicant.** [Each sponsor, member, stockholder, officer or director embraced in this paragraph shall complete Form D and shall furnish letters of reference from responsible persons with information relating to such person's integrity, character and responsibility.]

(e) [(Reserved)] **When a school is to be conducted in the name of a corporation, a certified copy of its certificate of incorporation shall accompany the application for licensure. When a school is to be conducted under a trade name, whether a sole proprietorship, firm, general partnership, or limited partnership, a true copy of the certificate of trade name or articles of the general or limited partnership as filed in the office of the county clerk shall accompany the application. A school shall not use the designation of "College" or "University," as part of its name or in any other manner, unless it, in fact, meets the standards and qualifications of the State agency having jurisdiction and has been approved by that agency.**

[(f) The director of each school required to submit a surety bond as set forth in (e) above, shall submit with initial and renewal applications, on a form prescribed by the Commission, an affidavit setting forth the maximum number of students to be accepted for enrollment in the school's broker and salesperson courses at any one time during the forthcoming year of operation, and the maximum number of students actually accepted for enrollment in the school's broker and salesperson courses at any one time during the preceding year of operation. The director shall include in the affidavit an explanation for any decrease in enrollment figures.

(g) If such school is the owner of the premises to be utilized, then it shall furnish to the Commission an affidavit setting forth the names of the true owners, book and page and county where deed is recorded. Where premises are leased, then such school shall furnish a copy of the lease and a receipted statement executed by the owner or lessor that all rent has been paid for the term of course of instruction for which it seeks approval.

(h) Where a school is to be conducted in the name of a corporation, then a certified copy of said certificate of incorporation shall accompany the application. Where a school is to be conducted under a trade name, whether sole proprietorship, firm, partnership, or limited partnership, then a true copy of the certificate of trade name or articles of the limited partnership as filed in the office of the county clerk, shall accompany the application. A school shall not apply to itself either as part of its name or in any manner, the designation of "College" or "University", unless it, in fact, meets the standards and qualifications and has been approved by the State Agency having jurisdiction.

(i) The administration requirements are as follows:

1. Each application for school approval shall designate an individual as director of the school, who shall be in responsible charge of all its operations and the specific course of education to be conducted.

2. Such director shall file with Commission Form C, and also letters from previous employers showing previous experience in educational administration or supervision or other activities related to education and possessing experience in these fields of at least three years.

3. In the case of a college or university, the head of the real estate department shall be conclusively presumed to meet the foregoing requirements. This presumption shall also apply to the director of any existing school, who has acted in said capacity for the past three years and written evidence thereof is filed with the Commission.

(j) The maximum teaching load per teacher or instructor shall not exceed the ratio of one teacher or instructor to 60 students per class. Each course of instruction herein provided shall be under the supervision of an instructor qualified as provided for herein. At least one approved instructor shall be present in the classroom at all sessions. Additional instructors or guest speakers may be utilized for instruction with respect to given subjects provided that not more than 25 percent of the prescribed respective instruction is done by persons other than approved instructors. At least 75 percent of the prescribed course of instruction in all salesperson pre-licensure courses conducted by a Commission-approved real estate school shall be taught by one approved instructor. In the broker pre-licensure course, team-teaching by up to three approved instructors is permitted, provided that the director of any school offering such a broker's course shall designate to the Commission prior to the commencement of the course one approved instructor on the team who shall have overall responsibility for the quality of instruction in that course.]

(f) Every school licensed by the Commission shall maintain a bona fide office open to the public during normal business hours for the purpose of assisting former and current students. Schools shall provide adequate space, seating, equipment and instructional materials for their students. The premises, equipment and facilities

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of the school shall comply with all local, city, county and State regulations, such as fire codes, building and sanitation codes. A certificate from proper authority covering these requirements shall accompany an application for school licensure. The Commission may require proof of ownership or a copy of the lease if the facility is rented. Public adult education programs conducted under the auspices of a board of education in this State and any college or university accredited as such by the State Department of Higher Education, the facilities of which have been approved by a State agency, shall be presumed to have met the requirements of this paragraph, so long as the real estate courses offered are held at the approved facility.

1. Any additional teaching locations must be licensed by the Commission and must comply with all the requirements applicable to licensed schools, their directors and instructors as set forth in the Act and this rule. School directors shall have oversight responsibility for these locations. All courses conducted at such locations must be taught by licensed instructors or guest lecturers, pursuant to N.J.S.A. 45:15-10.5 and this rule.

(g) All schools shall furnish to the Commission at the time of application for initial licensure the school policy and regulations pertaining to standards for satisfactory completion of the courses offered at the school and the issuance of a Certificate, conditions for dismissal of a student and conditions for reinstatement.

1. Any changes in school policy and regulations, as set forth in paragraph (g) above, from the information submitted with the original application for school licensure or as otherwise previously supplied, shall be promptly disclosed to the Commission in writing, or on a form which the Commission prescribes.

(h) When a school fulfills all of the requirements for licensure, then a license shall be execute by the President of the Commission as attested by the Secretary-Director. School licensure shall be limited to the specific ownership and school locations identified on the license document(s).

(i) An individual seeking approval as a director of a licensed real estate school administered by a public adult education program or an accredited college or university who is not licensed as a real estate instructor may nevertheless qualify as the director of such a school, so long as he or she is at least 18 years of age; has a background of good moral character, including the absence of any conviction for the crimes or other offenses specified under the provisions of N.J.S.A. 45:15-12.1; and has fulfilled all of the education requirements imposed upon candidates for licensure as real estate instructors within two years of applying to the Commission for approval to be the director of such a school.

(j) In order to enable the Commission to confirm that courses offered by real estate schools include the required number of hours of instruction as prescribed in N.J.S.A. 45:15-10.1(a) and (b) and N.J.A.C. 11:5-1.27, every six months, each school director shall submit data on courses to be offered by their school in the forthcoming six month period, the starting and ending dates of the courses, the days and hours of class sessions and teaching locations. Such course information shall be provided on forms prescribed by the Commission and shall be retained as permanent records for not less than three years after submission.

(k)-(l) (No change.)

[(m) Every school approved by the Commission shall maintain a bona fide office open to the public during normal business hours for the purpose of assisting former and current students, and maintain facilities meeting the following standards:

1. The premises, equipment and facilities of the school shall comply with all local, city, county and State regulations, such as fire codes, building and sanitation codes. A certificate from proper authority covering these requirements shall accompany application for school approval.

2. A certificate applicable to fire safety based upon the maximum number of students which may be accommodated shall be procured from the proper authority and accompany application for school purposes.

3. There shall be adequate space, seating, equipment and instructional material. Facilities are subject to inspection by one or more representatives of the Commission prior to approval or subsequent thereto during regular school hours.]

(m) The maximum teaching load per instructor or guest lecturer shall not exceed the ratio of one instructor or guest lecturer to 60 students per class. Each prelicensure course offered by a licensed school shall be under the supervision of an instructor licensed pursuant to N.J.S.A. 45:15-10.5 and N.J.A.C. 11:5-1.28(k), below. At least one licensed instructor shall be present in the classroom at all sessions. However, additional instructors or guest lecturers may be utilized for instruction so long as not more than 25 percent of the required instruction is done by guest lecturers. Broker prelicensure courses may be taught by up to three instructors, provided that one licensed instructor is designated as having the responsibility for the quality of instruction in that course. School directors shall maintain as a business record the names of any persons teaching as guest lecturers or as a group of instructors, with an indication of the designated supervising instructor.

(n) (No change.)

(o) The tuition and fees shall be specifically set forth in a student contract [(Form "G" suggested)]. The contract shall expressly state the school's policy regarding the return of unearned tuition when a student is dismissed or withdraws voluntarily or [through] **because of** hardship.

(p) Any person who has a permanent disability or physical handicap which precludes that person from attending regular scheduled classes at [an approved] **a licensed** school may request Commission approval to receive special instruction through [an approved] **a licensed** school provided this request is supported by sworn statements of doctors or other persons having knowledge of the facts and provided [an approved] **a licensed** school is willing to undertake such an agreement.

[1. This regulation shall not apply to applicants who wish to qualify for licensure under N.J.S.A. 45:15-11 License Granted to Certain Disabled War Veterans unless prior approval is secured from State Department of Education and Career Preparation—Office of Veteran Education and Training.]

[(q) Provisions regarding records of students include the following:

1. Each school shall permanently establish and maintain for each student, a complete, accurate and detailed report, which shall include: the total number of hours of instruction undertaken; completed areas of study in real estate subjects prescribed by these regulations; students attendance; instructor(s) name and the name of guest speaker, if any. All schools shall keep permanent records of all students for not less than three years after student matriculation.

2. Each school shall furnish to the Commission at this time the school policy and regulations relative to the required standards for the issuance of a Certificate of satisfactory completion, conditions for dismissal of a student and conditions for reinstatement of those students dismissed for unsatisfactory completion. School regulations and policy to the contrary, failure of a student to attend a minimum of 80 per cent of the required hours of study during the term of enrollment shall conclusively be construed as having unsatisfactorily completed course of study.

3. Upon the satisfactory completion of the course of education, the school shall issue to each student a certificate.

4. Such records shall be kept current and available for their inspection during regular school hours by one or more representatives of the Commission.]

[(r)]**(q)** No school shall, without the approval of the Commission, accept for enrollment as a transfer student any person concurrently enrolled with any other approved school, unless upon the showing of good cause by said student to the Commission in writing.

(r) Every school shall permanently establish and maintain for each student, complete, accurate and detailed records for a period of not less than three years after student matriculation. Such records shall be available for inspection during regular school hours by the Commission and shall contain the following information:

1. The total number of hours of instruction undertaken by the student;

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2. Completed areas of study in real estate subjects prescribed by the Act and these regulations;

3. The student's attendance record; and

4. The names of all supervising instructors and guest lecturers.

[(s) Advertising requirements include the following:

1. No school shall provide any information to the public or to prospective students which is misleading in nature. Information is "misleading" when there is a distinct possibility that it will deceive the class of persons whom it is intended to influence. No school shall make any warranties or guarantees that a student will pass the State license examination by taking its course. The Commission may require for review all copies or proofs of advertising, brochures and promotional materials covering course or courses of real estate subjects.

2. No school shall use any name other than its approved name, as indicated upon the application, for advertising or publicity purposes; nor shall any school advertise or imply that it is "recommended", "endorsed" or "accredited" by the Commission, but such school may indicate that it has been "approved" to conduct courses of education in real estate subjects to qualify applicants for licensure examination.

(t) When the Commission has approved a school based upon its application and submissions, then a letter of approval is executed by the Commissioner-President of the Commission as attested by the Secretary-Director. Approval is directed to the specific ownership, constituency, specific school location, specific curriculum and term of course.

(u) Any changes in the specific particulars at any time must be immediately submitted to the Commission for its approval.

(v) Approvals shall expire annually on December 1. Renewal application is to be made on Form H prescribed by the Commission.]

(s) To satisfactorily complete any prelicensure course, a student must receive a passing grade and attend at least 80 percent of the class session hours required for that course by N.J.A.C. 11:5-1.27.

(t) Upon a student's satisfactory completion of a course in real estate, the school shall issue to the student a Certificate.

(u) The director of a real estate school shall be responsible for properly closing the school in compliance with this subsection.

1. No later than 10 days after the date on which the school ceases operations, the director shall return the school license and stamp to the Commission and shall advise the Commission in writing of the date on which the school closed.

2. Within 30 days of the date on which the school ceases operations, the director shall submit an affidavit to the Commission certifying the following:

i. The location where student records are to be kept in compliance with (r) above and the name of the person who is to act as custodian of the records. The Commission shall be notified immediately of any change in such information. Records shall be kept for a period of not less than three years;

ii. The name of the owner or authorized representative of the school and the address where he or she may be contacted by the Commission;

iii. That the school license and school stamp have been returned to the Commission;

iv. That all students have been timely notified of the school closing, and any tuition received by the school for future courses or courses which were not completed has been returned to the students;

v. That all signs have been removed, and all advertisements and trade materials which refer to the school have been recalled;

vi. That the appropriate telephone services have been advised that the school is closed and that future telephone directories should not contain the name of the school; and

vii. That there are no outstanding fees, fines or penalties due and owing the Commission.

(v) No school shall use any name other than the name in which it is licensed for advertising or publicity purposes; nor shall any school advertise or imply that it is "recommended," "endorsed," "accredited," or "approved" by the Commission, but a licensed school may indicate that it has been "licensed" to conduct courses of education in real estate subjects to qualify applicants for licensure examination. No school shall make any warranties or guarantees that a student will pass the State license examination as a result of taking its course.

(w) [Where the Commission denies or deems it proper to withdraw its approval to any particular school upon notification in writing with reasons for such action, the school may request a hearing before the Commission.] **(Reserved)**

(x) The purpose of this subsection is to assure that there is a total separation between instructional activity conducted by [approved] **licensed** schools and any solicitation of students, which, as defined in (x)2ii below, means any recruiting efforts or brokerage activity directed at students. These provisions will be construed in a manner consistent with that regulatory objective. A violation of any of these provisions will be considered by the Commission as conduct demonstrating unworthiness for licensure, thereby subjecting the offending licensee to sanctions pursuant to N.J.S.A. 45:15-17(e) and [(r)] **(t)**. The Commission may also impose sanctions for a violation of these provisions pursuant to [N.J.A.C. 11:5-1.28(w)] **N.J.S.A. 45:15-10.11**. Requirements regulating the involvement of [approved] **licensed** schools in soliciting students to become salespersons for particular real estate brokers are as follows:

1. At the beginning of the first class session of all salesperson prelicensure courses, all [approved] **licensed** schools shall distribute to all students in writing the following:

NOTICE
TO: ALL SALESPERSON COURSE STUDENTS
FROM: NEW JERSEY REAL ESTATE COMMISSION
RE: SOLICITATION OF SALESPERSON LICENSE CANDIDATES AT PRELICENSURE SCHOOLS:

It is the policy of the New Jersey Real Estate Commission that there be a complete and total separation between the instruction you receive in your prelicensure education course and any efforts by brokers to recruit you to join the firm and/or to secure listings or offers on listed properties from you. This policy is reflected in Commission rule N.J.A.C. 11:5-1.28(x), which is reproduced in its entirety below.

If you are subjected to any recruitment efforts or are solicited for listings or offers during class time you should immediately notify your instructor, the Director of your school, and the New Jersey Real Estate Commission by writing to:

New Jersey Real Estate Commission
20 West State Street, CN 328
Trenton, New Jersey 08625
Attn: Director, Real Estate Education

You are free to negotiate the terms of your employment with any broker. It is in your own best interest to talk to several prospective employing brokers before deciding which offers the best compensation plan, including post-termination payment provisions, and support package for you. You should also consider a prospective employer's professionalism and reputation for honesty and integrity when deciding which broker to work for.

In the event an enrolled student does not attend the first session of a salespersons course, a copy of the foregoing notice shall be delivered to that student at the commencement of the first class session which that student does attend.

2. For the purposes of this subsection, the following definitions shall apply:

i.-ii. (No change.)

iii. The phrase "successful completion" means the receipt by the student of a Real Estate Commission school certificate form, duly signed by the instructor and the school director and stamped by the **licensed** school, certifying to the student's having completed and passed [an approved] **a** prelicensure course **conducted by that school**.

3. (No change.)

4. No in-person or electronic solicitation of students to apply for employment as salespersons with a particular real estate broker or any referral program shall be permitted at [an approved] **a licensed** school location during the prescribed class hours, nor in the breaks between such class hours. Such soliciting may be scheduled and held

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at [approved] **licensed** schools before, after or separate from the prescribed class hours, for example as a "career night" for students, provided that students are notified in writing in advance that their attendance at such recruitment functions is completely voluntary. However, no school director, instructor, guest lecturer or staff member shall engage in such activity at any time prior to, nor within seven days following, a student's successful completion of a course. [Approved] **Licensed** instructors who are also licensed brokers or salespersons may conduct prelicensure courses, and licensees who are not [approved] **licensed** instructors may appear as guest lecturers in such courses, so long as their presentations do not include the solicitation of students.

5. Any [approved] **licensed** school which posts, distributes or displays written material which solicits students to inquire about employment as a salesperson with a particular broker must similarly post, distribute or display comparable written material from any real estate broker who requests the school to do so. However, no written material soliciting students to apply for employment with a particular real estate broker or any referral program shall be distributed during the prescribed class hours.

6. No [approved] **licensed** school may offer a reduced tuition rate to students where eligibility for the lower tuition is contingent upon a student making a commitment to becoming licensed through a particular broker subsequent to their qualifying for licensure and no [approved] **licensed** school may otherwise make or imply any promise or guarantee of employment to any student.

7. No oral statements or written text referring to [an approved] **a licensed** school may be included or contained in any advertisement by a real estate licensee, and no advertisement of [an approved] **a licensed** school may refer to the brokerage operation or include the telephone number of any licensee except that a school which is owned by a real estate licensee or franchisor may use that name in its school name.

i. (No change.)

ii. No advertisement referring to [an approved] **a licensed** school may be placed in the Help Wanted classified section of any newspaper or periodical.

8. No [approved] **licensed** school shall conduct prelicensure course sessions in any area which is part of a location which is licensed as a main or branch office of a real estate broker. For the purposes of this paragraph, an area will be considered as part of a licensed **office** location if any brokerage activity is conducted in that area at any time.

i.-ii. (No change.)

iii. In all situations where prelicensure courses are conducted in the same building in which brokerage activity occurs under the authority of a broker in any way affiliated with the [approved] **licensed** school conducting such courses, the broker shall post signs either on the exterior of the building of in any common foyer or lobby, directing students either to the separate exterior entrance to the school location or to the primary route of access to the school location from such foyer or lobby.

9. No [approved] **licensed** school shall allow any person to, solicit students enrolled in, or considering enrolling in, a prelicensure course to list, purchase or lease any property; or for referrals of prospective sellers, purchasers or lessees at any time while such students are on school premises.

(a)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Collection of Social Security Numbers of Licensees

Proposed New Rule: N.J.A.C. 11:5-1.44

Authorized By: New Jersey Real Estate Commission, Micki Greco Shillito, Executive Director.

Authority: N.J.S.A. 45:15-6.

Proposal Number: PRN 1994-76.

Submit written comments by March 9, 1994 to:

Robert J. Melillo
Special Assistant to the Director
New Jersey Real Estate Commission
CN-328
Trenton, New Jersey 08625-0328

The agency proposal follows:

Summary

The proposed new rule will permit the Real Estate Commission to request that applicants for licensure or relicensure provide their Social Security numbers to the Commission on the forms they submit to apply for a real estate license. Under the rule, the Social Security numbers collected by the Commission would be used as internal identifiers. The collection of the numbers by the Commission will enhance the Commission's ability to correctly identify applicants for licenses and active licensees.

The proposed rule will reduce the confusion that sometimes arises when the Commission receives a report indicating that an individual with the same name as an applicant for a license or an active licensee has been convicted of a crime, has had a professional license revoked or suspended, has failed to pay a judgment rendered against him or her, or has engaged in any other conduct that would tend to impugn that individual's honesty, trustworthiness, character or integrity. Pursuant to N.J.S.A. 45:15-9 and 45:15-17, such conduct might form the basis for a denial of a license, for the revocation of a license, or for the imposition of other sanctions against a licensee. By obtaining the Social Security number of applicants and licensees, the Commission will be better able to verify whether the applicant or current licensee is the individual upon whom the Commission has received negative information.

The additional information will also assist the Commission in preventing an individual whose license was revoked from attempting to secure another license by requalifying under a different name. By using Social Security numbers the Commission will be better able to track individuals whose licenses have been revoked and avoid issuing another license to such individuals.

Through the promulgation of this rule, the Commission will create a sufficient legal authority to request Social Security numbers under the Federal Privacy Act, 5 U.S.C. 552a (note). As required by the Act, the proposed rule also provides that the Commission must inform all applicants or licensees from whom the number is requested that disclosure is voluntary, not mandatory, and that the forms on which the number is to be supplied will contain a description of the purposes for which the Commission intends to use the number. Such statements, along with a citation of this rule as the authority upon which the request is based, will be included on all Commission forms which request the Social Security number.

Social Impact

The proposed new rule will have a positive social impact on the real estate industry and the general public. By using Social Security numbers for identification purposes, the Commission will be able to better protect the public from unworthy individuals whose real estate licenses have been previously revoked and subsequently seek requalification under a different name. At the same time, the proposed rule will better protect an otherwise worthy applicant from being incorrectly identified when the Commission receives a report indicating that someone else with the same name as the applicant has been convicted of a crime, has had a professional license revoked or suspended, or has committed other bad acts that might impugn the applicant's integrity.

Economic Impact

The proposed new rule will have a beneficial economic impact. The Commission's use of Social Security numbers will reduce the amount of incorrect information received by the Commission, which should decrease its administrative costs and permit it to process license applications more accurately and efficiently.

Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed new rule only applies to individuals seeking licensure as salespersons, broker-salespersons, and brokers and does not impact on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Moreover, submission of one's Social Security number will be voluntary, not mandatory, and will impose no significant burden on those choosing to submit the information.

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Full text of the proposed new rule follows:

11:5-1.44 Collection of Social Security numbers of licensees

(a) All application forms for licensure or relicensure, including the forms utilized to register for a license examination, shall include a request that each applicant voluntarily submit his or her Social Security number to the Commission. The Commission shall include on all forms containing that request the following information:

1. That disclosure of the Social Security number is voluntary, not mandatory;

2. That the Social Security number will be used as an internal identifier so as to enhance the Commission's ability to correctly identify applicants for licenses and current licensees; and

3. A specific reference to this rule as the legal authority on the basis of which the Commission is making the request.

(a)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Commission Records Open to Public Inspection; Investigative Files Not Open to the Public

Proposed New Rule: N.J.A.C. 11:5-2.5

Authorized By: New Jersey Real Estate Commission, Micki Greco Shillito, Executive Director.

Authority: N.J.S.A. 47:1A-1 et seq., and 45:15-6.

Proposal Number: PRN 1994-77.

Submit written comments by March 11, 1994 to:

Robert J. Melillo
Special Assistant to the Director
New Jersey Real Estate Commission
CN-328
Trenton, New Jersey 08625-0328

The agency proposal follows:

Summary

In order to carry out the objective of the Right to Know Law, N.J.S.A. 47:1A-1 et seq., "that public records shall be readily accessible for examination by the citizens of this State, with certain exceptions, for the protection of the public interest," the Commission now proposes a rule that applies the Right to Know Law to the records made, maintained and kept by the Real Estate Commission. Although the Commission currently makes these records available to the public in accordance with the Right to Know Law, the proposed rule will promote a uniform application of the law.

The rule covers six broad areas of recordkeeping by the Commission: (1) licensing information; (2) Real Estate Commission meeting minutes (except for executive session minutes); (3) orders to show cause and complaints for alleged violations of the Real Estate Licensing Act, N.J.S.A. 45:15-1 et seq; (4) rulemaking activity pursuant to N.J.S.A. 52:14B-1 et seq.; (5) records maintained by the Bureau of Subdivided Land Sales Control, N.J.S.A. 45:15-16.27 et seq.; and (6) records maintained pursuant to the Real Estate Guaranty Fund Act, N.J.S.A. 45:15-34 et seq. such as court orders for payment and pleadings served on the Commissioner of Insurance.

In light of the public interest in keeping confidential information on pending investigations and in protecting the privilege against disclosure of criminal records, these types of records would be specifically excluded from public inspection. Information tending to show a license applicant's unworthiness would also be nonpublic, such as pleadings in actions for assignment to creditors or for suspension or revocation of a license in another jurisdiction. In accordance with the Federal Privacy Act, 5 U.S.C. 552a(note), Social Security numbers would not be released to the public.

The rule would require individuals making requests for records to give the Commission staff sufficient notice and to make a written request for certified copies of public records or certifications which confirm the absence of a public record. The length of time certain records remain available is also set forth in the rule. All licensing records are available for six years, records concerning adopted regulations for three years and records concerning unadopted proposals for one year. The rule cautions that older records may not be available.

Social Impact

The proposed new rule will have a positive social impact on the entire real estate industry as well as the general public and other government enforcement agencies. The rule will ensure that public records are readily accessible in accordance with the Right to Know Law while at the same time establishing certain, well-delineated exceptions to protect individual privacy and to guaranty effective law enforcement. All individuals seeking information from the Commission will be benefitted by the rule, which will eliminate uncertainty that may have existed as to which information is and is not available to the public. The rule will also facilitate the flow of information between the Commission and other governmental agencies either of this State or of neighboring states and will encourage cooperation between these agencies.

Economic Impact

The proposed new rule will have a minimal economic impact. However, to the extent that the rule will eliminate any uncertainty regarding which records are public and which are nonpublic, the rule will allow the Commission to operate more efficiently. Because the rule alerts the public to the kinds of public records available from the Commission, individuals seeking these records will save a significant amount of time and expense when preparing requests for the production or copying of Commission records.

Regulatory Flexibility Analysis

The proposed new rule requires that the Commission receive sufficient notice before producing public records and that requests for certified copies be made in writing. The Commission believes that such a requirement is reasonable and imposes a minimal burden on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. No professional services are needed for compliance. In fact, by requiring sufficient notice, the Commission will be able to process requests for public records more efficiently.

Full text of the proposed new rule follows:

11:5-2.5 Commission records open to public inspection; investigative files not open to the public

(a) The New Jersey Real Estate Commission makes, maintains and keeps records as listed in (b) through (g) below.

(b) Current and computerized public licensing records are available at the Commission's office for inspection and copying during normal business hours upon sufficient notice to the Commission staff. The Commission staff may require several weeks notice to locate records other than computerized records. Except as otherwise noted in this section, records are maintained for a minimum of three years. Older records may be unavailable. Copies of records can be purchased from the Commission at the fees established in the Right to Know Law, N.J.S.A. 47:1A-2.

(c) Requests for certified copies of the Commission's public licensing records (or for a certificate of the absence of a public record) shall be submitted in writing and must specify which records are requested and the time period covered by the request. The Commission staff requires at least 10 working days to provide certified copies of public records.

(d) The following records are maintained pursuant to the Real Estate Licensing Act:

1. Certifications of license history and status based upon computerized licensing records;

2. Real estate broker, broker-salesperson, salesperson, school and instructor license applications, and materials submitted therewith to obtain, transfer, reinstate or renew such licenses, and the final disposition of such applications. However, criminal history information obtained by the Commission pursuant to N.J.A.C. 11:5-1.29 and personal data on a licensee such as home address, home telephone number and date of birth are considered confidential;

3. Real Estate Commission meeting minutes;

4. Orders to Show Cause and complaints issued by the Attorney General's office charging that a licensee or an unlicensed person has violated provisions of the Real Estate License Act or the Commission's administrative rules; documents accepted into the agency record in any such proceeding; and the final disposition of such proceedings including settlements; and

5. Notices, proposals and other records concerning rulemaking required to be kept or distributed to the public by the Commission

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pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:30-3 and 4 et seq. Complete records of unadopted proposals are available for one year after publication of the proposal. Complete records of adopted rules are available for three years after each rule's effective date.

(e) The following records are maintained by the Bureau of Subdivided Land Sales Control, pursuant to the Real Estate Sales Full Disclosure Act, N.J.S.A. 45:15-16.27 et seq.:

1. Statements of record and additions or corrections thereto filed with the Bureau pursuant to N.J.S.A. 45:15-16.33, 16.36, 16.39 and 16.41(a);

2. Annual reports submitted by a subdivider pursuant to N.J.S.A. 45:15-16.40;

3. Public offering statements and amended public offering statements prepared pursuant to N.J.S.A. 45:15-16.38;

4. Orders to Show Cause and other pleadings charging violations of N.J.S.A. 45:15-16.27 et seq. and the final disposition of such orders, including Orders to Cease and Desist and/or imposing penalties or sanctions; documents accepted into the agency record in any such proceedings; and

5. Applications for exemption of a subdivision filed with the Bureau pursuant to N.J.S.A. 45:15-16.32(c) and N.J.A.C. 11:5-6.19 and the final disposition of any such exemption application.

(f) The following records are maintained pursuant to the Real Estate Guaranty Fund Act, N.J.S.A. 45:15-34 et seq.:

1. Court orders for payment from the Real Estate Guaranty Fund; and

2. Pleadings served upon the Commissioner of Insurance or any duly authorized agent or employee of the Department of Insurance pursuant to N.J.S.A. 45:15-39.

(g) The following licensee records are nonpublic in accordance with N.J.S.A. 47:1A-1 et seq.:

1. Criminal complaints, indictments, judgments of conviction and other separate documents submitted in connection with a license application concerning whether an applicant is disqualified by reason of indictment for or conviction of a crime;

2. Criminal history records obtained as the result of any criminal history check;

3. Petitions or discharges in bankruptcy, complaints, orders or other pleadings in actions for assignment to creditors and other separate documents submitted in connection with a license application concerning whether the applicant is disqualified by reason of unworthiness;

4. Copies of orders of suspension or revocation issued by professional or occupational licensing authorities, and other separate documents submitted in connection with a license application concerning whether the applicant is disqualified from licensure;

5. Records concerning the medical disability of any licensee;

6. Investigative files in any matter pending investigation, or in any completed investigation in which no formal disciplinary action was taken;

7. Personal data on a licensee such as home address, home telephone number and date of birth; and

8. The Social Security numbers of any applicants or licensees which were submitted to the Commission on a license application or otherwise obtained by the Commission.

(a)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Applications for Temporary Suspension

Proposed New Rule: N.J.A.C. 11:5-4.9

Authorized By: New Jersey Real Estate Commission,
Micki Greco Shillito, Executive Director.
Authority: N.J.S.A. 45:15-6 and 45:15-17.1.
Proposal Number: PRN 1994-78.

Submit written comments by March 9, 1994 to:
Robert J. Melillo
Special Assistant to the Director
New Jersey Real Estate Commission
CN-328
Trenton, New Jersey 08625-0328

The agency proposal follows:

Summary

This proposed new rule establishes the procedure by which a motion to temporarily suspend a real estate license made pursuant to N.J.S.A. 45:15-17.1 may be considered by the Commission. Under this recently amended law, an order imposing a temporary suspension must rest on a finding that prima facie evidence exists that the licensee has violated N.J.S.A. 45:17(d) or (o). These provisions cover, respectively, a licensee's failure to account for or to pay over money belonging to others and the commingling of moneys. While the Commission reiterates this standard in the proposed rule, the rule also provides that the Commission must make additional findings to ensure that temporary suspensions are imposed in accordance with the administrative practice standards established in N.J.A.C. 1:1-12.6 for emergent proceedings. Specifically, before entering an order imposing a temporary suspension, the Commission must determine that the licensee was afforded adequate notice and an opportunity to be heard, that based on the evidence presented a substantial likelihood exists that the party bringing the motion will prevail on the merits when the matter is fully heard, and that immediate and irreparable harm will probably result before the licensee can be fully heard.

At least 24 hours before ordering a temporary suspension, the Commission must give notice to the licensee and an opportunity for the licensee to appear the Commission in order for him or her to show why the temporary suspension should not be imposed. To better enable the Commission to verify that the licensee has been afforded adequate notice, the proposed rule required the person who personally or telephonically delivers notice to the licensee to execute a certification confirming delivery of the notice. The certification would then become part of the record in the subsequent proceeding on the application for the temporary suspension.

If the Commission orders a temporary suspension, it must notify the suspended licensee and his or her broker that the suspension has been issued, whereupon the broker must immediately return the license to the Commission. The suspended licensee must also be advised of the date upon which the Commission shall hold a full evidentiary hearing on the matter, which may not be more than 30 days following the effective date of the temporary suspension.

Lastly, the proposed rule establishes a procedure by which the Commission may consider applications for temporary suspension made when the Commission is not scheduled to meet or when a quorum cannot be obtained. In such cases, the Commission may delegate to three commissioners the authority to temporarily suspend a license provided that the other requirements of the rule are satisfied.

Social Impact

The proposed new rule will have a positive social impact on the general public by affording individuals using real estate brokerage services greater protection from incompetent or unscrupulous licensees. The new rule will carry out the will of the Legislature by permitting the Commission to address violations of N.J.S.A. 45:15-17(d) and (o) on an expedited basis. Violations of these provisions pose a substantial threat to the public that deposit moneys or other moneys previously entrusted a real estate licensee have been improperly maintained or misappropriated. Therefore, taking immediate action before the issue can be fully heard in wholly appropriate and necessary to protect the interests of the parties to real estate transactions.

Economic Impact

The proposed rule will have a positive economic impact on the general public and real estate industry. The temporary suspension will enable the Commission to prevent, in an expeditious manner, any further misappropriation or mishandling of deposit moneys. As a result, some real estate transactions that might otherwise have been jeopardized due to a licensee's misconduct will be able to successfully close. Granting temporary suspensions will also reduce the Commission's receipt of additional complaints, resulting in a saving of the public resources which would have been expended to investigate such matters, by preventing offending licensees from engaging in new transactions.

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Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the proposed rule does not impose reporting, recordkeeping or other compliance requirements on small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed rule establishes a procedure by which the Commission may consider a motion to temporarily suspend a real estate license. However, to the extent to which a broker is required to return suspended licenses to the Commission, the Commission believes that this is a necessary step to protect the public from suspended licensees and imposes a negligible administrative burden on brokers who will be required to surrender the licenses.

Full text of the proposed new rule follows:

11:5-4.9 Applications for temporary suspension

(a) The Commission may on its own motion, and upon the terms and conditions as set forth in N.J.S.A. 45:15-17.1 and as the Commission deems appropriate, enter an order temporarily suspending the license of any licensee upon making a finding that prima facie evidence exists that:

1. The licensee has failed to account for or to pay over any moneys belonging to others that have come into the possession of the licensee, in violation of N.J.S.A. 45:15-17(d); or

2. The licensee has commingled his or her personal money or property with the money or property of others or has failed to maintain and deposit such moneys in a special account, separate and apart from personal or other business accounts, when acting in the capacity of a real estate broker, or escrow agent, or as the temporary custodian of the funds of others, in a real estate transaction, in violation of N.J.S.A. 45:15-17(o).

(b) At least 24 hours prior to ordering a temporary suspension, the Commission shall give notice to the licensee of the application for the order and provide the licensee an opportunity to appear before the Commission to show cause why the license should not be suspended pending a full hearing of the matter. Such notice shall be given in writing or telephonically.

1. Written notice shall be served personally or sent by certified mail to the last known business address of the licensee.

2. Telephonic notice shall be confirmed in a writing sent to the licensee's last known business address as soon as practicable after the delivery of the telephonic notice.

3. The person who personally or telephonically delivers notice of an application for a temporary suspension shall execute a certification confirming that he or she has provided the notice, which certification shall be submitted into the record of the proceeding on the application for the temporary suspension.

(c) At the hearing on the application for the temporary suspension, the Commission shall consider evidence presented by the licensee to explain, disprove or rebut the prima facie evidence upon which the application for the temporary suspension is based. Unless otherwise provided in N.J.S.A. 45:15-17.1, the provisions of N.J.A.C. 1:1-12.6(f) shall apply to proceedings on applications for temporary suspensions.

(d) Prior to entering any order imposing a temporary suspension as provided in (a) above, the Commission shall also make findings that:

1. An adequate good faith effort to provide notice to the licensee was made and that the licensee was afforded an opportunity to be heard. Submission of the certification referred to in (b) above shall be sufficient to establish that an adequate good faith effort was made to provide notice of the proceeding;

2. Based on the evidence presented, there is a substantial likelihood that the charging party will prevail on the merits when the matter is fully argued before the Commission; and

3. Immediate and irreparable harm will probably result before the licensee can be fully heard. Prima facie evidence of a violation of N.J.S.A. 45:15-17(d) or (o) shall be considered sufficient to satisfy this criterion.

(e) All orders imposing temporary suspensions shall advise the suspended licensee of the date upon which the Commission shall hold a full evidentiary hearing on the violations upon which the temporary suspension is based, which date shall be no more than 30 days following the effective date of the temporary suspension. Such a hearing shall be a plenary hearing, conducted in accordance with N.J.A.C. 1:1-14.1 through 14.7.

(f) The temporary suspension shall become effective upon issuance by the Commission, and the licensee and his or her broker shall promptly be notified of its issuance, whereupon the license of the suspended person shall immediately be returned to the Commission. The Commission shall confirm the suspension in a written order which shall be served upon the licensee and his or her broker via personal service or by certified mail, return receipt requested at the licensee's last known business address.

(g) In order to entertain applications for temporary suspensions made during time periods when the Commission is not scheduled to meet, or when a quorum cannot be obtained, the Commission may delegate to three commissioners the authority to temporarily suspend a license as provided in (a) through (f) above. In such circumstances, all references in these rules to the Commission shall be construed as referring to the three commissioners so designated by the Commission.

(a)

DENTAL SERVICES

Dental Plan Organizations: Renewal of Certificate of Authority

Proposed New Rule: N.J.A.C. 11:10-1.13 and 11:10 Appendices A and B

Proposed Amendments: N.J.A.C. 11:10-1.4 and 1.12

Authorized By: Samuel F. Fortunato, Commissioner, Department of Insurance.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:48D-1 et seq., 17:48D-5, 17:48D-16.

Proposal Number: PRN 1994-89.

Submit comments by March 9, 1994 to:
Verice M. Mason
Assistant Commissioner
Legislative and Regulatory Affairs
New Jersey Department of Insurance
CN 325
Trenton, New Jersey 08625

The agency proposal follows:

Summary

Proposed new rule N.J.A.C. 11:10-1.13 will implement N.J.S.A. 17:48D-5c, which states that a certificate of authority of a dental plan organization ("DPO") shall expire one year following the date of issuance or previous renewal, and shall be renewed if the DPO remains in compliance with the Dental Plan Organization Act (N.J.S.A. 17:48D-1 et seq.—"the Act") and has paid a renewal fee.

The purpose of this proposed rule is to set forth procedures to be followed and forms to be submitted by a DPO in order to renew its Certificate of Authority. These procedures and forms will facilitate the Commissioner's review of a DPO's renewal application for the purpose of determining whether the DPO is continuing to comply with the financial requirements, as well as the other requirements of the Act. Additionally, this proposed rule will inform the DPO of the exact procedures and forms required by the Department for renewal of the DPO's Certificate of Authority. Proposed Appendices A and B are, respectively, the Certificate of Authority Renewal Affidavit and Renewal Request Form.

The Department additionally is deleting N.J.A.C. 11:10-1.4(b), which the new rule replaces, and amending N.J.A.C. 11:10-1.12(b) by correcting a typographical error which has remained since adoption of the subchapter, changing "findings" to "filings."

Social Impact

This proposed new rule will have a positive social impact on the public. The public will be protected from the continuing operation of a DPO whose Certificate of Authority should not be renewed. The information submitted to the Department, through use of these procedures and forms, will alert the Department to certain information which may

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indicate that a particular DPO should not continue to operate. Further, the public will be confident knowing that a DPO's activities and performance have been reviewed by the Department.

This proposed new rule will also have a positive impact on all DPO's applying for renewal of their Certificates of Authority insofar as it establishes specific procedures and forms that will more easily enable the DPO to submit the information which is required by the Department to determine whether the DPO's Certificate of Authority should be renewed.

Finally, these procedures and forms will enable the Department to expeditiously review the DPO's renewal application and properly determine whether a particular DPO's Certificate of Authority should be renewed.

Economic Impact

This proposed new rule will have no new economic impact on DPO's because the rule merely codifies certain procedures already being followed by DPOs. Any costs that may be incurred by a DPO in following the procedures and completing and submitting the forms required by this proposed new rule will be minimal. The information requested by the Department should be readily available to the DPO and will not cause any significant amount of time to be spent by DPO staff in compiling and/or submitting it to the Department.

The proposed new rule will have a positive economic impact on the Department. The Department's review of a DPO's Certificate of Authority renewal application will be simplified by use of the procedures and forms required under this rule, thereby decreasing the amount of review time spent by Department staff, and lowering Department costs.

Regulatory Flexibility Analysis

This proposed new rule will affect certain DPO's that are small businesses, as defined under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., in that the rule imposes certain reporting requirements on all DPO's renewing their Certificates of Authority. However, the renewal application forms, required under this rule to be submitted to the Department for review, will cause a small-business DPO to incur only minimal costs since the information to be provided on the forms will be readily accessible to the DPO. Compliance with the proposed rule will not require the engagement of professional services. Further, the renewal fee required under this proposed rule is a minimum statutory requirement placed on all DPO's renewing their Certificates of Authority, and is necessary for the Department to properly review each DPO's renewal application. Therefore, lesser requirements or exceptions based on DPO business size are not provided.

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

11:10-1.4 General rules

(a) (No change.)

[(b) To renew its certificate of authority, a DPO shall remit the renewal fee as set forth in N.J.A.C. 11:1-32.4(a)7 to the Commissioner 30 calendar days prior to the renewal date.]

[(c)]**(b)** (No change in text.)

11:10-1.12 Schedule of charges

(a) (No change.)

(b) All [findings] **filings** of charges must include sufficient information to enable the Commissioner to determine whether the charges are not excessive, inadequate or unfairly discriminatory. All details, used in the development of rates, must accompany the filing, include:

1.-3. (No change.)

(c)-(f) (No change.)

11:10-1.13 Renewal of Certificate of Authority

(a) Every request by a dental plan organization for renewal of its Certificate of Authority shall be in writing.

(b) A request for renewal of a DPO Certificate of Authority shall include at least the following items:

1. The renewal fee as currently set forth at N.J.A.C. 11:1-32.4(a)7 in the form of a check or money order made payable to the State Treasurer of New Jersey;

2. The completed Certificate of Authority Renewal Affidavit set forth as Appendix A to this chapter, incorporated herein by reference, signed by a principal officer of the DPO responsible for conducting the affairs of the DPO and notarized; and

3. The completed Certificate of Authority Renewal Request Form set forth as Appendix B to this chapter, incorporated herein by reference, containing all the information required therein.

(c) The DPO shall submit and the Department shall receive at least 45 days prior to the expiration date of the DPO's current Certificate of Authority, the notarized Certificate of Authority Renewal Affidavit, signed Certificate of Authority Renewal Request Form, and renewal fee. All materials shall be submitted to:

Assistant Commissioner
Actuarial Services, Life and Health Division
New Jersey Department of Insurance
CN 325
Trenton, NJ 08625-0325

Recodify existing 11:10-1.13 and 1.14 as **11:10-1.14 and 1.15** (No change in text.)

APPENDIX A
CERTIFICATE OF AUTHORITY
RENEWAL AFFIDAVIT

State of _____

County of _____

The undersigned, being duly sworn according to law upon his/her oath deposes and says:

I, _____ in my capacity as
(Affiant's full printed name—no initials)

_____, on behalf of
(Affiant's title)

_____, which is located at
(Name of dental plan organization)

_____
(Street and City where dental plan organization is located)

in New Jersey, do hereby make application for the renewal of the Certificate of Authority of the above-named dental plan organization, which Certificate of Authority shall otherwise expire on _____
(Expiration date and year)

I do hereby certify on this _____ day of _____, 19_____, under penalty of perjury that I am a principal officer of the above-named dental plan organization, and that all statements made herein and in the Certificate of Authority Renewal Request Form attached hereto and incorporated herein are true and correct to the best of my knowledge and belief.

_____
(Signature of Affiant)

Subscribed and duly sworn before me, the undersigned authority, on this _____ day of _____, 19_____.

(Seal) _____
(Notary Public)

My Commission Expires _____

APPENDIX B
DENTAL PLAN ORGANIZATION
CERTIFICATE OF AUTHORITY
RENEWAL REQUEST FORM

Full Name and Address of Dental Plan Organization

_____

_____

_____

Provide relevant information to each numbered item below. If an item is not applicable, mark it as nonapplicable or NA. Failure to respond to all items may delay the review process. If you need more space than is provided to answer any item, attach additional pages to complete the

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answer. Please number answers in accordance with the item number. Submit all documents required to be attached to this form with this form, indicating the item number to which the document is responsive. When completed, and no later than 45 days prior to the date of expiration of the current Certificate of Authority, submit this form and all attachments, the Certificate of Authority Renewal Affidavit and the required renewal fee to:

Assistant Commissioner
Actuarial Services, Life & Health Division
New Jersey Department of Insurance
CN 325
Trenton, NJ 08625-0325

1. List, in reverse chronological order, any changes which have been made in the past three (3) years to the articles of incorporation, articles of association, partnership agreement, shareholder agreement, bylaws and other documents regulating the conduct or internal affairs of the DPO. Specify the date of change and document changed, date submitted to DOI and date of DOI's approval, if applicable.

_____

_____

_____

2. List any new officers, partners or members of the DPO's Board of Directors, Board of Trustees, Executive Committee or other governing board or committee, who have been hired, elected or appointed within the past three (3) years. (Provide full name; date of hire, election or appointment; and date of submission of Biographical Affidavit to the Department of Insurance.) _____

_____

_____

If Biographical Affidavit has not been submitted to the Department of Insurance, so indicate and submit with this renewal request form.

3. Have any professional, occupational or vocational licenses of any officer, partner or members of the DPO's Board of Directors, Board of Trustees, Executive Committee or other governing board or committee been amended or, terminated within the past three (3) years?

YES _____ NO _____

If yes, attach a list indicating name, position, type of license, date of amendment or termination and an explanation.

4. Has any officer, partner or member of the DPO's Board of Directors, Board of Trustees, Executive Committee or other governing board or committee or any other person responsible for conducting the affairs of the DPO:

a. Been indicted or convicted of a crime, misdemeanor or disorderly person offense in this State, other state, or by the federal government?

YES _____ NO _____

If yes, attach a certified copy of the indictment or judgment of conviction, which may be obtained from the clerk of the court where the conviction was entered.

b. Had any business or professional license been suspended or revoked?

YES _____ NO _____

If yes, attach a copy of the order of suspension or revocation from the professional or governmental authority.

c. Filed for bankruptcy, been declared bankrupt or made an assignment for benefit of creditors?

YES _____ NO _____

If yes, attach a copy of the bankruptcy petition, complaint in bankruptcy, or complaint in action for assignment to creditors.

5. Have any changes been made or any new contracts or agreements been made with any consultant, finder or business manager within the past three (3) years? YES _____ NO _____

If "yes," attach a list specifying date and nature of change, date of submission to and date of approval by the Department of Insurance.

6. Have any changes been made to provider contracts in the past three years?

YES _____ NO _____

If yes, attach list including brief description of change, date of submission to and date of approval by the Department of Insurance.

7. In reverse chronological order, specify the number of "full-time equivalent dentists", as defined at N.J.A.C. 11:10-1.3, under contract with the DPO as of the date of the submission of this form and December 31 of the two immediately preceding years:

Current_____ : _____

12/31/_____: _____

12/31/_____: _____

8. Attach a list of any changes which have been made to the form of any group or non-group contract or evidence of coverage within the past three (3) years, specifying the type of form, form number, date submitted to DOI and date of DOI approval.

9. List the number of group and non-group contracts in force and the group and non-group enrollees' count as of the date of this form and at December 31 of the prior two (2) years.

	Group contracts	Group enrollees	Group dependents	Non Group contracts	Non Group enrollees	Non Group dependents
Current____ :						
12/31/_____:						
12/31/_____:						

10. List in reverse chronological order how many types of benefit plans currently are being offered, and the number available on December 31 of the two immediately preceding years.

Current_____ : _____

12/31/_____: _____

12/31/_____: _____

11. Give a brief description of any changes made to the schedule of charges within the past three (3) years listing dates of submission to the Department of Insurance.

_____

_____

_____

12. Have any changes been made to any marketing or advertising materials in the past three (3) years? YES _____ NO _____

If yes, has the material been submitted to the Department of Insurance?

YES _____ NO _____

If no, attach copies with this renewal request form.

13. As of the date of this form and December 31 of the prior two years, list the number of complaints (see N.J.S.A. 17:48D-12) made during the year and the number outstanding.

	Complaints Made	Complaints Outstanding
Current_____ :		
12/31/_____:		
12/31/_____:		

14. On a year-to-date basis, list the gross contract and certificate income, the percentage of gross contract and certificate income used for the direct provision of professional dental services to enrollees (as defined at N.J.A.C. 11:10-1.9) and the gain or loss before income taxes, for the quarter ending on or before the date of this form and the December 31 of the prior two years.

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	Gross Contract and Certificate Income	Dental Expense Percent	Gain or Loss
Qtr. Ending _____:	_____	_____	_____
12/31/_____:	_____	_____	_____
12/31/_____:	_____	_____	_____

15. List the total surplus, as of the quarter ending on or before the date of this form and December 31 of the prior two years. (Total surplus is Line 21, Page 6 of the Annual Report and Line 10, Page 1 of the Quarterly Report).

	Total Surplus
Qtr. Ending _____:	_____
12/31/_____:	_____
12/31/_____:	_____

16. In compliance with N.J.A.C. 11:10-1.8, the general surplus, as of the quarter ending on or prior to the date of this form, has been maintained as follows:

Balance Sheet Item	Amount
_____	_____
_____	_____
Total	_____

17. In compliance with N.J.S.A. 17:48D-7, the special contingent surplus, as of the quarter ending on or prior to the date of this form, has been maintained as follows:

Balance Sheet Item	Amount
_____	_____
_____	_____
Total	_____

_____ (Date) _____ (Signature)

_____ (Type Name)

_____ (Title)

(a)

NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM

Policy Forms
Certification of Utilization Compliance
Proposed New Rules: N.J.A.C. 11:21-4.2, 4.3 and Appendix Exhibit BB, Parts 1 and 2
Proposed Amendment: N.J.A.C. 11:21-17.3

Authorized By: Small Employer Health Benefits Program, Maureen Lopes, Chair.

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e) and 17B:27A-17 et seq.

Proposal Number: PRN 1994-69.

Submit written comments by January 20, 1994 to:
Interim Administrator
c/o The Prudential Insurance Company of America
SEH Box 1
P.O. Box 4080
Iselin, NJ 08830

The agency proposal follows:

Summary

These amendments are being proposed in accordance with N.J.S.A. 17B:27A-51, which generally provides that prior to the adoption of an intended action authorized by N.J.S.A. 17B:27A-17 et seq., the Small Employer Health Benefits ("SEH") Program Board of Directors ("Board") shall publish notice of the intended action in three newspapers of general circulation, and mail it to those persons and entities specified at N.J.S.A. 17B:27A-51. The Board further is required to forward the notice of intended action and detailed description to the Office of Administrative Law for publication in the New Jersey Register. All interested persons must be provided an opportunity of not less than 20 days from the date of notice to submit written comments. (The time period and manner by which written comment is to be submitted is set forth above in this notice.) The Board may take final action on these proposed amendments immediately following the close of the comment period. The final action shall be effective on the date the amendments, as adopted by the Board, are submitted to the Office of Administrative Law for publication in the New Jersey Register, or such later date as the Board may establish pursuant to N.J.S.A. 17B:27A-51.

In accordance with N.J.S.A. 17B:27A-17 et seq., insurance companies, health service corporations, hospital service corporations, medical service corporations, health maintenance organizations, and multiple employer arrangements offering to, or providing health benefits plans for, small employers (collectively, "carriers") must offer, as a condition of transacting business in this State, health benefits plans promulgated by the SEH Board. Failure to comply with the requirements of N.J.S.A. 17B:27A-17 et seq. may result in penalty assessments and/or a carrier losing its authority to write any health benefits policies or contracts in New Jersey.

The new rules and amendment proposed herein establish the requirements carriers must follow in certifying their utilization of the standard small employer benefits plans forms and riders as well as their marketing material. Additionally, the proposed new rules set forth the standards for review which the Board will utilize in determining whether to approve a carrier's alternative method of utilization review filing and/or combined policy forms of a hospital service corporation and another small employer carrier.

Proposed new rule N.J.A.C. 11:21-4.2 establishes the procedures and sets forth the form which carriers must utilize in certifying their compliance with the utilization of the standard forms.

Proposed new rule N.J.A.C. 11:21-4.3 sets forth the standards which the Board will utilize in reviewing proposed filings.

The proposed amendment to N.J.A.C. 11:21-17.3 references the certification form which carriers must use to certify that their marketing material complies in form and substance with the small employer health benefits plans and fair marketing standards. The proposed amendment also sets forth an alternate time period for submission of the certification in early 1994.

Proposed new Exhibit BB contains the carrier certification of compliance forms for certifying use of the small employer health benefits plans and riders (Part 1) and for certifying the fairness and appropriateness of marketing material (Part 2).

Social Impact

These proposed new rules and amendment implement N.J.S.A. 17B:27A-17 et seq., which established the SEH Program under which all carriers writing or having in force health policies or contracts providing coverage to small employers in New Jersey must offer standard health benefits plans to all New Jersey small employers.

The Board believes that in implementing N.J.S.A. 17B:27A-17 et seq. through these proposed new rules and amendment, New Jersey small employers will have access to a greater variety of carriers offering small employer health benefits in the State. The requirement that carriers offer only the health benefits plans designed by the SEH Board should enable small employers to readily compare coverage among carriers, and provides assurances that carriers are offering uniform benefits. The certification of compliance by carriers will insure that all carriers will provide the standard plan forms as adopted by the Board.

Economic Impact

These proposed new rules and amendment will not have an additional substantial economic impact on carriers that offer small employer health benefits plans in this State. Member carriers will be required to bear the costs associated with conforming their present business practices to offer the standard health benefits plans set forth in these regulations, to make various filings with the Board, and to pay assessments to the Board. These proposed new rules and amendment required a carrier

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to certify compliance with the Board's requirements, and will not require costs beyond those otherwise generally associated with compliance with offering the standard plans.

Regulatory Flexibility Analysis

These proposed new rules and amendment do impose an additional compliance requirement as described in the Summary above. All carriers subject to these proposed new rules will incur minimal additional costs of certification compliance. The Board does not anticipate that professional services will need to be employed for compliance.

These proposed new rules and amendment may affect small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Notwithstanding that one or more carriers may be small businesses, the Board is not inclined to include any relaxation of these rules, or different compliance requirements, for such carriers. The underlying legislation is intended to establish a limited number of standard health benefits plans for small employers and to provide a method for regulating small employer health benefits plans in a uniform manner. Different rules applicable to carriers meeting the definition of a small business would be inconsistent with this clearly stated legislative goal.

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

11:21-4.2 Certification or filing of forms

(a) No carrier shall issue any health benefits plan certificate or evidence of coverage to a small employer or the employees of a small employer or use any application form, employer or employee certification, waiver or enrollment form or make any amendments thereto until the carrier has certified that its health benefits plans and forms are in compliance with the small employer health benefits plans and all provisions of N.J.A.C. 11:21-4 and 6.

1. A carrier shall submit, in triplicate, completed Certification of Compliance forms, set forth in Part 1 of Exhibit BB of the Appendix to this chapter and incorporated herein by reference.

2. Completed Certification of Compliance forms shall be submitted to the Board at the address set forth at N.J.A.C. 11:21-1.3, and to the Commissioner at the following:

Attn: SEH Form Certification of Compliance
Division of Life and Health Actuarial Services
New Jersey Department of Insurance
20 West State Street
CN 325
Trenton, NJ 08625-0325

3. Certification of Compliance forms shall be certified by a duly authorized officer of the carrier.

(b) A carrier that elects to include in its health benefits plans an alternative method of utilization review shall submit, in addition to the required Certification of Compliance, its alternative method of utilization review as specified at N.J.A.C. 11:21-4.1 with copies in triplicate submitted to the Commissioner as set forth in (a)2 above.

(c) Any amendment to an approved alternative method of utilization review shall be submitted to the Board and simultaneously to the Commissioner for review and approval as set forth in (b) above.

(d) Carriers that submit Certification of Compliance forms may issue and make effective small employer health benefits plans upon filing such forms with the Board and the Commissioner, or January 1, 1994, whichever date is later, and may continue to do so until such time as the filing is disapproved in writing by the Board (in consultation with the Commissioner), following an opportunity for a hearing held in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and any rules promulgated thereunder.

(e) Notwithstanding (d) above, a carrier shall neither issue nor make effective any health benefits plan to which an alternative method of utilization review or amendment thereto will apply until approved by the Board in consultation with the Commissioner.

(f) All forms to be used by a hospital service corporation and another carrier in conjunction in order to offer the small employer health benefits plans pursuant to N.J.S.A. 17B:27A-19e shall be submitted simultaneously to the Board and the Commissioner, and shall not be used until approved by the Board in consultation with the Commissioner.

1. Forms shall be submitted in triplicate as set forth in (a)2 above.

2. Carriers shall submit a certification of substantial compliance and a description of the differences between the combined forms and the forms promulgated by the Board. The certification of substantial compliance shall be certified by a duly authorized officer of each of the carriers.

3. The Board shall notify the small employer carriers in writing within 60 days of receipt by the Board and the Commissioner of a completed submission, whether the combined forms are approved.

4. The small employer carriers shall have a right of appeal if the Board, in consultation with the Commissioner, disapproves the combined forms, in accordance with procedures established by the Board in its Plan of Operation.

11:21-4.3 Standards for review

(a) In determining whether to approve an alternative method of utilization review or combined forms (of a hospital service corporation and another small employer carrier), a carrier shall consider in submitting in its Certification of Compliance (with respect to an alternative method of utilization review), and its certification of substantial compliance (with respect to combined forms), and the Board and Commissioner shall consider in their review whether:

1. The inclusion of words, terms and descriptions that are not contained in the Board's forms changes the meaning or effect of any material aspect of the small employer health benefits plans and other attendant Board forms;

2. The alternative method of utilization review or combined forms contain all provisions required by New Jersey law and the small employer health benefits plans forms which, if not the same as that required by law or in the small employer health benefits plans forms, is at least as favorable to the covered person;

3. The alternative method of utilization review or combined forms contain all coverages, coverage limits and exclusions set forth in the small employer health benefits plans forms;

4. There is any deviation from the effective date of coverage, renewal or termination provisions in the small employer health benefits plans forms; and

5. Easy comparison with the appropriate small employer health benefits plans forms by the consumer, the Board or the Commissioner is impeded.

(b) In addition to (a) above, the Board, in consultation with the Commissioner, may disapprove an alternative method of utilization review or combined forms on the grounds that its provisions are unjust, unfair, inequitable, misleading, contrary to law or to the public policy of this State.

11:21-17.3 Certification

(a) Each small employer carrier disseminating marketing and promotional material shall certify that its marketing and promotional material conforms with the requirements of this subchapter. The certification, **set forth in Part 2 of Exhibit BB of the Appendix, incorporated herein by reference,** shall be signed by a duly authorized officer of the small employer carrier. Each small employer carrier shall file its initial certification with the Board no later than the first day upon which the small employer disseminates promotional or marketing materials for the health benefits plans to consumers, producers or the public in general, **or by February 15, 1994, whichever date is later.**

(b) (No change.)

APPENDIX TO N.J.A.C. 11:21
EXHIBIT BB
PART 1
CERTIFICATION OF COMPLIANCE

Submit this form in triplicate to the SEH Board at the address specified at N.J.A.C. 11:21-1.3 and to the New Jersey Department of Insurance as follows: Attn: SEH Form Certification of Compliance Division of Life and Health Actuarial Services, N.J. Department of Insurance, 20 West State Street, CN-325, Trenton, NJ 08625-0325.

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1. INFORMATION ABOUT THE CARRIER AND RESPONDENT

Carrier Name: _____ NAIC #: _____

If an HMO, is the Carrier federally-qualified?
_____ Yes _____ No

Respondent's Name: _____

Respondent's Title: _____

Respondent's Address: _____

_____

Respondent's Telephone: _____ FAX: _____

2. COMPLIANCE

Check the appropriate response(s).

_____ (a) Plans A, B, C, D and E comply fully with the SEH Board's small employer health benefits plans forms and Explanation of Brackets set forth at Exhibits A through F and Exhibit K, respectively, of the Appendix to N.J.A.C. 11:21.

_____ (b) Plans A, B, C, D and E comply with the SEH Board's small employer health benefits plans forms and Explanation of Brackets set forth at Exhibits A through F and Exhibit K, respectively, of the Appendix to N.J.A.C. 11:21, BUT an alternative method of utilization review, as permitted at N.J.A.C. 11:21-4, is being submitted for review and approval.

_____ (c) HMO Plan complies fully with the SEH Board's small employer health benefits plans form and Explanation of Brackets set forth at Exhibit G and K, respectively, of the Appendix to N.J.A.C. 11:21.

_____ (d) All riders applicable to Plans A through E comply fully with the SEH Board's small employer health benefits plan rider forms and Explanation of Brackets as set forth at Exhibits H, and I and Exhibit K, respectively, of the Appendix to N.J.A.C. 11:21.

_____ (e) All riders applicable to HMO Plan comply fully with the SEH Board's small employer health benefits plan rider forms and Explanation of Brackets as set forth at Exhibit J and K, respectively, of the Appendix to N.J.A.C. 11:21.

_____ (f) All applications, certifications, enrollment forms, waiver forms, certificates or evidences of coverage comply with the SEH Board's forms set forth in Exhibits N, O, Q, R, S, T, V, W, Y, Z, and AA, and the Explanation of Brackets set forth at Exhibit X in the Appendix to N.J.A.C. 11:21.

3. PLAN OPTIONS AND VARIABLES

Complete each relevant section (please use "NA" to indicate when a section is not relevant). Attach additional pages as necessary.

(a) Plans A through E

(1) List all plans to be offered as a traditional contract, if any.

_____

(2) List all plans to be offered in conjunction with a selective contracting arrangement (defined at N.J.A.C. 11:4-37), if any.

_____

(3) For all plans to be offered in conjunction with a selective contracting arrangement, specify the coinsurance differentials and whether the plan requires election of a primary care physician.

_____

(4) Do contracts provide for direct payment to health care practitioners without assignment? (Note: this option is available only on health service corporation contracts and other plans offered in conjunction with selective contracting arrangements.)

_____ Yes _____ No

(5) List the riders being offered, if any, and specify which plans with which they will be offered.

_____

(6) If offering the Mental/Nervous and Substance Abuse rider, indicate the applicable copayments.

_____

(7) Do the participation requirements comply with applicable statute and rules?
(Note: 75% participation.)

_____ Yes _____ No

If No, has the Board approved the carrier's use of an alternate participation requirements?

_____ Yes _____ No

(8) Do the plans include any of the following as set forth by the SEH Board?

i. Utilization Review Features
_____ Yes _____ No

ii. Required Hospital Stay Review
_____ Yes _____ No

iii. Required Pre-surgical Review
_____ Yes _____ No

iv. Alternate Treatment Features
_____ Yes _____ No

v. Centers of Excellence Features
_____ Yes _____ No

If No to the Utilization Review Feature, is an alternate method of utilization review included in the Plans?

_____ Yes _____ No

If Yes, is it included with this submission?

_____ Yes _____ No

(b) HMO Plan

(1) List the copayment options being offered.

_____

(2) How is the in-plan prescription drug coverage being offered?

_____

(3) List the riders being offered, if any, and specify the plan with which they will be offered.

_____

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(4) Do the participation requirements comply with applicable statutes and rules?
(Note: 75% participation)
_____ Yes _____ No

If No, has the Board approved the carrier's use of an alternate participation requirement?
_____ Yes _____ No

(c) Additional Forms

(1) Is the Health Statement form, Exhibit S, being used?
_____ Yes _____ No

(d) Additional Options

(1) Is payment by automatic bank withdrawal required?
_____ Yes _____ No

(2) Is payment by automatic bank withdrawal offered?
(Note: If offered, must be offered on all plans to all small employers.)
_____ Yes _____ No

4. CERTIFICATION

I, the undersigned, certify that this completed form is true and accurate, and that I am an officer of the carrier duly authorized to submit this certification.

I certify that, in accordance with N.J.A.C. 11:21-7.4, no stop loss or excess risk insurance shall be issued or renewed for any small employer for which the company provides administrative services, and further, that all small employers or groups of small employers for which this company may act as administrator utilize self-funded plans meeting the definition of 26 U.S.C. 1002(1), the specifications of 26 U.S.C. 1002(4)(B) if a group of small employers, and are not multiple employer welfare arrangements, in whole or in part, as defined at 26 U.S.C. 1002(40).

_____ _____
Date Signature

_____
Title

PART 2

CERTIFICATION OF PROMOTIONAL AND MARKETING MATERIAL

Submit this form pursuant to N.J.A.C. 11:21-17.3 and annually thereafter to the SEH Board at the address specified at N.J.A.C. 11:21-1.3 and to the Division of Life and Health Actuarial Services, New Jersey Department of Insurance, 20 W. State Street, CN 325, Trenton, NJ 08625-0325, Attn: SEH Promotional and Marketing Certification.

Carrier's Name: _____ NAIC #: ____

Respondent's Name: _____

Respondent's Title: _____

Respondent's Address: _____

_____

Respondent's Phone: _____ FAX: _____

I, the undersigned, hereby certify that the promotional and marketing material to be disseminated regarding the small employer health benefits plans (Plans A, B, C, D, E and HMO), including all terms, definitions and text, are consistent with N.J.S.A. 17B:27A-17 et seq., and N.J.A.C. 11:21.

I certify that this completed form is true and accurate, and that I am an officer of the carrier duly authorized to submit this certification.

_____ _____
Date Signature

_____
Title

LAW AND PUBLIC SAFETY

(a)

DIVISION OF MOTOR VEHICLES BOAT REGULATION COMMISSION

Boating Regulations

Proposed Repeal: N.J.A.C. 7:6
Proposed New Rules: N.J.A.C. 13:82

Authorized By: Boat Regulation Commission, Fred DeVesa, Acting Attorney General, Department of Law and Public Safety, and Stratton C. Lee, Jr., Director, Division of Motor Vehicles as to N.J.A.C. 13:82-8.1 through 8.21.

Authority: N.J.S.A. 12:7-34.36 et seq. and 12:7A-29.

Proposal Number: PRN 1994-98.

Submit written comments on N.J.A.C. 13:82-1.1 through 7.4 by March 9, 1994 to:

Captain William J. Gronikowski
New Jersey State Police
Marine Law Enforcement Bureau
P.O. Box 7068
West Trenton, NJ 08628-0068

Submit written comments on N.J.A.C. 13:82-8.1 through 8.21 by March 9, 1994 to:

Edwin G. Lawler
Division of Motor Vehicles
Attention: Legal Staff
225 East State Street
CN 162
Trenton, NJ 08666-0162

The agency proposal follows:

Summary

The proposed new rules contain regulations governing the operation and licensing of vessels on the tidal and nontidal waters of the State of New Jersey. These regulations are administered by the New Jersey Boat Regulation Commission and the Division of Motor Vehicles. Primary enforcement is provided by the Marine Law Enforcement Bureau in the Division of State Police.

Subchapter 1 contains general provisions on the scope and construction of the rules, and describes equipment required to be used or carried on board vessels. The subchapter also contains general provisions on speed and navigation and incorporates by reference the Coast Guard rules of the road for navigation to ensure uniformity between State and federal regulation.

Subchapter 2 governs the reporting of boating accidents.

Subchapter 3 contains general regulations on waterskiing and diving as well as specific rules for various bodies of water throughout the State.

Subchapter 4 contains regulations on watercraft noise control.

Subchapter 5 contains regulations applicable to personal watercraft, also known as jet skis.

Subchapter 6 contains regulations on parasailing. This activity was formerly considered a form of waterskiing, but is now identified as a distinct activity.

Subchapter 7 contains regulations on the operation of motor vehicles on ice-covered waters.

Subchapter 8 contains regulations on the registration and titling of vessels and the licensing of operators by the Division of Motor Vehicles, including applicable fees.

Pursuant to the requirements and criteria of Executive Order No. 66(1978), N.J.A.C. 7:6 will expire on June 9, 1994. This chapter contains the regulations affecting boating promulgated by the Department of Environmental Protection and Energy. However, in 1984, the functions, powers and duties of the then Department of Environmental Protection pursuant to the New Jersey Boat Act of 1962 were transferred to the Division of Motor Vehicles in the Department of Law and Public Safety by P.L. 1984, c.152 (N.J.S.A. 12:7A-1 et seq). The Boat Regulation Commission, created by the Boat Act of 1962, was determined to be effectively transferred to the Department of Law and Public Safety, according to a legal opinion issued by the Division of Law in 1988. Since that time, boating regulations have been promulgated under the authority of the Attorney General.

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In order to reflect this transfer of authority, the Department decided that the current boating regulations, found in N.J.A.C. 7:6, should be repealed, and that new rules be adopted as part of N.J.A.C. Title 13, Law and Public Safety. This proposal is therefore made to create a new chapter in Title 13, N.J.A.C. 13:82. The proposed new rules continue the bulk of the existing regulations, with some revisions. The proposal also contains new proposed rules for operation on Upper Greenwood Lake, and a new proposed rule on parasailing. A table indicating the source of the new proposed rules is as follows:

Table of Regulations

New Rule	Source Rule		
13:82-1.1	7:6-1.1	13:82-4.4	7:6-1.27
13:82-1.2*	7:6-1.2	13:82-4.5	7:6-1.28
13:82-1.3	7:6-1.22	13:82-4.6*	7:6-4.6
13:82-1.4	7:6-1.23	13:82-5.1	7:6-9.1
13:82-1.5	7:6-1.24	13:82-5.2	7:6-9.2
13:82-1.6	7:6-1.25	13:82-5.3	7:6-9.3
13:82-1.7*	7:6-1.31	13:82-6.1	—
13:82-1.8	7:6-1.32	13:82-6.2	—
13:82-1.9	7:6-1.33	13:82-6.3	—
13:82-1.10	7:6-1.34	13:82-7.1	7:6-8.1
13:82-1.11	7:6-1.30	13:82-7.2*	7:6-8.2
13:82-1.12	7:6-1.35	13:82-7.3*	7:6-8.3
13:82-1.13*	7:6-1.36	13:82-7.4	7:6-8.4
13:82-1.14	7:6-1.39	13:82-8.1	(new section)
13:82-1.15	7:6-1.44	13:82-8.2*	7:6-1.3
13:82-1.16	7:6-1.40	13:82-8.3	7:6-1.4
13:82-1.17*	7:6-1.38	13:82-8.4*	7:6-1.5
13:82-1.18	7:6-4.1(a)	13:82-8.5*	7:6-1.6
	and (b)	13:82-8.6*	7:6-1.7
13:82-1.19	7:6-4.1(c)	13:82-8.7*	7:6-1.8
13:82-1.20	7:6-4.3	13:82-8.8*	7:6-1.9
13:82-2.1*	7:6-1.41	13:82-8.9*	7:6-1.10
13:82-3.1*	7:6-1.37	(repealed)	7:6-1.11
13:82-3.2	7:6-3.1	13:82-8.10*	7:6-1.12
13:82-3.3	7:6-3.2	13:82-8.11*	7:6-1.13
13:82-3.4*	7:6-3.3	13:82-8.12*	7:6-1.14
13:82-3.5	7:6-3.4	13:82-8.13*	7:6-1.15
13:82-3.6	7:6-3.5	13:82-8.14*	7:6-1.16
13:82-3.7	7:6-3.6	13:82-8.15*	7:6-1.17
13:82-3.8	7:6-3.7	13:82-8.16*	7:6-1.18
13:82-3.9	7:6-3.8	13:82-8.17*	7:6-1.19
13:82-3.10	7:6-3.9	(repealed)	7:6-1.20
13:82-3.11	7:6-3.10	13:82-8.18*	7:6-1.21
	and 7:6-4.5	13:82-8.19*	7:6-1.43
13:82-3.12	7:6-3.13	(repealed)	7:6-2.1
13:82-3.13	7:6-4.7	(repealed)	7:6-2.2
13:82-3.14	7:6-4.8	(repealed)	7:6-2.3
13:82-3.15	7:6-1.45	(repealed)	7:6-2.4
13:82-3.16	—	(repealed)	7:6-2.5
13:82-3.17*	7:6-1.42	(repealed)	7:6-2.6
13:82-4.1	7:6-6.2	13:82-8.20*	7:6-4.1
13:82-4.2	7:6-6.3	13:82-8.21*	7:6-4.2
13:82-4.3	7:6-1.26	13:82-8.22*	7:6-5.1

*indicates proposed new rule contains changes form the source rule

In the new proposed rules, some existing rules were eliminated, either because of a change in law, or because they were unnecessary because of existing statutory provisions. Existing rule N.J.A.C. 7:6-1.2(b), which authorized the Commissioner (of DEPE) or the Director of the Division of Marine Services to relax application of the rules, was eliminated because of the transfer of functions and because waivers of administrative regulations generally are not favored.

Existing rule N.J.A.C. 7:6-1.41 on reporting of boating accidents was revised to provide for prompt oral notification as well as written notification, and to conform the dollar limits and time periods to N.J.S.A. 12:7-34.46.

Existing regulations on specific bodies of water were revised to eliminate references in each to the requirement that waterskiers wear an approved personal flotation device. This requirement is contained in the general provisions, applicable to all State waters, N.J.A.C. 13:82-3.1.

Existing rule N.J.A.C. 7:6-1.29 on negligent or reckless operation was eliminated because that offense is adequately covered by statute, as was the rule on boating while intoxicated, N.J.A.C. 7:6-4.4, for the same reason.

Existing rule N.J.A.C. 7:6-1.42 has been revised to permit recreational diving from the stone jetty, except on weekends during the summer months.

The proposed new rules also contain a new provision at N.J.A.C. 13:82-3.16 establishing speed limits and hours of operation on Upper Greenwood Lake. These regulations were requested by the Upper Greenwood Lake Property Owners Association. Upper Greenwood Lake is a private lake located in Passaic County. The proposed new rule prohibits waterskiing in certain areas of the lake, and sets a daytime speed limit of 10 miles per hour.

The proposed new rules add subchapter 6 on parasailing. Parasailing has previously been defined as included within the definition of "waterskiing." However, the Boat Regulation Commission felt that separate regulations were necessary to adequately address the operational and safety requirements for parasailing. The proposed new rules would permit parasailing in certain areas that are large enough to accommodate such activity, but would require equipment specially designed for parasailing. Participants would also be required to wear personal flotation devices and to take off and land only from a specially equipped vessel.

When the responsibility for licensing boaters on nontidal waters and registering vessels was transferred to the Division of Motor Vehicles ("the Division"), it generally adapted the procedures and systems which it had in place and used for driver licensing and vehicle registration.

For the most part, the proposed new rules are the same as the ones they will replace. Where changes are made, they primarily involve terminology which is commonly used by the Division or other changes which conform the regulations to the Division's current practices and procedures, including achieving parity in the duplicate fee schedule with driver licenses and vehicle registrations. The only major change would require the examination of vessels which lack hull identification numbers by the Bureau of Marine Police before the Division would assign a hull identification number to the vessel.

The following changes are proposed (regulations which only contain proposed changes in terminology or which contain extremely minor changes are not summarized here but are among those indicated with an asterisk (*) on the table which is included in the Summary):

Proposed N.J.A.C. 13:82-8.1 contains definitions.

Existing rule N.J.A.C. 7:6-1.3 is revised in proposed N.J.A.C. 13:82-8.2 to eliminate the requirement that hyphens or spaces separate the three parts of identification numbers on vessels. The Division's system cannot accommodate hyphens and spaces on screens used for identification numbers.

Existing rule N.J.A.C. 7:6-1.5 is revised in proposed N.J.A.C. 13:82-8.4 to more accurately portray the information needed on the number applications.

Existing rule N.J.A.C. 7:6-1.7 is revised in proposed N.J.A.C. 13:82-8.6 to reflect an increase in the fee for the issuance of a duplicate registration certificate for a vessel from $1.00 to $3.00.

Existing rule N.J.A.C. 7:6-1.11 has been repealed because it is no longer applicable.

Existing rule N.J.A.C. 7:6-1.13 is revised in proposed N.J.A.C. 13:82-8.11 to require owners of registered vessels to notify the Division within two weeks of legal name changes and to require them to notify the Division within seven, rather than 10 (in existing rule N.J.A.C. 7:6-1.19), days of a change in address.

Existing rule N.J.A.C. 7:6-1.14 is revised in proposed N.J.A.C. 13:82-8.12 to indicate that registration numbers do not need to be removed from a vessel because the fees for the issuance of the registration certificates are not paid.

Existing rule N.J.A.C. 7:6-1.15 is revised in proposed N.J.A.C. 13:82-8.13 to reflect an increase in the duplicate validation sticker fee from $1.00 to $3.00.

Existing rule N.J.A.C. 7:6-1.17 is revised in proposed N.J.A.C. 13:82-8.15 to delete the portion which stated that the propulsion and fuel used will be omitted from the registration certificate for livery boats.

Existing rule N.J.A.C 7:6-1.18 is revised in proposed N.J.A.C 13:82-8.16 to apply to fictitious names as well as addresses.

Existing rule N.J.A.C. 7:6-1.19 is revised in proposed N.J.A.C. 13:82-8.17 to require licensed operators of power vessels or motors to notify the Division within seven, rather than 10, days of a change in address. Existing rule N.J.A.C. 7:6-1.19 has also been amended in proposed N.J.A.C. 13:82-8.17 to require licensed operators of vessels or motors to notify the Division within two weeks of a legal name change.

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Existing rule N.J.A.C. 7:6-1.20 has been repealed. The former rule pertained to the reissuance of original numbers at no fee upon the loss of a boat due to fire, storm, or manufacturing defect.

Existing rule N.J.A.C. 7:6-1.21 is revised in proposed N.J.A.C. 13:82-8.18 to indicate that failure to renew a boat registration within 60 days after its expiration date does not cause the registration number to be removed from the Division's records and necessitate that a new registration number be issued. Proposed N.J.A.C. 13:82-8.18 indicates that a new expiration date may be assigned if the boat registration renewal is more than six months late. In that case, the new expiration date would be 12 months from the application date.

Existing rule N.J.A.C. 7:6-1.43 is revised in proposed N.J.A.C. 13:82-8.19 to adjust the duplicate boat operator's license fee from $0.50 to $3.00. The fee for a photo duplicate is being adjusted to $4.50. Photo licenses are mandatory for boaters under the age of 21.

Existing rule N.J.A.C. 7:6-2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 are being repealed because the enabling statute, N.J.S.A. 12:7-34.47d, has been amended to provide a uniform $1.00 fee for tax exemption certificates rather than a table of varying fees from $8.00 to $300.00 per year. Therefore, these rules are no longer necessary.

Existing rule N.J.A.C. 7:6-4.2 is revised in proposed N.J.A.C. 13:82-8.21 to indicate expiration dates and what constitutes acceptable proof of age and identity for boat-only licenses and boat endorsements. Proposed N.J.A.C. 13:82-8.21 expands the kinds of documents that the Division will accept as proof of age and identity. Proposed N.J.A.C. 13:82-8.21 also extends the proof of age and identity requirements to all applicants for boat licenses and endorsements. The former rule (N.J.A.C. 7:6-4.2) only required proof of age for applicants under the age of 17.

Existing rule N.J.A.C. 7:6-5.1 is revised in proposed N.J.A.C. 13:82-8.22 to indicate that any vessel offered for sale must have a hull identification number. Those vessels without hull identification numbers must be examined by the Bureau of Marine Police before they are assigned hull identification numbers by the Division. Also, the third section of the hull identification number is now the word "HULL"; it is no longer the month and year that the vessel was built.

Social Impact

The proposed new rules will have a positive social impact on the people of the State by continuing and refining the State's regulation of boating activities and the enforcement of the regulations regarding those activities. Recodification of the regulations in Title 13 reflects the legislative reassignment of responsibility for boating from the Department of Environmental Protection and Energy to the Department of Law and Public Safety. The regulations have been revised to provide more uniformity on the various waterways of the State. In this way, boating will be conducted in a safe manner, increasing the enjoyment of all vessel operators, while also protecting the health and property of all persons.

A new regulation on parasailing will permit this recreational activity in certain areas. Parasailing was previously considered as a form of waterskiing and generally prohibited. At the same time, the regulation will ensure the safety of participant and other boaters. The provision which requires a hull examination by the Bureau of Marine Law Enforcement prior to the issuance of a hull identification number by the Division of Motor Vehicles, should help recover stolen vessels and reduce vessel thefts in general.

Economic Impact

Regulations requiring individuals to wear personal flotation devices will have a minor economic impact, in that purchase or rental of such equipment may be required. Any expense will be more than compensated for by the increased safety of wearing such devices. The regulations that are a continuation of the existing operational regulations will have no adverse economic impact because the standards of operation do not require the purchase or rental of any special equipment or impose any fees for operation. The regulations will have a positive economic impact by reducing accidents and injuries and thereby the costs associated with such occurrences.

The only actual fee increases which will result from the proposed regulations are the fee for a duplicate operator's license without a photo will rise from $2.00 to $3.00 and the fee for a duplicate operator's license with a photo will increase from $3.50 to $4.50. A duplicate boat registration will increase from $1.00 to $3.00 and a validated boat sticker will increase from $1.00 to $3.00.

Any other increases in these proposed regulations do not represent actual increases in fees; they represent adjustments to the regulations so that they accurately reflect fees already being charged.

The public will not incur any increased monetary costs when the hulls of their vessels have to be examined by Bureau of Marine Police. The Bureau of Marine Police will examine the hulls of the vessels at no fee to the vessel owner; the Bureau of Marine Police will absorb the cost.

The Division of Motor Vehicles will incur programming costs to adjust fees. Additionally, some forms will have to be changed to comply with the proposed rules.

Regulatory Flexibility Analysis

The proposed new rules would apply to all vessels operated in the State. The Department estimates that of the approximately 200,000 vessels subject to the boating regulations, 5,000 are owned by small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Small businesses would be required to register and title vessels and pay associated fees to the same extent as larger businesses and private individuals. Small businesses will be required to report boating accidents in the same manner as others. All these requirements are imposed by statute and necessitate uniformity of application. Operational regulations impose no additional costs and must apply to all vessels to ensure the safety of the boating public. A small business intending to conduct a commercial parasailing operation will be required to notify the Bureau of Marine Law Enforcement prior to commencement of operation, but no other recordkeeping or reporting requirements are imposed. This requirement also applies to individuals and large businesses.

Under the proposed regulation, small businesses will be required to pay the same registration fees as other businesses and individuals. Duplicate registration fees will be $3.00 per vessel, an increase of $2.00 over the current fee. Duplicate validation stickers will be $3.00 per sticker, an increase of $2.00 over the current fee. A duplicate boat operator's license will be $3.00, an increase of $2.50 over the current fee. A duplicate boat operator's license with a photo will be $4.50. The current regulation does not provide for such a license.

Full text of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 7:6.

Full text of the proposed new rules follows:

CHAPTER 82
BOATING REGULATIONS

SUBCHAPTER 1. EQUIPMENT

13:82-1.1 Scope

The rules in this chapter shall govern the operation of vessels on tidal and nontidal waters of the State of New Jersey.

13:82-1.2 Construction

(a) These rules shall be liberally construed to permit the Department, the Bureau of Marine Law Enforcement and its various agencies to discharge statutory functions.

(b) As used in these rules "Department" refers to the Department of Law and Public Safety, "Commission" refers to the Boat Regulation Commission, and "Bureau" refers to the Marine Law Enforcement Bureau in the Division of State Police.

(c) These rules are to be construed consistent with the Federal Motorboat Act of 1940 (46 U.S.C. 526 et seq.), the Federal Safe Boating Act of 1971 (46 U.S.C. 1451 et seq.), and all regulations adopted under each Act, as amended and as may be amended, and other applicable Federal law or regulation relating to vessels.

13:82-1.3 Equipment

(a) No person shall operate or allow any person to operate any motorboat in or on the waters of this State unless said motorboat is carrying on board the minimum equipment for motorboats as is required in the Federal Boating Act of 1940, the Federal Boat Safety Act of 1971 and/or amendments thereto and as may be amended, including any and all regulations adopted thereunder, amendments thereto and as may be amended.

(b) Whenever such motorboat is in operation, this equipment shall be produced by the operator or the captain of the motorboat upon the request of a law enforcement officer of this State.

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(c) Failure to produce such equipment will be a violation of this section.

13:82-1.4 Lifesaving devices

No person shall operate or allow any person to operate any vessel in or on the waters of this State unless such vessel has a serviceable United States Coast Guard approved personal flotation device (PFD) for each person on board. Such PFD's shall be of the type(s) and number(s) required by the United States Coast Guard for a vessel of that class operating on navigable waters. Such PFD's shall be readily accessible when the vessel is underway. This rule includes all vessels except surfboards, racing shells, rowing sculls and racing kayaks.

13:82-1.5 Rotating lights

(a) No vessel shall display a rotating or sequential flashing light except as provided in this section.

(b) Any law enforcement or emergency vessel may display a rotating blue light beacon.

(c) Any vessel engaged in activity recognized by the Coast Guard as being eligible for its use may display a rotating red and yellow light.

13:82-1.6 Siren

No vessel shall be equipped with, nor shall any person use upon a vessel, any siren except as otherwise permitted in this section. It is permissible that any vessel be equipped with a theft alarm signal device which is so arranged that it cannot be used by the operator as an ordinary warning signal. This section shall not apply to any vessel operated by or for the Department, a first aid squad, a police or fire Department.

13:82-1.7 Speed

(a) No person shall operate a power vessel or allow a power vessel to be operated in a manner where the speed of the power vessel may cause danger or injury to life or limb or damage to property. The speed of every power vessel shall be regulated so as to avoid the risk of damage or injury by any means, from the power vessel's wake.

(b) All power vessels shall reduce their speed to a slow speed when passing:

1. Any marina, pier, dock or wharf at a distance of 200 feet or less, except on Lake Hopatcong, which shall be in accordance with N.J.A.C. 13:82-3.11;

2. Work barges or work floats while actually engaged in construction;

3. Through bridge spans;

4. Through lagoons, canals and confined areas of less than 200 feet in width;

5. Vessels not under command; or

6. Emergency vessels displaying sequential flashing or rotating blue lights.

(c) "Slow speed" as used in this section is defined as the speed at which a power vessel moves through the water and is able to maintain minimum headway in relation to the vessel or structure being passed. "No wake" as used in this subsection shall mean the speed at which a power vessel moves through the water while maintaining minimum headway and producing the minimum wake possible.

(d) All power vessels, when moving through an area that has been marked a "Slow Speed/No Wake" area either by buoys or by signs with those words, shall move only at a no-wake speed. No vessel may be operated on plane or at other than minimum headway speed while in a "Slow Speed/No Wake" area.

13:82-1.8 Rules of the road

All vessels navigating the waters of this State shall comply with the inland rules of the road as set forth by the Coast Guard, except where the international rules of the road are applicable.

13:82-1.9 **Anchoring near aid to navigation**

No person shall anchor or cause to be anchored, tie or cause to be tied any power vessel, rowboat, sailboat, canoe, or any other vessel to or within a radius of 50 feet of any light, beacon, buoy, or any other aid to navigation, except in an emergency. This section shall not apply to vessels operated by the State or Federal Government for the maintenance, replacement or survey of navigation aids.

13:82-1.10 Anchoring in channels

(a) No person shall operate any vessel in a manner which shall unreasonably interfere with other vessels or with free and proper navigation of the waterways.

(b) Anchoring in heavily traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

(c) No person shall tie up or anchor vessels or other craft in navigable channels in such a manner as to prevent or obstruct the passage of other vessels or craft, or carelessly sink or permit or cause to be sunk, or except in an emergency, voluntarily sink or permit or cause to be sunk a vessel or other craft in a navigable channel.

13:82-1.11 Transversing race course

No boat shall move across the course or around the course of any such race or regatta so as to create a water condition which shall unnecessarily endanger the life, limb or craft of those competing in the race or regatta.

13:82-1.12 Obeying orders

No person shall fail to stop or lay to when ordered to do so by any Marine Patrolman or other law enforcement officer.

13:82-1.13 Riders

(a) The operator of a power vessel shall not allow any person to ride in any position that would unduly endanger life or limb nor allow passengers or cargo in excess of the maximum capacity stated on the manufacturer's or U.S. Coast Guard information label.

1. This prohibition includes, but is not limited to, any position where the person may be in grave danger of falling overboard.

2. This prohibition excludes all positions which may be necessary for the operation or safety of the vessel.

13:82-1.14 Altered motor numbers

Any person who shall have in his or her possession, any motor, whether inboard or outboard, the motor number of which has been altered or mutilated, or who shall come into possession of such a motor, shall at once file in writing with the Bureau a statement setting forth all circumstances in connection with his or her possession of such motor.

13:82-1.15 Lanyard cut-off switch

The operator of a vessel equipped with a lanyard cut-off switch shall wear the safety switch lanyard at all times when the vessel is in operation.

13:82-1.16 Exclusion of racing events

The provisions of this subchapter shall not apply to any vessel or to any operator while actually competing in an authorized race as in N.J.A.C. 13:82-4.6, held under the auspices of a duly incorporated yacht club or racing association.

13:82-1.17 Finding

(a) Any person finding, recovering or coming into possession of any vessel other than through normal purchase, loan, rental, charter, or gift, shall notify the Bureau within 24 hours.

(b) The notification shall include a description of the vessel and the specific location where it was found or recovered.

13:82-1.18 Vessels carrying passengers for hire

(a) Any owner of a power vessel carrying passengers for hire, applying for a license for such vessel, shall notify the Bureau at least 10 days before launching such vessel, so as to afford an examination of the hull. All such vessels now in use and for which a license is to be applied for shall be dry-docked to permit an examination of its hull before the license may be issued.

(b) On all power vessels carrying passengers for hire, the pilot shall be stationed in such a position that he has a clear and unobstructed view for at least 500 feet forward over the bow of his or her vessel. All such vessels shall be equipped with a reverse gear.

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13:82-1.19 Obstruction to navigation

Unless permitted in writing by the Bureau of Navigation in the Department of Environmental Protection and Energy, no person shall place, anchor, or construct or cause to be placed, anchored or constructed, any float, or diving platform more than 25 feet from shore unless the same be properly marked by warning lights, which lights shall be approved by the Bureau, between the hours of sunset and sunrise.

13:82-1.20 Nonlicensed operator

Any person owning a power vessel or motor shall not knowingly allow it to be operated by a nonlicensed operator in waters where a license is required.

SUBCHAPTER 2. REPORTING OF BOATING ACCIDENTS

13:82-2.1 Reporting of boating accidents

(a) Pursuant to N.J.S.A. 12:7-34.46, 46 U.S.C. 1451 et seq., and 33 CFR 173.1 et seq., all boating accidents in which a person loses consciousness or receives medical treatment or is disabled for more than 24 hours, shall be reported to the Bureau within 48 hours. Such reports shall be in writing on forms furnished by the Bureau.

(b) In addition to the written report, required within 48 hours, when as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel or its equipment, the operator shall, without delay, by the quickest means available, notify the nearest Marine Police station of the following:

1. The date, time and exact location of the occurrence;
2. The name of each person who died or disappeared;
3. The number and name of the vessel; and
4. The name and addresses of the owner and operator.

(c) When the operator of a vessel cannot give the notice or file the report required by (a) or (b) above, each person on board the vessel shall notify the New Jersey Marine Police station or determine that the notice has been given or the report has been filed.

(d) If damage to the vessel and other property totals more than $100.00, a written report shall be made within 15 days on forms furnished by the new Jersey Marine Police.

(e) The written report required in (a), (b) and (d) above shall include the following information:

1. The numbers and names of each vessel involved;
2. The name and address of each owner of each vessel involved;
3. The name of the nearest city or town, the county, the State and the body of water;
4. The time and the date of the casualty or accident;
5. The location on the water;
6. The visibility, weather and water conditions;
7. The estimated air and water temperatures;
8. The name, address, age or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report;
9. The name and address of each operator of each vessel involved;
10. The number of persons on board or towed on skis by each vessel;
11. The name, address, and date of birth of each person injured or killed;
12. The cause of each death;
13. Weather forecasts available to, and weather reports used by the operator before and during the use of the vessel;
14. The name and address of each owner of property involved;
15. The availability and use of personal flotation devices;
16. The type and amount of each fire extinguisher used;
17. The nature and extent of each injury;
18. A description of all property damage with an estimate of the cost of all repairs;
19. A description of each equipment failure that caused or contributed to the cause of the casualty;
20. A description of the vessel casualty or accident;
21. The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other), and the type of accident (capsizing, sinking, fire or explosion or other);
22. The opinion of the person making the report as to the cause of the casualty;
23. The make, model, type (open cabin, house or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel;
24. The name, address, and telephone number of each witness;
25. The issued hull identification number, if any of the reporting operator's vessel; and
26. The name, address, and telephone number of the person submitting the report.

(f) When the operator of a vessel or other persons aboard cannot submit the casualty or accident report as required, the owner of the vessel shall submit the casualty or accident report.

SUBCHAPTER 3. OPERATIONAL REGULATIONS

13:82-3.1 General provisions

(a) "Waterskiing" is defined as anything with a rider being towed by a power vessel by means of a tow rope, tow line, or training boom, except another vessel being towed.

(b) All power vessels conducting waterskiing operations shall, while underway, keep at least 200 feet distant from any shore, wharf, pier, bridge structure, abutment, channel buoys, day markers, or persons in the water, and 100 feet from other vessels, except specifically provided otherwise in these regulations.

(c) All power vessels conducting waterskiing operations shall have a crew of at least two persons, one of whom shall be a competent observer, and shall have adequate space on the vessel for the waterskiing participant.

(d) Tow lines shall be not less than 35 feet nor more than 75 feet in length.

(e) Waterskiing is permitted only between sunrise and sunset, except as specifically provided otherwise in these regulations.

(f) Waterskiiers shall wear a United States Coast Guard approved Type I, II, III or Type V Hybrid personal flotation device, except that a barefoot wetsuit may be worn during sanctioned competitions or shows and while training for such events, as long as there is a United States Coast Guard approved wearable personal flotation device on board the vessel for each skier.

(g) All ski boats shall display a signal pennant, which shall be orange in color and triangular in shape and not less than 12 inches on any dimension.

1. Said pennant shall be displayed at least four feet above the highest structure on the boat during each of the following activities:
   i. While pulling or retrieving a skier;
   ii. While a skier is in the water; or
   iii. While a tow line is in the water.
2. A person shall not display the pennant at any time other than while conducting any of the activities described in this subsection.

(h) The Commission may, upon application, waive any one or more of the above requirements for events of public entertainment on any wholly-owned private lake, provided that it finds the event to be consistent with the interests of boating safety.

13:82-3.2 Beaver Dam Creek, Point Pleasant and Brick Town, Ocean County

No skiing shall be permitted in the north and south branches of Beaver Dam Creek west of Beaver Dam Road bridge.

13:82-3.3 Deal Lake, Monmouth County

(a) Water-skiing is permitted east of the Main Street bridge only.

(b) Skiing under Norwood Avenue bridge is prohibited.

(c) Tow lines shall not exceed 65 feet in length.

(d) Barefoot skiing, kite flying, para-sailing and ski-jumping are prohibited, except for specific exhibitions requiring a permit from the State of New Jersey, as required by law.

13:82-3.4 Grinnel Lake, Sussex County

(a) A maximum of two power vessels each towing a single skier shall be allowed on the ski course simultaneously.

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(b) The skiing course is established as follows:

1. Commencing at a point approximately 100 feet south of Risse's point running in a counterclockwise direction.

2. Commencing at a point approximately 100 feet north of the northern shore of the island and continuing in a circle in a counterclockwise direction.

3. The course shall be identified by white styrofoam markers placed at approximately 200 foot intervals.

4. An orange flag will designate the starting point which will also be the finishing point.

(c) The tow line shall not exceed 65 feet in length.

(d) Vessels towing skiers shall proceed in counterclockwise pattern around the lake and the island, and in the narrow area behind the island the skier shall remain directly behind the vessel.

(e) Under no circumstances will skiing be permitted between the "island" and the Lehigh and Hudson Railroad embankment.

(f) Skiing hours are as follows:

1. Weekdays—11:00 A.M. to 6:00 P.M.;

2. Saturday, Sunday, and holidays—10:00 A.M. to 12:00 P.M.; 2:00 P.M. to 5:00 P.M.

(g) Barefoot skiing, kite flying, para-sailing and ski-jumping are prohibited, except for specific exhibitions requiring a permit from the State of New Jersey as required by law.

13:82-3.5 Indian Lake, Morris County

(a) Water-skiing is prohibited before 8:00 A.M. and after sunset.

(b) All water-ski riders shall start all operations and terminate all operations at a single designated point.

1. The designated point is to be within wading distance of shore in the area known as "Monkey Island."

2. This requirement is not to be interpreted as to prohibit normal pickup of a spilled water-skier.

(c) Seven red marker buoys are to be placed and maintained in a central location on the waters of Indian Lake, around which all vessels will proceed counterclockwise, keeping said buoys on the left.

(d) Barefoot skiing, kite flying, parasail and ski jumping are prohibited, except for specific exhibitions requiring a permit from the State of New Jersey, as required by law.

13:82-3.6 Paulinskill Lake, Sussex County

(a) Water-skiing shall be permitted on Paulinskill Lake only within the designated ski course as described below.

1. The skiing course shall commence at a point approximately 2,000 feet northeast of Beach No. 2 and run in a northerly direction on a line established in the center of the lake, to a point at the northeastern end of the Paulinskill Lake Association tract (said point is also known and designated as the southwestern end of the Lennington or campground tract); thence turn 180 degrees and run in a southwesterly direction along the center of a lake to the finish point which shall be at approximately the same point as the starting area designated as 2,000 feet northeast of Beach No. 2.

2. The ski course described in (a)1 above, including the start, stop and turning areas, will be identified by marker buoys.

(b) Skiing hours are designated as follows:

1. Weekdays—10:00 A.M. to sunset;

2. Saturday, Sunday and Holidays—12:00 Noon to sunset.

(c) A skier shall begin the course at the designated start area and continue on the right hand side of the center line in a counterclockwise direction.

(d) Turning shall be permitted only in the designated areas except when retrieving a fallen skier.

(e) A boat with a skier just starting the course shall yield the right of way to a boat and skier turning to repeat the course.

(f) A boat with a skier may continue around the ski course as many times as desired, turning in the designated areas.

(g) When more than one boat is on the ski course at the same time, each boat shall maintain a distance of at least 1,000 feet between itself and the boat in front of it.

(h) No boat shall pass a boat with a fallen skier unless signaled to do so by an occupant of that boat.

(i) A slalom course is established and located directly in front of the parallel to Beach No. 2. The starting area shall be a point 250 feet northeast of Beach No. 1. Turning areas shall be located approximately 250 feet northeast of Beach No. 1 and 1,000 feet northeast of Beach No. 2.

1. Slalom hours shall be as follows:

i. Weekdays—6:00 A.M. to sunset;

ii. Weekends and holidays—8:00 A.M. to 12:00 Noon.

(j) A maximum of six power vessels shall be allowed on the ski course simultaneously.

1. When proceeding in the same direction, these vessels shall remain a minimum of 1,000 feet apart.

2. In the event the lead skier falls, the vessel following shall stop and remain in place until the fallen skier has regained skiing position or boarded a vessel.

3. When one vessel is towing two or more skiers, no other vessels towing skiers shall be permitted on the ski course.

(k) The luminous painted barrel designating the starting and/or finishing point at the eastern or western boundary of the course and the luminous painted barrel designating the turning point at the western boundary of the course will be removed from the lake during the hours between sunset and sunrise. This requirement may be eliminated if a blinking amber light is mounted on the barrels.

(l) Barefoot skiing, kite flying, parasail and ski jumping are prohibited, except for specific exhibitions requiring a permit from the State of New Jersey as provided by law.

(m) The use of the most easterly beach will be allowed as a take-off point and return point between the hours of 9:30 A.M. and 10:30 A.M. for a ski school or training class, as a practice area.

13:82-3.7 Grover's Mill Pond, Mercer County

(a) No power vessel powered by a motor in excess of 7½ horsepower, shall be operated on Grover's Mill Pond, Mercer County.

(b) No power vessel shall be operated upon Grover's Mill Pond between the hours of 11:00 P.M. and 7:00 A.M.

(c) No waterskiing shall be permitted on Grover's Mill Pond at any time.

13:82-3.8 Lake Mohawk, Sussex County

(a) No waterskiing shall be permitted in Tamarack Cove, Turtle Cove, Three Finger Cove or the South End Cove of the lake.

(b) No waterskiing shall be permitted to the west of Manitou Island north and south of Manitou Bridge.

(c) Power vessels shall not exceed a speed of 10 miles per hour from sunset to sunrise anywhere on the lake.

(d) Power vessels shall not exceed a speed of five miles per hour—no wake—in Tamarack Cove, Turtle Cove, Three Finger Cove or the South End Cove of the lake.

(e) Power vessels shall not exceed five miles per hour—no wake—within 200 feet of any shore, wharf, pier, bridge structure, or abutment, clock, floating float of any kind, or floating swimming and diving platform.

(f) Power boats shall not exceed a speed of 35 miles per hour between sunrise and sunset except for specific exhibitions requiring a permit from the State of New Jersey.

(g) All power vessels towing ski or aquaplane riders shall keep at least 200 feet distance from any other craft.

(h) Waterskiing or aquaplane or towing of skiers or aquaplanes shall be permitted only during the hours between 9:00 A.M. and sunset.

(i) Barefoot skiing, balloon skiing, kite flying skiing, hydrofoil skiing, motor operated ski skiing, parasail skiing and ski jumping are prohibited except for specific exhibitions requiring a permit from the State of New Jersey.

13:82-3.9 South Branch of Kettle Creek, Ocean County

(a) No waterskiing shall be permitted in the south branch of Kettle Creek.

(b) Waterskiing is prohibited west of a line, if extended, from the easterly end of Queen Ann Road (Bay Harbor Estates), Brick Township, to 224 Kettle Creek Road (Lot 30, Block 254) in Dover Township.

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13:82-3.10 Shrewsbury and Navesink Rivers and Adjacent Areas; Tidal Waters

(a) No waterskiing shall be permitted in the following waterway areas of Shrewsbury and Navesink Rivers and adjacent areas:

1. Between northern limit Buoys No. 10 and No. 11 at Highlands to Buoys No. 28 at Rumson; thence to Buoys No. 5 off Barley Point;

2. From Buoys No. 10 southerly through Monmouth Beach Channel and Cove;

3. From Buoys No. 28 through area between Gunning Island and Rumson including entire area of Oyster Bay of Pollys Pond.

(b) The right is reserved to amend these rules and regulations to cover more extensive areas as conditions warrant.

(c) All operations of power vessels towing ski or aquaplane riders while underway must at all times keep at least 100 feet from any shore, wharf, pier, bridge structures, or abutment, or persons in the water.

(d) In passing another boat the operator thereof must keep at least 100 feet distance from any other craft.

(e) Water-skiing or aquaplaning or towing of skis or aquaplane will be permitted only during the hours between sunrise and sunset.

(f) The provisions of (b) through (g) above apply to all tidal waters.

13:82-3.11 Lake Hopatcong, Sussex and Morris County

(a) From May 15 through September 15 of each calendar year, no person shall waterski on Saturdays, Sundays or holidays between the hours of 11:00 A.M. and 5:00 P.M. in the following areas:

1. Byram Cove;

2. Between Raccoon Island and Prospect Point;

3. Between Prospect Point and Halsey Island;

4. Woodport Cove;

5. Between Halsey Island and Racoon Island.

(b) No boat shall pull more than two skiers at any one time on Saturdays, Sundays or holidays from May 15 through September 15 of any year except when participating in an exhibition or race sanctioned by the United States Coast Guard or State Police.

(c) The ski boat shall not be loaded beyond the manufacturer's recommended capacity. For purposes of this subsection, the skier, or skiers, shall be included when determining the number of passengers in the boat.

(d) While towing a skier, the operator of the vessel shall maintain a distance from any shore, structure, buoy, person in the water, vessel or other object, of not less than the length of the tow line plus 100 feet.

(e) The ski boat operator shall, when a skier has fallen, or has otherwise become disconnected from the tow line, reduce speed and return to the skier in a safe and reasonable manner.

(f) The dropping of skis for the purpose of barefoot or slalom skiing is prohibited, unless the ski is immediately retrieved by a following vessel.

(g) No vessel shall be operated upon Lake Hopatcong between the hours of sunset and sunrise at a speed in excess of 10 miles per hour.

(h) No vessel shall be operated upon Lake Hopatcong on Saturdays, Sundays or legal holidays between May 15 and September 15 at a speed in excess of 30 miles per hour.

(i) No vessel shall be operated at a speed in excess of five miles per hour within 100 feet of shore, any wharf, pier, bridge, dock structure, buoy or person in the water or designated bathing area which is marked by buoys.

(j) No vessel shall be operated at such a speed that shall cause 100 percent of the hull to come out of the water. Operation of the vessel in such a manner shall constitute, without further proof, careless operation. An exception to this requirement will be allowed for operation during authorized races sanctioned by the United States Coast Guard, New Jersey State Police, or with a race test permit issued by the State Police.

(k) When the water level reaches the Extreme High Water Level (Elevation 924.20 feet) or when the gauge at the dam in Hopatcong State Park reads 9.5, a "Slow Speed—No Wake" condition shall exist.

13:82-3.12 Budd Lake, Morris County

(a) The ski boat operator shall, when a skier has fallen or has otherwise become disconnected from the tow line, reduce speed and return to the skier in a safe and reasonable manner.

(b) The dropping of skis for the purpose of barefoot or slalom skiing is prohibited, unless the ski is immediately retrieved by a following vessel.

(c) No vessel shall be operated on Budd Lake on Saturdays, Sundays, and legal holidays between May 15 and September 15, at a speed in excess of 35 miles per hour, from sunrise to sunset.

(d) No vessel shall be operated on Budd Lake between the hours of sunset and sunrise at a speed in excess of 15 miles per hour.

(e) Any applicant for a permit from the Bureau for a race or regatta shall submit an application to the Township Clerk, who shall then submit such application to the Bureau with any comments or recommendations from the Township.

(f) No vessel shall be operated at such a speed that shall cause 100 percent of the hull to come out of the water, except in the case of a race or regatta, where permitted by the rules of such race or regatta.

(g) No vessel shall be operated at a speed in excess of five miles per hour within 50 feet of any shore, wharf, pier, bridge, dock structure, buoy, or person in the water or designated bathing areas which are marked by buoys.

(h) A distance of at least 30 feet shall be maintained between all vessels operating at speeds in excess of five miles per hour.

(i) No person shall operate a personal watercraft on Budd Lake on Saturdays, Sundays or legal holidays between May 15 and September 15.

13:82-3.13 Operation on Greenwood Lake

(a) A person shall not operate a vessel on Greenwood Lake, Passaic County, in such a way as to unreasonably interfere with or endanger any other vessel or person. Every vessel operated on Greenwood Lake shall be operated in a careful and prudent manner.

(b) A vessel shall not be operated upon Greenwood Lake at a speed exceeding 45 miles per hour.

(c) A vessel shall not be operated upon Greenwood Lake at a speed exceeding 15 miles per hour between one-half hour after sunset and one-half hour before sunrise.

(d) A vessel shall not be operated upon Greenwood Lake within 200 feet of shore, a dock, pier, raft or float, or an anchored or moored vessel at a speed exceeding five miles per hour.

(e) The provisions of this section shall not apply to any vessel or to any person operating a vessel while actually competing in an authorized race or regatta.

13:82-3.14 Operation on Cranberry Lake

(a) Subject to the restrictions imposed by (b) below, vessels operating on Cranberry Lake shall not exceed a speed of 35 miles per hour.

(b) No person shall operate a vessel at a speed in excess of five miles per hour between sunset and sunrise or at any time in the following areas:

1. In front of the clubhouse and extending north of the bridge into Laurel Cove;

2. Between Rose's Beach and Rock Island;

3. In Weaver House Cove;

4. Within 100 feet of any shore, any wharf, pier, bridge, dock structure, buoy or person in the water or designated bathing area which is marked by buoys.

(c) Any person swimming or using a raft, tube or other floatation device shall be accompanied by a boat escort unless such person is not more than 75 feet from the shore or is in an area in which vessel speed is limited to five miles per hour.

13:82-3.15 Seven Presidents Park, Long Branch, Monmouth County

(a) Between Memorial Day weekend and Labor Day, no person shall operate a personal watercraft, power vessel or any other type of vessel (hereinafter referred to as watercraft) within the outer (eastern) most boundaries of the jetties located at Seven Presidents Park, Long Branch, Monmouth County, with the exception of water-

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craft entering and egressing the boat launch area. Those watercraft entering and egressing the boat launch area are to stay within the entry-egress lane as designated on site and are to maintain a speed no faster than that which is required to safely navigate the surf.

13:82-3.16 Upper Greenwood Lake

(a) No water-skiing shall be permitted around Blueberry Island, Carters Island and Snake Island at the northeast end of the lake or in the Mount Laurel section cove in the southeast section of the lake.

(b) Personal watercraft shall be prohibited from the Mount Laurel section cove in the southeast section of the lake.

(c) All vessels shall maintain slow speed no wake around Blueberry Island, Carters Island and Snake Island at the northeast end of the lake, and in the Mount Laurel section cove in the southeast section of the lake.

(d) No vessel shall be operated on Upper Greenwood Lake on Saturdays, Sundays and legal holidays at a speed in excess of 30 miles per hour. Between sunset and sunrise, no vessel shall be operated at a speed in excess of 10 miles per hour.

13:82-3.17 Diving and swimming

(a) General provisions with respect to diving and swimming are as follows:

1. Underwater diving with or without an underwater apparatus is permitted in all navigable waters in New Jersey unless otherwise prohibited in this section.

2. Any person while diving shall mark his or her position with a buoyed flag approved by the New Jersey Boat Regulation Commission:

i. Such flag shall be displayed so that it is visible all around the horizon from a buoy, float, boat or other floating object;

ii. Such flag shall be a minimum of 14 inches by 16 inches, shall be rigid to enhance visibility and shall be a red background with a white diagonal stripe running from one corner to the other.

3. No person shall operate a vessel within 50 feet of the buoyed flag.

4. No person shall display a flag at times other than when diving is in progress.

5. No person shall swim or dive in a narrow, confined or improved channel or in a marked fairway, under a bridge, or impede, obstruct or interfere with passage of watercraft therein.

6. No diver shall surface more than 25 feet from the buoyed flag except in an emergency.

(b) Provisions for Manasquan Inlet are as follows:

1. Underwater diving shall be permitted in the Manasquan Inlet only within 50 feet from the stone jetties and bulkheads.

2. Underwater diving is permitted only in the area east of an imaginary line drawn from Ocean Avenue, Point Pleasant Beach, extended to a point across the inlet at First Avenue, Manasquan.

(c) Provisions for Barnegat Inlet are as follows:

1. Except as provided in this subsection, no person or persons shall, while engaged in gogglefishing, spearfishing or skin diving, enter into any navigable channel or approach within 200 feet of any boat anchored or underway within the water adjacent to the land areas of the Borough of Barnegat Light.

2. No person shall dive in any of the waters of the Barnegat Inlet channel.

3. Skin and Scuba diving is permitted from the north and south jetties, but no person shall dive further than 25 feet from the rock jetty or bulkhead.

4. No person shall dive within Barnegat Inlet between 8:00 A.M. and 5:00 P.M. on Saturdays and Sundays from June 1 to September 30.

5. A diver shall mark his or her position with a float and skin diver's flag.

6. Only "buddy diving" shall be permitted in the Barnegat Inlet.

7. Recreational diving is prohibited within 100 feet of the north monument.

8. Recreational diving is prohibited within the inlet when the current is at flood.

(d) Provisions for Shark River Inlet are as follows:

1. Underwater diving is permitted in the Shark River Inlet in that area which lies east of a line extending from the northwest end of A Street in Belmar to the southeast end of First Avenue in Avon.

2. Divers shall stay within 25 feet of the jetties and bulkheads in the area described.

3. A diver shall mark his or her position with a float and skin diver's flag.

4. No diver shall surface more than 15 feet from the buoyed flag except in an emergency.

5. No underwater diving shall be permitted in Shark River Inlet between the hours of 8:00 A.M. and 5:30 P.M. during the period each year commencing May 1 terminating October 1.

SUBCHAPTER 4. WATERCRAFT NOISE CONTROL

13:82-4.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Department" means the Department of Law and Public Safety, Division of State Police.

"Person" means any corporation, company, association, society, firm, partnership and joint stock company, as well as individuals, and shall include the State and all its political subdivisions and any agencies and instrumentalities thereof.

"Vessel" means a boat or watercraft other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

13:82-4.2 Noise limitation provisions

(a) No person shall operate or give permission for the operation of any vessel or watercraft capable of emitting noise totalling in excess of 90 dba in or upon the waters of this State.

(b) Measurements shall be made by a sound level meter which satisifies ANSI-S 1.4, type 2, or equivalent, and is certified by the Department of Environmental Protection and Energy, Office of Noise Control, with reference, as applicable, to standards of the New Jersey Office of Weights and Measures or the National Bureau of Standards or both, or by other competent authority designated by the Office of Noise Control.

(c) The noise emission test measurement shall be made with the sound level meter at a distance of not less than four feet above the water at a point where the transom gunwale and port or starboard gunwale intersects. The vessel being tested shall operate its engine at the lowest throttle setting in neutral gear. In the case of a vessel with multiple engines, said engines shall operate together at the lowest throttle setting in neutral gear. Personal watercraft, jet boats, and all other vessels which have no neutral gear shall operate at the lowest throttle setting with minimum or no headway motion.

(d) Any marine police officer or other law enforcement officer certified by the Office of Noise Control with a reason to suspect that a vessel is exceeding the noise limitation may require the operator to submit to a noise emissions test as described in (b) and (c) above.

(e) Any person who fails to comply with the directive to submit to a noise emissions test shall be ordered to immediately return the vessel to its mooring and cease operations and shall be subject to the penalty for violation of those regulations.

(f) The noise limitation provisions of this section shall not apply to vessels registered and actually participating in racing events or tune-up periods for such racing events, when authorized by the Department or by any other public authority with the Department's approval. Tune-up periods approved pursuant to this section shall be limited as follows:

1. Before any race boat is tested, the driver shall secure a Race Test Permit form the New Jersey State Police Marine Bureau.

2. Before the permit is issued, the New Jersey State Police Marine Bureau shall obtain a statement from the applicant which shall include the following:

i. The name and address of the driver;

ii. The type and a description of the boat;

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iii. The area of the test;

iv. The name and address of the boat's owner;

v. The date and location of the next race in which the operator will compete; and

vi. Any other information deemed necessary by the New Jersey State Police Marine Bureau Station Commander.

3. From May 15 through October 1, there shall be no race tests permitted on Saturday, Sunday or holiday.

4. All race tests shall be conducted between the hours of 10:00 A.M. and sunset.

5. All race tests shall be limited to a total test period of 20 minutes on the water.

6. There shall be a maximum five race tests in any seven day period.

7. No driver shall be permitted more than five race tests in any seven day period.

8. No boat shall be tested more than five times in any seven day period.

9. The provisions of (f)3, 6, 7 and 8 above shall not apply on a body of water in the three day period immediately preceding a race on that body of water. Subject to such restrictions as may be imposed by the U.S. Coast Guard or the New Jersey State Police Marine Bureau, testing on days of sanctioned race may begin two hours before the start of the first race.

10. The Station Commander, New Jersey State Police Marine Bureau, is authorized to deny or cancel any permit issued by the Bureau for the reasons of boat traffic, poor weather, confined area, or other valid reason.

13:82-4.3 Muffling device

Every outboard motor, inboard motor or inboard/outboard motor in use or attached to a vessel operating on the waters of this State shall be equipped with a muffling system as supplied by the manufacturer or installed by the owner. The muffling system shall be maintained in good working order at all times. An exception to this requirement will be allowed for operation during authorized races sanctioned by the United States Coast Guard, New Jersey State Police, or other operation with a race test permit issued by the State Police.

13:82-4.4 Use of cutouts

(a) The use of cutouts, removal of mufflers, cutting or punching holes in mufflers is prohibited.

(b) Mufflers may be removed and cutouts opened only where such boats are actually engaged in a lawfully conducted race or during such tuning-up period as the Department may assign thereto.

13:82-4.5 Owner's permission

No person shall operate or tamper with any vessel or its motor without the owner's permission.

13:82-4.6 Racing events

(a) Every incorporated yacht club or racing association, before holding or conducting races or regattas, whether for, or both, shall first secure a permit to hold such races from the Bureau.

(b) Application for such permit shall be made in writing to the Bureau at least 20 days prior to the race or regatta, and no such race or regatta shall be conducted unless a permit shall have been received from the Bureau.

(c) Any such permit shall include such requirements as will tend to insure the safety of those competing and the safety of other craft, during such regatta or race, including the tuning-up period before, as shall be prescribed by the Department. All boats not competing, except official boats, shall remain anchored during the running of the events of the race or regatta.

SUBCHAPTER 5. PERSONAL WATERCRAFT

13:82-5.1 Scope

The rules in this subchapter shall govern the operation of personal watercraft operating on the waters of New Jersey. These rules are in addition to all other applicable laws, rules and regulations governing power vessels.

13:82-5.2 Definition of personal watercraft

(a) "Personal watercraft" means a power vessel which:

1. Is designed to be operated by a person or persons, sitting, standing or kneeling; and

2. Uses an internal combustion engine to power a water jet pump which propels the vessel through the water.

13:82-5.3 Operation limitations

(a) A person shall not operate a personal watercraft during the hours between sunset and sunrise or during the times of restricted visibility.

(b) A person shall not operate a personal watercraft in the confines of the Point Pleasant Canal.

(c) A person shall not operate a personal watercraft within the Cape May Canal.

(d) A personal watercraft shall at all times proceed at a safe speed so that it can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

(e) A person shall not operate a personal watercraft in such a manner so as to become airborne or completely leave the water while crossing the wake of another vessel within 100 feet of the vessel creating the wake.

(f) A person shall not operate a personal watercraft within 50 feet of a bathing beach that has its boundaries marked by buoys or signs.

(g) A person shall not operate a personal watercraft above idle speed within 50 feet of the shoreline or 50 feet from a person in the water.

(h) A person shall not tow a waterskier or any device with a personal watercraft.

(i) Any person operating a personal watercraft and any passenger on a personal watercraft shall at all times, when the personal watercraft is in operation, wear a United States Coast Guard Approved Type I, II, III, or V Hybrid Flotation Device.

SUBCHAPTER 6. PARASAILING

13:82-6.1 Scope

Parasailing, as defined in N.J.A.C. 13:82-6.2, is permitted on the waters of the State, except where prohibited by this subchapter or by local ordinance.

13:82-6.2 Definition of parasailing

"Parasailing" is an operation conducted with a vessel designed by the manufacturer for parasailing, equipped with a rear launch platform and hydraulic winch used to release a towline connected to a rider fitted with a personal flotation device secured in a seat harness connected to the towline and an ascending type of parachute. The rider ascends into the air by the towline extended from the vessel and remains suspended in the air as the vessel runs its course.

13:82-6.3 Operation

(a) All commercial parasail operators are required to have a Captain's License for carrying passengers for hire issued by the United States Coast Guard.

(b) All parasailing operations shall include an observer 18 years of age or older at all times to monitor the progress of the airborne parasail rider and parachute.

(c) All parasail riders shall wear a United States Coast Guard approved Type I, II, or III personal flotation device.

(d) Parasailing conducted in the Atlantic Ocean shall be restricted to not less than one-half nautical mile from the shore.

(e) No parasailing shall be permitted within 600 feet of a bridge span, concrete bridge supports, barriers, other vessels, or persons in the water.

(f) Parasailing shall be prohibited on bodies of water less than 1200 feet in width from shore to shore.

(g) All parasail towing vessels shall be equipped with a VHF radio.

(h) Parasailing shall only be conducted from one-half hour after sunrise to one-half hour before sunset, and at no time during restricted visibility.

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(i) Parasailing is prohibited when small craft advisories are in effect.

(j) Tow lines shall not exceed 500 feet in length.

(k) Individuals intending to engage in parasailing shall notify the Marine Law Enforcement Bureau station nearest the area of operation 24 hours in advance. Commercial operators shall notify the Marine Law Enforcement Bureau at least 10 days in advance of the commencement of annual operations.

(l) Parasail operators shall only launch and land riders from the flight deck of the vessels.

(m) Advertisement banner flying is prohibited.

SUBCHAPTER 7. MOTOR VEHICLES ON ICE-COVERED WATERS

13:82-7.1 Scope

The following rules in this subchapter shall govern the operation of motor vehicles on ice-covered waters of New Jersey.

13:82-7.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"All-terrain vehicle" means a motor vehicle, designed to travel over all terrain, of a type possessing between three and six rubber tires and powered by a gasoline engine not exceeding 400 cubic centimeters, but shall not include golfcarts.

"Snowmobile" means any motor vehicle designed primarily to travel over ice or snow, of a type which uses sled-type runners, skis, and endless belt, tread, cleats, or any combination of those or other similar means of contact with the surface upon which is operated, but does not include any farm tractor, highway or other construction equipment or any military vehicle.

13:82-7.3 Prohibited operation

No person shall operate a motor vehicle, other than a snowmobile or all-terrain vehicle, upon the ice-covered waters of this State at any time. Operators and passengers on a snowmobile or all-terrain vehicle shall wear a Coast Guard approved Type I, Type II, Type III or Type V Hybrid personal flotation device while on ice-covered waters.

13:82-7.4 Violations

Violations of this subchapter shall be subject to penalties as provided by N.J.S.A. 12:7-34.51.

SUBCHAPTER 8. REGISTRATION AND LICENSING

13:82-8.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Bureau" means the Bureau of Marine Police in the Division of State Police.

"Director" means the Director of the Division of Motor Vehicles.

"Division" means the Division of Motor Vehicles.

"Register," "registration" and "registration certificate" as used in this subchapter are the equivalent of the terms "number," "numbering" and "certificate of number" which are used in the amended "New Jersey Boat Act of 1962" which is found at N.J.S.A. 12:7-34.36 et seq.

13:82-8.2 Numbering pattern

(a) The following numbering pattern for boats under the New Jersey numbering pattern is hereby established:

1. The identification numbers awarded under the State system shall consist of three parts:

i. The first part shall consist of the letters NJ indicating this State;

ii. The second part shall consist of not more than four Arabic numerals;

iii. The third part shall consist of not more than two letters.

2. Since the letters "I," "O," and "Q" may be mistaken for numerals, they shall not be used in the suffix.

13:82-8.3 Display of numbers on vessels

(a) The identification number awarded to any vessel under the New Jersey numbering system shall be displayed thereon by being:

1. Painted on, or attached to, each side of the bow (that is, the forward half) of the vessel; reading from left to right; and in such position as to provide maximum visibility;

2. In block characters of good proportion not less than three inches in height; and

3. Of a color which will contrast with the color of the background (that is, dark numbers on a light background, or light numbers on a dark background) and so maintained as to be clearly visible and legible.

(b) No other number shall be carried on the bow of the vessel.

(c) This section does not apply to the following:

1. A vessel for which a valid temporary certificate has been issued to its owner by the issuing authority in the state in which the vessel is principally used; and

2. A vessel documented in accordance with Part 67 of Title 46, Code of Federal Regulations.

13:82-8.4 Application for number

(a) The application for a number shall include the following information:

1. The legal name and address of the owner including zip code;
2. The driver license number or corpcode;
3. The citizenship of owner;
4. The date of birth of owner;
5. The type of application (new number, initial number, renewal of number, transfer of ownership, duplicate registration, duplicate decal and so forth);
6. The owner's eye color, height and weight;
7. The previous number, if any;
8. The hull material (wood, steel, aluminum, fiberglass, other);
9. The hull identification number, if any;
10. The type of boat (open, cabin, houseboat, sail, auxiliary, canoe, other);
11. The type of propulsion (outboard, inboard, sail, inboard/outboard, electric, other);
12. The type of fuel (gas, diesel, other);
13. The make, model and year;
14. The length, measured from end to end over the deck excluding sheer;
15. The state of principal use;
16. The type of use (livery, commercial or pleasure);
17. A statement of ownership by applicant; and
18. The signature of the owner or owners.

13:82-8.5 Registration certificate

(a) The registration certificate shall include the following:

1. The legal name and address of owner;
2. The number issued;
3. The driver license number or corpcode;
4. The expiration date;
5. The state of principal use;
6. The type of use;
7. The hull identification number;
8. The make and year of vessel;
9. The model or type of vessel;
10. The hull material (wood, steel, aluminum, fiberglass, other);
11. The length of vessel;
12. The propulsion (inboard, outboard, sail, inboard/outboard, electric, other); and
13. The fuel (diesel, gasoline or other).

13:82-8.6 Duplicate registration certificates

(a) The fee for the issuance of a duplicate registration certificate for a vessel shall be $3.00.

(b) The fee for new registration certificates in transfer of ownership shall be in accordance with the annual fees established by N.J.S.A. 12:7-34.47.

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13:82-8.7 Transfer of registration certificates

All requests for transfer of ownership shall be accompanied by a registration application form, the original registration certificate issued by the Coast Guard or the State of New Jersey and the certificate of title for those vessels which are required to be titled. If the original restriction certificate does not accompany the request, a statement as to the disposition of the original registration certificate shall be written on the reverse side of the registration application form.

13:82-8.8 Registration certificate; livery vessels

The registration certificate for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than 24 hours may be retained on shore by the vessel's owner or his or her representative at the place from which the vessel departs or returns to the possession of the owner or his representative.

13:82-8.9 Operation of vessel; certificate

(a) Except for vessels that are not required to be numbered pursuant to the New Jersey Boat Act of 1962 as amended, no person shall operate or use a vessel upon the waters of the State unless such vessel has on board:

1. A valid registration certificate or temporary registration certificate for that vessel; or

2. A copy of the lease or rental agreement, signed by the owner or his or her authorized representative and by the person leasing or renting the vessel, which agreement contains at least:

i. The vessel number that appears on the registration certificate; and

ii. The period of time for which the vessel is leased or rented.

(b) In addition to any other requirement, whenever a vessel is in operation, the registration certificate, lease or rental agreement shall be presented to any Federal, State or local law enforcement officer at his or her request.

(c) No person may use or operate a vessel to which this section applies unless the required registration certificate or rental agreement is carried onboard in such a manner that it can be handed to the inspecting person.

13:82-8.10 Registration certificate; validity

(a) In addition to any other provision, specifically N.J.A.C. 13:82-8.9, a registration certificate is invalid after the date upon which:

1. The person whose name appears on the registration certificate as owner of the vessel sells or transfers all of his or her ownership in the vessel, involuntarily loses his or her interest in the registered vessel by legal process or in any way disposes of the vessel;

2. The vessel is lost, destroyed or abandoned; or

3. The fees for the issuance or renewal of the certificate of number are not paid.

(b) A registration certificate is invalid 60 days after the day on which the vessel is no longer principally used in the State where the registration certificate was issued as required by Title 33 of the Code of Federal Regulations.

13:82-8.11 Notification required

(a) In addition to any other requirement, a person whose name appears as the owner of a vessel on a registration certificate shall within seven days notify the Division in writing of:

1. Any change in address from that shown on his registration certificate;

2. The theft or recovery of the vessel;

3. The loss or destruction of a valid registration certificate; or

4. Any condition which would invalidate the registration certificate.

(b) A person whose name appears as the owner of a vessel on a registration certificate shall within two weeks notify the Division of a change in name due to marriage, divorce or by order of court.

13:82-8.12 Removal of numbers; removal of validation sticker

(a) The person whose name appears on a registration certificate as the owner of a vessel shall remove the registration number and validation sticker from the vessel when:

1. The vessel is no longer principally used in the State where the registration certificate was issued; or

2. The registration certificate becomes invalid because the application for the registration certificate contains a false or fraudulent statement.

(b) The validation sticker shall be removed upon completion of a sale or transfer transaction whichever is sooner.

(c) Expired validation stickers shall be removed.

(d) When a vessel is documented under Part 67 of Title 46, Code of Federal Regulations, the owner shall:

1. Remove the registration number and validation sticker from each side of the bow or the forward half of the vessel; and

2. Conform to the provisions of N.J.A.C. 13:82-8.13, Display of validation sticker and fee for duplicate, where the vessel is subject to the provisions of N.J.S.A. 12:7-34.44a, Documented Vessels under 500 gross tons based in this State.

13:82-8.13 Display of validation sticker and fee for duplicate

(a) Every vessel on the waters of this State required to be registered shall display validation stickers to indicate the year of expiration of its registration. The validation stickers shall be displayed on each side of the vessel, three inches behind the State registration number assigned to the vessel, except for documented vessels.

(b) Those vessels documented under Part 67 of Title 46, Code of Federal Regulations and required to register with this State pursuant to N.J.S.A. 12:7-34.44a shall display a validation sticker on each side of the vessel in an area adjacent to the main steering station affixed to a vertical surface plainly visible at all times from both the port and starboard sides.

(c) The fee for the duplicate issuance of a validation sticker shall be $3.00.

13:82-8.14 Registration of manufacturers' and dealers' boats

(a) Registration requirements of this section shall apply to boats operated by manufacturers and dealers.

(b) The description of the boat will be omitted from the registration certificate since the numbers and the registration certificate awarded may be transferred from one boat to another. In lieu of the description, the word "manufacturer" or "dealer," as appropriate will be plainly marked on each registration certificate.

(c) The manufacturer or dealer may have the registration number awarded printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the boat being demonstrated or tested so long as the display meets the requirements of N.J.A.C. 13:82-8.3.

13:82-8.15 Registration of livery boats

(a) Registration requirements of this section shall apply to boats operated by livery and other rental agents.

(b) The word "livery" shall be plainly marked on each registration certificate.

(c) The livery or rental agent may have the number awarded printed upon or attached to a removable sign or signs to be temporarily but firmly mounted upon or attached to the boat being rented so long as the display meets the requirements of N.J.A.C. 13:82-8.3.

13:82-8.16 Misstatements

(a) No person shall make any misstatement of fact in an application for a registration number or an operator's license, or give a fictitious name or address.

(b) The Division shall, upon presentation of evidence of any such misstatement, or the giving of a fictitious name or address, or of the conviction therefor, revoke the registration of the power vessel or motor, or the operator's license as the case may be.

13:82-8.17 Change in address; name

(a) Every licensed operator of a power vessel or motor shall notify the Division of any change in his or her legal residence within seven days of the change.

(b) Every licensed operator of a power vessel or motor shall notify the Division within two weeks of a change in name due to marriage, divorce or court order.

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13:82-8.18 Renewal of registration

(a) Any person, corporation or firm, applying for the renewal of a registration after six months have elapsed beyond the renewal date, may be assigned a new expiration date, 12 months from the current date.

(b) Failure to receive a renewal notice does not excuse the owner from the requirement of renewing the number on or before the expiration date shown on the registration certificate.

13:82-8.19 Fee for duplicate operator's license

(a) The fee for issuance of a duplicate boat operator's license shall be $3.00.

(b) The fee for issuance of a duplicate boat operator's license with a photo shall be $4.50.

(c) Photo licenses shall be mandatory for boaters under the age of 21.

13:82-8.20 Operator's license; proof of age and identity; expiration

(a) All applicants for a boat operator's license will be required to furnish proof of identity and date of birth. Proof of identity and date of birth may be established in the following manner:

1. An original domestic birth certificate or foreign birth certificate with United States Consulate Seal when United States citizen is born outside of the country;
2. A certified copy of birth certificate (state or municipal seal must appear on document);
3. A United States passport;
4. A valid foreign passport (with acceptable Visa status indicated in passport);
5. A valid alien registration card;
6. Citizenship papers;
7. Military identification cards (active duty only);
8. United States adoption papers;
9. A valid New Jersey driver license (also acceptable if expired less than three years);
10. A New Jersey Division of Motor Vehicles nondriver identification card;
11. Military discharge papers (DD-214);
12. A court order or judgment authorizing legal name change when accompanied by satisfactory proof of birth; or
13. A valid work authorization card (when accompanied by a Social Security card).

(b) In addition to the documentation in (a) above, a parent or guardian must consent to the granting of a boat license for any applicant who is under 17 years of age.

(c) For purposes of a name change only, a New Jersey boat license can be issued in the boater's married name if an acceptable original or certified marriage certificate (state or municipal seal must appear on document) is accompanied by another acceptable identification in the boater's former name.

(d) All boat licenses which are endorsements on basic driver licenses shall have the same expiration date as the basic driver license.

(e) All boat-only licenses shall expire four years from the last day of the month in which the license was originally issued and, thereafter, every four years.

13:82-8.21 General provisions; hull identification numbers

(a) Any vessel offered for sale in New Jersey must have a hull identification number assigned to it. The number assigned to said vessel shall be in the form approved by the United States Coast Guard.

(b) Registration numbers shall not be issued to any vessel that does not comply with the above requirement.

(c) Vessels which are homemade or for other reasons that do not have a hull identification number assigned to them by their builders shall be assigned a number by the Division once the Division receives satisfactory proof on a form approved by the Director that they have been examined by the Bureau of Marine Police. The series used by the Division shall be composed of three parts. The first section shall be NJZ—followed by a second section composed of a five digit number commencing with 00001; the third section shall consist of the word "HULL." An example of a hull identification number is as follows: NJZ-00001-HULL.

(d) The hull identification number must be carved, burned, stamped, embossed or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the waterline of the boat in such a way that alteration, removal or replacement would be obvious and evident.

(e) The character of the hull identification number must be no less than ¼ of an inch in height.

TRANSPORTATION

(a)

DIVISION OF REGIONAL OPERATIONS
REGION V
BUREAU OF MAINTENANCE ENGINEERING

Drawbridge Operations

Proposed Readoption with Amendment: N.J.A.C. 16:46-1

Proposed Repeal: N.J.A.C. 16:46-2

Authorized By: W. Dennis Keck, Acting Assistant Commissioner of Policy and Planning.

Authority: N.J.S.A. 27:1A-5 and 27:1A-6.

Proposal Number: PRN 1994-64.

Submit comments by March 9, 1994 to:
Administrative Practice Officer
Department of Transportation
Bureau of Policy and Legislative Analysis
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

The agency proposal follows:

Summary

In accordance with the "sunset" and other provisions of Executive Order No. 66(1978), the Department of Transportation proposes to readopt with amendments N.J.A.C. 16:46-1.1, concerning drawbridge operations, and to repeal N.J.A.C. 16:46-2, concerning reimbursed highway safety lighting. These rules are scheduled to expire on November 6, 1994.

The chapter was reviewed by the staff of the Department's Bureau of Maintenance Engineering, which recommended that N.J.A.C. 16:46-1.1, which concerns drawbridge operations, should be readopted with amendments because it was necessary, adequate, reasonable and understandable for the purpose for which it was promulgated. The amendment at N.J.A.C. 16:46-1.1(b) provides a new address where rules and regulations may be inspected. N.J.A.C. 16:46-2, which concerns reimbursed highway safety lighting, was recommended for repeal because it was no longer necessary for the purpose for which promulgated. Funding for the reimbursed lighting program has been discontinued and prior appropriations have been depleted.

N.J.A.C. 16:46-1 will continue the requirements of opening and closing of movable bridges within the State of New Jersey as established in Title 33 (Navigations and Navigable Waters), Code of Federal Regulations, United States Department of Transportation, Coast Guard.

This rule has been very effective and beneficial not only to the Department, but to those affected by the rules who navigate the waters within the State where movable bridges are in operation.

Social Impact

N.J.A.C. 16:46-1 proposed for readoption will continue to have a beneficial impact of promoting safe and efficient transportation and generally will not have or cause any adverse impact on those persons affected by the rule. The rule continues the requirements of opening and closing of movable bridges within the State of New Jersey and has proven through time adequate and necessary.

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The rule for readoption is necessary to accommodate both highway vehicles on movable bridges and marine traffic in navigable waters. The proposed rule adopts by reference applicable United States Department of Transportation and Coast Guard requirements pertaining to bridges over navigable waterways and is consistent with applicable national standards. Readoption by the Department of these standards is beneficial and keeps New Jersey in conformity with accepted national practices for moveable bridge operation over navigable waterways.

Economic Impact

The proposed readoption will not adversely impact any affected person. Failure to readopt these rules, or to operate moveable bridges over navigable waterways in compliance with applicable national standards, would have a significant potential for adverse economic impact. Continued free-flow of highway traffic on moveable bridges and water traffic on navigable waters beneath moveable bridges is critical. Vehicular highway traffic and marine traffic are both economically significant activities. Water traffic accommodates both commercial marine traffic and recreational/tourist traffic. Vehicular highway traffic includes commerce, freight, business and personal trips of every possible variety. Proper and timely operation of moveable bridges is necessary to meet the mobility requirements of both modes of travel. Funding for drawbridge operations is annually appropriated through the State budget to the Department. Funding for the construction, maintenance, and operation of moveable bridges comes from a variety of sources. Both Federal and State funds are allocated for moveable bridges and are channeled to the Department by legislative appropriation. There are no new or added user fees or charges. The general public would not be adversely impacted by the readoption of these rules.

Regulatory Flexibility Statement

The proposed readoption does not place any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed readoption primarily affects those who navigate the waters of the State of New Jersey through moveable bridges and those required to enforce the requirements.

Full text of the proposed repeal may be found in the New Jersey Administrative Code at N.J.A.C. 16:46-2.

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

16:46-1.1 Opening and closing of bridges

(a) (No change.)

(b) A copy of the rules and regulations specified in [subsection] (a) [of this section] **above** may be inspected at the [office of the Division of Traffic Engineering and Local Aid] **Bureau of Maintenance Engineering, Regional Operations—Region V, New Jersey** Department of Transportation, CN 600, 1035 Parkway Avenue, Trenton, New Jersey 08625.

[1]A copy of this manual may be inspected in the Bureau of [Traffic Engineering and Safety Programs, Traffic Engineering and Local Aid,] **Maintenance Engineering, Regional Operations—Region V,** New Jersey Department of Transportation, 1035 Parkway Avenue, CN-600, Trenton, New Jersey 08625.

(a)

DIVISION OF TRANSPORTATION ASSISTANCE BUREAU OF EMPLOYER TRIP REDUCTION

Employer Trip Reduction Program Tax Credit

Proposed New Rules: N.J.A.C. 16:50-15

Authorized By: W. Dennis Keck, Acting Assistant Commissioner for Policy and Planning.

Authority: N.J.S.A. 27:26A-1 to 14 (P.L.1992, c.32 "New Jersey Traffic Congestion and Air Pollution Control Act"); N.J.S.A. 27:1A-6; and Section 182(d)(1)(B) of the Clean Air Act Amendments (CAAA) of 1990 (42 U.S.C. Section 7511a(d)(a)(B)), and P.L.1993, c.150, approved June 24, 1993.

Proposal Number: PRN 1994-81.

A **public hearing** on the proposed new rules will be held:

Thursday, February 24, 1994
1:00 P.M. to 4:00 P.M.
Multi-Purpose Room
Engineering and Operations Building
New Jersey Department of Transportation
1035 Parkway Avenue, CN 600
Trenton, New Jersey 08625

Submit written comments by March 9, 1994 to:

Administrative Practice Officer
Bureau of Policy and Legislative Analysis
Department of Transportation
1035 Parkway Avenue
CN 600
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The Employee Trip Reduction Program tax credit provides for an employer tax credit of up to five percent in 1994, and 10 percent in 1995 and thereafter, of the cost of commuter transportation benefits provided by an employer, with a dollar limit of $36.00 in 1994, and $72.00 in 1995 and thereafter, per employee participating in alternative means of commuting per year. These amounts will be adjusted annually for inflation based on the consumer price index for all urban consumers in the New York and Northeastern New Jersey, and the Philadelphia areas, as reported by the U.S. Department of Labor.

Proposed N.J.A.C. 16:50-15.1 sets forth definitions of terms specific to this subchapter, including "commuter transportation benefit," "cost," "eligible expense," "maximum yearly credit" and "plan." N.J.A.C. 16:50-15.2 provides the requirements for an employer to receive an Employee Trip Reduction (ETR) Program tax credit, derived largely from P.L.1993, c.150. N.J.A.C. 16:50-15.3 sets forth and defines eligible expenses towards the tax credit. N.J.A.C. 16:50-15.4 provides that the Department shall provide the New Jersey Division of Taxation with a list of all affected employers who have an approved plan under this chapter, for purposes of determining whether an ETR tax credit may be claimed. N.J.A.C. 16:50-15.5 governs appeals of Department decisions that an employer is not eligible for an ETR tax credit.

Social Impact

The proposed new rules will impact employers with 100 or more employees and their employees who use alternatives to driving alone in their commute to work. These rules identify eligible expenses related to an employer's Employee Commute Option program that qualify for a State tax credit. These rules implement the incentives needed by employers to encourage their employees to use commute alternatives to driving alone. A decrease in single occupant vehicles should reduce traffic congestion and air pollution created by commuting.

In the 1980s, New Jersey experienced suburban sprawl, resulting in significant growth in vehicular traffic in many areas of the State. As a result, traffic in some locations exceeds the capacity of existing roadways, leading to traffic congestion that impedes the safe, efficient movement of people and goods, constrains future economic development in those areas, and contributes to inefficient use of energy.

Air pollution related to vehicular travel also became a concern in New Jersey. New Jersey is one of 11 states in which air pollution severely or extremely exceeds Federal clean air standards for ozone and carbon monoxide, both health-threatening pollutants substantially caused by motor vehicle exhaust. In New Jersey, nearly 90 percent of all carbon monoxide pollution can be traced to mobile sources, and 50 percent of ozone pollution can be traced to automobile emissions. Automobile emissions react with sunlight to form ozone, a major component of urban smog.

Driving alone increases the demand on the State's roadway system, and while not the only factor, is a major cause of traffic congestion and air pollution, especially during peak commuting hours when vehicular traffic exceeds road capacities and congestion occurs. Implementation of measures that encourage increased use of alternatives to single occupant vehicle commuting have shown to be effective in reducing vehicle trips, miles of travel, and congestion.

These financial credits will help to offset the cost to employers for implementing commute options as required under the "New Jersey Traffic Congestion and Air Pollution Control Act," and will encourage financial incentives to their employees who participate in commute alternative programs.

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Economic Impact

The employer tax credit is expected to cost the State approximately $7 million annually in lost revenues. A nationwide sample of successful Employee Commute Option (ECO) programs indicated that these employers spent between $100.00 and $600.00 per participating employee; the average was about $200.00. Using this data as an estimate would bring the annual cost of a 10 percent tax credit to $7.2 million.

In another review of information obtained from California's South Coast Air Quality Management District, data showed that only 63 percent of employers offered incentives to their employees and that the average subsidy offered was $300.00 per year. Using this data as a basis, the annual cost of a 10 percent tax credit would approximate $6.7 million.

If more employers than expected provide incentives, or if they offer larger amounts for incentives, the cost of a 10 percent tax credit would increase. The Department of Treasury has estimated a potential annual cost of $25.8 million.

Regulatory Flexibility Statement

The proposed new rules do not impose any reporting, recordkeeping or compliance requirements on small businesses as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore a regulatory flexibility analysis is not required. The rules apply to employers that have work sites with 100 or more workers per location, which is not considered to be a small business.

Full text of the proposed new rules follows:

SUBCHAPTER 15. EMPLOYER TRIP REDUCTION PROGRAM TAX CREDIT

16:50-15.1 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Affected employer" means an employer that employs 100 or more employees as averaged over the immediately preceding 12 months period at any single work location in an affected area of New Jersey and is subject to the Employer Trip Reduction Program pursuant to this chapter. As used in this subchapter, an affected employer is a taxpayer subject to the provisions of any of the following: the Corporation Business Tax Act (1945), P.L.1945, c.162 (N.J.S.A. 54:10A-1 et seq.), the "Financial Business Tax Law (1946)," P.L.1946, c.174 (N.J.S.A. 54:10B-1 et seq.), the "Savings Institution Tax Act," P.L.1973, c.31 (N.J.S.A. 54:10D-1 et seq.), the tax imposed on marine insurance companies pursuant to N.J.S.A. 54:16-1 et seq., the tax imposed on fire insurance companies pursuant to N.J.S.A. 54:17-4 et al., the tax imposed on insurers generally, pursuant to P.L.1945, c.132 (N.J.S.A. 54:18A-1 et seq.), the public utility franchise tax, public utilities gross receipts tax and public utility excise tax imposed pursuant to P.L.1940, c.4, and P.L.1940, c.5 (N.J.S.A. 54:30A-16 et seq. and 54:30A-49 et seq.), or that is a taxpayer in respect of a distributive share of partnership income under the "New Jersey Gross Income Tax Act," N.J.S.A. 54A:1-1 et seq.

"Commuter transportation benefit" means the cost to employers of providing benefits to an employee for utilizing an alternative means of commuting and the cost of providing services and facilities which would encourage or facilitate use by employees of alternative meanings of commuting. The benefit shall include the costs of parking by employees at park-and-ride lots if used to benefit an employer's ECO program.

"Cost" means the invoice cost, purchase price, or contract amount of an eligible ECO expense, excluding interest on the debt of a capital improvement. The term does not, for example, include peripheral or indirect costs associated with the purchase, installation or construction of equipment, or the costs associated with the advertisement, solicitation of bids, and/or awarding of a contract. Ineligible costs include, but are not limited to, sales tax, shipping costs, design and engineering costs, and site preparation costs.

"Eligible expense" means a direct expenditure made by an affected employer to provide commuter transportation benefits in support of its ECO program. The expenses must be outlined in the company's annual compliance plan and approved by the Department of Transportation (NJDOT) as eligible for the ECO tax credit. Categories of eligible expenses are identified in N.J.A.C. 16:50-15.3.

"Maximum yearly credit" means the maximum amount of the tax credit allowable in a tax year.

"NJDOT" means the New Jersey Department of Transportation.

"Plan" means the "compliance plan," "update plan," "revised plan" or "maintenance plan" an affected employer is required to submit to NJDOT in accordance with N.J.A.C. 16:50-8.

16:50-15.2 Requirements

(a) An affected employer incurring expenses to provide commuter transportation benefits in support of an ECO program is entitled to a business tax credit, subject to the following limitations:

1. The affected employer must register with NJDOT as an ETR participant prior to the date of filing a tax return claiming an ETR tax credit with the New Jersey Division of Taxation.

2. Expenses for which an affected employer plans to claim the tax credit must be outlined in the compliance plan required to be submitted to NJDOT in accordance with this chapter. Expenses which are not identified in the approved compliance plan may still be claimed for tax credit if they are submitted to NJDOT as part of a revised compliance plan (N.J.A.C. 16:50-8.2(a)6) prior to the date of filing of the tax return with the New Jersey Division of Taxation.

3. NJDOT may audit affected employers to ensure the eligibility of claimed expenses, upon 24 hours notice consistent with N.J.A.C. 16:50-12.1. The audit may address expenses identified in the original compliance plan as well as those subsequently submitted in a revised compliance plan. NJDOT will notify the New Jersey Division of Taxation of expenses that are ineligible in order that a claim for such expenses on a tax return is disallowed.

4. The maximum yearly credit shall not be more than five percent of the amount spent per employee participating in the plan on eligible ECO expenses in 1994, up to a maximum credit of $36.00 per employee participating in a commute alternative. For 1995 through 2004, the maximum yearly credit shall not be more than 10 percent of the amount spent per employee participating in the plan on eligible ECO expenses, up to a maximum credit of $72.00 per employee participating in a commute alternative.

i. These amounts will be adjusted annually for inflation based on the consumer price index for all urban consumers in the New York and Northeastern New Jersey, and the Philadelphia areas, as reported by the U.S. Department of Labor.

ii. In the case of a partnership receiving partnership income, a partnership shall not be allowed a credit under this section directly. A partnership shall be entitled to reduce total partnership income distributed to the partners and subject to tax under NJSA 54A:5-1k by the lesser of 71.5 percent of the amount of commuter transportation benefits provided pursuant to law or $515.00 for each employee receiving such benefits. For accounting and privilege periods beginning on or after January 1, 1995, but ending no later than December 31, 2004, the reduction to partnership income allowed under this section shall be the lesser of 143 percent of the cost of commuter transportation benefits provided or $1,030 for each employee receiving such benefits for the relevant accounting or privilege period, as appropriate, subject to the other tax limitations identified in this chapter.

5. The cost shall be based on eligible expenses made for specific commuter transportation benefits or specific commute alternatives less the amount of revenue received as a direct result of the same specific benefit or alternative in an ECO program.

6. The credit allowable in a given tax year shall not exceed 50 percent of the tax liability otherwise due for any one of the taxes enumerated in subsection 13 of this subchapter. For corporate business tax returns, the tax liability otherwise due is computed after the credit is taken, pursuant to N.J.S.A. 52:27H-78 (urban enterprise zone employee tax credit).

7. The amount of the tax credit shall not reduce the tax liability below the statutory minimum tax provided at N.J.S.A. 54:10A-5(d) and (e), 54:10B-3 and 54:10D-3.

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8. The credit shall not apply to accounting or privilege periods ending after December 31, 2004, and shall appear on the tax return as a cash basis or accrual basis credit consistent with the basis currently used by the affected employer.

9. The enabling legislation permits both a tax credit and an expense deduction, if the item is allowed as an expense deduction pursuant to applicable statutes and rules.

10. The affected employer shall file with NJDOT a "Plan Implementation Summary" listing the expenditures for which the affected employer has or will claim as an ETR tax credit. NJDOT will provide the Plan Implementation Summary to the New Jersey Division of Taxation.

11. All records relating to an ETR tax credit claimed by an affected employer must be held by the affected employer for four years subsequent to the date of the filing on which such credit is claimed. Examples of documentation required are payroll records, invoices, contracts, payment receipts, and leases.

i. Each employee who receives money towards commuter transportation benefits from the employer shall submit suitable proof to the employer in the form of receipts, ticket stubs, or the like, that the employee used those monies for a commute alternative. These records must be also be held by the affected employer for four years subsequent to the date of the filing on which such credit is claimed.

12. Affected employers incurring expenses which were not identified in the approved plan but which would be eligible for a tax credit must submit to NJDOT a revised plan outlining those expenses. NJDOT may elect to audit the employer and its documentation to ensure the validity of the amended plan and the eligibility of claimed expenses.

13. An employer having liability for more than one of the taxes enumerated in the definition of "affected employer", at N.J.A.C. 16:50-15.1, shall proportionally allocate the credit to the liabilities. This shall be done by calculating the percentage that each liability bears to the total liabilities and apportioning the credit in the same percentage that the liability to which it is applied bears to the total liabilities.

14. A credit shall be disallowed if the taxpayer fails to either meet the average passenger occupancy (APO) target as defined in N.J.A.C. 16:50-6 or fails to receive a waiver from NJDOT pursuant to N.J.A.C. 16:50-13, within three years from the due date of the tax return reflecting a liability against which a credit was claimed. If a company is not in substantial compliance, or did not receive a waiver from NJDOT, then NJDOT shall notify the New Jersey Division of Taxation.

16:50-15.3 Eligible expenses

(a) Affected employers may wish to seek guidance from NJDOT regarding expenses that they expect to be eligible for tax credit prior to incurring those expenses. Eligible expenses fall into five categories, as follows:

1. "Administration costs" is the cost of personnel working directly on an ECO program. The eligible administration costs include only salary, benefits, and training (not overhead or indirect costs) for the ETC (100 percent if the ETC works full-time on ECO). Also included is a pro-rated percentage of the salary and benefits for other in-house staff working on ECO program planning, survey conduct or processing, plan preparation and/or implementation; and a pro-rated percentage of the salary and benefits for other staff used in support of the ECO, such as security and/or parking management personnel. The invoice cost to contract with outside agencies to provide these services would also be an eligible administration cost.

2. "Facilities/vehicle costs" is the invoice cost of capital improvements to add/upgrade facilities that support commute alternatives (for example, bike racks; showers and lockers; information display racks; transit signs and shelters; construction/maintenance costs for passenger loading facilities; parking management costs such as signing, striping, controlled access equipment, Smart Cards).

i. The term also includes purchase/lease and operating costs for vans or other vehicles registered to the affected employer and used for ridesharing, and for buses used for shuttles, buspools, etc.; and contracts with outside operators for the operation, administration, and/or management of buspools and/or express bus service.

ii. The conversion/purchase of AFV's is an eligible expense under this category.

iii. The cost to purchase/lease and maintain teleworking equipment, including computers, fax machines, and telephones, is an eligible expense under this category if it is predominantly used for a commute alternative. This would apply to such improvements at a participating employee's residence or eligible off-site location.

3. "Financial incentive costs" are direct expenditures provided by an employer to employees for a commute alternative. The term includes the cost of on-going or occasional subsidies, such as free/discounted transit passes, cash/parking/gas subsidies for rideshares, vanpool start-up payments, and empty seat subsidies for vanpools, that are provided to employees as an incentive to increase the use of commute alternatives. Cash or in-kind gifts of greater than nominal value provided to employees, in exchange for their participation in a commute alternative pursuant to an ECO program, are also an eligible financial incentive cost.

4. "Marketing costs" are the supply and salary costs directly related to promotion of an ECO program. The term includes a pro-rated percentage of the salary and benefits (not overhead or indirect costs) for in-house staff who develop text/graphics for communications materials such as brochures and posters; the per-item cost of printing/copying such materials; and the invoice cost of promotional items provided to employees as part of ECO marketing. The invoice cost to contract with outside agencies to provide any or all of these services is also an eligible marketing cost.

5. "Other Program services costs" are expenses that NJDOT approves as eligible for the ETR tax credit, but that do not fit into the categories of administration, facilities/vehicles, financial incentives, or marketing. The term includes, but is not limited to, the cost of a Guaranteed Ride Home program with an outside vendor such as a taxi or rental car company; and the cost of providing or obtaining ridematching services (for example, purchasing POOLMATCH software and establishing a hookup to a regional ridesharing database).

16:50-15.4 Proof of registration

NJDOT will supply the New Jersey Division of Taxation with a list of all affected employers who have an approved plan, for purposes of determining whether an ETR tax credit may be claimed.

16:50-15.5 Appeals

An affected employer whose expenses are deemed not eligible by NJDOT for an ETR tax credit shall have the opportunity to appeal same in accordance with the procedures set forth in the New Jersey Administrative Procedure Act (NJAPA), N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules N.J.A.C. 1:1. An appeal shall be submitted to NJDOT in writing not later than 30 days after receipt of notification of the expenses having been deemed not eligible by NJDOT for an ETR tax credit.

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

Alcoholic Beverage Tax

State Licensees

Proposed Readoption: N.J.A.C. 18:3

Authorized By: Leslie A. Thompson, Director, Division of Taxation.

Authority: N.J.S.A. 54:42-1 and 54:50-1.

Proposal Number: PRN 1994-82.

Submit comments by March 9, 1994 to:
Nicholas Catalano
Chief Tax Counselor
Division of Taxation
50 Barrack Street
CN-269
Trenton, NJ 08646

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The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:3 expires on March 14, 1994. The Division of Taxation has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The Division proposes to readopt these rules without change.

The Alcoholic Beverage Tax Law, N.J.S.A. 54:41-1 through 54:47-8 as amended and supplemented, was originally enacted as P.L. 1933, c.434 effective December 5, 1933. Subsequent amendments were chiefly in the area of modification of rates of tax. P.L. 1992, c.175, the Taxpayers' Bill of Rights, provided that effective July 1, 1993, procedures for the administration of the tax would be governed by the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq.

The tax is applied to the first sale or delivery to retailers in New Jersey and is based upon the number of gallons sold or otherwise disposed of in the State. The tax is collected from licensed manufacturers, wholesalers, and State beverage distributors. The law provides tax exemptions for qualified sales for medicinal, dental, industrial and other non-beverage use (N.J.S.A. 54:43-2), as well as sales to Armed Forces or Coast Guard personnel (N.J.S.A. 54:43-2.1).

The Alcoholic Beverage Tax rules, N.J.A.C. 18:3, have been updated and revised periodically through internal agency review as required by changes in legislation.

N.J.A.C. 18:3 is summarized as follows:

Subchapter 1, General Provisions, supplies definitions of particular words and phrases used in the chapter.

Subchapter 2, Description of Tax, Exemptions, Credits or Refunds, provides for certain methods of payments of tax, exempt transactions and tax credits and refunds.

Subchapter 3, Tax Rulings, offers guidance on tax treatment of certain beverages and mixes, sales to certain special groups and delivery to steamships.

Subchapter 4, Penalties, provides penalties for failure to file reports and pay the tax.

Subchapter 5, Bonds, provides for satisfactory bonds for applicants and licensees with certain exceptions.

Subchapter 6, Records, deals with persons required to keep receiving and sales records and records of accounts payable and receivable and supplies further details concerning maintenance of records.

Subchapter 7, Reports in General, supplies guidance for executing and filing reports and the manner in which certain items and transactions are to be reported.

Subchapter 8, Rules, Regulations and Instruction Concerning Manufacturers, concerns the information to be contained upon certain schedules for manufacturers.

Subchapter 9, Rules, Regulations and Instructions Concerning Wholesalers and State Beverage Distributors, describes the schedules and manner of required reporting for wholesalers and distributors.

Subchapter 10, Rules, Regulations and Instructions Concerning Alcoholic Beverage Warehouse Receipts Licensees, deals with the manner of reporting for warehouse receipts licensees, when purchasing or selling warehouse receipts given upon the storage of alcoholic beverages in New Jersey in a United States Internal Revenue or United States Custom warehouse under Federal bond.

Subchapter 11, Rules, Regulations and Instructions Concerning Public Warehouse Licensees, describes the manner of reporting transactions involving public warehouse licensees.

Subchapter 12, Rules, Regulations and Instructions Concerning Transportation Licensees and Special Permittees to Transport Alcoholic Beverages, deals with the manner of reporting transactions for transport licensees.

Subchapter 13, Rules, Regulations and Instructions Concerning Plenary Retail Transit Licensees, deals with the manner of reporting for transit licensees.

Subchapter 14, Rules and Regulations Concerning Special Permittees to Sell Alcohol, contains rules dealing with reporting requirements for Permittees.

Appendix A lists Beverage Tax Report forms prescribed by the Director.

Social Impact

The Alcoholic Beverage Tax rules were enacted to provide taxpayers, licensees, permittees and their attorneys and accountants with guidance and assistance in the administration of the Alcoholic Beverage Tax Act. These rules are also intended as guidelines to assist taxpayers and licensees in their preparation of various tax reports and records pursuant to that Act. The readoption of these rules will continue to provide taxpayers and those required to report under the Act with guidance in fulfilling their statutory obligations. It will also continue the orderly administration and collection of the tax for the State of New Jersey.

Economic Impact

The readoption of the Alcoholic Beverage Tax Rules will provide for continued accurate filing of the reports and maintenance of tax related schedules and records by licensees and for payment of the applicable tax. It will assist in supplying the anticipated revenue for State budgetary purposes and additionally provide mechanisms for exemptions from tax in appropriate situations.

The collections received for the past five State Fiscal Years are as follows:

1989—$53,484,609	1992—$80,546,708
1990—$53,402,009	1993—$77,362,169
1991—$81,066,184	

Regulatory Flexibility Analysis

The rules proposed for readoption apply to all taxpayers subject to the provisions of the Alcoholic Beverage Tax N.J.S.A. 54:41-1 et seq., whether or not they are small businesses as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules apply to every person who, within this State, manufactures, distributes, transports, stores, warehouses, imports, offers for sale or sells any alcohol or alcoholic beverages, or who engages in purchasing, transferring, agreeing to sell, or selling, warehouse receipts, certificates, contracts, or other documents given upon the storage of alcoholic beverages, or is the holder of a license permitting any of the above acts. Any exemption for small businesses would not be in compliance with the applicable statutes, since all taxpayers must comply with the same requirements. The rules provide guidance to taxpayers subject to the tax on the classification of taxable transactions, the filing of reports and the maintenance of tax related schedules as required by the Alcoholic Beverage Tax Law. Taxpayers are required to maintain records, as specified in the rules, and to submit reports to the Division covering each bimonthly period that a license is in force, in the forms prescribed by the Division. Requirements for reporting and recordkeeping vary according to the type of licensee, and any attendant costs would vary as well, and be controlled by the decisions made by the licensee.

The proposed readoption makes no changes to the existing rules and does not provide additional reporting, recordkeeping, or other compliance requirements. The Division of Taxation believes that no professional services beyond normal accounting services are needed for a business to comply with the requirements of the rules. The rules do not require any professional services, although any taxpayer may elect to use such services, and no capital costs are required. The rules are intended to reduce the need for professional services by explaining, in more detail, the taxpayer's responsibilities under the tax statute.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:3.

(a)

DIVISION OF TAXATION

Cigarette Tax Act Rules

Proposed Readoption: N.J.A.C. 18:5

Authorized By: Leslie A. Thompson, Director, Division of Taxation.

Authority: N.J.S.A. 54:40A-20.

Proposal Number: PRN 1994-83.

Submit comments by March 9, 1994 to:

Nicholas Catalano
Chief, Tax Services
Division of Taxation
50 Barrack Street
CN 269
Trenton, New Jersey 08646

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The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:5 expires on March 14, 1994. The Division of Taxation has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The Division proposes to readopt these rules without change.

On July 1, 1948, cigarette taxation commenced in New Jersey under the provisions of the Cigarette Tax Act, which imposed a tax of $0.03 per standard package of 20 cigarettes, with a discount of five percent allowed to defray the cost of affixing the stamps on the cigarettes by licensed distributors. The law provided for the licensing of all distributors, wholesale and retail dealers and vending machines operating in New Jersey (P.L. 1948, c.65). By amendment to the original Act, all manufacturers and manufacturers' representatives are required to be licensed (P.L. 1968, c.351). Other amendments to the statute followed, including an additional surtax (P.L. 1982, c.40), (P.L. 1985, c.261), and (P.L. 1985, c.341). N.J.A.C. 18:5-2.3 was amended effective April 1993 whereby the surtax was repealed and the rate of tax imposed changed to $0.02 for each cigarette.

Subchapter 1 contains definitions. Imposition of the tax is set forth in subchapter 2. Subchapter 3 deals with revenue tax stamps. Refunds and redemption of stamps are covered in subchapter 4. Rules regarding required reports are found in subchapter 5. Subchapter 6 deals with various licenses. Records to be kept are treated in subchapter 7. Subchapter 8 covers the subject of assessments. When the cigarette tax becomes a lien and the release of the lien is treated in subchapter 9. Treatment of cigarettes sold through vending machines is covered in subchapter 10. Subchapter 11 deals with transportation of unstamped cigarettes. Penalties are covered in subchapter 12.

Numerous amendments and repeals have been adopted, including the following: On November 18, 1991, the Director revoked authorization to use stamp metering machines as evidence of proof of payment of cigarette tax, effective July 1, 1992. This action was taken as a result of the unavailability of the equipment to accomplish such metering. New denominations of stamps were put into effect through an amendment to N.J.A.C. 18:5-3.2. N.J.A.C. 18:5-3.3 was amended, deleting the metering impression stamp purchase requirements since the meter impression stamps will no longer be used. N.J.A.C. 18:5-3.4 was amended allowing a discount on large purchases of revenue tax stamps. N.J.A.C. 18:5-3.5, 3.6, 3.7, 3.8 and 3.9 were amended affecting the procedure for licensed distributors to make credit and non-credit purchases of heat applied tax stamps. Amendments to N.J.A.C. 18:5-3.10, 3.11, 3.12 and 3.13 affected the proper use of revenue stamps and stamping machines. N.J.A.C. 18:5-5.20, 5.21, 5.22, 5.23, 5.24 and 5.25 were amended affecting revocation and suspension of use of stamping machines. Additional amendments to N.J.A.C. 18:5-4.3, 4.4, 4.5, 4.6, 4.7 and 5.8 were enacted in accordance with the changes cited above.

Social Impact

These rules have a direct social impact on cigarette smokers. Due to the warning by the United States Surgeon General and other studies, cigarette taxes were increased with the hope that smoking and the number of cigarette smokers would decrease. The social policy is to benefit the health of New Jersey residents. The revenues from the tax are used partially for social programs as well as for other State programs, and functions of government. This tax revenue benefits all New Jerseyans.

Economic Impact

State tax revenues from the cigarette tax were $221,800,000 for fiscal year 1988; $212,200,000 for fiscal year 1989; $202,600,000 for fiscal year 1990; $271,400,000 for fiscal year 1991; $264,850,000 for fiscal year 1992; and $251,800,000 for fiscal year 1993. The costs of compliance vary with each taxpayer, and are based upon choices made by the taxpayer regarding the management of the specific business.

Regulatory Flexibility Analysis

The rules proposed for readoption apply to all taxpayers subject to the Cigarette Tax Act, whether or not they are small businesses as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules govern the administration of the Cigarette Tax Act, N.J.S.A. 54:40A-1 et seq., which imposes a tax on cigarettes, and provides for the licensing of manufacturers and manufacturers representatives, distributors, wholesale and retail dealers and vending machines. The Division has not differentiated between large and small businesses in the application of the rules, because the requirements of the statute must be uniformly imposed upon all taxpayers.

The proposed readoption makes no modifications to the existing rules and does not provide additional reporting, recordkeeping, or other compliance requirements. The Division of Taxation believes that no services beyond normal accounting services are needed for a business to comply with the requirements of the rules. The rules do not require accounting or any other professional services, nor do they require the expenditure of any capital. Each taxpayer may comply with the rules in a manner suited to the individual's situation, and costs for equipment and professional services would be based on individual decisions. For example, machines may be used to apply tax stamps, but they are not required.

The rules govern the use of revenue tax stamps for cigarettes, including refunds for unused stamps, reports required, records to be maintained and how cigarette vending machines may be used. The rules also govern the licensure of manufacturers, distributors and retailers, as well as penalties against licensees and hearing procedures. Where specific forms are required, the forms are provided by the Division. Stamps are required, as an indication that revenue taxes have been paid.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:5.

(a)

DIVISION OF TAXATION

Unfair Cigarette Sales Act Rules

Proposed Readoption: N.J.A.C. 18:6

Authorized By: Leslie A. Thompson, Director, Division of Taxation.

Authority: N.J.S.A. 56:7-31.

Proposal Number: PRN 1994-84.

Submit comments by March 9, 1994 to:

Nicholas Catalano
Chief, Tax Services
Division of Taxation
50 Barrack Street
CN 269
Trenton, NJ 08646

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:6 expires on March 14, 1994. The Division of Taxation has reviewed the rules and determined them to be necessary, reasonable and proper for the purpose for which they were originally promulgated as required by the Executive Order. The Division proposed to readopt these rules without change.

The wholesale and retail cigarette industry in New Jersey, prior to the enactment of the New Jersey Cigarette Tax in 1948, was characterized by severe and intense price competition, and many unfair, dishonest, deceptive, destructive and fraudulent business practices which demoralized and disorganized the cigarette trade. Cigarettes were advertised, offered for sale or sold below cost with the intent of injuring competitors or destroying or substantially lessening competition.

The New Jersey Unfair Cigarette Sales Act (N.J.S.A. 56:7-18 et seq.) was enacted as a companion law to the New Jersey Cigarette Act (N.J.S.A. 54:40A-1 et seq.). Its purpose is to prevent unfair competition and unfair trade practices in the sale of cigarettes in New Jersey which would adversely affect the prompt and efficient collection of taxes on the sale of cigarettes and the revenues and fees from licensing manufacturers, distributors, wholesalers, retailers, and other persons engaged in the sale of cigarettes in New Jersey.

The New Jersey Unfair Cigarette Sales Act declares it to be the policy of the State of New Jersey to promote the public welfare by prohibiting sales of cigarettes below cost and to provide a minimum percentage markup, and a minimum sales price for all cigarettes sold both at wholesale and retail in New Jersey.

The original New Jersey Unfair Cigarette Sales Act (P.L. 1948, c.188) was found to be unconstitutional by the Supreme Court of New Jersey in 1951 (*Lane Distributors v. Tilton,* 7 *N.J.* 349, 81 *A.2d* 786 (1951)). The revised New Jersey Unfair Cigarette Sales Act (P.L. 1952, c.247) reenacted the law to correct deficiencies in the original Act specified by

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the Supreme Court. The present law was not found unreasonable or unconstitutional by the Superior Court of New Jersey in upholding a license suspension of a wholesaler for giving a prohibited rebate in the sale of cigarettes (*In re Sanders,* 40 *N.J. Super.* 477, 123 *A.2d* 582 (App. Div. 1956)).

Subchapter 1 contains general provisions, including definitions. Prohibitions of actions which lessen competition are found in subchapter 2. Subchapter 3 deals with price lists. Rules relating to manufacturer's promotional sales plans are found in subchapter 4. Subchapter 5 deals with what reports are required. Remedies and penalties are contained in subchapter 6. Subchapter 7 contains miscellaneous provisions, including various aspects of sales and pricing, and the powers of the Director.

Social Impact

The regulated cigarette industry has severe and intense competition and had many unfair, dishonest, deceptive, destructive and fraudulent business practices. Each cigarette business generally, as well as the public, benefits socially from the Unfair Cigarette Sales Act and the implementing rules which addressed prior faults. In a broad sense, public welfare is involved and has been improved.

Economic Impact

The Act and the implementing rules provided for fairer business practices, a fair price for the product, a fair profit for the business and better trade and competition overall. Another economic gain was a more prompt and efficient collection of taxes and fees.

Regulatory Flexibility Analysis

The rules proposed for readoption apply to all taxpayers subject to the New Jersey Unfair Cigarette Sales Act, N.J.S.A. 56:7-18 et seq., whether or not they are small businesses as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules are designed to implement and explain the operation of the Unfair Cigarette Sales Act, which prohibits sales of cigarettes below cost and provides a minimum percentage markup and a minimum sales price for all cigarettes sold both at wholesale and retail in New Jersey. Any exemption for small businesses would not appear to be in compliance with the statute.

The proposed readoption makes no changes to the existing rules and does not provide additional reporting, recordkeeping, or other compliance requirements. The Division of Taxation does not feel that services beyond normal accounting services generally used by a business are required for a business to comply with the requirements of the rules, and does not require the use of any professional services in the rules. The rules being proposed for readoption require wholesalers and retailers to refrain from certain practices which may injure competitors or destroy or substantially lessen competition, to comply with minimum price requirements, and to notify the Director of any promotional activities. Retailers and distributors must maintain evidence of compliance. Distributors and wholesalers must file monthly reports, on forms provided by the Division, and must cooperate with any cost survey conducted by the Director. Retailers must inform the Division of any change in their wholesale source of supply for cigarettes, and must conform any advertising regarding cigarette price to the requirements of the rules. While the Division does not require the use of professional services in order to comply with the Rules, a retailer, wholesaler, or distributor may choose to utilize accounting services, the costs of which would vary in accordance with the characteristics of the specific situation.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:6.

(a)

DIVISION OF TAXATION

Corporation Business Tax

Proposed Readoption with Amendments: N.J.A.C. 18:7

Proposed Repeals: N.J.A.C. 18:7-3.2 through 3.9, 3.11, 3.14, 4.1 through 4.4, 4.8 through 4.10, 4.12 through 4.14, 4.16, 4.17, 5.8, 5.11, 6.1 through 6.12, 7.6, 13.4, 14.7, 16.2 and 16.5

Proposed New Rules: N.J.A.C. 18:7-3.4, 3.6, 8.17 and 13.4

Authorized By: Leslie A. Thompson, Director, Division of Taxation.

Authority: N.J.S.A. 54:10A-27.

Proposal Number: PRN 1994-85.

Submit comments by March 9, 1994 to:
Nicholas Catalano
Chief Tax Counselor
Division of Taxation
50 Barrack Street
CN 269
Trenton, NJ 08646

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:7 expires on March 14, 1994. The Division of Taxation has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The Division proposes to readopt these rules with amendments and repeals.

In New Jersey, franchise taxation of miscellaneous business corporations dates back to 1884. In that year (P.L. 1884, p. 232), a tax was imposed on all corporations organized under the laws of New Jersey, for the privilege of doing business in the corporate form. Then, as now, the mere possession of the privilege gave rise to the liability for the tax, it being immaterial to what extent such privilege was exercised or whether such privilege was exercised at all. Under the 1884 law and down to January 1, 1946, the franchise tax was based upon the par value of the number of shares of capital stock issued by the taxpayer and outstanding as of January 1 in each year.

From 1884 to 1936 there was no franchise tax on foreign corporations qualified to do business or actually doing business in New Jersey. Chapter 264, Laws of 1936, provided for an annual franchise tax on foreign corporations. This law was repealed and superseded by Chapter 25, Laws of 1937, which imposed a tax on foreign corporations measured by the total capital stock issued and outstanding as of January 1 in each year. A corporation engaged in multi-state activities was permitted to allocate its total capital stock only on the basis of the ratio of the gross income from the business done in the State to the total gross income from its entire business.

Chapter 162, Laws of 1945, effective January 1, 1946, repealed the then existing corporation franchise taxes and enacted a new franchise tax law to be known as the Corporation Business Tax Act (1945) (N.J.S.A. 54:10A-1 et seq.). This is the basic corporation franchise tax law presently in effect. It is applicable to both domestic and foreign corporations and, as originally enacted, was measured by allocable net worth.

Chapter 88, Laws of 1954, effective January 1, 1955, increased the basic tax rate from 8/10 of a mill per dollar to two mills per dollar.

Chapter 63, Laws of 1958, added to the tax based upon allocated net worth a tax based upon allocable net income at the rate of 1.75 percent.

The 1958 amendment also changed the privilege period of the tax from a fixed calendar year period for all corporations alike, to a privilege period which, for each taxpayer, coincided with its accounting period.

Chapter 162, Laws of 1959, effective September 17, 1959, reduced the net income tax base, for companies entitled and electing to file as regulated investment companies, from 15 percent to four percent of entire net income.

Chapter 190, Laws of 1959, beginning in 1959, provided for a tax on the net worth base according to a short tax table based on total assets

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only, for companies having less than $150,000 of total assets and electing to file under said table in lieu of the portion of the tax based on net worth.

Chapter 134, Laws of 1966, effective June 17, 1966, revised the Act as follows:

Increased tax rate based on net income from 1¾ percent to 3¼ percent, effective January 1, 1967.

For tax determined by the assets allocation factor, the change eliminated, with respect to a domestic corporation, the statutory allocation to New Jersey of 40 percent of intangible assets having a business situs outside this State.

For domestic corporations only, the amendment added an alternative minimum to the portion of the tax based on net worth, which is based on the number of authorized shares of capital stock.

For purposes of computing the business allocation factor, the Act changed the allocation of all receipts from sales of tangible personal property to New Jersey on a destination basis (receipts being allocable to New Jersey if shipment is made from taxpayer to its customer in New Jersey).

Changed the due date of all returns and payments to the fifteenth day of the fourth month following the close of the taxpayer's accounting period.

Chapters 112 and 250, Laws of 1968, effected several changes in the law, the most significant of which were: an increase in the tax rate based on net income from 3¼ percent to 4¼ percent effective January 1, 1968; a partial reduction from net worth by reason of subsidiary investment and a deduction from net worth for subsidiaries subject to the Act; an exclusion of dividends received from subsidiaries in computing the net income tax base; elimination of the asset allocation factor; the elimination of intangible personal property in computing the minimum tax based on assets located in New Jersey; and provisions for prepayment of the tax.

Chapter 93, Laws of 1970, added another alternative minimum net worth tax for domestic corporations only, based on 11/100 of a mill per dollar of total assets. It also provided for a subsidiary deduction (in addition to that already allowed) for subsidiaries which are taxed in New Jersey under laws other than the Corporation Business Tax Act.

Chapter 91, Laws of 1971, effective April 8, 1971, increased the fee for issuance of a tax lien certificate for $1.00 to $5.00.

Chapter 25, Laws of 1972, increased the portion of the tax measured by net income to 5½ percent for periods ending after December 31, 1971.

Chapter 89, Laws of 1972, exempted real estate investment trusts from the financial business tax and brought them under the corporation business tax, and extended to a real estate investment trust the option to elect to apportion four percent of its entire net income and 15 percent of its entire net worth all on and after December 31, 1971.

Chapter 211, Laws of 1972, limited the liability of corporations which operate authorized regular route autobus service within this State to the portion of the tax measured by net income effective December 31, 1972.

Chapter 95, Laws of 1973, effective April 25, 1973, provided that shares of bank stock held by a corporation are not exempt from the bank stock tax where the bank has revoked an election to pay the tax for its shareholders. The bank stock tax was repealed by Chapter 170, Laws of 1975, effective August 4, 1975.

Chapter 275, Laws of 1973, effective November 29, 1973, exempted from the corporation business tax nonprofit domestic corporations where the primary purpose is to provide housing for its shareholders or member in a retirement community as defined in the Retirement Community Full Disclosure Act.

Chapter 367, Laws of 1973, effective January 7, 1974, removed sections dealing with liquidations, mergers, withdrawals and similar actions from the Corporation Business Tax Act and placed them in the State Tax Uniform Procedure Law and Title 14A to provide comparable requirements to all state taxes. In addition, the law no longer required a tax clearance certificate in certain cases where domestic corporations, or foreign corporations authorized to do business in New Jersey, are the survivors in mergers or undertake the payment of taxes of dissolved or liquidated corporations. In addition, the liability of corporate officers and directors for unpaid taxes was extended when general provisions are violated or when a false certification is made in connection with an undertaking to pay taxes. See N.J.S.A. 54:50-18, 14A:6-12 and 14A:12-19.

Chapter 21, Laws of 1975, increased the percentage of tax prepayment from 50 percent to 60 percent, effective February 28, 1975.

Chapter 28, Laws of 1975, for accounting periods ending after June 30, 1976, revised the definition of "subsidiary" to provide that the parent company must own 80 percent of the subsidiary's voting stock and 80 percent of the total number of shares of all classes of non-voting stock, except that stock which is limited and preferred as to dividends. Previously, the parent was required to own 80 percent of the subsidiary's voting stock and 80 percent of the total number of shares of all classes of stock.

Chapter 162, Laws of 1975, increased the rate applicable to net income from 5½ percent to 7½ percent for privilege periods or parts thereof ending after December 31, 1974.

Chapter 170, Laws of 1975, beginning with the calendar year 1976 the Bank Stock Tax Act was repealed and banks were placed under the Corporation Business Tax Act. To prevent a reduction in State revenue, a "save harmless" provision was adopted requiring a bank to pay the larger of its liability under the corporation business tax and business personal property tax or the bank stock tax actually paid in 1975. This was a three year "save harmless" provision applying to the years 1976, 1977 and 1978. Chapter 40, Laws of 1978, extended this "save harmless" provision through 1979. Banks also became subject to the business personal property tax with respect to property owned on October 1, 1975.

Chapter 171, Laws of 1975, excluded incorporated financial businesses from the financial business tax and subjected them to the corporation business tax. The law provided that each financial business corporation must pay the greater of the amount it paid under the financial business tax in 1975 or the total tax payable under the Corporation Business Tax Act for each of the years 1976 through 1978, which special tax provision was extended to 1979 by Chapter 40, Laws of 1978. This act further provided that an "investment company" does not include a banking corporation or a financial business corporation and subjected incorporated financial businesses to the business personal property tax relating to property owned on October 1, 1975.

Chapter 177, Laws of 1975, amended the Corporation Business Tax Act and 15 other tax laws to delete all specific penalty and interest provisions. The State Tax Uniform Procedure Law provided for the imposition of penalties and interest for the failure to file and pay State taxes and specified penalties on deficiency assessments. Interest rates were increased applicable to returns and taxes due on and after October 1, 1975.

Chapter 142, Laws of 1977, changed from June 10 to July 10 the date on which the State must distribute revenue collected from the Corporation Business Tax Act.

Chapter 76, Laws of 1979 revised the definition of "net worth" and "entire net income" as they apply to financial business corporations which are funded through debt from affiliated corporations to exclude from the definition of "net worth" the debt owed to the affiliated corporation and to permit deduction of interest on that debt in arriving at "entire net income" provided the interest rate does not exceed the prime rate by more than two percent. This statute is applicable to taxpayers whose accounting periods end on or after December 31, 1978.

Chapter 280, Laws of 1979 increased the rate applicable to net income from 7½ percent to nine percent for privilege periods or parts thereof ending after December 31, 1979.

Chapter 86, Laws of 1979 made a technical amendment to the definition of "entire net income." Chapter 388, Laws of 1979 restored provisions which were inadvertently omitted by that law.

Chapter 184, Laws of 1981, for years beginning after 1980, provided that a corporation shall make estimated tax payments in lieu of the mandatory 60 percent prepayment on account of its subsequent year's tax. The statute provided for a schedule of payments during a transition period, and then, for any accounting period beginning after December 31, 1984, it provided for four equal payments of estimated tax on the fifteenth day of the fourth, sixth, ninth and twelfth months of the current tax year. A taxpayer with a tax liability of less than $500.00 may elect to pay 50 percent (60 percent for tax years ending before December 31, 1981) of that tax on account of its subsequent year's tax in lieu of making installment payments. Certain relief provisions were provided relating to the amount of installment payments for taxpayers in bankruptcy or receivership, taxpayers who have realized a nonrecurring extraordinary gain which would distort the amount of their installment payment; or where a taxpayer estimates that it will conduct its business at a loss for the current year. Subject to certain exceptions, there is imposed interest as an addition to the tax in the case of underpayments of estimated tax and interest and penalties are provided where any

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portion of the tax is unpaid during an extension of time to file a final return. These interest and penalty provisions are not governed by the State Tax Uniform Procedure Law and all are mandatory.

Chapter 259, Laws of 1981, for accounting periods commencing on or after January 1, 1981, redefined "net worth" to exclude indebtedness of bona fide financing of motor vehicle inventories held for sale to customers when the financing is provided by a taxpayer who customarily and routinely provides this type of financing. "Entire net income" is redefined to permit deduction of all interest relating to such indebtedness.

Chapter 467, Laws of 1981, for accounting periods ending on or after December 11, 1981, redefined "net worth" to exclude indebtedness of a banking corporation which is an affiliate of a bank holding company which is funded through debt from such affiliated bank holding company. "Entire net income" is redefined to permit the deduction of interest on such indebtedness owing to a bank holding company where the banking corporation is a subsidiary of that bank holding company.

Chapter 50, Laws of 1982, for years ending after 1981 and for property placed in service after 1981, enacted certain provisions disallowing as a deduction in arriving at entire net income the excess of depreciation claimed on the Federal return over depreciation allowable under the Internal Revenue Code at December 31, 1980.

Chapter 55, Laws of 1982, eliminated the alternatives to the portion of the tax measured by net worth, redefined net worth to exclude any reference to indebtedness, and phased out the portion of the tax measured by net worth based upon the following timetable.

Where the tax years begin after March 31, 1983:

1. The alternatives to the portion of the franchise tax measured by net worth are deleted from the act. A domestic corporation is subject to a minimum tax of $25.00, a foreign corporation $50.00, and an investment, regulated investment company or real estate investment trust $250.00.

2. Taxpayers only pay 75 percent of the tax measured by net worth.

Where tax years begin after June 30, 1984:

1. Net worth is redefined to exclude any reference to indebtedness, and

2. Taxpayers only pay 50 percent of the tax measured by net worth.

Where tax years begin after June 30, 1985: Taxpayers only pay 25 percent of the tax measured by net worth.

Where tax years begin after June 30, 1986, no part of the tax is measured by net worth.

Chapter 39, Laws of 1982, amended the act to exclude from the numerator of the receipts fraction certain receipts from sales of gas and electricity which were made to New Jersey public utilities for resale by them to their ratepayers after June 15, 1982.

Chapter 75, Laws of 1983, amended the act to provide that for qualifying regulated investment companies the franchise tax would be $250.00.

Chapter 303, P.L. 1983 (N.J.S.A. 52:27H-60 et seq.), the Urban Enterprise Zones Act provided for tax credits and benefits for corporations doing business in qualified Urban Enterprise Zones.

Chapter 422, P.L. 1983, amended the Corporation Business Tax Act to create a tax abatement for New Jersey Banks that create an International Bank Facility. These amendments were phased in over a five year period to 1986.

Chapter 143, P.L. 1985, amended the Corporation Business Tax Act to provide for a net operating loss carryover for seven years following the year of the loss, for taxable years ending after June 30, 1984.

Chapter 227, P.L. 1985 (N.J.S.A. 55:19-1 et seq.), the New Jersey Urban Development Corporation Act, provided for certain tax credits for subject corporations actively engaged in the conduct of business at a location with a project as defined in the Act.

Chapter 468, P.L. 1985, provided an exclusion from taxation for a debt of a banking corporation to a bank holding company of which the banking corporation is a subsidiary or of a debt of a banking corporation to another banking corporation with respect to certain Federal Funds Transactions when both banking corporations are subsidiaries of the same bank holding company.

Chapter 102, P.L. 1987, provided a tax credit for the cost of purchase of certain qualifying recycling equipment.

In addition, the following statutes have amended the corporation business tax since the last proposal for readoption: P.L. 1987, c.76; P.L. 1988, c.106; P.L. 1989, c.2; P.L. 1989, c.59; P.L. 1990, c.79; P.L. 1991, c.184; and P.L. 1992, c.175.

During the summer of 1993, while the readoption was being prepared, a number of additional major statutory changes affecting the Corporation Business Tax Act were enacted as a package. These are (1) ridesharing credits, P.L. 1993, c.150, approved June 24, 1993, in connection with the New Jersey Traffic Congestion and Air Pollution Act, N.J.S.A. 27:26A-1 et seq.; (2) the New Jobs Investment Tax Credit Act, P.L. 1993, c.170, approved July 7, 1993; (3) the Manufacturing Equipment and Employment Investment Tax Credit Act, P.L. 1993, c.171, approved July 7, 1993; (4) an act permitting corporations to use Federal modified accelerated depreciation for certain property, P.L. 1993, c.172, approved July 7, 1993; (5) an act recognizing S corporations, increasing minimum corporate taxes, addressing expenses related to operational income, P.L. 1993, c.173, approved July 7, 1993; and (6) an act creating a credit for research expenses, P.L. 1993, c.175, approved July 7, 1993. In addition, the New Jersey Limited Liability Company Act, P.L. 1993, c.210, approved July 30, 1993 (N.J.S.A. 42:2B-1 et seq.) was signed into law which provides for creation of limited liability companies. Under N.J.S.A. 42:2B-69, such entities will normally be taxed as partnerships unless classified otherwise for Federal income tax purposes.

This proposed readoption, with amendments, of the corporation business tax rules updates the rules in a number of significant respects, but it does not generally attempt to address in detail the very recent statutory changes cited in the previous paragraph (though it does recognize the recoupling with Federal depreciation rules, for example, and the increase in minimum tax as noted below). Specifically, the rule proposal deletes references to the net worth base of the corporation franchise tax which is beyond the assessment period of limitations provided that returns have been filed; it deletes obsolete rules, such as N.J.A.C. 18:7-5.11 dealing with the new jobs credit; it significantly revises N.J.A.C. 18:7-1.9 in connection with the opinion contained in the case, *Wisconsin Dept. of Revenue v. William Wrigley, Jr. Company,* 112 S.Ct. 2447 (1992) with regard to Federal Law 86-272, dealing with tax immunity for certain solicitations of interstate sales; it takes into account changes to four years in the statute of limitations for refunds and assessments and filing procedures and interest calculations necessitated by the Taxpayer Bill of Rights, P.L. 1992, c.175 and by P.L. 1993, c.331 (see N.J.A.C. 18:7-11.7, 11.12, 13.8, 13.7, 13.1, for example); it updates certain other changes, including references to the new form for amended returns, the CBT-100X (see N.J.A.C. 18:7-11.8, 13.8); and it eliminates certain tax deductible business expenses for violations of environmental laws, ordinances or resolutions, at N.J.A.C. 18:7-5.2 (P.L. 1990, c.170). In addition N.J.A.C. 18:7-1.12 has been modernized and revised to reflect entities that are exempt from the corporation business tax (see P.L. 1993, c.338, approved December 27, 1993 which clarified that corporations licensed as insurance companies under the laws of another state, including eligible surplus lines insurers, are exempt from taxation under the Act), and N.J.A.C. 18:7-1.2 has been amended to reflect that the tax is a self-assessed tax in accordance with case law. See *Bristol-Myers Co. v. Taxation Div. Dir.,* 3 N.J. Tax 451, 458 (Tax Ct. 1981). The reproposal makes certain stylistic language changes for clarity, N.J.A.C. 18:7-1.15; updates for certain changes in the Internal Revenue Code, N.J.A.C. 18:7-5.4; and corrects some typographical errors in the rules, N.J.A.C. 18:7-4.5.

Although the proposed readoption makes no comprehensive attempt to address the numerous recent statutory changes enacted in the summer of 1993 in detail, it does contain certain references and updates for the convenience of taxpayers to alert them to particular statutory changes of broad, applicability. For example, N.J.A.C. 18:7-3.4 contains references to the new minimum tax; N.J.A.C. 18:7-8.17 refers to the allocation of operational income, a concept introduced into the corporation business tax through *Allied Signal, Inc., v. Director,* 112 S.Ct. 2251 (1992) and referred to in N.J.S.A. 54:10A-6.1; and N.J.A.C. 18:7-11.16 makes reference to the recognition of S corporations for New Jersey tax purposes.

It is hoped that, as conditions permit, additional rules will be proposed to address in greater detail the significant changes that have been enacted by the Legislature. In the meantime, as a part of the readoption procedure, certain of these changes have thus been incorporated into the proposal for the benefit of the public.

It may also be noted that there are several cases pending in the New Jersey Tax Court and Appellate Courts. It is anticipated that regulatory changes which may be required as a result of such opinions will also be addressed through separate rule proposals outside the scope of the present readoption process. The rules proposed for readoption are promulgated under authority of N.J.S.A. 54:10A-27.

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Social Impact

These rules are being readopted to provide taxpayers and their attorneys and accountants guidance and assistance in the administration of the Corporation Business Tax Act, N.J.S.A. 54:10A-1 et seq. These rules are intended as guidelines to assist taxpayers in preparing the Corporation Business Tax Return Form, CBT-100, other forms, and reports.

Economic Impact

For fiscal year 1990, general business corporations paid $1,162,835,737, and for fiscal year 1991, the figure was $1,063,089,390. Banking corporations paid $70,157,831 in 1990 and $34,007,713 in 1991, financial corporations paid $21,931,974 in 1990 and $14,192,536 in 1991. Revenues are deposited in the State Treasury for general State use. Revenues collected from banking and financial corporations are distributed as follows: 25 percent to counties; 25 percent to municipalities; and 50 percent to the State. The rules are intended to facilitate taxpayer compliance with their statutory requirements and hence to lower the resources necessary to be expended in the course of complying with the Act. The increase in minimum tax rates contained in the readoption does not have any independent economic significance but reflects the statutory changes mandated by the Legislature.

Regulatory Flexibility Analysis

The rules proposed for readoption apply to all taxpayers subject to the Corporation Business Tax, which includes incorporated small businesses as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The Corporation Business Tax Act, N.J.S.A. 54:10A-1 et seq. imposes a franchise tax based on income on corporations licensed or doing business in New Jersey. The rules address a number of issues related to the administration of the tax, such as how the tax applies to different types of corporations and when the tax is imposed on non-New Jersey corporations, as well as basic questions such as how the tax is computed. The readoption includes several changes to the existing rules to bring the rules into conformance with amendments to the Act and court cases interpreting the Act. These changes are described in detail in the Summary, above. For example, the rules have been modified to take into account the change to four years in the statute of limitations for refunds and assessments mandated by the Taxpayer Bill of Rights, P.L. 1992, c.175. Large and small corporate taxpayers may require the services of accounting and legal professionals, charging at normal rates, to review these changes to the rules.

However, the modifications to the rules are intended to make the rules clearer by bringing them into line with the statute and, notably, by deleting obsolete rules such as those relating to the tax on net worth, which was eliminated in 1986 by statute. The costs for professional services to interpret the rules should thus ultimately be reduced as the intended effect of the changes is to make the rules more up to date and easier to understand. The corporation business tax applies to both large and small incorporated businesses, and the Division therefore discerns no basis for distinguishing between those two types of entities in the application of the rules.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:7.

Full text of the proposed repeals may be found in the New Jersey Administrative Code at N.J.A.C. 18:7-3.2 through 3.9, 3.11, 3.14, 4.1 through 4.4, 4.8 through 4.10, 4.12 through 4.14, 4.16, 4.17, 5.8, 5.11, 6.1 through 6.12, 7.6, 13.4, 14.7, 16.2, and 16.5.

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

18:7-1.1 Corporation business tax; general provisions

[(a) For all returns where the accounting period begins before July 1, 1986, the Corporation Business Tax is a two-part tax applicable to every domestic and foreign corporation having a taxable status as defined in this chapter.

1. Part One is:

i. A tax measured by taxable entire net worth, or for all returns where the accounting period begins before April 1, 1983, total real property and tangible personal property allocable to New Jersey; or

ii. For domestic corporations only, for all returns where the accounting period begins before April 1, 1983;

(1) For accounting periods ending after June 30, 1967 and prior to July 1, 1970, a tax measured by the number of authorized shares of stock; or

(2) For accounting periods ending after June 30, 1970, a tax measured by the number of authorized shares of stock or 11/100 of a mill of total assets; or

(3) $100,000; or

iii. For companies having less than $150,000 total assets, a tax measured by the total assets and determined from a short tax table. Companies qualified and electing to file on the short tax table are not taxable under (a)1i and ii above.

2. Part Two is a tax measured by the portion of entire net income allocable to New Jersey.]

[(b)] For all returns where the accounting period begins after June 30, 1986, the tax is measured [only] by the portion of entire net income allocable to New Jersey, subject to the minimum tax described in N.J.A.C. 18:7-3.4(c).

18:7-1.2 Total tax [annually] **self-**assessed

The total tax is [annually] **self-**assessed [to] and payable by each taxpayer [is the sum of the amounts computed under each of the two parts, as indicated in Section 1.1 (General provisions) of this chapter].

18:7-1.5 Limited partnership associations subject to the Act

Limited partnership associations formed under N.J.S.A. 42:3-1 are subject to tax under the act. **No new limited partnership associations shall be formed in New Jersey in accordance with N.J.S.A. 42:3-1 et seq. after September 21, 1988.**

18:7-1.8 Foreign corporations subject to tax

(a) Qualifications for subject corporations. The tax is imposed on every foreign corporation having a taxable status as described in [Section 1.6 (Taxable status; how created) of this Chapter,] **N.J.A.C. 18:7-1.6** with specified exceptions, and includes every corporation which does business, employs or owns capital or property, or maintains an office in New Jersey in a corporate or organized capacity, regardless of whether it has formally qualified or is authorized to do business in New Jersey.

Example 1—Example 2. (No change.)

(b) Mandatory submission of affidavit; proof of authorization to do business. A foreign corporation which is subject to tax under the Act must submit an affidavit by a duly authorized corporate officer, stating whether or not the corporation at any time prior to the date of admitted subjectivity under the Act held any authorization to do business in New Jersey or carried on in this State any of the activities set forth in [Section 1.6(b) (Taxable status; how created) of this Chapter] **N.J.A.C. 18:7-1.6(b)**.

18:7-1.9 Doing business in New Jersey; definition and rules of construction

(a)-(c) (No change.)

(d) If the only business activity of a foreign corporation within New Jersey consists of the solicitation of orders for sales of its tangible personal property, which orders are to be sent outside the State for acceptance or rejection and, if accepted, are to be filled by shipment or delivery from a point outside the State, then such corporation is not subject to tax in New Jersey, provided it is not subject to tax by virtue of other contacts. (See P.L. 86-272, 15 U.S.C. §381.)

1. For the in-State activities of the foreign corporation to be immune from taxation for the purposes of "doing business," such activities must be limited solely to:

i. Speech or conduct that explicitly or implicitly invites an order; and

ii. Activities that neither explicitly nor implicitly invite an order but that are entirely ancillary to requests for an order.

2. Examples of activities that may be considered non-immune are:

i. Repairs, maintenance, and installations;

ii. Collection or repossession activities;

iii. Credit investigations;

iv. Personnel courses or lectures;

v. Technical assistance;

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vi. Customer complaint resolution if the sole purpose is not to ingratiate sales personnel with the customer;

vii. Taking orders or deposits;

viii. Acquiring personnel for other than solicitation activities;

ix. Maintaining a display at a single location in excess of two weeks during the tax year;

x. Carrying samples for distribution for value;

xi. Owning, leasing, or maintaining in-state facilities such as a warehouse or answering service; and

xii. Consignment of personal property.

3. Examples of immune activities are:

i. Solicitation of orders through advertising;

ii. Carrying samples for display or distribution without charge;

iii. Providing automobiles not registered in New Jersey for sales personnel;

iv. Checking customer inventories without charge;

v. Maintaining a display at a single location for less than two weeks during the tax year;

vi. Recruitment, training, or evaluating of sales personnel;

vii. A sales employee's in-home work space that is not paid for by the company; and

viii. Mediating customer complaints if just to ingratiate sales personnel with the customer.

(e) Independent contractors may solicit or make sales or maintain an office without the company's loss of immunity. Sales representatives who represent a single principal would not be considered independent contractors. Immunity would be lost if the independent contractor maintained a stock of goods in the State under consignment or for purposes other than for display and solicitation.

18:7-1.10 Foreign corporations engaged in interstate commerce

(a) A foreign corporation which falls within any of the categories creating a taxable status, as enumerated in [Section 1.6 (Taxable status; how created) of this Chapter] **N.J.A.C. 18:7-1.6** is subject to the Tax Act notwithstanding its business is wholly or partly in interstate commerce.

(b) Such tax is measured by entire net income [and entire net worth] allocable to New Jersey, including that derived from or used in interstate commerce.

18:7-1.12 Exempt corporations

(a) Corporations exempted from taxation under the Act include:

[1. Corporations subject to a gross receipts tax under N.J.S.A. 54:13-11.

i. Telegraph, telephone or cable companies not subject to tax under N.J.S.A. 54:30A-16, et seq.;

ii. Express companies not owned by a railroad company and otherwise taxed;

iii. Palace, parlor or sleeping car companies;

iv. Dam power companies organized under N.J.S.A. 48:14-4, et seq.;

v. Gas and electric companies not subject to tax under N.J.S.A. 54:30A-16, et seq.;]

1. Telegraph, telephone, cable or telecommunications companies subject to tax under N.J.S.A. 54:30A-16 et seq. (including, without limitation, N.J.S.A. 54:30A-18.6); or any statute or law imposing a similar tax or taxes;

2. Railroad companies subject to tax under N.J.S.A. 54:29A-1, et seq.;

3. Energy, gas and electric companies subject to tax under N.J.S.A. 54:30A-49, et seq.; or any statute or law imposing a similar tax or taxes;

[2.]**4.** Corporations subject to a tax upon the basis of gross receipts, or insurance premiums collected;

[3.]**5.** Railroad, canal corporations, savings banks, [production credit associations organized under the Farm Credit Act of 1933,] agricultural cooperative associations incorporated or domesticated under [Chapter 13 of Title 4 of the Revised Statutes] **N.J.S.A. 4:13-1 et seq.** and exempt under [Subtitle A, Chapter 1F, Part III,] Section 521 of the Federal Internal Revenue Code **(26 U.S.C. 521)**, or building and loan or savings and loan associations;

[4.]**6.** Cemetery corporations **not conducted for pecuniary profit of any private shareholder or individual**;

[5.]**7.** Nonprofit corporations, associations or organizations not conducted for pecuniary profit of any private shareholder or individual, and established, organized or chartered without capital stock under the provisions of Titles 15, **15A,** 16 or 17 of the Revised Statutes; or a special charter; or any similar general or special law of this or any other state **(see N.J.A.C. 18:1-1.4(a) for exemption opinion procedures)**;

[6. Corporations subject to a tax under the provisions of any of the following:

i. Chapter 4 of the Laws of 1940, or

ii. Chapter 5 of the Laws of 1940, or

iii. Any statute or law imposing a similar tax or taxes;]

[7.]**8.** Nonstock corporations organized under the laws of this State or of any other state of the United States to provide mutual ownership housing under Federal law by tenants, but:

i. The exemption under this subsection shall continue only as long as:

(1)-(2) (No change.)

(3) The corporate property is encumbered by a mortgage deed or deed of trust insured under the National Housing Act (48 Stat. 1246) as amended by subsequent Acts of Congress. **(See 12 U.S.C.A. §1701, et seq.)**

ii. (No change.)

9. A corporation not for profit organized under any law of this State where the primary purpose of it is to provide for its shareholders or members housing in a retirement community as defined under the "Retirement Community Full Disclosure Act," N.J.S.A. 45:22A-1, et seq.;

10. Corporations which are licensed as insurance companies under the laws of another state, including corporations which are surplus lines insurers declared eligible by the Commissioner of Insurance pursuant to section 11 of P.L. 1960, c. 32 (N.J.S.A. 17:22-6.45) to insure risks within this State; and

[8.]**11.** Corporations exempt from the corporation business tax by virtue of the provisions of another New Jersey statute[;].

(b) See N.J.A.C. 18:1-1.4 for the procedure to obtain exemption opinion letters.

[Example 1

Corporations subject to the Financial Business Tax Law (N.J.S.A. 54:10B-1 et seq.), and

Example 2

Corporations created under the Limited-Dividend Housing Corporations Law (N.J.S.A. 55:16-1 et seq.).]

18:7-1.13 Regulated investment company; definition

"Regulated investment company" means any corporation which for a period covered by its [report] **return** is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended. **(See 15 U.S.C.A. §80a-1 et seq.)**

18:7-1.15 Investment company; definition

(a)-(d) (No change.)

(e) A corporation electing to file as an investment company shall make its election on a timely filed original return or on a timely filed amended return, and shall substantiate its claim in accordance with the tests enumerated in this rule. Where the taxpayer does not clearly document its claim to investment company status through attached riders, the claim will be denied. An election made on an amended return shall be filed in accordance with the periods shown in N.J.A.C. 18:7-13.8(a) to be eligible for any refund claimed. An election to file as an investment company, once made, may only be revoked by the taxpayer within [two] **four** years of the filing of the original return. The election to file as an investment company is a taxpayer election and may not be initiated by the Division of Taxation or granted by the Division outside the time frame [presented above] **prescribed.**

(f) In order for a corporation to qualify as an investment company, it must meet the three-part business test and the asset test:

1. Business test (three parts):

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i. (Income [adjuted] **adjusted**): For purposes of the 90 percent requirement provided by (a) above, taxpayer, during the entire period covered by its report, must have derived 90 percent or more of its total income before deductions as reported for Federal income tax purposes, from cash and/or investment [type] assets. Total income before deductions as reported for Federal income tax purposes must be adjusted as follows:

(1)-(4) (No change.)

ii. (Income unadjusted): For purposes of the 90 percent requirement provided by (a) above, taxpayer, during the entire period covered by its report, must have derived 90 percent or more of its total income before deductions, as reported for Federal income tax purposes, from cash and/or investment [type] assets plus interest on Federal, State, municipal and other obligations not otherwise included in Federal taxable income and exclusive of any capital loss carryback or carryforward.

(1) A gain resulting from the disposition of an asset and reported on the installment basis for Federal income taxes is considered income for purposes of the investment company statute in the year in which the installment is received under both (c)1i and ii above. Income reported on the installment basis is treated as investment [type] income only if it is generated by the sale of an investment [type] asset. Interest income received in conjunction with each installment is deemed investment [type] income.

iii. (Deductions): For purposes of the 90 percent requirement provided by (a) above, taxpayer, during the entire period covered by its report, must have incurred 90 percent or more of its total deductions as reported for Federal income tax purposes, for holding, investing and reinvesting in cash [and or] **and/or** investment [type] assets.

2. Assets test: For purposes of the 90 percent requirement provided by (b)2i and ii above, at least 90 percent of the taxpayer's gross assets located in New Jersey, valued at cost, must consist of cash and/or investment [type] assets, during the period covered by its report.

Example No. 1-Example No. 8 (No change.)

18:7-2.1 Nature of tax; in general

(a) The Act imposes a franchise tax on every domestic corporation not otherwise exempt; and upon every foreign corporation not otherwise exempt, falling within any of the taxable categories enumerated in N.J.A.C. 18:7-1.6 [(Taxable status; how created)].

(b) (No change.)

18:7-2.11 Component factors of tax base

[(a)] The tax for the period or partial period prescribed in [Section 2.10 (Period of application of tax) of this chapter] **N.J.A.C. 18:7-2.10** is measured by taxpayer's allocable entire net income.[, and the taxpayer's allocable entire net worth or the average value of real and tangible personal property in New Jersey, or total assets (if total assets everywhere amount to less than $150,000.00), or for New Jersey corporations only:

1. For accounting periods ending after June 30, 1967 and prior to July 1, 1970, a tax based on the number of shares of stock that the corporation is authorized to issue; or

2. For accounting periods ending after June 30, 1970, the number of shares of stock that the corporation is authorized to issue or 11/100 of a mill of total assets or $100,000.00.]

18:7-2.12 Application of State Franchise Tax to corporations

The franchise tax is imposed for all or any part of each calendar or fiscal year during which the taxpayer possessed a New Jersey franchise or otherwise has a taxable status as set forth in [Section 1.6 (Taxable status; how created) of this chapter] **N.J.A.C. 18:7-1.16**.

18:7-3.1 General bases for computation of tax

[(a) On a return for any accounting period which begins before July 1, 1986, the New Jersey Corporation Business Tax is a two-part tax computed in accordance with the provisions of this subchapter.

(b) On a return for any accounting period which begins after March 31, 1983, the net worth tax rate shall be determined by applying 75 percent of the rate set forth in N.J.A.C. 18:7-3.2.

(c) On a return for any accounting period which begins after June 30, 1984, the net worth tax rate shall be determined by applying 50 percent of the rate set forth in N.J.A.C. 18:7-3.2.

(d) On a return for any accounting period which begins after June 30, 1985, the net worth tax rate shall be determined by applying 25 percent of the rate set forth in N.J.A.C. 18:7-3.2.

(e)] On a return for any accounting period which begins after June 30, 1986, no portion of the tax is measured by net worth.

18:7-3.2 and 3.3 **(Reserved)**

18:7-3.4 Minimum Tax

(a) The tax paid in the case of an investment company, a regulated investment company or real estate investment trust shall not be less than $250.00. The minimum tax for other corporations is set forth in (b) through (g) below.

(b) For accounting or privilege periods beginning prior to calendar year 1994, the tax paid pursuant to the corporation business tax in the case of a domestic corporation shall not be less than $25.00 and in the case of a foreign corporation shall not be less than $50.00.

(c) For accounting or privilege periods beginning in calendar year 1994, the tax paid pursuant to the corporation business tax in the case of a domestic corporation shall not be less than $50.00 and in the case of a foreign corporation shall not be less than $100.00.

(d) For accounting or privilege periods beginning in calendar year 1995, the tax paid pursuant to the corporation business tax in the case of a domestic corporation shall not be less than $100.00 and in the case of a foreign corporation shall not be less than $200.00.

(e) For accounting or privilege periods beginning in calendar year 1996, the tax paid pursuant to the corporation business tax in the case of a domestic corporation shall not be less than $150.00 and in the case of a foreign corporation shall not be less than $200.00.

(f) For accounting or privilege periods beginning in calendar year 1997, the tax paid pursuant to the corporation business tax in the case of a domestic corporation shall not be less than $200.00 and in the case of a foreign corporation shall not be less than $200.00.

(g) The Director shall adjust the minimum tax for accounting or privilege periods beginning in each fifth year following calendar year 1997 and each fifth year thereafter by multiplying the minimum tax for periods beginning in 1997 by an amount equal to one plus 75 percent of the increase, if any, in the annual average United States producer price index for finished goods published by the Federal Department of Labor, Bureau of Labor Statistics, for the year preceding the determination year over such index for calendar year 1996.

18:7-3.5 **(Reserved)**

18:7-3.6 Net income base

(a) For all fiscal periods beginning on or after January 1, 1980, the net income tax rate is nine percent.

(b) For a foreign corporation acquiring a taxable status in New Jersey on or after January 1, 1980 and filing its New Jersey return on a short period basis, the tax rate is nine percent on adjusted entire net income after proper proration.

(c) In addition, a surtax calculated pursuant to N.J.S.A. 54:10A-5.1 and 5.2 shall be computed and added to the applicable tax.

18:7-3.7 **(Reserved)**

18:7-3.8 Investment company; tax self-assessed and payable

(a) The tax self-assessed and payable by an investment company entitled and electing to report as such is a tax measured by 25 percent of its entire net income at the rate provided by law.

(b) In no case shall the total tax be less than $250.00.

18:7-3.9 **(Reserved)**

18:7-3.11 **(Reserved)**

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18:7-3.12 Method of accounting

In general, the method of accounting, whether cash, accrual or other basis, used in computing net income for Federal income tax purposes is to be used in computing entire net income [or entire net worth] under the Act.

18:7-3.13 Estimated tax

(a) (No change.)

[(b) Where accounting periods had ended on or after December 31, 1980 but before January 1, 1985, each taxpayer shall make installment payments of its estimated tax for its current accounting period in accordance with the following schedule:

The Percent Payment Due on or Before Fifteenth of Month of Current Accounting Year is

Where Accounting Year Ended on or After	First	Fourth	Sixth
12/31/80		60% PYT	
12/31/81	15% ET	45% PYT	
12/31/82	15% ET	45% PYT	
12/31/83		30% ET	AET 55%
	Ninth	Twelfth	
	AET 85%	Bal. ET	
	AET 85%	Bal. ET	
	AET 80%	Bal. ET	
	AET 80%	Bal. ET	

*ET = ESTIMATED TAX LIABILITY FOR CURRENT ACCOUNTING YEAR.

PYT = TAX FOR PRIOR ACCOUNTING YEAR.

AET = AMOUNT OF PAYMENT NECESSARY IN CURRENT ACCOUNTING YEAR FOR CUMULATIVE PAYMENT OF THAT PERCENTAGE OF TAXPAYER'S ESTIMATED TAX LIABILITY FOR THAT YEAR.

(a) % of ET Due on or before 15th of 1st Month of Current Accounting Year.
(b) % of ET Due on or before 15th of 4th Month of Current Accounting Year.
(c) % of ET Due on or before 15th of 6th Month of Current Accounting Year.
(d) % of ET Due on or before 15th of 9th Month of Current Accounting Year.
(e) % of PYT Due on or before 15th of 4th Month of Current Accounting Year.
(f) % of AET Due on or before 15th of 6th Month of Current Accounting Year.
(g) % of AET Due on or before 15th of 9th Month of Current Accounting Year.
(h) Balance of ET Due on or before 15th of 12th Month of Current Accounting Year.

ACCOUNT PERIOD ENDED	PYT 60% (e)	AET 85% (g)	ET BALANCE (h)
12/31/80	4/15/81	9/15/81	12/15/81
1/31/81	5/15/81	10/15/81	1/15/82
2/28/81	6/15/81	11/15/81	2/15/82
3/31/81	7/15/81	12/15/81	3/15/82
4/30/81	8/15/81	1/15/82	4/15/82
5/31/81	9/15/81	2/15/82	5/15/82
6/30/81	10/15/81	3/15/82	6/15/82
7/31/81	11/15/81	4/15/82	7/15/82
8/31/81	12/15/81	5/15/82	8/15/82
9/30/81	1/15/82	6/15/82	9/15/82
10/31/81	2/15/82	7/15/82	10/15/82
11/30/81	3/15/82	8/15/82	11/15/82

ACCOUNT PERIOD ENDED	ET* 15% (a)	PYT* 45% (e)	AET 85% (g)	ET BALANCE (h)
12/31/81	1/15/82	4/15/82	9/15/82	12/15/82
1/31/82	2/15/82	5/15/82	10/15/82	1/15/83
2/28/82	3/15/82	6/15/82	11/15/82	2/15/83
3/31/82	4/15/82	7/15/82	12/15/82	3/15/83
4/30/82	5/15/82	8/15/82	1/15/83	4/15/83
5/31/82	6/15/82	9/15/82	2/15/83	5/15/83
6/30/82	7/15/82	10/15/82	3/15/83	6/15/83
7/31/82	8/15/82	11/15/82	4/15/83	7/15/83
8/31/82	9/15/82	12/15/82	5/15/83	8/15/83
9/30/82	10/15/82	1/15/83	6/15/83	9/15/83
10/31/82	11/15/82	2/15/83	7/15/83	10/15/83
11/30/82	12/15/82	3/15/83	8/15/83	11/15/83

ACCOUNT PERIOD ENDED	ET* 15% (a)	PYT* 45% (e)	AET 80% (g)	ET BALANCE (h)
12/31/82	1/15/83	4/15/83	9/15/83	12/15/83
1/31/83	2/15/83	5/15/83	10/15/83	1/15/84
2/28/83	3/15/83	6/15/83	11/15/83	2/15/84
3/31/83	4/15/83	7/15/83	12/15/83	3/15/84
4/30/83	5/15/83	8/15/83	1/15/84	4/15/84
5/31/83	6/15/83	9/15/83	2/15/84	5/15/84
6/30/83	7/15/83	10/15/83	3/15/84	6/15/84
7/31/83	8/15/83	11/15/83	4/15/84	7/15/84
8/31/83	9/15/83	12/15/83	5/15/84	8/15/84
9/30/83	10/15/83	1/15/84	6/15/84	9/15/84
10/31/83	11/15/83	2/15/84	7/15/84	10/15/84
11/30/83	12/15/83	3/15/84	8/15/84	11/15/84

ACCOUNT PERIOD ENDED	ET 30% (b)	AET* 55% (f)	AET 80% (g)	ET BALANCE (h)
12/31/83	4/15/84	6/15/84	9/15/84	12/15/84
1/31/84	5/15/84	7/15/84	10/15/84	1/15/85
2/29/84	6/15/84	8/15/84	11/15/84	2/15/85
3/31/84	7/15/84	9/15/84	12/15/84	3/15/85
4/30/84	8/15/84	10/15/84	1/15/85	4/15/85
5/31/84	9/15/84	11/15/84	2/15/85	5/15/85
6/30/84	10/15/84	12/15/84	3/15/85	6/15/85
7/31/84	11/15/84	1/15/85	4/15/85	7/15/85
8/31/84	12/15/84	2/15/85	5/15/85	8/15/85
9/30/84	1/15/85	3/15/85	6/15/85	9/15/85
10/31/84	2/15/85	4/15/85	7/15/85	10/15/85
11/30/84	3/15/85	5/15/85	8/15/85	11/15/85

ACCOUNT PERIOD ENDED	ET 25% (b)	ET 25% (c)	ET 25% (d)	ET BALANCE (h)
12/31/84	4/15/85	6/15/85	9/15/85	12/15/85
1/31/85	5/15/85	7/15/85	10/15/85	1/15/86
2/28/85	6/15/85	8/15/85	11/15/85	2/15/86
3/31/85	7/15/85	9/15/85	12/15/85	3/15/85
4/30/85	8/15/85	10/15/85	1/15/86	4/15/86
5/31/85	9/15/85	11/15/85	2/15/86	5/15/86
6/30/85	10/15/85	12/15/85	3/15/86	6/15/86
7/31/85	11/15/85	1/15/86	4/15/86	7/15/86
8/31/85	12/15/85	2/15/86	5/15/86	8/15/86
9/30/85	1/15/86	3/15/86	6/15/86	9/15/86
10/31/85	2/15/86	4/15/86	7/15/86	10/15/86
11/30/85	3/15/86	5/15/86	8/15/86	11/15/86
12/31/85	4/15/86	6/15/86	9/15/86	12/15/86

1. For purposes of this schedule:

i. "Accounting year" means the fiscal or calendar accounting year on which the tax is computed.

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ii. "AET" means:

(1) For an accounting period beginning on and after January 1, 1981 but before January 1, 1983, the amount of payment necessary to provide on or before the 15th day of the ninth month of the taxpayer's current accounting year for cumulative payments of 85 percent of its total estimated tax liability;

(2) For an accounting period beginning on or after January 1, 1984 but before January 1, 1985, the amount of payment necessary to provide on or before the 15th day of the sixth month of taxpayer's current accounting year for cumulative payments of 55 percent of its total estimated tax liability; and

(3) For accounting periods beginning on or after January 1, 1983 but before January 1, 1985, the amount of payment necessary to provide on or before the 15th day of the ninth month of the taxpayer's current accounting year for cumulative payments of 80 percent of its total estimated tax liability.

iii. "Current accounting year" means the fiscal or calendar accounting year during which the estimated tax payments or prepayments are due.

iv. "Estimated tax liability" means the total tax expected to be due on the corporation business tax return for the current accounting year and is to be computed before any prepayment, estimated tax or credit for taxes previously paid.

v. "ET" means a taxpayer's estimated tax liability for its current accounting year. However, in the case of the payment which is due on or before the 15th day of the first month of each of its current accounting years ending on or after December 31, 1982 but before December 31, 1983, such payment may not be less than the last installment properly due for its previous accounting year, but need not be more than 25 percent of its estimated tax liability properly due for that previous accounting year. An amount is "properly due" when the amount of each installment which would have been made had the estimated tax for the immediate preceding accounting year been determined under these rules and their total equalled the tax shown on the return for that year. Where the period covered by the previous return is for a short period of less than a year, the tax shown on its return for the short period must be divided by the number of whole months covered by the return and multiplied by 12. For the purpose of this computation, a fraction of a month is to be disregarded. Further, the "last installment properly due" is to be 15 percent of such annualized tax.

vi. "PYT" means a taxpayer's tax for the prior accounting year before any required prepayment or credit for taxes previously paid. Such tax must be determined with reference to the tentative return or final return which was filed or should have been filed on or before the original due date of such return.

(3) For accounting periods beginning on or after January 1, 1983 but before January 1, 1985, the amount of payment necessary to provide on or before the 15th day of the ninth month of the taxpayer's current accounting year for cumulative payments of 80 percent of its total estimated tax liability.

iii. "Current accounting year" means the fiscal or calendar accounting year during which the estimated tax payments or prepayments are due.

iv. "Estimated tax liability" means the total tax expected to be due on the corporation business tax return for the current accounting year and is to be computed before any prepayment, estimated tax or credit for taxes previously paid.

v. "ET" means a taxpayer's estimated tax liability for its current accounting year. However, in the case of the payment which is due on or before the 15th day of the first month of each of its current accounting years ending on or after December 31, 1982 but before December 31, 1983, such payment may not be less than the last installment properly due for its previous accounting year, but need not be more than 25 percent of its estimated tax liability properly due for that previous accounting year. An amount is "properly due" when the amount of each installment which would have been made had the estimated tax for the immediate preceding accounting year been determined under these rules and their total equalled the tax shown on the return for that year. Where the period covered by the previous return is for a short period of less than a year, the tax shown on its return for the short period must be divided by the number of whole months covered by the return and multiplied by 12. For the purpose of this computation, a fraction of a month is to be disregarded. Further, the "last installment properly due" is to be 15 percent of such annualized tax.

vi. "PYT" means a taxpayer's tax for the prior accounting year before any required prepayment or credit for taxes previously paid. Such tax must be determined with reference to the tentative return or final return which was filed or should have been filed on or before the original due date of such return.

Example 1: For the purpose of illustration, assume that a taxpayer is on a calendar year basis. To determine the due dates of its installments it prepares the following schedule:

Where its calendar year ended	Dates corresponding to the 15th day of its current accounting year: 1st month	4th month	6th month
12/31/80		4/15/81	
12/31/81	1/15/82	4/15/82	
12/31/82	1/15/83	4/15/83	
12/31/83		4/15/84	6/15/84

9th month	12th month
9/15/81	12/15/81
9/15/82	12/15/82
9/15/83	12/15/83
9/15/84	12/15/84

It estimates its tax for its calendar year ended
December 31, 1981 to be $2,000
December 31, 1982 to be 2,400
December 31, 1983 to be 2,000
December 31, 1984 to be 2,500
which, however, it revised on August 30, 1984 to be $2,000.

In fact, its tax for its calendar years ended
December 31, 1980 was $1,000
December 31, 1981 was 2,000
December 31, 1982 was 2,800

It makes the following installment payments of estimated tax:

On 4/15/81—60 percent of the tax for its year ended 12/31/80		$ 600
9/15/85—85 percent of estimated tax for year ended 12/31/81	$1,700	
Less prior payment	600	1,100
12/15/81—Balance of estimated tax		300
Estimated tax liability for calendar year ended 12/31/81		$2,000
1/15/82—15 percent of estimated tax—(15 percent x $2,400) $360, which need not be more than 25 percent of prior year's estimated tax liability—$500, but must be at least the amount which was due 12/15/81—$300		$ 360
4/15/82—45 percent of the tax for its year ended 12/31/81 (45 percent x $2,000)		900
9/15/82—85 percent of estimated tax for year ended 12/31/82 (85 percent x $2,400)	$2,040	
Less prior payments	1,260	780
12/15/82—Balance of estimated tax		360
Estimated tax liability for calendar year ended 12/31/82		$2,400
1/15/83—15 percent of estimated tax—$300, which need not be more than 25 percent of prior year's estimated tax liability—$600, but must be at least the amount which was due 12/15/82—$360		$ 360
4/15/83—45 percent of the tax for its calendar year ended 12/31/82 (45 percent of $2,800)		1,260
9/15/83—80 percent of estimated tax for year ended 12/31/83	$1,600	
Less prior payments	1,620	-0-
12/15/83—Balance of estimated tax		380
Estimated tax liability for calendar year ended 12/31/83		$2,000

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4/15/84—30 percent of estimated tax for year ended 12/31/84		$ 750
6/15/84—55 percent of estimated tax for year ended 12/31/84	$1,375	
Less prior payment	750	625
9/15/84—80 percent of revised estimated tax for year ended 12/31/84	$1,600	
Less cumulative payments to date	1,375	225
12/15/84—Balance of estimated tax		400
Estimated tax liability for calendar year ended 12/31/84 as revised		$2,000

Example 2: For the purpose of illustration, assume that a taxpayer has a fiscal year ending on April 30. To determine the due dates of its installments it prepares the following schedule:

Where its fiscal year ended	Dates corresponding to the 15th day of its current fiscal accounting year				
	1st month	4th month	6th month	9th month	12th month
4/30/81		8/15/81		1/15/82	4/15/82
4/30/82	5/15/82	8/15/82		1/15/83	4/15/83
4/30/83	5/15/83	8/15/83		1/15/84	4/15/84
4/30/84		8/15/84	10/15/84	1/15/85	4/15/85

It estimates its tax for its fiscal years ended
April 30, 1982 to be $2,000
April 30, 1983 to be 2,400
April 30, 1984 to be 2,000
April 30, 1985 to be 2,500
which, however, it revised on September 30, 1984 to be 2,000.

In fact, its tax for its fiscal years ended
April 30, 1981 was $1,000
April 30, 1982 was 2,000
April 30, 1983 was 2,800

It makes the following installment payments of estimated tax:

On 8/15/81—60 percent of the tax for its fiscal year ended 4/30/81		$ 600
1/15/82—85 percent of estimated tax for fiscal year ended 4/30/82	$1,700	
Less prior payment	600	1,100
4/15/82—Balance of estimated tax		300
Estimated tax liability for fiscal year ended 4/30/82		$2,000
5/15/82—15 percent of estimated tax—$360, which need not be more than 25 percent of prior year's estimated tax liability—$500, but must be at least the amount which was due 4/15/82—$300		$ 360
8/15/82—45 percent of the tax for its fiscal year ended 4/30/82		900
1/15/83—85 percent of estimated tax for fiscal year ended 4/30/83	$2,040	
Less prior payments	1,260	780
4/15/83—Balance of estimated tax		360
Estimated tax liability for fiscal year ended 4/30/83		$2,400
5/15/83—15 percent of estimated tax—$300, which need not be more than 25 percent of prior year's estimated tax liability—$600, but must be at least the amount which was due 4/15/83—$360		$ 360
8/15/83—45 percent of tax for fiscal year ended 4/30/83		1,260
1/15/84—60 percent of estimated tax for fiscal year ended 4/30/84	$1,600	
Less prior payments	1,620	-0-
4/15/84—Balance of estimated tax		380
Estimated tax liability for fiscal year ended 4/30/84		$2,000
8/15/84—30 percent of estimated tax for fiscal year ended 4/30/85		$ 750
10/15/84—55 percent of revised estimated tax for fiscal year ended 4/30/85	$1,100	
Less preceding payment	750	350
1/15/85—80 percent of revised estimated tax for fiscal year ended 4/30/85	$1,600	
Less cumulative payments to date	1,100	500
4/15/85—Balance of estimated tax		400
Estimated tax liability for fiscal year ended 4/30/85 as revised		$2,000]

[(c)]**(b)** When the tax liability for the preceding tax year is less than $500.00 a taxpayer may, in lieu of making the installment payments otherwise required, discharge its entire obligation with respect to estimating its tax by making a single payment on or before the original due date for filing its return. The single payment[:

1. For accounting years ending before December 31, 1981 is 60 percent of the tax shown on the face of its return; and

2. For accounting years ending on or after December 31, 1981] is 50 percent of the tax shown on the face of its return. Such tax must be determined with reference to the tentative return or final return which was filed or should have been filed on or before the original date of such return. The single payment should be computed by taking into account any payment which may have been made on the 15th day of the first month of its current tax year.

[(d)]**(c)** For purposes of applying this rule, it is necessary that the preceding tax year be a full calendar or fiscal year, or where such return is for a short period of less than 12 months, the actual tax liability for such short period must be divided by the number of whole months covered by the return and multiplied by 12 to impute a tax for a full calendar or fiscal year. For the purpose of this computation a fraction of a month is to be disregarded.

[1. For example, a taxpayer with a total tax liability of $300.00 for its tax year ended December 31, 1980 which was a complete year of 12 months, and which estimates $600.00 tax liability for the tax year ended on December 31, 1981 may remit:

i. A single payment in lieu of estimated tax for 1981;

ii. Sixty percent of $300.00 equals $180.00;

iii. No further installments will be due on account of the current year's estimated tax.

2. However, a taxpayer with a tax liability of $200.00 for its short period July 13, 1981 to December 31, 1981 and which estimated a $550.00 tax liability for its tax year ended December 31, 1982, must compute an imputed tax for a whole year as follows:

i. $200.00 (tax for short period) divided by 5 × 12 equals $480.00.

ii. Since $480.00 is less than $500.00, this taxpayer may apply this special rule.

iii. Single payment in lieu of estimated tax for 1982.

iv. Fifty percent of $480.00 equals $240.00.

v. No further installments will be due on account of the current year's estimated tax.]

Recodify existing (e) through (h) as **(d) through (g)** (No change in text.)

18:7-3.14 **(Reserved)**

18:7-3.15 Interest on under payment of installment payments

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

(c) The rate to be used in (b) above is an annual rate of five percent above the prime rate, compounded daily from the date the tax was originally due and payable until the date of payment. **On and after July 1, 1993, the rate is three percent above the prime rate compounded annually.** Each such underpayment shall bear interest at the rate prescribed above. The following is an example of underpayment interest computation:

1. Assume the average predominant prime rate for January 1, [1988] **1994** is [nine] **six** percent. Therefore, the applicable interest on underpayment pursuant to this subsection is [nine] **six** percent plus [five] **three** percent or [14] **nine** percent on the amount of any underpayment of estimated tax due on or after April 1, [1988] **1994**

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but before July 1, [1988] **1994**. The method prescribed for computing the addition to the tax may be illustrated by the following example:

i. A corporation reporting on a calendar year basis estimated on its Statement of Estimated Tax for [1988] **1994**, estimated tax in the amount of $50,000.00. It made payments of $12,500.00 each on April 15, [1988] **1994**, June 15, [1988] **1994**, September 15, [1988] **1994** and December 15, [1988] **1994**. On April 15, [1989] **1995**, it filed its tax return, CBT-100, showing a total tax of $200,000.00. Since the amount of each of the four installments paid by the last date prescribed for payment thereof was less than 90 percent of the tax shown on the return, the addition to the tax under this rule is applicable and is computed as follows, assuming that no exception applies:

Item (1)	Tax on return for [1988] **1994**	$200,000
Item (2)	Ninety percent of item (1)	180,000
Item (3)	Amount of estimated tax required to be paid on each installment date (25 percent of $180,000)	45,000
Item (4)	Deduct amount paid on each installment date	12,500
Item (5)	Amount of underpayment for each installment date (item (3) minus item (4)) ...	$ 32,500
Item (6)	Interest shall be charged on each underpayment at the rate as prescribed in this subsection	

First installment: Interest period April 15, [1988] **1994** to April 15, [1989] **1995**

Second installment: Interest period June 15, [1988] **1994** to April 15, [1989] **1995**

Third installment: Interest period September 15, [1988] **1994** to April 15, [1989] **1995**

Fourth installment: Interest period December 15, [1988] **1994** to April 15, [1989] **1995**

(d)-(e) (No change.)

18:7-3.16 Banking corporations and financial business corporations

[(a)] N.J.A.C. 18:7-3.13, [18:7-3.14, 18:7-]3.15, [18:7-]11.12 and [18:7-]13.6 apply to banking corporations and financial business corporations. See N.J.S.A. 54:10A-34 et seq. regarding their general taxability under the Corporation Business Tax Act.

18:7-4.1 through 4.4 **(Reserved)**

18:7-4.5 Indebtedness owing directly or indirectly

(a)-(c) (No change.)

(d) Direct indebtedness: In the case of a creditor, corporate or otherwise (other than an individual), including an estate, trust or other entity, indebtedness is includible by reason of direct holding of taxpayer's stock by the creditor whether or not the [credit] **creditor** is functioning as a mere conduit of funds from a third party source.

(e)-(f) (No change.)

18:7-4.7 Governmental obligations and securities

[(a) In the determination of net worth, the value of governmental obligations and securities, including federal, state and municipal governmental obligations and securities, is includible. For the method of valuation see Section 6.7 (Valuation of securities; how computed) of this Chapter.

(b)] In the determination of net income, interest and other income from governmental obligations and securities are includible.

18:7-4.8 through 4.10 **(Reserved)**

18:7-4.11 Subsidiary corporations; definition

(a) [For purposes of the subsidiary reduction from net worth under Section 4(d) of the Act, as well as for purposes of the subsidiary deduction from net worth under Section 9 of the Act, a] A subsidiary is defined as any corporation in which the taxpayer is the owner of:

1.-3. (No change.)

(b) (No change.)

18:7-4.12 through 4.17 **(Reserved)**

18:7-5.2 Entire net income; how computed

(a) "Taxable income before net operating loss deduction and special deductions," hereinafter referred to as Federal taxable income, is the starting point in the computation of the entire net income. After determining Federal taxable income, it must be adjusted as follows:

1. Add to Federal taxable income:

i.-iv. (No change.)

v. All New Jersey franchise taxes paid or accrued under the Corporation Business Tax Act, whether measured by net worth, net income or otherwise, to the extent such taxes were deducted in computing Federal taxable income; **and, with respect to accounting years beginning after July 7, 1993, taxes paid or accrued to a possession or territory of the United States, a state, a political subdivision thereof, or the District of Columbia on or measured by profits or income, or business presence or business activity including, without limitation, the Michigan Single Business Tax and taxes measured in whole or in part by "net taxable capital" to the extent such taxes were deducted in computing federal taxable income;**

vi.-ix. (No change.)

x. In any year or short period which ends after 1981, **with respect to property placed in service on and after January 1, 1981, but prior to taxpayer fiscal or calendar accounting years beginning on or after July 7, 1993,** any depreciation or cost recovery (ACRS **or MACRS**) which was deducted in arriving at Federal taxable income and which was determined in accordance with Section 168 of the Federal Internal Revenue Code in effect after December 31, 1980. See (a)2iv below for depreciation allowable in computing entire net income.

xi. In any year or short period ending after 1981, **with respect to property placed in service on and after January 1, 1981, but prior to taxpayer fiscal or calendar accounting years beginning on or after July 7, 1993,** any interest, amortization or transactional costs, rent, or any other deduction which was claimed in arriving at Federal taxable income as a result of a "safe harbor leasing" election made under Section 168(f)8 of the Federal Internal Revenue Code; provided, however, that for a fiscal year or short period which begins in 1981 and ends **in** 1982, any such amount which relates to property placed in service during that part of the return year which occurs in 1981 shall be allowed as a deduction in arriving at entire income for that year only; and provided further that any such amount with respect to a qualified mass commuting vehicle pursuant to Federal Internal Revenue Code Section 168(f)(8)(D)(v) (formerly 168(f)(8)(D)(iii)) shall be allowed in any event.

(1) (No change.)

xii. (No change.)

xiii. The amount deducted from Federal taxable income for any civil, civil administrative, or criminal penalty or fine, including a penalty or fine under an administrative consent order, assessed and collected for violation of a State or Federal environmental law, an administrative consent order, or an environmental ordinance or resolution of a local governmental entity, and any interest earned on the penalty or fine, and any economic benefits having accrued to the violator as a result of a violation, which benefits are assessed and recovered in a civil, civil administrative, or criminal action, or pursuant to an administrative consent order. The provisions of this subsection shall not apply to a penalty or fine assessed or collected for a violation of a State or Federal environmental law, or local environmental ordinance or resolution, if the penalty or fine was for a violation that resulted from fire, riot, sabotage, flood, storm event, natural cause, or other act of God beyond the reasonable control of the violator, or caused by an act or omission of a person who was outside the reasonable control of the violator.

xiv. The amount deducted from Federal taxable income of treble damages paid to the Department of Environmental Protection and Energy pursuant to subsection a of section 7 of P.L. 1976, c.141 (N.J.S.A. 58:10-23.11f) for costs incurred by the Department in removing, or arranging for the removal of, an unauthorized discharge upon failure of the discharger to comply with a directive from the Department to remove, or arrange for the removal of, the discharge.

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2. Deduct from Federal taxable income:

i.-iii. (No change.)

iv. Depreciation on property placed in service after 1980 **but prior to taxpayer fiscal or calendar accounting years beginning on and after July 7, 1993** on which ACRS **or MACRS** has been disallowed under (a)1x above using any method, life and salvage value which would have been allowable under the Federal Internal Revenue Code at December 31, 1980. A method, once adopted, must be used for all succeeding years for purposes of computing depreciation on that particular recovery property, except only that a taxpayer may make a change in method which would not have required the consent of the Commissioner of Internal Revenue. Personal property placed in service during any year after 1980 must be treated using the half year convention by claiming a half year of depreciation in the year that property is placed in service. No depreciation is allowable in the year of disposal. Aggregate depreciation claimed under this paragraph for all years is limited to the basis for depreciation under the Federal Internal Revenue Code at the date the property is placed in service less whatever salvage value would have been required to be considered under the Federal Internal Revenue Code at December 31, 1980.

v. (No change.)

vi. In any year or short period ending after 1981, **with respect to property placed in service on and after January 1, 1981, but prior to taxpayer fiscal or calendar accounting years beginning on or after July 7, 1993,** any item of income included in arriving at Federal taxable income solely as a result of a "safe harbor leasing" election made under Section 168(f)(8) of the Federal Internal Revenue Code; provided, however, that for the accounting period which begins in 1981 and ends in 1982, such income which relates to property placed in service during 1981 is not to be excluded; and provided, further, that any such income which relates to a qualified mass commuting vehicle pursuant to Federal Internal Revenue Code Section 168(f)(8)(D)(v) (formerly 168(f)(8)(D)(iii)) shall be included in entire net income in any event.

(1)-(2) (No change.)

vii. (No change.)

18:7-5.4 Factors not adjustable to Federal taxable income

(a) No adjustment to Federal taxable income is permitted under this rule for:

1. Gains or losses not recognized for Federal income tax purposes under Section[s 332, 333, 336, 337,] 351 or similar sections of the Internal Revenue Code but only to the extent that recapture or other provisions of the Code are not paramount to these sections.

2. The ["investment tax credit"] **general business credit** allowed or allowable for Federal income tax purposes under Section 38 of the Internal Revenue Code.

i. (No change.)

ii. Upon disposition of assets which qualified for [an "investment tax credit"] **a general business credit** under Section 38 of the Internal Revenue Code, taxpayer must use the same basis for computing gain or loss for New Jersey net income tax purposes as employed for Federal income tax purposes.

3. Depreciation attributable to a decrease in the basis of depreciable property for Federal income tax purposes, as a result of the ["Investment Tax Credit"] **general business credit** allowed or allowable under Section 38 of the Internal Revenue Code.

i.-ii. (No change.)

18:7-5.6 Adjustment of entire net income [and net worth] to period covered by return; how computed

(a) (No change.)

[(b) If the entire net worth required to be reported is for a period of less than 12 calendar months:

1. The entire net worth is first determined in the manner set forth in N.J.A.C. 18:7-4.1 through 4.4;

2. The result is then divided by 12;

3. The result is then multiplied by the number of calendar months or parts thereof covered by the return under the Act. A part of a month shall be deemed to be a month.]

18:7-5.7 Right of director to independently determine net income[, net worth]

If in the opinion of the Director the method employed in [Section 5.6 (Adjustment of entire net income) of this Chapter] **N.J.A.C. 18:7-5.6** does not properly reflect the taxpayer's net income [or net worth] properly apportionable to New Jersey under the Act for the period covered by its New Jersey return, the Director may determine entire net income [and entire net worth] solely on the basis of the taxpayer's income [and net worth] during such period.

18:8-5.8 **(Reserved)**

18:7-5.10 Right of Director to correct distortions of net income[, net worth,] allocation factors; adjustments and redeterminations

(a) Whenever it shall appear to the Director that any taxpayer fails to maintain its records in accordance with sound accounting principles or conducts its business or maintains its records in a manner so as either directly or indirectly to distort its true entire net income [or its true entire net worth under the Act] or the proportion thereof properly allocable to this State, or whenever any taxpayer maintains a place of business outside this State, or whenever any agreement, understanding or arrangement exists between a taxpayer and any other corporation or any person or firm, for the purpose of evading tax under the Act, or whereby the activity, business, receipts, expenses, assets, liabilities, **or** net income [or net worth] of the taxpayer are improperly or inaccurately reflected, the Director is authorized and empowered, in his **or her** discretion and in whatever manner he **or she** may determine, to adjust and redetermine such items, and to adjust items of gross receipts, tangible or intangible property and payrolls within and without the State and the allocation of entire net income [or entire net worth] or to make any other adjustments in any tax report or tax return as may be necessary to make a fair and reasonable determination of the amount of tax payable under the Act.

1.-10. (No change.)

(b) The application of this section is not limited to an agreement, understanding or arrangement existing between a taxpayer and any other corporation or any person or firm for the purpose of avoiding or evading tax under the Act. It is also applicable where adjustments and redeterminations relate to transfer pricing and other transactions between related persons or entities where evasion or tax avoidance are not a consideration. The Director may initiate adjustments under this section solely in the interests of determining a fair and reasonable tax, and without respect to any benefit arising out of intercorporate relationships or the relationships of any person holding a substantial portion of the stock of a taxpayer. The Division shall not be limited to indices, trade practices, cost sheets, Internal Revenue Reports or any other factor in determining the appropriate transfer price for goods, services, intangibles or other dispositions made to related parties. Where the Director determines that there is an adjustment to [net worth or] net income under this section, he or she may also make a corresponding adjustment to the allocation factor.

(c)-(e) (No change.)

(f) Whenever the Director deems it necessary, in order properly to reflect entire net income [or entire net worth] of the taxpayer, he or she may determine the year or period in which an item of income, deduction, asset or liability shall be included, without regard to the method of accounting used by the taxpayer.

(g) (No change.)

18:7-5.11 **(Reserved)**

18:7-5.12 Net operating loss deduction

A taxpayer may deduct a **New Jersey** net operating loss carryover as defined in N.J.A.C. 18:7-5.13 in computing its entire net income before exclusions and before the net operating loss deduction.

18:7-5.13 [Net] **New Jersey net** operating loss carryover

(a) A **New Jersey** net operating loss as defined in N.J.A.C. 18:7-5.15 for any taxable year ending after June 30, 1984 becomes a net operating loss carryover. The net operating loss carryover is

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carried to each of the succeeding taxable years and is reduced in each such succeeding year by the amount of entire net income before net operating loss deduction and before exclusions, and is further reduced to zero seven years following the year of the loss, taking into account the normal or extended due date for filing the return for the seventh year succeeding the year of the loss. The net operating loss carryover may not be carried back to any year preceding the year of the loss. For this purpose, taxable year shall mean the accounting period covered by the taxpayer's return. In no event may a net operating loss carryover be used for a net operating loss deduction on the eighth return succeeding the loss year.

(b)-(d) (No change.)

SUBCHAPTER 6. **(RESERVED)**

18:7-7.1 General instructions regarding allocation of [net worth and] net income

(a) No corporation, foreign or domestic (other than a corporation entitled and electing to report as an investment company, regulated investment company or real estate investment trust) is entitled to allocate any part of its [entire net worth or] entire net income outside New Jersey unless during the period covered by the return it maintained a regular place of business outside the State.

(b) In the absence of a regular place of business 100 [per cent] **percent** of its [entire net worth and] entire net income must be allocated to New Jersey.

(c) The mere ownership of assets outside New Jersey does not constitute a basis for allocating less than 100 percent of the taxpayer's [entire net worth or] net income to New Jersey.

(d) (No change.)

18:7-7.3 "Allocating" and "non-allocating" companies; definition

(a) A taxpayer which allocates a portion of its [entire net worth or] entire net income outside this State is referred to as an "allocating" taxpayer.

(b) A taxpayer which does not allocate any part of its [entire net worth or] entire net income outside this State is referred to as a "non-allocating" taxpayer.

18:7-7.4 Allocation factor; definition

"Allocation factor" means the proportionate part of a taxpayer's [entire net worth or] entire net income used to determine a measure of its tax under the Act.

18:7-7.5 Allocation factor; application

[(a)] If the taxpayer had a regular place of business outside New Jersey during the period covered by the return, its tax liability under the New Jersey Corporation Business Tax Act is measured by[:]

[1. That] **that** part of its entire net income allocated to New Jersey according to a formula called the business allocation factor. [; and

2. That part of its entire net worth allocated to New Jersey according to a formula called the business allocation factor, subject nevertheless to the alternative minimum net worth tax bases indicated in Sections 3.1 to 3.6 of this Chapter.]

18:7-7.6 **(Reserved)**

18:7-8.12 Other business receipts

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

(c) For treatment of receipts from sales of capital assets, see [section 8.9 (Receipts of capital assets; when includible) of this chapter] **N.J.A.C. 18:7-8.9.**

(d)-(e) (No change.)

Example: (No change.)

(f) For treatment of non-operational income, see N.J.A.C. 18:7-8.17.

18:7-8.13 Business allocation factor; payroll fraction

(a) (No change.)

(b) The percentage of the taxpayer's payroll allocable to New Jersey is determined by dividing the wages, salaries and other personal service compensation of the taxpayer's employees within New Jersey during the period covered by the return by the total amount of compensation of all the taxpayer's employees during the period.

1. (No change.)

2. In general, a taxpayer reporting to the Division of Employment Security in the New Jersey Department of Labor must allocate to New Jersey all wages, salaries and other personal service compensation, and other items reportable to that Division, including the portions thereof, in individual cases, over $6,200 for the calendar year 1978 and $6,600 for the calendar year 1979 and for subsequent years the amount prescribed by the New Jersey Department of Labor. **(As a point of reference, such base wage amount for 1992 was $15,300 and for 1993 was $16,000.)**

(c) (No change.)

18:7-8.16 Allocation; International Banking Facilities

Any banking corporation, having an international banking facility, which maintains a regular place of business (other than a statutory office) outside of New Jersey, which elects to take [the exclusion from net worth provided by N.J.A.C. 18:7-4.1(c), or] the deduction from entire net income provided by N.J.A.C. 18:7-5.2[(b)7]**(a)2vii**, shall complete the allocation factor under [N.J.A.C. 18:7-8.1, et seq.] **this subchapter** in the usual way. For the purpose of allocation, however, all amounts attributable, directly or indirectly, to the production of the eligible net income of an international banking facility as defined in N.J.A.C. 18:7-16.1, shall be included in both the numerator and denominator of the fractions described in [N.J.A.C. 18:7-8.1, et seq.] **this subchapter**, whether or not such international banking facility income amounts are otherwise attributable to New Jersey.

(See: [Subchapter] **N.J.A.C. 18:7-16** regarding international banking facilities.)

18:7-8.17 [(Reserved)] **Non-operational income**

Non-operational income of taxpayers other than those that have their principal place from which the trade or business of the taxpayer is directed or managed in this State is not subject to allocation. See N.J.S.A. 54:10A-6.1.

18:7-11.1 Returns; corporations required to file

(a) Returns are required to be filed annually by the following:

1. Every corporation subject to tax, regardless of the amount of its entire net income [or entire net worth].

2. (No change.)

18:7-11.4 Amended return

Any taxpayer filing an amended return with the United States Treasury Department shall also file an amended return with the Division of Taxation. See [section 11.8 (Time to report change or correction in Federal net income) of this chapter] **N.J.A.C. 18:7-11.8.**

18:7-11.6 Forms of returns

(a) Returns are required to be made on forms prescribed by the Director.

1. In the case of all taxpayers, annual returns are required to be filed on Form CBT-100 or [CBT-101;] **CBT-100S. As used in these rules, references to CBT-100 may be interpreted to include CBT-100S, as the context may require.**

2. In the case of all taxpayers entitled and electing to allocate entire net income [or entire net worth], the supplemental sheet, to be used in conjunction with Form CBT-100 and containing the allocation schedules, must be completed and annexed to Form CBT-100.

(b)-(c) (No change.)

18:7-11.7 Time for filing returns

(a) (No change.)

(b) A return is timely filed [when it is received by the Division of Taxation on or before the due date] **and deemed delivered on the date of the United States postmark stamped on the envelope. See N.J.S.A. 54:49-3.1.**

(c) A return is timely filed when it is [received by] **mailed to** the Division of Taxation on the next business day, if the due date falls on a Saturday, Sunday or State holiday.

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18:7-11.8 Time to report change or correction in Federal net income

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

(c) After the filing of a report of change or correction on an IRA-100, **or CBT-100-X,** the Director may, within the time prescribed by law, audit the return and compute and assess the tax based upon the issue or issues set forth in the revenue agent report, but neither the Director nor the taxpayer may change the allocation of entire net income [and entire net worth] within and without New Jersey as theretofore computed.

(d) (No change.)

18:7-11.12 Extension of time to file return; interest and penalty

(a) No extension will be granted unless request is made on Tentative Return Form CBT-200T and is actually received by the Division [on] or **postmarked on or** before the due date of the return. The Tentative Return must:

1.-3. (No change.)

(b) (No change.)

(c) Banking and financial corporations may request an extension [on] **of** time to file return subject to the following conditions.

1. No extension will be granted unless request is actually received by the Division [on] or **postmarked on or** before the due date of the return;

2.-6. (No change.)

(d)-(e) (No change.)

(f) Interest and penalty are chargeable as follows:

1. (No change.)

2. Any unpaid portion of the tax on the final return which is in excess of the amounts paid shall bear interest at the rate of one and one-half percent per month, or fraction thereof from the original due date of the return to the date of actual payment or December 8, 1987. On and after December 9, 1987 the unpaid portion of the tax shall bear interest at the annual rate of five percentage points above the prime rate, compounded daily from the date the tax was originally due [on] **or** December 9, 1987, whichever is later, to the date of actual payment. **On and after July 1, 1993, the unpaid portion of the tax shall bear interest at the rate of three percentage points above the prime rate assessed for each month or fraction thereof, compounded annually at the end of each year from the date such tax was originally due to the date of actual payment.**

3. In addition, if the [amount] **amounts** paid [on or before] **up to and including** the time for filing of the **tentative** return [was] **total** less than **the lesser of** 90 percent of the amount of tax due, **or for a taxpayer that had a preceding fiscal or calendar accounting year of 12 months and filed a return for that year showing a tax liability equal to the tax computed at the rates applicable to the current accounting year applied to the facts shown on the return for and the law applicable to the preceding accounting year,** the taxpayer shall be liable for a penalty of five percent per month, or fraction thereof, on the amount of underpayment. In this context, "filing of the return" means filing its tentative return incident to its request for extension, "the time for filing" means the original due date for filing the return, and "amount of underpayment" means the difference between 100 percent of the tax shown on the final return and the total of all installments of estimated tax paid on or before the original due date for filing the return, as well as any amount paid with the tentative return.

(g)-(h) (No change.)

Statutory Reference

See N.J.S.A. 54:10A-15 as to the requirement to file an annual return; 10A-17 as to penalties for late filing of returns; 10A-15 as to necessity of certification of taxpayer's return by an authorized corporate officer; 10A-19 as to extension of the due date and interest to be assessed during such extension period; and [10A-19.1] **49-6** as to right of Director to issue deficiency assessments or reassessments after final return is filed.

18:7-11.16 Return to be filed by an S Corporation

(a) [An] **Except as may be provided otherwise by this Section, an** S corporation, that is, one which has made an election under Section 1361 et seq. of the Internal Revenue Code of 1954 as amended and supplemented, must complete its New Jersey Corporation Business Tax Return on its own separate basis as though no election had been made under the Federal Statute.

(b) [In] **Except as may be provided otherwise by this section, in** preparing its Corporation Business Tax Return the taxpayer cannot assume that ordinary income or loss (Federal taxable income) is equal to Federal taxable income before net operating loss deduction and special deductions for New Jersey Corporation Business Tax purposes, when the taxpayer has elected Federal S corporation treatment. Certain amounts not necessarily limited to I.R.C. Section 179 expenses, and 1120-S dividends that qualify for the dividend exclusion are not included as part of the S corporation's ordinary income (loss) computation, but rather are passed directly through to the shareholder on the Federal Form K-1 Schedule. For Corporation Business Tax purposes these amounts are included in the computation of entire net income, as if the corporation were a C corporation and no Federal S corporation election were made.

Examples 1.-2. (No change.)

(c) With respect to tax years beginning after July 7, 1993, S corporation status may be elected for New Jersey purposes by the shareholders of a Federal S corporation. The filing of an election form CBT-2553 with the Division to be recognized as a New Jersey S corporation is required. A New Jersey S corporation is entitled to pay its tax at a preferential rate as provided in N.J.S.A. 54:10A-5(c)(2) and (3) and to report and pay its tax liability on Form CBT-100S.

18:7-11.18 Reproduction of forms

(a) Subject to conditions and requirements of this section, the Director will accept for filing purposes reproductions of the New Jersey Corporation Business Tax Return Forms CBT-100, **CBT-100-X,** and CBT-200T in lieu of the official forms printed and furnished by the Director. Anyone contemplating the use of reproduced forms is cautioned to observe that the conditions herein stated may vary from the Federal regulations relating to reproduction of Federal tax forms.

(b) In order to be acceptable for filing purposes, reproduction of Forms CBT-100, **CBT-100-X,** and CBT-200T must meet the following conditions and requirements:

1.-11. (No change.)

18:7-12.1 Short period returns; when required

(a) In general, every corporation must file a return for each fiscal or calendar accounting period or part thereof during which it has or had a taxable status in New Jersey. In certain cases, the taxpayer will be required to file a return covering an accounting period of less than 12 months. This may necessitate an adjustment of [either or both] entire net income [and entire net worth].

(b)-(c) (No change.)

18:7-12.2 Short period returns; proration procedures

(a) Where a short period return is required, the [entire net worth] entire net income[, or both, are] **is** permitted to be prorated as follows:

[(a) With respect to net worth any corporation, domestic or foreign, may prorate its adjusted entire net worth by 12 and multiplying the result by the number of calendar months or parts thereof covered by the return. A part of a month is deemed to be a month.

(b) For the purpose of computing the minimum alternative tax based on average real and tangible personal property in New Jersey, the average real and tangible personal property may be prorated as to time in the same manner as net worth is prorated.

(c) For the purpose of computing the minimum alternative tax based on the number of shares of authorized capital stock (applicable to New Jersey corporations only), those shares may be prorated as to time in the same manner as net worth is prorated.]

[(d)]**1.** For any short period return, the minimum [net worth] tax [of $25.00] for a New Jersey corporation and [$50.00] for a foreign corporation may not be prorated and at least the proper minimum [net worth] tax amount must be paid [even though the tax computed on all the alternative net worth tax bases might amount to less than proper minimum net worth tax amount].

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[(e) Corporations entitled and electing to file under the short tax table are not permitted for any short period return to prorate the total assets base or the amount of tax chargeable under that table. This limitation shall not, however, be applicable to the portion of tax based on net income if the proration of net income is otherwise permitted.]

Recodify existing (f) and (g) as **2 and 3**. (No change in text.)

[(h)]**4.** Where a taxpayer is entitled and elected to allocate less than the full amount of its entire net income [and/or entire net worth] to New Jersey the allocation factors must reflect, both in the numerator and denominator, only the period covered by the short period return. For treatment of allocation on a short period return, see N.J.A.C. 18:7-12.3.

18:7-12.3 Short period returns; allocation

(a) In the case of a taxpayer entitled and electing to allocate less than the full amount of its entire net income [or entire net worth] to New Jersey, the applicable allocation factors must reflect, both in the numerator and denominator, only the period covered by the short period return.

(b) In that case, the allocation factor shall be applied to entire net income [or entire net worth] only after such entire net income or entire net worth shall have been prorated as indicated in N.J.A.C. 18:7-12.2.

(c) (No change.)

18:7-13.1 Assessment and reassessment

(a) On its return, the tax payer must compute the amount of tax payable under the law and must remit the amount of the indicated tax.

1.-2. (No change.)

3. There shall be added to the amount of any deficiency assessment or reassessment, interest at the rate of one and one-half percent per month or fraction thereof to be calculated from the date the tax was originally due and payable until December 8, 1987. On and after December 9, 1987, interest shall be calculated at the annual rate of five percentage points above the prime rate, compounded daily until the date of actual payment. **On and after July 1, 1993, interest shall be calculated at the rate of three percentage points above the prime rate assessed for each month or fraction thereof, compounded annually at the end of each year from the date such tax was originally due to the date of actual payment.**

4. If the [Director is satisfied that the deficiency was not due to fraud or evasion, he] **failure to pay tax when due is explained to the satisfaction of the Director, the Director** may abate the payment of any interest charge in excess of the annual rate of three percentage points above the prime rate[, compounded daily].

(b) The Director may assess an additional tax at any time within five years from the date of the filing of the return or amended return. **For returns filed on and after July 1, 1993, the Director may assess an additional tax at any time within four years from the date of the filing of the return or amended return.**

1. In the case of a [willfully] false or fraudulent return with intent to evade the tax, the Director may assess the tax at any time.

2. (No change.)

3. Where a return is filed before or after the due date prescribed in the statute, the Director may assess an additional tax, recompute and reassess the tax at any time within five years from the due date of the return, or from the date of filing of the return or amended return, whichever is later. **For returns filed on and after July 1, 1993, the period to assess additional tax is four years.**

(c)-(d) (No change.)

(e) At any time thereafter, within five years from the date of filing the report of change or correction or an amended return, the Director may reexamine the return, recompute and reassess the tax, but without changing the allocation of entire net income [and entire net worth] within and without New Jersey as previously computed, and shall so notify the taxpayer. **For returns filed on or after July 1, 1993, the period of limitation to make a deficiency assessment runs for an additional four year period from the date that taxable income is finally changed by the Commissioner of Internal Revenue. The additional period of limitation will only be applicable to the increase or decrease in tax attributable to the adjustments in the changed or corrected income.**

Statutory Reference

See N.J.S.A. 54:10A-13 as to requirements and time limits for filing amended tax returns under the Act should a change, correction, or recomputation of federally taxable income occur, and [10A-19.1] **49-6** as to Director's right to recompute and reassess any such deficiency assessment filed by taxpayer.

18:7-13.2 Hearing; protest

(a) Rules concerning the right of taxpayer to a hearing are:

1. Any taxpayer aggrieved by any finding or assessment of the Director may, within [30] **90** days of the date of the notice of assessment or finding, file a protest in writing, in the form and manner described in N.J.A.C. 18:1-1.8, and may request a hearing;

2. (No change.)

(b) (No change.)

18:7-13.4 Service of notice on taxpayers

(a) Any notice required to be given by the director pursuant to the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., may be served personally or by mailing the same to the person for whom it is intended, addressed to such person at the address given in the last report filed by that person pursuant to the provisions of the State Tax Uniform Procedure Law, or of any State tax law, or if no report has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom it was addressed. A notice may at the prescription of the director include on its face a designation which shall identify the notice for purposes of communication.

(b) An assessment notice pursuant to N.J.S.A. 54:49-5, N.J.S.A. 54:49-6 or N.J.S.A. 54:49-7 shall contain the statements required pursuant to subsections a, b, and f of N.J.S.A. 54:48-6.

(c) An assessment notice pursuant to N.J.S.A. 54:49-5, 54:49-6 or 54:49-7 shall include a statement of the reason for the assessment sufficient to inform a reasonable lay person of the statutory requirements which in the opinion of the Director require the assessment, the actions or omissions of the taxpayer which require the assessment, or the nature of the insufficient documentary evidence, if any, which has prompted the assessment, including:

1. In the case of an underpayment or failure of payment, a statement of the corresponding alleged correct amount and correct date of payment; and

2. In the case of a failure to file a return, a statement of the alleged required filing date.

(d) A refund determination notice pursuant to N.J.S.A. 54:49-15 shall include the statements required pursuant to subsections b, d and f of N.J.S.A. 54:49-6.

(e) A final determination notice pursuant to N.J.S.A. 54:48-18 shall include the statements required pursuant to subsections c and f of N.J.S.A. 54:48-6.

(f) The lack of any statement otherwise required to be included with a notice pursuant to this section or the lack of any description otherwise required pursuant to (c) of above shall not invalidate such notice.

(g) All notices of assessment related to final audit determination and "Notice and Demand for Payment of Tax" letters will be sent by registered or certified mail.

18:7-13.5 Closing agreements

(a) The Director is authorized to enter into a written agreement with any taxpayer relating to the liability of such taxpayer in respect to any tax, fee, penalty or interest imposed by the Act, which agreement shall be final and conclusive, and except upon a showing of fraud, malfeasance, or misrepresentation of a material fact:

1. (No change.)

2. In any suit, action or proceeding, the above agreement, or any determination, assessment, collection, payment, cancellation , refund, **abatement** or credit made in accordance with it shall not be annulled, modified, set aside or disregarded.

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Statutory Reference

See N.J.S.A. [54:10A-19.1(c)] **54:53-1 through 54:53-6** as to effect of closing agreements between Director and taxpayer.

18:7-13.6 Time for payment of tax

(a) The annual franchise tax[, including the required tax prepayment for accounting periods ending on and after March 31, 1968 but before December 31, 1980,] must be paid to the [director] **Director** in full on or before the due date of the return. For accounting periods ending on or after December 31, 1980, the annual franchise tax, including any estimated or installment payments required to be made pursuant to [section 3.13 (Estimated tax) of this chapter] **N.J.A.C. 18:7-3.13** must be paid to the [director] **Director** in full on or before the due date of the return.

1.-2. (No change.)

(b) (No change.)

(c) A taxpayer which ceases to be subject to tax under the Act must pay the entire tax for each fiscal or calendar accounting period or part of a period during which it had a taxable status. [(See Section 11.11 (Returns required to be filed by corporation ceasing to be subject to tax) of this Chapter).] **See N.J.A.C. 18:7-11.11.**

18:7-13.7 Additional tax; change in Federal tax; interest to be charged

(a) If the taxpayer is notified by the Director that an additional tax is payable as a result of an amended Federal return or a change or correction in taxable income by the Commisioner of Internal Revenue or other office of the United States or other competent authority, or where a renegotiation of a contract or subcontract with the United States or a recovery of a war loss results in a computation or recomputation of any tax imposed by the United States, within 15 days after the date of the Division's assessment letter to the taxpayer, the taxpayer must remit that additional tax together with interest thereon at the rate of three quarters of one percent per month or fraction thereof from the original due date of the New Jersey Corporation Business Tax Return for the accounting period involved to the date of payment on December 8, 1987, whichever is earlier, and on or after December 9, 1987 at the annual rate of [three] **five** percentage points above the prime rate to be compounded daily from the date such tax was originally due to the date of actual payment**, and on or after July 1, 1993 at the rate of three percentage points above the prime rate assessed for each month or fraction thereof compounded annually at the end of each year, from the date such tax was originally due to the date of actual payment**.

(b) However, if the taxpayer failed to notify the Director of any change in Federal net income within [the time] **90 days as** required by the Act and its provision, any additional tax resulting from a change, plus interest thereon computed as indicated in (a) above [(except that on and after December 9, 1987 interest shall be computed at the annual rate of five percentage points above the prime rate to be computed daily)], shall be deemed to have been due within 15 days after notification was required to be filed with the Director.

(c) For penalties in case of failure to pay tax when due see N.J.A.C. 18:7-14.1 [(Penalties)] and 14.2 [(Extension of time; failure to file or pay on time)].

Statutory Reference

See N.J.S.A. 54:10A-13 as to requirements and time limits for filing amended tax returns under this Act should a change, correction, or recomputation of Federally taxable income occur, and [10A-19.1(a)] **49-6** as to possible deficiency assessments and attendant penalties and interest after final tax report is filed.

18:7-13.8 Claims for refund, when allowed

(a) The two year statute of limitations period for filing a claim for refund commences to run from the later of the payment of tax for the taxable year or from the filing of the final return for the taxable year. **For returns filed on or after July 1, 1993, the statute of limitations period for filing a claim for refund is four years.** The due date of the return is deemed the payment date if filing and payment are made prior to the due date. A claim for refund is considered filed on the date it is received by the Division of Taxation ([see] **contrast** N.J.A.C. 18:7-11.7(b)).

(b) The two year period for filing a claim for refund relating to an amended return ("additional self-assessment") commences on the later of payment of the additional self-assessment or the filing of an amended return reflecting the additional self-assessment. **For amended returns filed on and after July 1, 1993, the refund claim period is four years.**

(c) For purposes of the application of this rule only:

1.-2. (No change.)

3. A Report of Changes in Corporate Taxable Net Income by the U.S. Internal Revenue Service (IRA-100) **(or a CBT-100-X)** is an amended return.

(d) Where a taxpayer files a Report of Changes in Corporate Taxable Net Income by the U.S. Internal Revenue Service pursuant to N.J.A.C. 18:7-11.8(a) that results in a diminution of entire net income for any year, the two year limitation period for filing a claim for refund based on that diminution for the return year at issue begins on the date that the timely filed Form IRA-100 is filed with the Division. **For reports filed on and after July 1, 1993, the limitation period is four years.** [A copy of refund Form A-3730 may accompany such form.] Unless the IRA-100 **or CBT-100-X** is filed in timely fashion under N.J.A.C. 18:7-11.8(a), the refund claim will not be considered.

(e) Where a taxpayer files an amended return with the Internal Revenue Service (Form 1120X) and files an amended return with the State of New Jersey within 90 days pursuant to N.J.A.C. 18:7-11.8(b), to be considered a timely refund claim such claim must be filed with the Division of Taxation within two years of the later of filing or payment of the original return self-assessment (CBT-100). **On and after July 1, 1993, the claim for refund must be filed within four years.**

(f)-(g) (No change.)

(h) If a taxpayer believes that it is entitled to relief pursuant to N.J.S.A. 54:10A-8, and it believes that a remedy based upon the rationale explicitly addressed by N.J.A.C. 18:7-8.3(b) is not adequate, such relief request is deemed a refund claim. The taxpayer is required to file its return and pay its tax in accordance with the statute, plainly noting on the filed return its claim for "Section 8 relief" and supplying supporting materials in accordance with N.J.A.C. 18:7-10.1. In addition, a copy of form [A-3730] **CBT-100-X**, Claim for Refund, must accompany the return as filed. This application constitutes a refund claim and is subject in any event to the same period of limitations as any other claim for refund.

(i) Unless these rules provide otherwise, the claim for refund required to be filed with the director is made on Form [A-3730 (Claim for Refund)] **CBT-100-X and is addressed to:**

Audit Adjustment Branch
50 Barrack Street, CN 019
Trenton, NJ 08646-0019

The following examples apply to returns filed on or after July 1, 1993:

Example 1: Taxpayer is delinquent in filing its final return. However, the installment payments of estimated tax were sufficient to pay the tax appearing on the return. If taxpayer subsequently learns that the amount shown on the delinquent final return as filed was in excess of its true liability, a claim for refund of such overpayment is considered timely if filed within [two] **four** years of the filing of the delinquent CBT-100. A penalty for late filing of the CBT-100 may be imposed under N.J.S.A. 54:49-4.

Example 2: One year after filing a CBT-100 and paying the tax liability shown thereon, a taxpayer discovers an error in its payroll figures and thereupon files a Form 1120X with the Internal Revenue Service reflecting a larger expense deduction. Within 90 days of filing the Form 1120X, taxpayer files [an amended CBT-100] **a Form CBT-100-X** claiming a refund for an overpayment of tax. Upon audit and verification the refund will be granted. [If the refund application had been received after the two year limitation period had expired, it would not have been granted even if the taxpayer had complied with the proper 90 day notification period and even if the time for

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filing an 1120X federally had not elapsed. The two year statute is controlling. The application, however, will remain on file and be applicable to any offset procedures pursuant to N.J.S.A. 54:49-16.] **Any taxpayer filing an amended return with the Internal Revenue Service must file an amended return with New Jersey within 90 days. N.J.S.A. 54:10A-13.** If the [amended CBT-100] **CBT-100-X** claiming a refund had not been filed within 90 days of filing the Form 1120X (see N.J.S.A. 54:10A-13), the refund would not be granted regardless of whether the claim was received prior to the expiration of the applicable refund statute of limitation period.

Example 3: Taxpayer receives a deficiency assessment with which it disagrees. It does not contest the assessment with the Division or in Tax Court **within 90 days**. It pays the assessment and subsequently discovers that the identical issue upon which the assessment was based was decided in favor of another taxpayer and adversely to the State. It files a claim for refund within [two] **four** years of having made its payment of the assessment. Since it did not contest its assessment in a timely fashion in accordance with N.J.S.A. 54:10A-19.2, the claim must be rejected. The assessment proceeding is not converted to a refund action by filing a refund claim.

Example 4: Taxpayer did not contest an estimated tax assessment (N.J.S.A. 54:49-5). More than [two] **four** years after having paid it, the taxpayer concludes that it was erroneous. Subsequently, taxpayer files a Report of Changes in Corporate Taxable Net Income by the U.S. Internal Revenue Service (IRA-100) or **CBT-100-X** relating to the same tax year and upon which additional tax is due. Taxpayer may no longer claim a refund of any portion of the tax paid on the estimated tax assessment, nor have such funds applied to the self-assessment arising out of changes by the Internal Revenue Service to its income for that year.

[Example 5: Taxpayer files a return in 1980. In 1984 the Director makes an assessment for underpayment of tax. Taxpayer protests within 30 days and an informal hearing is held pursuant to N.J.A.C. 18:7-13.2. At the hearing within the time deficiency assessment may be made, taxpayer establishes that it made an erroneous overpayment based upon a different issue for a period covered by the assessment. The Director will credit the erroneous overpayment of tax to the account of the taxpayer to offset the amount of deficiency assessment. N.J.S.A. 54:49-16. However, if the offset had exceeded the assessment, no credit for return years not part of the audit period or for a deficiency of another state tax and no refund of excess amount to the taxpayer is available, since the taxpayer failed to make a timely refund application. After a final determination is issued pursuant to the informal hearing, taxpayer has 90 days in which to appeal the decision to the Tax Court.]

Statutory Reference

See N.J.S.A. 54:49-14 as to claims for refunds.

18:7-13.9 Payment of refunds; rejection of claims**; interest on overpayments**

(a) If upon examination of a claim for refund, it shall be determined by the Director that there has been an overpayment of tax, the amount of the overpayment **and the interest on the overpayment if any,** shall be credited against any liability of the taxpayer under any state tax law.

(b) If there is no liability the taxpayer shall be entitled to a refund of the tax so overpaid **and the interest on the overpayment, if any.**

(c) (No change.)

(d) For tax paid with respect to reports or returns due on or after January 1, 1994, interest will be paid on overpayments not refunded within six months after the last date prescribed, or permitted by extension of time, for filing the return or within six months after the return is filed, whichever is later. The interest will be paid at a rate determined by the Director to be equal to the prime rate, determined for each month or fraction thereof, compounded annually at the end of each year, from the date the interest begins to accrue to the date of the refund. The interest will begin to accrue on the later of the date of the filing by the taxpayer of the refund claim or requested adjustment, the date of the payment of the tax, or the due date of the report or return. No interest will be paid on an overpayment of less than $1.00. Interest will not be paid on an overpayment if the taxpayer requests that the overpayment be applied to future tax liabilities.

Statutory Reference

See N.J.S.A. 54:49-15 as to procedures required of the Director should he determine subsequent to the taxpayer's filing of a claim for refund, either that an overpayment has been made or that the claim should be rejected**, and 54:49-15.1 as to interest on overpayments**.

18:7-14.7 **(Reserved.)**

18:7-14.12 Personal liability of officers or directors[,] for unpaid taxes

(a) Any officer or director of any corporation who shall be instrumental in the following **corporate violations** shall be personally liable for payment of that corporation's unpaid taxes, fees, penalties and interest:

1.-2. (No change.)

(b) (No change.)

18:7-14.17 Tax Clearance Certificate

(a) (No change.)

(b) The following words and terms, when used in this section, have the following meanings ([unles] **unless** the context clearly indicates otherwise):

(No changes in definitions.)

(c)-(e) (No change.)

(f) A Tax Clearance Certificate may be issued under any one of three conditions:

1.-2. (No change.)

3. Solely in the case where:

i. (No change.)

ii. The application is accompanied by a written undertaking by the corporation or corporations which either own 50 percent or more of all classes of the applicant corporation's capital stock, or are a party together with the applicant corporation in the type of reorganization described at Section [368(a)(a)(C)] **368(a)(1)(C)** of the Federal Internal Revenue Code, and the application is accompanied by a legal opinion signed by an attorney at law of the State of New Jersey who states that he **or she** is familiar with the facts of the transaction to the effect that all of the above requirements are met.

(g)-(i) (No change.)

18:7-15.3 Net worth tax benefits

(a) Section 17 of the Urban Enterprise Zones Act **(N.J.S.A. 52:27H-76)** is applicable to a qualified business in an enterprise zone, only if the Urban Enterprise Zone Authority specifically made section 17 applicable when the enterprise zone was designated. Section 17 provides that any qualified business (as defined in N.J.A.C. 18:7-15.2) employing a larger number or persons at a place of business within a designated enterprise zone than at all other places of business of the taxpayer within New Jersey, shall be exempt from the net worth tax under N.J.S.A. 54:10A-5(a) and from the tax imposed by N.J.S.A. 54:10A-5(f) for a period of 20 tax years from the date of designation of the enterprise zone, or for a period of 20 years from the date upon which taxpayer first became subject to the Corporation Business Tax Act (N.J.S.A. 54:10A-1 et seq.), whichever date is later. The 20 year benefit period, once properly granted, is not affected by the termination of the enterprise zone after 20 years. The net worth tax exemption applies to any tax year during the 20 year period during which the qualified business is carried on in an enterprise zone for at least one day. The provisions for this section are subject to the phase-out of the net worth tax under N.J.S.A. 54:10A-5(a). **For accounting or privilege periods beginning on or after July 1, 1986, the net worth tax does not exist.**

(b) [For domestic corporations the minimum tax is $25.00 and for foreign corporations the minimum tax is $50.00 (N.J.S.A. 54:10A-5(e)), $250.00 for real estate investment trusts and investment companies.] **See N.J.A.C. 18:7-15 for applicable minimum taxes.**

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18:7-15.4 Credits against total tax for new employees in urban enterprise zones

(a) Section 19 of the Urban Enterprise Zones Act **(N.J.S.A. 52:27H-78)** is applicable to a qualified business in an enterprise zone, only if the Urban Enterprise Zone Authority specifically made section 19 applicable when the enterprise zone was designated. Under section 19, any qualified business (as defined in N.J.A.C. 18:7-15.2) which is actively engaged in the conduct of a business from a location within an enterprise zone (as defined in N.J.A.C. 18:7-15.2), which business in that location consists primarily of manufacturing or other business which is not primarily considered as a retail sales business, or as a warehousing business, shall receive an enterprise zone employees tax credit against the amount of tax imposed under N.J.S.A. 54:10A-5 (N.J.S.A. 54:10A-1, et seq., the Corporation Business Tax Act). The credit shall only be available for new employees hired on or after the date of designation of the enterprise zone, or the date of commencement of business in the enterprise zone, whichever is later.

(b)-(c) (No change.)

(d) See N.J.S.A. 52:27H-78c for alternate tax benefit. The statute allows a corporation tax credit to qualified small businesses (under 50 employees) that were in business in the zone prior to designation of the zone and that make an investment in the zone. These businesses may obtain an eight percent investment credit, to be applied against corporation business tax, by entering into an agreement, approved by the Urban Enterprise Zone Authority, with the zone city, to make an investment in the zone which contributes substantially to the economic attractiveness of the zone. These expenditures may include improvement of the appearance or customer facilities of its place of business or improvements in landscaping, recreation, police and fire protection, etc., in the zone.

Recodify existing (d), (e) and (f) as **(e), (f) and (g)** (No change in text.)

18:7-15.5 Qualification for benefits

(a) There is no formal procedure for registration as a qualified business for the purpose of obtaining the corporation tax benefits. However, each annual CBT-100 Corporation Business Tax Return which claims any urban enterprise zone corporation tax benefits must include proof that it is a qualified business. This proof may consist of a certificate or other proof of status as a qualified business for sales tax purposes under N.J.A.C. [18:7-31] **18:24-31**. If a sales tax certificate or some other form of proof has not been obtained, the taxpayer should attach a statement setting forth how it qualifies as a "qualified business" as defined in N.J.A.C. 18:7-15.2, with sufficient detail to permit verification by the Division of Taxation.

(b) (No change.)

18:7-16.2 and 16.5 **(Reserved)**

(a)

DIVISION OF TAXATION

Motor Fuels Tax

Proposed Readoption: N.J.A.C. 18:18

Authorized By: Leslie A. Thompson, Director, Division of Taxation.

Authority: N.J.S.A. 54:39-10 and 54:50-1.

Proposal Number: PRN 1994-86.

Submit comments by March 9, 1994 to:
Nicholas Catalano
Chief, Tax Services
Division of Taxation
50 Barrack Street
CN-269
Trenton, NJ 08646

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:18 expires on March 14, 1994. The Division of Taxation has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. In order to continue the orderly administration of the New Jersey Motor Fuels Tax Act, the Division proposes to readopt these rules without change at this time. It should be noted, as discussed below, that certain changes and amendments to further update the rules are currently being readied for proposal.

The first gasoline tax law (P.L. 1924, c.334) became effective in New Jersey on July 1, 1927 at the rate of two cents per gallon. In 1934 a commission recommended repeal of use of exemption certificates and substitution of a system of refunds. The present Motor Fuels Tax Act providing for a system of refunds and a closer control of nontaxable sales of motor fuels was enacted as P.L. 1935, c.318 and became effective July 1, 1935.

Over the course of time, the need to update the Motor Fuels Tax statute became evident. The New Jersey Commission of Investigation issued a report, dated February 1992, entitled Motor Fuel Tax Evasion. It detailed and analyzed some of the weaknesses of the present system. Shortly afterward, on June 22, 1992, P.L. 1992, c.23 was approved which resulted in major revisions to the collection and enforcement procedures of the Motor Fuels Tax Act. An administrative decision was made to handle the rule revisions necessitated by the new statute independently from the readoption process. Accordingly, it is anticipated that the proposed motor fuel revisions will appear shortly in the New Jersey Register and will pass through the regular proposal and adoption process.

The Motor Fuels Tax rules, N.J.A.C. 18:18, have been updated and revised periodically through internal agency review as required by changes in legislation and by changes in the regulatory environment. The revenue generated pursuant to the Motor Fuels Tax represents a large source of state tax collections following the Sales Tax, the Gross Income Tax, the Corporation Business Tax and the Public Utility Excise Tax.

N.J.A.C. 18:18 is summarized as follows:

Subchapter 1, Definitions, supplies definitions of particular words and phrases used in the chapter.

Subchapter 2, Licensing, provides for general powers of the Director with respect to the Motor Fuels Tax Act.

Subchapter 3, Distributor's and Jobber's License; Bonds Required; Records, deals with specific conditions for bonding and regulating distributors and gasoline jobbers.

Subchapter 4, Wholesale and Retail Dealers and Transport Licenses, outlines the conditions for regulation of wholesale and retail dealers and transport licenses.

Subchapter 5, Licensing, establishes procedures for implementing statutory requirements for licensing "Special License A" and "Special License B" holders.

Subchapter 6, Corporations, summarizes special provisions relating to corporate licenses or taxpayers.

Subchapter 7, Imposition of Tax and Tax Reporting, prescribes certain particular accounting and reporting requirements for fuels.

Subchapter 8, Fuel Carriers, establishes guidelines for fuel carrier reports and records.

Subchapter 9, Exports, supplies guidelines relating to exports of fuels from New Jersey.

Subchapter 10, Tax Paid in Error-Refund and Appeals, deals with refunds of tax paid in error.

Subchapter 11, Collection of Taxes, includes provisions with respect to suits by the Attorney General for Collection of Taxes.

Subchapter 12, Offenses, Fines and Penalties, describes the offenses, fines, and penalties to which violators of the law will be subjected.

Subchapter 13, Procedure for Collection of Fines and Penalties, relates to jurisdiction and procedures for collection of fines and penalties.

Subchapter 14, Exemptions, provides for exemption from the tax for sales to the Federal Government, State of New Jersey, any political subdivision of the State or to a department or agency of either.

Subchapter 15, Refunds, provides for refund procedure and documentation for certain purchasers and users of motor fuels and summarizes form numbers for administration of the tax.

Social Impact

The Motor Fuels Tax rules were enacted to provide taxpayers, and their attorneys and accountants, guidance and assistance in the administration of the Motor Fuels Tax Act, N.J.S.A. 54:39-1 et seq. These rules were also intended as guidelines to assist taxpayers and licensees in their preparation of various tax returns and records pursuant to that Act. The readoption of these rules will continue to provide taxpayers and those

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required to report under the Act with guidance in fulfilling their statutory obligation. It will also continue the orderly administration and collection of the tax for the State of New Jersey.

Economic Impact

The readoption of the Motor Fuels Tax rules will continue to provide for accurate filing of tax returns and maintenance of tax related reports and records by licensees and for payment of the applicable tax. It will assist in providing for the anticipated revenue for State budgetary purposes and additionally provide mechanisms for refunds of tax in appropriate situations.

The tax revenue generated has been referred to in the summary above, and under the readoption will continue to supply a projected source of revenue for the State. In fiscal year 1989, the tax revenue generated by the Motor Fuels Tax was $416,729,504 and in 1990 was $404,871,204.

Regulatory Flexibility Analysis

The rules proposed for readoption apply to all taxpayers subject to the Motor Fuels Tax, whether or not they are small businesses as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules explain to taxpayers how they must comply with the Motor Fuels Tax Act, N.J.S.A. 54:39-1 et seq., which imposes a tax on motor fuels and imposes licensing, reporting and recordkeeping requirements on distributors and wholesale and retail dealers of motor fuels. There is no distinction in the statute between large and small businesses, and, therefore, there can be no distinction in the rules.

The proposed readoption does not change the rules and provides for no additional reporting, recordkeeping, or other compliance requirements beyond those in the statute and the existing rules. No professional services beyond normal accounting services should be needed for a business to comply with the requirements of the rules. The rules do not require any professional services, and are intended to reduce the need for professional services by clarifying the administration of the tax. The rules include licensing, reporting and recordkeeping requirements for distributors, jobbers, wholesale and retail dealers and those who transport motor fuels. Reporting and recordkeeping must be done in a manner prescribed by the Division; however, the decision to purchase equipment or engage professional services is entirely the choice of the taxpayer. The payment of taxes as delineated in the Summary and the Economic Impact, above, is specified by the statute; only the methods of payment and accompanying forms and supporting records are required by the rules.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:18.

(a)

DIVISION OF TAXATION

Motor Fuels Retail Sales

Proposed Readoption: N.J.A.C. 18:19

Authorized By: Leslie A. Thompson, Director, Division of Taxation.

Authority: N.J.S.A. 56:6-6.

Proposal Number: PRN 1994-87.

Submit comments by March 9, 1994 to:

Nicholas Catalano
Chief Tax Services Branch
Division of Taxation
50 Barrack Street
CN 269
Trenton, NJ 08646

The agency proposal follows:

Summary

Pursuant to Executive Order No. 66(1978), N.J.A.C. 18:19 expires on March 14, 1994. The Division of Taxation has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The Division proposes to readopt these rules without change at this time.

Over the course of time, the need to update the Motor Fuels Tax Statute and the Act to Regulate the Retail Sale of Motor Fuels became evident. The New Jersey Commission of Investigation issued a report, dated February, 1992, entitled Motor Fuel Tax Evasion. It detailed and analyzed some of the weaknesses of the present system. Shortly afterward, on June 22, 1992, P.L. 1992, c.23 was approved, which resulted in major revisions to the collection and enforcement procedures of the motor fuels tax act, and The Act to Regulate the Retail Sale of Motor Fuels.

An administrative decision was made to handle the rule revisions necessitated by the new statute independently from the readoption process. Accordingly, it is anticipated that proposed changes to the retail sale act rules resulting from the new statute will appear shortly in the New Jersey Register and pass through the regular proposal and adoptive process.

The Act to Regulate the Retail Sale of Motor Fuels was enacted into law as P.L. 1938, c.163 and became effective June 1, 1938. The statute protects the interest of motorists and of the retail dealers themselves in attempting to facilitate and safeguard the orderly distribution and marketing of motor fuels. The rules pursuant to the retail sales statute have been updated and revised periodically through internal agency review as required by changes in legislation and changes in the regulatory environment. N.J.A.C. 18:19 is summarized as follows:

Subchapter 1, General Provisions, supplies definitions of words and phrases used in the rules.

Subchapter 2, Posted Prices; Advertising; Rebates; Allowances and Prizes; Trademarks, provides guidelines for price signs, display of trade names, gifts, and certain advertising requirements.

Subchapter 3, Preparation of Fines, supplies guidelines concerning violations and penalties and procedure for collection of penalties.

Subchapter 4, Records Required, deals with records required to be kept by retail dealers.

Subchapter 5, Powers of the Director, deals with the authority of the Director to seek injunctions, conduct audits and investigations and otherwise enforce the statute.

Social Impact

The Motor Fuels Retail Sales rules were adopted to provide motorists, oil companies and retail dealers of motor fuels with guidance and assistance in the administration of the Act to Regulate Retail Sales of Motor Fuels. The statute and the rules pursuant to it reflect a balancing of various interests including the motorists' right to know the price of fuels available, and the prevention of potentially destructive competition between and among motor fuels dealers.

The marketing of motor fuels is highly price sensitive and patterns of demand change quickly after a change in price is made by a dealer. In this context, efforts have been made to maintain orderly sales practices.

Economic Impact

The readoption of the rules pursuant to the Act to regulate the Retail Sale of Motor Fuels will continue to provide for the orderly marketing of motor fuels in New Jersey and thus directly affect the economy of the State and region. One consideration in formulating the rules has been to keep mandatory signage to the minimum consistent with the objective of providing clear price information to the motorist about the fuels available at a particular facility. Because the Legislature has determined that regulation of the sale of motor fuels is in the public interest, these rules implement and carry out the legislative purpose in a manner consistent with such public purpose.

Regulatory Flexibility Analysis

The rules proposed for readoption apply to all taxpayers subject to the statutory provisions regulating the trade practices of retail sales of motor fuels, whether or not they are small businesses as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules were promulgated under N.J.S.A. 56:6-1 et seq., which places certain trade practice requirements on retail sellers of motor fuels, such as requirements on the display of prices.

The proposed readoption imposes no new reporting, recordkeeping, or other compliance requirements. No accounting or other professional services are needed for a business to comply with the requirements of the rules. The rules relate to trade practices, such as display of signs, pricing, advertising, rebates, allowances and prizes, and contain design as well as performance requirements. Each taxpayer is free to choose to make expenditures or to retain the services of a professional, in the process of complying with the rules, and costs would be based on such choices. The rules were intended to benefit sellers of motor fuels by providing for fair trade practices in the sale of motor fuels.

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Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 18:19.

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

Applications
Employment Requirements
Proposed Repeal: N.J.A.C. 19:41-1.5, 1.6 and 1.7
Proposed New Rule: N.J.A.C. 19:41-1.5

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-63c, 69a, 70a, 94 and 106a.

Proposal Number: PRN 1994-68.

Submit written comments by March 9, 1994 to:
Antonia Z. Cowan, Senior Counsel
Casino Control Commission
Tennessee Avenue and Boardwalk
Atlantic City, New Jersey 08401

The agency proposal follows:

Summary

N.J.S.A. 5:12-106a provides that "A casino licensee shall not appoint or employ any person not registered or not possessing a current and valid license permitting such appointment or employment." The proposed new rule provides specific guidelines to avoid the circumstances in which an individual may function as an employee of a casino licensee or applicant without the appropriate registration or license. Notwithstanding any agreement between such person and the casino licensee or applicant to the contrary, the casino licensee or applicant must consider the facts and circumstances surrounding any agreement for goods or services as established in N.J.A.C. 19:41-1.5(b)1-6 in order to comply with employee registration and licensing requirements.

The proposal also repeals three subsections of the regulations. N.J.A.C. 19:41-1.5, Casino hotel alcoholic beverage licenses, and 1.6, Slot machine licenses, are proposed to be repealed based on regulation in these areas in other sections of Commission regulation. Casino hotel alcoholic beverage licenses are now the subject of an entire chapter, N.J.A.C. 19:50. N.J.A.C. 19:41-9.6, Slot machine fees, and N.J.A.C. 19:46-1.28, Testing and approval of slot machines, now address the subject of subsection 19:41-1.6. N.J.A.C. 19:41-1.7 is proposed to be repealed in conformity with changes to the Casino Control Act, N.J.S.A. 5:12-1 et seq. The statute was amended in 1992 to eliminate any per employee regulatory fee for the casino licensee.

Social Impact

The proposed new rule implements the legislative requirement that the Casino Control Commission regulate employment in the casino industry and in particular, regulate all individuals who are casino employees. The new rule would insure appropriate regulation for any individual who is employed by a casino licensee or applicant. The repeal of N.J.A.C. 19:41-1.5 and 1.6 is based on regulation in the other sections of Commission regulations previously cited. The repeal of N.J.A.C. 19:41-1.7 conforms to amendments to the Act which eliminates certain regulatory fees. None of these proposals is expected to have any significant social impact.

Economic Impact

The proposed new rule can be expected to clarify the responsibilities of casino licensees as to the employee licensing requirements of the Act and ensure that all employees hold the appropriate license or registration. By requiring that casino licensees or applicants scrutinize the facts and circumstances surrounding any agreement for goods or services, it is expected that the new rule will result in an extremely small increase in new license applications and registration filings. Neither the new rule, nor the proposed repeals are expected to have any significant economic impact.

Regulatory Flexibility Statement

The new rule affects casino licensees or applicants none of which qualify as a small business under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Accordingly, a regulatory flexibility analysis is not required.

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

[19:41-1.5 Casino hotel alcoholic beverage licenses]

[No casino licensee, its lessees, agents or employees or any other person shall expose for sale, solicit the sale of, promote the sale of, possess with the intent to sell, store, possess, offer, bring, deliver, make available for consumption, give, dispense or otherwise transfer or dispose of any alcoholic beverage in, on or about any portion of any premises licensed as part of a casino hotel unless a casino hotel alcoholic beverage license of the appropriate class shall first have been issued to such person in accordance with section 103 of the Act.]

19:41-1.5 Scope and applicability of employee licensing and registration requirements

(a) No casino licensee or applicant shall employ any natural person unless such person holds a current and valid license or registration as an employee issued in accordance with sections 89, 90 or 91 of the Act and the rules of the Commission.

(b) In determining whether a natural person who will provide services to a casino licensee or applicant must hold a license or registration as an employee or, alternatively, be registered as a vendor or junket enterprise pursuant to N.J.A.C. 19:41-11.1, it shall be presumed that any such person will be required to hold the appropriate license or registration as an employee if the provision of services by such person is characterized by any of the following indicia of an employment relationship:

1. The natural person will, for a period of time unrelated to any specific project or for an indefinite period of time, directly supervise one or more employees of the casino licensee or applicant;

2. The casino licensee or applicant will withhold state and federal income taxes or make regular deductions for unemployment insurance, social security, or other wage deductions required by law from any payments made to the natural person;

3. The natural person will be given the opportunity to participate in any benefit plans offered by the casino licensee or applicant to its employees, including, without limitation, health insurance plans, life insurance plans, pension plans or profit sharing plans;

4. The natural person will not, during the time that services are rendered to the casino licensee or applicant, maintain an autonomous business enterprise, seek or provide services to other business clients, or practice a trade or profession other than for the benefit of the casino licensee or applicant;

5. There is or will be a written or verbal promise of employment or an employment contract offered by the casino licensee or applicant in return for the services of the natural person; or

6. The natural person has an employee license or registration application pending before the Commission or will submit such an application during the time the services are being rendered, the cost of which has been or will be paid for or reimbursed by the casino licensee or applicant.

(c) A casino licensee or applicant which, or a natural person who, is a party to a contractual agreement for the provision of services to the casino licensee or applicant by such natural person as an enterprise subject to the vendor or junket registration or casino service industry licensure requirements of the Act and the rules of the Commission may request, in accordance with the provisions of N.J.A.C. 19:42-9.1, a declaratory ruling that, notwithstanding the presumption established by (b) above, the provision of such services in accordance with the terms of the agreement shall not require the natural person to obtain an employee license or registration.

(d) The Commission may, upon consideration of the factors in (b)1 through 6 above and any other relevant information, require any natural person to obtain an employee license or registration prior to providing or continuing to provide any services to a casino licensee or applicant notwithstanding:

1. Any agreement between the casino licensee or applicant and such natural person to the contrary; or

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2. That a vendor registration form or junket enterprise registration form has been filed by a casino licensee or applicant on behalf of the natural person pursuant to N.J.A.C. 19:41-11.1.

19:41-1.6 [Slot machine licenses] **(Reserved)**

[No slot machine shall be used to conduct gaming in any casino or by any casino licensee, its employees or agents unless slot machine licensees shall have first been issued both for the said slot machine and for a model slot machine identical thereto in all electrical, mechanical and other aspects in accordance with sections 100h and 140 of the Act and the regulations of the Commission.]

19:41-1.7 [Work permits] **(Reserved)**

[No casino licensee shall appoint or employ any person as a casino key employee, casino employee, casino hotel employee or otherwise unless a work permit for such employee authorizing his employment in a particular capacity shall have been issued to the casino licensee in accordance with sections 48 and 106 of the Act and the regulations of the Commission prior to the effective date of such appointment or employment.]

(a)

CASINO CONTROL COMMISSION

Applications
Fees
Duration of Licenses
Proposed Amendments: N.J.A.C. 19:41-9.8, 9.9, 9.9A, 9.11A, 9.12, 9.13, 9.14 and 14.6; 19:44-6.1; and 19:51-1.8

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-69(e), 70(e), 94, 139 and 141.

Proposal Number: PRN 1994-91.

Submit written comments by March 9, 1994 to:
Mary S. LaMantia, Senior Counsel
Casino Control Commission
Tennessee and Boardwalk
Atlantic City, New Jersey 08401

The agency proposal follows:

Summary

Recent legislative amendments to the Casino Control Act ("the Act"), N.J.S.A. 5:12-1 et seq., extend the duration of many of the employee and enterprise licenses issued by the Casino Control Commission ("Commission"). See P.L.1993, c.292. As amended, the Act provides for three-year initial issuance and four-year renewal (increased from three years) for casino employee licenses; gaming school resident director, instructor, sales representative and principal employee licenses; nongaming-related Casino Service Industry (CSI) licenses pursuant to N.J.S.A. 5:12-92c; junket representative licenses; and junket enterprise licenses. The statutory amendments also provide for two year issuance and renewal for gaming-related CSI licenses pursuant to subsection 92a of the Act, and for casino key employee licensees. At present, the issuance and first two renewals of such licenses are for one year, with two-year renewals thereafter. The proposed amendments to N.J.A.C. 19:41-9 and to N.J.A.C. 19:41-14.6, 19:44-6.1 and 19:51-1.8 implement the extended renewal periods.

The proposed adjustments to the fee structure in N.J.A.C. 19:41-9 take into account the newly extended duration of these license renewals. In setting its fees, the Commission has always sought a reasonable compromise between the view that each applicant should pay the investigatory and regulatory costs attributable to that applicant, and the recognition that individual employee and CSI applicants cannot always be expected to cover the full amount expended. See N.J.A.C. 19:41-9.1(c). Thus, substantial costs are not recouped and are annually apportioned among all casino licensees. In that an additional year has been added to the renewal period for many licensees, it is appropriate to reapportion the share of the costs of investigation and processing that such licensees may fairly be expected to cover.

For example, the fees paid for casino employee licensees in positions directly related to gaming would be reduced from $75.00 per year for a three-year period to $62.50 per year for a four-year period. Likewise, casino employee licensees in positions not directly related to gaming would be reduced from $67.00 per year for a three-year period to $56.00 per year for a four-year period; gaming school instructor licensees would pay $50.00 per year for a four-year renewal period instead of the current $60.00 per year for a three-year renewal period.

Similarly, applicants for renewal of a nongaming-related CSI license would pay $625.00 per year for a four-year renewal period as opposed to $667.00 per year for a three-year renewal period. Notably, the actual costs of investigation and licensing a nongaming-related CSI average over $6,000 per applicant. Junket enterprise licensees would renew for four years at $938.00 per year, rather than the current three years for $1,000 per year. Again, it should be noted that in licensing junket enterprises, approximately 39 percent of the investigative and licensing costs have not been recovered through these fee assessments.

The application fee required in N.J.A.C. 19:41-9.11A for a junket representative license, which requires qualification to the standards of a casino key employee, N.J.S.A. 5:12-102c, is amended consistent with the fee schedule for initial casino key employee licensure, and the term for renewals is extended from three to four years. As such, the minimum application fee for an applicant for junket representative licensure is increased from $500.00 to $750.00, and the maximum payment for the efforts of the Commission and the Division of Gaming Enforcement on matters directly related to the applicant or licensee and for all unusual or out-of-pocket expenses will be increased from $3,000 to $4,000.

A processing fee of $100.00, increased from $50.00, would be added to the first installment paid by any casino service industry license applicant or junket enterprise license applicant utilizing an installment payment plan. This fee more accurately reflects the actual costs incurred by the Commission in processing such transactions. The proposal also specifies that such payment plans will consist of four equal installments, with the first installment paid at the time of application and the remaining three payments 90 days apart.

Social Impact

In enacting the Casino Control Act, the Legislature evidenced its intent to finance the Casino Control Commission and Division of Gaming Enforcement exclusively through fees assessed upon licensees and applicants, who benefit from the existence of the regulatory process. N.J.S.A. 5:12-139. Nonetheless, the actual costs incurred far exceed the amount that, in the Commission's judgment, can reasonably be assessed upon employee and casino service industry applicants. The proposed fee structure reflects the Commission's intent that, to the extent fairly possible, each applicant should pay the investigatory and regulatory costs attributable to that applicant. N.J.A.C. 19:41-9.1(c).

The proposed fee structure will also reduce the assessment made to casinos for uncollected expenditures. The assessment, which is levied against casinos each year to make up for all shortfalls in revenues, was an estimated $12.9 million for fiscal year 1992. These will help ensure that regulatory costs are more fairly allocated. N.J.A.C. 19:41-9.1(c).

Economic Impact

While the proposed amendments increase the flat fee paid by applicants for casino employee, junket enterprise, junket representative, gaming school and nongaming-related casino service industry licensure, there nevertheless is a resulting annual decrease in fees if viewed in the context of the lengthier renewal periods that are also implemented by these amendments. The amendments represent a fair reevaluation of the costs of investigation and processing to be charged to such applicants, and will enable the Commission to continue to reduce the year-end assessment to casino licensees.

Regulatory Flexibility Analysis

Some of the casino service industry applicants affected by the proposed amendments may qualify as small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-17. However, the proposed fee increases provide a reasonable compromise between the need to fairly apportion the investigative and regulatory costs attributable to these licensees and applicants, and the recognition that actual costs far exceed the amount which can reasonably be assessed upon such businesses. The proposed fee increases thus attempt to minimize the adverse impact on small businesses by assessing only a portion of the actual costs incurred.

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

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19:41-9.8 Gaming related casino service industry enterprise license fee

(a) In accordance with subsections 92a and b of the Act, all casino service industry enterprises offering goods and services which directly relate to casino, simulcast wagering or gaming activity, including gaming equipment manufacturers, suppliers, and repairers, schools teaching gaming and dealing techniques, and casino security services, shall meet the standards established for casino key employees in order to be licensed. Such a license shall be issued for [one year] **two years** and shall be renewable [annually for the first two renewal periods succeeding the issuance of the initial license and] biennially thereafter] **for additional two year periods**.

(b)-(c) (No change.)

(d) Any enterprise required to apply for the issuance or renewal of a subsection 92a casino service industry enterprise license may request an installment plan for payment of the application fee[.] **in accordance with the following schedule:**

1. Upon filing of the application, [the applicant shall submit the] **an** initial installment payment [required by the Commission] **equal to one-fourth of the total application fee** and an additional fee of [$50.00] **$100.00** for the cost of processing such payment plan; **and**

2. Three subsequent installment payments each equal to one-fourth of the total application fee, to be paid within 90 days, 180 days and 270 days from the date that the application is filed.

19:41-9.9 Non-gaming related casino service industry license fee

(a) In accordance with subsection 92c of the Act, all casino service industry enterprises offering goods and services not directly related to gaming operations to casino licensees or applicants on a regular or continuing basis shall be licensed to the standards established by the Commission. Under subsection 94d of the Act, such license shall be issued for a three year period and shall be renewable for additional [three] **four** year periods.

(b) (No change.)

(c) The application and issuance fee for the renewal of a [three] **four** year non-gaming related casino service industry enterprise license shall be [$2,000] **$2,500**.

(d) Any enterprise required to apply for the issuance or renewal of a subsection 92c casino service industry enterprise license may request an installment plan for payment of the application fee[.] **in accordance with the following schedule:**

1. Upon filing of the application, [the applicant shall submit the] **an** initial installment payment [required by the Commission] **equal to one-fourth of the total application fee** and an additional fee of [$50.00] **$100.00** for the cost of processing such payment plan; **and**

2. Three subsequent payments each equal to one-fourth of the total application fee, to be paid within 90 days, 180 days and 270 days from the date that the application is filed.

19:41-9.9A Junket enterprise license fees

(a) In accordance with subsection 102c of the Act, all qualifiers of junket enterprises shall meet the standards established for casino key employees in order for the junket enterprise to be licensed. Under subsection 94d of the Act, a junket enterprise license shall be issued for a three year period and shall be renewable for additional [three] **four** year periods.

(b) (No change.)

(c) The application and issuance fee for the renewal of a three year junket enterprise license shall be [$3,000] **$3,750**.

(d) Any enterprise required to apply for the issuance or renewal of a junket enterprise license may request an installment plan for payment of the application fee[.] **in accordance with the following schedule:**

1. Upon filing of the application, [the applicant shall submit the] **an** initial installment payment [required by the Commission] **equal to one-fourth of the total application fee** and an additional fee of [$50.00] **$100.00** for the cost of processing such payment plan; **and**

2. Three subsequent payments each equal to one-fourth of the total application fee, to be paid within 90 days, 180 days and 270 days from the date that the application is filed.

19:41-9.11A Junket representative license fees

(a) In accordance with subsection 102(b) of the Act, all junket representatives employed by a casino licensee shall meet the standards established for casino key employees, except for residency, in order to be licensed. Under subsection 94(d) of the Act, such a license shall be issued for a three year period and shall be renewable for additional [three] **four** year periods.

(b) The fee for the issuance or renewal of a junket representative license shall be as follows:

1. A minimum application charge of [$500.00] **$750.00**, which shall be credited to the total fee; and

2. (No change.)

3. Payment for all unusual or out of pocket expenses incurred by the Commission and Division on matters directly related to the applicant or licensee; provided, however, that the amount of the issuance or renewal fee shall not exceed [$3,000] **$4,000**.

19:41-9.12 Gaming school resident director license fees

(a) Under Section 92(b) of the Act, a gaming school resident director shall be qualified to the standards for a casino employee. The responsibilities and duties of a resident director require more thorough investigation and continued assurances of suitability than are routinely required of casino employees generally. Under Section 94(d) of the Act, a resident director license shall be issued for three years and be renewable for [three] **four** year periods thereafter.

(b) The issuance fee or renewal fee for a [three-]**four-year** resident director license shall be as follows:

1.-3. (No change.)

19:41-9.13 Gaming school instructor, principal employee and sales representative license fees

(a) Under Section 92(b) of the Act, each gaming school instructor, principal employee and sales representative shall be qualified and licensed to the standards established for casino employees. Under Section 94(d) of the Act, a license for each such person shall be issued for three years and be renewable for [three] **four** year periods thereafter.

(b) (No change.)

(c) The renewal fee for a [three] **four** year gaming school instructor license, gaming school principal employee license or gaming school sales representative license shall be [$180.00] **$200.00**.

19:41-9.14 Casino employee license fees

(a) (No change.)

(b) Under subsection 94d of the Act, a casino employee license for a person whose position is directly to related gaming activity shall be issued for three years and be renewable for [three] **four** year periods thereafter. The issuance fee for such a three year license shall be $350.00. The renewal fee for such a [three] **four** year license shall be [$225.00] **$250.00**.

(c) Under subsection 94d of the Act, a casino employee license for a person whose position is not directly related to gaming activity shall be issued for three years and be renewable for [three] **four** year periods thereafter. The issuance fee for such a three year license shall be $250.00. The renewal fee for such a [three] **four** year license shall be [$200.00] **$225.00**.

(d)-(e) (No change.)

19:41-14.6 Duration of renewed licenses

(a) [Except as provided in (b) below, all] **Casino** employee licenses shall be renewed for a term of [three] **four** years.

(b) [The first two successive renewal terms of a casino] **Casino** key employee [license] **licenses** shall be **renewed** for [one year; successive renewal terms thereafter shall be for] **a term of** two years.

19:44-6.1 Duration of licenses

(a) Licensure as a gaming school [and a resident director] shall be granted for a period of [one year] **two years, and shall be renewable for two year periods thereafter**.

(b) Licensure as [an] **a gaming school resident director,** instructor, [an administrative] **principal** employee or sales representative shall be granted for a period of three years **and shall be renewable for four year period thereafter**.

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19:51-1.8 Duration of licenses; renewal

(a) Licensure pursuant to N.J.S.A. 5:12-92a is granted for a term of [one year] **two years** for the initial license term and [the first two successive renewals, and] for a term of two years for all subsequent renewals; provided, however, that the Commission shall reconsider the granting of such a license at any time at the request of the Division. Licensure pursuant to N.J.S.A. 5:12-92c and 5:12-102 is granted for **a term of** three years **for the initial license term and for a term of four years for all subsequent renewals.** An application for renewal of a license shall be filed no later than 120 days prior to the expiration of that license. The application for renewal of a license need contain only that information which represents or reflects changes, deletions, additions or modifications to the information previously filed with the Commission.

(b)-(f) (No change.)

(a)

CASINO CONTROL COMMISSION

General Provisions
Casino Licensees
Communications; Notices
Persons Required to be Licensed or Qualified
Application for Qualification
Proposed Amendments: N.J.A.C. 19:40-3.3 and 19:43-2.2 through 2.7
Proposed New Rule: N.J.A.C. 19:43-2.7A

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-63c, 69a, 70a and b, 82, 84, 85, 89b and 95.12b.

Proposal Number: PRN 1994-92.

Submit written comments by March 9, 1994 to:
Ruth S. Morgenroth, Counsel
Casino Control Commission
Tennessee and Boardwalk
Atlantic City, New Jersey 08401

The agency proposal follows:

Summary

The proposed amendments and new rule specify that individuals required to establish their qualification because of their relationship with a casino licensee or applicant or with a holding company of a casino licensee or applicant must file a Personal History Disclosure Form 1A (PHD-1A), except for certain listed qualifiers of holding companies who are permitted to file a Personal History Disclosure Form 1B (PHD-1B). These amendments also make the casino licensee or applicant responsible for the filing of all forms required to be filed by qualifiers. In addition, the amendments indicate where casino licensees or applicants must send notice of changes in qualifiers or financial sources when notifying the Commission or Division of such changes. The new rule provides for the filing of renewal applications by qualifiers. It requires qualifiers who hold a casino key employee license to file a complete PHD-1A when they file for renewal of their casino key license and all other qualifiers to file a PHD-1A or 1B when the casino licensee files the casino license renewal application. However, qualifiers whose most recent application for qualification or renewal of qualification included a complete PHD-1A or PHD-1B are permitted to file an updated PHD-1A or PHD-1B as described in the new rule.

The proposed amendment and new rule codify existing requirements concerning the filing of Personal History Disclosure Forms by qualifier of casino licensees, applicants and holding companies of casino licensees. However, the proposed amendments would change existing requirements concerning renewal applications by requiring qualifiers to file complete Personal History Disclosure Forms when filing for renewal of their license or qualification, except when their most recent application included a complete form. The requirement that casino licensees or applicants ensure that the proper forms are filed by qualifiers is new. The amendments regarding notices are also new and are proposed in order that required notices will be sent to the proper offices of the Commission and Division.

Social Impact

The Commission requires all applicants for qualification to file Personal History Disclosure Forms as part of its mandate to strictly regulate all persons related to casino enterprises. The information requested is required to determine whether the applicant possesses the required character, financial and business qualifications.

Economic Impact

While the Personal History Disclosure Forms required by the proposed amendments and new rule are extensive and require substantial time to prepare, the amendments and new rule should not have any significant economic impact because qualifiers are presently required to file these forms. Some additional time and expenditure on the part of qualifiers will be involved due to the requirement that complete Personal History Disclosure Forms be filed alternatively with updated forms. However, there also will be corresponding savings in the time required by the Division personnel to investigate renewal applications.

Regulatory Flexibility Statement

The proposed amendments and new rule affect only casino licensees and applicants and the individuals required to establish their qualifications in connection with an initial or renewal application for a casino license. These entities and individuals do not qualify as small businesses under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not required.

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

19:40-3.3 Communications; notices

(a) Except as otherwise provided [at N.J.A.C. 19:40-3.5] **by the rules of the Commission** all papers, process or correspondence relating to the Commission should be addressed to or served upon the New Jersey Casino Control Commission at the Commission's main office. All papers, process or correspondence relating to the Division should be addressed to or served upon the Division of Gaming Enforcement at the Division's main office.

(b)-(g) (No change.)

19:43-2.2 Persons required to be qualified

(a)-(c) (No change.)

(d) It shall be the affirmative responsibility of each casino licensee or applicant to ensure that all persons required by the Act and the rules of the Commission to establish their qualifications in connection with an initial or renewal application for a casino license have filed any required application forms in accordance with this subchapter.

19:43-2.3 Notification of anticipated or actual changes in directors, officers or equivalent qualifiers of casino licensees and holding companies

(a) Each casino licensee or applicant or holding company shall immediately notify the Commission and the Division, in writing, as soon as is practicable, of the proposed appointment, appointment, proposed nomination, nomination, election, intended resignation, resignation, incapacitation or death of any member of, or partner in, its board of directors or partnership, as applicable, or of any officer or other person required to qualify pursuant to N.J.S.A. 5:12-85c, d or e. **Such notice shall be addressed to:**

1. Casino Control Commission
Office of Administrative Services
Records Management
Arcade Building, 1st Floor
Tennessee Avenue and the Boardwalk
Atlantic City, N.J. 08401; and

2. Division of Gaming Enforcement
Casino Licensing Section
CN-047
Trenton, N.J. 08625

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19:43-2.4 Notification of new financial sources

(a) Each casino licensee or applicant shall immediately notify the Commission and the Division, in writing, as soon as it becomes aware that it intends to enter into a transaction bearing any relation to its casino project which may result in any new financial backers, investors, mortgagees, bondholders, or holders of indentures, notes, or other evidences of indebtedness who may be subject to the provisions of N.J.S.A. 5:12-84b and Article 6B of the Act. **Such notice shall be addressed to:**

1. Casino Control Commission
Office of Administrative Services
Records Management
Arcade Building, 1st Floor
Tennessee Avenue and the Boardwalk
Atlantic City, N.J. 08401; and

2. Division of Gaming Enforcement
Casino Licensing Section
CN-047
Trenton, N.J. 08625

19:43-2.5 Notification concerning certain new qualifiers of publicly traded holding companies

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

(c) Notice pursuant to (a) and (b) above shall be addressed to:

1. Casino Control Commission
Office of Administrative Services
Records Management
Arcade Building, 1st Floor
Tennessee Avenue and the Boardwalk
Atlantic City, N.J. 08401; and

2. Division of Gaming Enforcement
Casino Licensing Section
CN-047
Trenton, N.J. 08625

19:43-2.6 Qualification of new directors, officers or other qualifiers of a casino licensee

(a) (No change.)

(b) Each person subject to (a) above shall file a Personal History Disclosure Form 1A (PHD-1A), as set forth in N.J.A.C. 19:41-5.2, with the Commission upon application for qualification or for a temporary casino key employee license.

19:43-2.7 Qualification of new directors, officers or other qualifiers of a holding company

(a) Any proposed new director, partner, officer or other natural person required to qualify pursuant to N.J.S.A. 5:12-85c, d or e by virtue of his or her position with a holding company of a casino licensee, [shall submit to individual qualification] **shall not perform any duties or exercise any powers related to such position until he or she has been found qualified by the Commission** to the standards, except for residency, of a casino key employee [by filing any required application forms].

(b) Each person subject to (a) above shall file a Personal History Disclosure Form 1A (PHD-1A), as set forth in N.J.A.C. 19:41-5.2, with the Commission prior to or immediately upon being elected or appointed to such position, **except that persons required to qualify by virtue of the following positions may alternatively file a Personal History Disclosure Form 1B (PHD-1B), as set forth in N.J.A.C. 19:41-5.3:**

1. An outside director of a holding company or any business entity required to qualify with respect to a casino licensee;

2. A trustee pursuant to N.J.S.A. 5:12-95:12;

3. A trustee required to be qualified; and

4. A beneficiary of a trust required to be qualified.

[(b)]**(c)** [No person subject to (a) above shall] **The Commission may, upon the written petition of the casino licensee, permit a person otherwise subject to (a) above to** perform any duties or exercise any powers relating to his or her position [until qualified by the Commission unless] **pending qualification, provided that:**

1. Such person files a Personal History Disclosure Form 4A (PHD-4A), as set forth in N.J.A.C. 19:41-5.5;

[1.]**2.** At least 30 days have elapsed from the date on which [initially required and completed application forms were first filed] **the PHD-4A was filed**; and

[2.]**3.** [Permission to perform duties and exercise powers has been granted by the Commission pursuant to written petition of the casino licensee.] **Such person files a PHD-1A or PHD-1B, in accordance with (b) above, within 15 days of the date on which the Commission's permission is granted.**

[(c)]**(d)** Notwithstanding the provisions of (a) above, any person permitted to perform duties or exercise powers pursuant to [this section without having first been qualified] **(c) above** shall:

1.-3. (No change.)

19:43-2.7A Application for renewal of qualification

(a) All persons who have been found qualified by the Commission pursuant to N.J.S.A. 5:12-85c, d or e shall file a renewal application as follows:

1. Any person whose position requires both qualification and a key employee license shall file an application for renewal when required to file for renewal of his or her casino key employee license pursuant to N.J.A.C. 19:41-14.2.

2. Any other person required to qualify shall file an application for renewal when the casino licensee for which he or she is a qualifier files a casino license renewal application.

(b) An application for renewal of qualification shall consist of the following:

1. A complete PHD-1A or PHD-1B, as required by N.J.A.C. 19:43-2.6 or 2.7;

2. A signed, dated and notarized certification of truth; and

3. A signed, dated and notarized release authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions and all governmental agencies to release any and all information pertaining to the applicant as requested by the Commission or the Division.

(c) Notwithstanding (b) above, a person whose most recent application for qualification, whether initial or renewal, included a complete PHD-1A or PHD-1B, shall file the following:

1. The information required in N.J.A.C. 19:41-5.2(a)1 through 5, 8, 9, 18i, 19 and 20i (for PHD-1A) or the information required in N.J.A.C. 19:41-5.3(a)1 through 5, 9, 14i and 15i (for a PHD-1B);

2. Updated information regarding any changes to any other information provided in the person's initial application for qualification or most recent renewal application;

3. Federal income tax returns for the two preceding years and related information;

4. A signed, dated and notarized certification of truth; and

5. A signed, dated and notarized release authorization which shall direct all courts, probation departments, selective service boards, employers, educational institutions, financial and other institutions and all governmental agencies to release any and all information pertaining to the applicant as requested by the Commission or the Division.

(a)

CASINO CONTROL COMMISSION

Casino Licensees
Employee Experiential Hours
Reproposed New Rule: N.J.A.C. 19:43-9.4

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-63c, 69a, 70c, 89a, 90a, 91a, and 106.

Proposal Number: PRN 1994-90.

Submit written comments by March 9, 1994 to:
Antonia Z. Cowan, Senior Counsel
Casino Control Commission
Tennessee Avenue at the Boardwalk
Atlantic City, New Jersey 08401

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The agency proposal follows:

Summary

The reproposed new rule is being published as a result of public comments received in response to an earlier Commission proposal concerning the recording of employee experiential hours (see 25 N.J.R. 5114(b)). The notice of adoption for the prior proposal may be found in the Adoptions section of this issue of the New Jersey Register.

N.J.A.C. 19:43-9.4 establishes the recording and verification of employee experiential hours which are required for specific position endorsements. The reproposed new rule has been modified to eliminate any particular requirements as to the method of verification of the initial record of experiential hours. This modification will allow the casino licensee to determine an appropriate method, without specifying manual or electronic, to comply with the requirement that each casino licensee maintain a complete, accurate and current record of the number of hours worked in each game by each employee.

Comments from the Sands Hotel and Casino (the Sands) to the original proposal concerning the role of the signature in the recording process for experiential hours demonstrated that the new rule, as previously published, envisioned a manual log-in system. (See adoption this Register) In order to eliminate any requirement for a manual verification process, the proposal is being republished to remove signature or any other type of control on the recording system. Subsection (b) has been redrafted and modified to eliminate (b)2 and 3 which had required signatures. This modification will not diminish the responsiblities imposed by the new rule but will allow the casino licensee greater discretion in the method employed to achieve compliance with the rule. In N.J.A.C. 19:43-9.4(a) of the proposed rule, responsibility to "maintain a complete, accurate and current record of the number of actual hours worked in each game by each employee" is placed on the casino licensee. N.J.A.C. 19:43-9.4(c), which is unchanged from the original proposal, requires that both the casino licensee and the employee verify experiential hours by affidavit before such hours are submitted to the Commission. Reproposal of N.J.A.C. 19:43-4.5, without specific requirements as to how the casino licensee should maintain the accuracy and completeness of the experiential record, would allow the casino licensee to choose its own method to assure compliance.

Social Impact

The reproposed new rule is not anticipated to have any social impact but will support the legislative requirements for the Casino Control Commission to oversee employment in the casino industry.

Economic Impact

It is not anticipated that the reproposed new rule will have any significant economic impact on casino licensees. It will allow each casino licensee to continue to choose its own method of recording experiential hours.

Regulatory Flexibility Statement

The reproposed new rule affects only casino licensees, none of which are "small businesses" as defined in N.J.S.A. 52:14B-17. Therefore, no regulatory flexibility analysis is required.

Full text of the reproposal follows:

19:43-9.4 Employee experiential hours

(a) Each casino licensee shall maintain a complete, accurate and current record of the number of actual hours worked in each game by each employee as a pit boss, poker shift supervisor, floorperson, boxperson and dealer; and the number of actual hours worked by each employee as a slot attendant supervisor, slot attendant, lead slot technician, slot technician, chief slot technician and slot shift manager.

(b) A daily log of the actual number of hours worked by each employee in each position listed in (a) above and, as applicable, in each game shall be maintained in each pit and in the slot department, which log shall record the date and time of day when each employee began and ended working in a particular game or in the slot department. Each entry into such log shall be approved by the pit boss or the slot shift manager, as appropriate, or his or her designee, verifying the accuracy of the information therein.

(c) Upon the written request of any employee or former employee, a casino licensee shall verify the number of hours worked by such person in any position listed in (a) above identified in the request. Within 30 days of the receipt of such request, the casino licensee shall provide the employee or former employee with the following documents for submission to the Commission:

1. An affidavit from the casino licensee indicating the number of hours worked by the employee or former employee in each position identified in the request and, if applicable, in each game. The affidavit shall be signed by an assistant casino manager (for table game hours), or an assistant slot manager (for slot department hours) or other management personnel above that level in the casino licensee's organizational structure as filed pursuant to N.J.A.C. 19:45-1.11. The signature of any person authorized to verify experiential hours pursuant to this section must be submitted to the Commission prior to any verification by that person; and

2. An affidavit from the employee or the former employee indicating that he or she agrees with the hours of employment specified by the casino licensee in its affidavit.

(d) No casino licensee shall charge any fee for providing verification of experiential hours pursuant to this section.

(a)

CASINO CONTROL COMMISSION

Accounting and Internal Controls
Casino Licensee's Organization
Proposed Amendment: N.J.A.C. 19:45-1.11

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-63(c), 69(a), 70(j) and 99.

Proposal Number: PRN 1994-67.

Submit written comments by March 9, 1994 to:
E. Dennis Kell
Assistant General Counsel
Casino Control Commission
Arcade Building
Tennessee Avenue and the Boardwalk
Atlantic City, NJ 08401

The agency proposal follows:

Summary

Although the Commission's regulations permit a casino licensee to operate a table games cage and a slot machine cage independently within a cashier's cage, N.J.A.C. 19:45-1.11(b)8 and 9 currently require each cage manager to report to the supervisor of the casino accounting department. This proposed amendment would give a casino licensee which elects to operate an independent slot machine cage the option of operating it as a separate department and permitting the supervisor thereof to report to another casino key employee as approved by the Commission, irrespective of department. In accordance with N.J.A.C. 19:45-1.11(a)1, such casino key employee could have no incompatible functions. The relationship between the slot machine cage and the casino accounting department would otherwise remain unchanged. Specifically, the accounting controls for the cashier's cage set forth in N.J.A.C. 19:45-1.15 would not be altered. The amendment would also clarify and codify the functions of the independent cage managers, as well as clarify that the cashier's cage is not normally a separate department.

Social Impact

Little or no impact upon the general public is anticipated, since the proposed amendment would simply provide a casino licensee which elects to operate an independent slot machine cage the option of having the supervisor thereof report to a casino key employee as approved by the Commission.

Economic Impact

The proposed amendment will provide a casino licensee which elects to operate an independent slot machine cage with additional flexibility with respect to whom its supervisor reports. This could result in more efficient operations and concomitant cost savings.

Regulatory Flexibility Statement

This proposed amendment will affect only New Jersey casino licensees, none of which is a "small business" as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et seq. Accordingly, a regulatory flexibility analysis is not required.

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

19:45-1.11 Casino licensee's organization

(a) (No change.)

(b) In addition to satisfying the requirements of (a) above, each casino licensee's system of internal controls shall include, at a minimum, the following departments and supervisory positions. Each of these departments and supervisors shall be required to cooperate with, yet perform independently of, all other departments and supervisors. Mandatory departments are as follows:

1.-7. (No change.)

8. A casino accounting department supervised by a casino key employee holding a license endorsed with the position of controller. The supervisor of the casino accounting department may be responsible for the operation and conduct of the simulcast counter and, **except as otherwise provided in (b)9 below,** shall also be responsible for the control and supervision of the cashier's cage and any satellite cages. The casino accounting department shall be responsible for, without limitation, the following:

i. (No change.)

ii. The preparation and control of records and data; [and]

iii. The control of stored data, the supply of unused forms, and the accounting for and comparing of forms used in operating the casino and casino simulcasting facility[.]**; and**

[9.]**iv.** [A]**The** cashier's cage, **which shall be** supervised by a casino key employee holding a license endorsed with the position of cage manager. The supervisor of the cashier's cage shall report to the supervisor of the casino accounting department and shall be responsible for the control and supervision of cage and slot cashiers, [change persons] **changepersons** and casino clerks. The cashiers' cage may be separated into independent operations for table games and slot machines. If a casino licensee elects to operate both a table games cage and a slot machine cage, each independent cage operation shall be supervised by a casino key employee holding a license endorsed with the position of cage manager **and each cage manager shall report to the supervisor of the casino accounting department. The supervisor of an independent slot machine cage shall be responsible for the supervision of the master coin bank, slot cashiers, changepersons and coin impressment personnel. The supervisor of an independent table games cage shall be responsible for all remaining cashiers' cage functions.** If a casino licensee elects to operate one or more satellite cages, each satellite cage shall be supervised by a casino key employee holding a license whose endorsement shall depend upon the functions performed by the satellite cage. The cashiers' cage shall be responsible for, without limitation, the following:

Recodify existing i.-iv. as **(1)-(4)** (No change in text.)

9. Notwithstanding (b)8 above, a casino licensee which elects to operate independent table game and slot machine cages may, in its discretion, operate the independent slot machine cage as a separate department. If an independent slot machine cage is operated as a separate department, the supervisor of the slot machine cage department shall report to a casino key employee approved by the Commission. The supervisor of a slot machine cage department shall be responsible for the supervision of the master coin bank, slot cashiers, changepersons and coin impressment personnel.

10. (No change.)

(c)-(f) (No change.)

(a)

CASINO CONTROL COMMISSION

Equal Employment and Business Opportunity Determination of Disbursements for Goods and Services; Limitation on Credit for Disbursements to a Single MBE or WBE; Commercial Buyers

Proposed Amendments: 19:53-1.2, 5.5 and 5.7

Authorized By: Casino Control Commission, Joseph A. Papp, Executive Secretary.

Authority: N.J.S.A. 5:12-63, 69, 75, 134 and 135.

Proposal Number: PRN 1994-93.

Submit written comments by March 9, 1994 to:
David C. Missimer, Assistant General Counsel
Casino Control Commission
Arcade Building
Tennessee Avenue and the Boardwalk
Atlantic City, New Jersey 08401

The agency proposal follows:

Summary

Pursuant to the provisions of N.J.A.C. 19:53-5, casino licensees are required to make a good faith effort to spend specified percentages of the dollar value of their contracts for goods and services with certified and provisionally certified minority business enterprises and women business enterprises (certified MBEs and WBEs). See N.J.A.C. 19:53-5.3. The proposed amendment codified at N.J.A.C. 19:53-5.5(f) would limit the amount of disbursement credit which a casino licensee could claim for dollars spent with any single certified MBE or WBE in a calendar quarter.

This limit, which would be established at $750,000, is based on a review of current casino industry expenditures with MBEs and WBEs and is designed to encourage casino licensees to assist the development of as many MBEs and WBEs as possible without significantly interfering with current casino spending patterns. The spending limitation would apply both to dollars expended directly by casino licensees with MBEs and WBEs and, as explained below, to dollars spent by contractors or commercial buyers on behalf of casino licensees through arrangements authorized under N.J.A.C. 19:53-5.5(e). The proposed amendments to N.J.A.C. 19:53-5.7 would make minor changes to the quarterly MBE/WBE expenditure reports which are currently filed by casino licensees in order to reflect this spending limitation.

Subsection (e) of N.J.A.C. 19:53-5.5 currently authorizes a casino licensee to satisfy up to 70 percent of its MBE/WBE participation goals in any particular year by requiring one or more of its contractors to award portions of their contracts to certified MBEs and WBEs, to the extent that dollars are actually spent by these contractors with certified MBEs and WBEs. This proposal is also intended to clarify the application of these provisions to agreements between a casino licensee and a contractor which either purchases or negotiates the purchase of goods and services for the benefit of the casino licensee (a "commercial buyer").

The proposed amendments to N.J.A.C. 19:53-1.2 would add definitions of "commercial buyer," "purchase agreement," "purchase authorization" and "supplier" to that section. These terms would be used in N.J.A.C. 19:53-5.5 in describing how a casino licensee is to determine the amount of expenditures which may be credited toward its purchasing goals when the casino licensee uses a contractor to purchase goods or services for its benefit.

As indicated above, a "commercial buyer" is defined as a person, other than an employee of a casino licensee, who arranges the purchase of, or actually purchases, goods or services for the benefit of a casino licensee. The term includes both contractors who obtain title to or possession of the goods (merchandise factors) and contractors who merely facilitate the purchase (brokers). A "purchase authorization" is defined as a contract between a casino licensee and a commercial buyer pursuant to which the commercial buyer is authorized to negotiate the purchase, or actually purchase, goods or services from a supplier for the benefit of the casino licensee.

A "supplier" is a person who is in the business of selling goods or services. Pursuant to the provisions of N.J.A.C. 19:53-5.5(j) and (k), an enterprise which is a commercial buyer may also act in the dual role

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of supplier if the enterprise is in fact in the business of selling goods or services on an independent basis. A "purchase agreement" is defined as a contract between a commercial buyer and a supplier pursuant to which the commercial buyer purchases, or negotiates the purchase of, goods or services from a supplier for the benefit of the casino licensee.

The proposed amendments to N.J.A.C. 19:53-5.5(e) clarify that a casino licensee may obtain credit toward its MBE and WBE participation goals by requiring its commercial buyers to spend part of their purchase authorizations with certified MBE and WBE suppliers. The credit which may be obtained will be equal to the amount of dollars which are actually spent with certified MBE and WBE suppliers pursuant to the purchase authorization, subject to the 70 percent limitation established in N.J.A.C. 19:53-5.5(e) (a casino licensee may not fulfill more than 70 percent of its participation goals, or any part thereof, by means of "pass through" agreements of this nature).

If a commercial buyer happens to be a certified MBE or WBE itself, the proposed amendment codified at N.J.A.C. 19:53-5.5(i) provides that the amount of MBE or WBE purchasing credit which may be attributed to business conducted with that commercial buyer shall be limited to the amount of compensation paid to the commercial buyer for its services. The casino licensee may not claim credit for funds disbursed to the commercial buyer for the purchase of goods and services from suppliers, except as otherwise authorized by N.J.A.C. 19:53-5.5(e) or (j).

Social Impact

The limitation on the amount of participation credit which may be obtained by a casino licensee based on dollars spent with a single MBE or WBE during a calendar quarter will hopefully advance those policies of the Casino Control Act which are designed to extend the economic benefits of casino gaming to all the citizens of New Jersey and, in particular, the residents of Atlantic City. This provision, in combination with the ability of each casino licensee to develop its own Equal Employment and Business Opportunity Plan (see N.J.A.C. 19:53-6), should encourage casino licensees to use innovative strategies in spreading the social and economic opportunities presented by the success of casino gaming in this State to as many MBEs and WBEs as possible. The proposed amendments to N.J.A.C. 19:53-5.7 represent changes to technical reporting requirements and should have no social impact.

The proposed amendments to N.J.A.C. 19:53-1.2 and 5.5 concerning commercial buyers are not anticipated to have any significant social impact. The amendments are merely intended to clarify the manner in which the current provisions of N.J.A.C. 19:53-5.5(e) should be applied to agreements between a casino licensee and persons who are contracted to engage in purchasing activities on behalf of the casino licensees. To the extent that the amendments clarify that casino licensees should not be able to claim MBE or WBE participation credit for purchasing dollars which are disbursed to noncertified companies through certified commercial buyers, the proposed amendments should advance the social policies which are identified in N.J.A.C. 19:53-5.1

Economic Impact

Based on current levels of expenditures by casino licensees with individual MBEs and WBEs, only one casino licensee would have exceeded the quarterly limitation which would be imposed by N.J.A.C. 19:53-5.5(f) during the last reported calendar quarter. Therefore, this provision is not anticipated to have any significant economic impact on casino licensees. To the extent that the proposed rule encourages casino licensees to seek out and do business with new MBEs and WBEs so as to avoid the limitation on participation credit in the future, the proposal may have a positive impact on those MBEs and WBEs who are attempting to establish a business foothold with the casino industry. The proposed changes to N.J.A.C. 19:53-5.7 are not expected to result in any additional costs to casino licensees.

If a casino licensee is currently claiming participation credit for all disbursements made to an enterprise which will be defined as a commercial buyer under the proposed amendments, regardless whether those disbursements are being passed through to noncertified suppliers, the proposed amendments will decrease the amount of MBE and WBE participation credit which may be claimed by any such casino licensee in the future. Thus, the casino licensee may adjust its purchasing activities by seeking out new certified MBE and WBE suppliers.

Conversely, the proposed amendments will also clarify that a commercial buyer which agrees to use certified MBE and WBE suppliers when fulfilling a purchase authorization on behalf of a casino licensee may pass that business through to the casino licensee for participation credit. This aspect of the proposal should benefit commercial buyers who have established business relationships with certified MBEs and WBEs who do not deal directly with casino licensees.

The proposal is not expected to have any significant economic impact on the Casino Control Commission or the Division of Gaming Enforcement.

Regulatory Flexibility Analysis

The proposed amendments may affect various enterprises which would qualify as a small business under the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments do not, however, impose any new reporting, recordkeeping or compliance requirements on such enterprises. At most, the proposed amendments simply clarify that the reporting and recordkeeping obligations already imposed by N.J.A.C. 19:53-5.5(e) apply to contractors which, under the proposed amendments, would now be identified as commercial buyers. The minimal requirements include proof of disbursements such as copies and are not so burdensome as to necessitate differing standards based on business size. The proposed amendments to N.J.A.C. 19:53-5.5(f) and 5.7 would only apply to casino licensees, none of which qualify as a small business under the terms of the Regulatory Flexibility Act.

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

19:53-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

. . .

"Commercial buyer" means a person who is not an employee of a casino licensee and who acts as a merchandise factor or broker in the purchase or negotiation of purchase of goods or services from a supplier for the benefit of a casino licensee.

. . .

"Purchase agreement" means an agreement between a commercial buyer and a supplier pursuant to which the commercial buyer purchases, or negotiates the purchase of, goods or services from the supplier for the benefit of a casino licensee.

"Purchase authorization" means an agreement between a casino licensee and a commercial buyer pursuant to which the casino licensee authorizes the commercial buyer to negotiate the purchase of, or actually purchase, goods or services from a supplier for the benefit of the casino licensee.

. . .

"Supplier" means an enterprise in the business of: providing services to customers as an independent contractor; manufacturing or producing and selling goods; or distributing goods which are maintained for sale either on an independent basis or as a representative of a manufacturer or producer.

. . .

19:53-5.5 Determination of casino licensee net disbursements for goods and services and disbursements to MBEs and WBEs

(a)-(d) (No change.)

(e) A casino licensee may fulfill up to 70 percent of the MBE and WBE participation goals established by N.J.A.C. 19:53-5.3 or any part thereof, by requiring **its** contractors **or commercial buyers** to award portions of their contracts **or purchase authorizations** to certified and provisionally certified MBEs and WBEs, to the extent that dollars are actually spent with certified and provisionally certified MBEs and WBEs. In determining the good faith efforts of a casino licensee to meet its MBE and WBE participation goals, no consideration shall be given to dollars spent by casino contractors **or commercial buyers** with certified and provisionally certified MBEs or WBEs in excess of this 70 percent limitation. Any casino licensee seeking credit for subcontracts **or purchase agreements** awarded to certified or provisionally certified MBEs and WBEs by a casino contractor **or commercial buyer** shall provide proof of the amount of the disbursements to the Commission. Such proof shall include:

1. Executed copies of the contract and subcontract **or purchase authorization and purchase agreement, as appropriate**;

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2. Copies of any payment orders and checks made payable to the certified or provisionally certified MBE or WBE subcontractor **or supplier** or copies of computer generated records which indicate that such payments were made; and

3. Any other information the Commission may require concerning the circumstances of **or enterprises involved in** a particular contract, [or] subcontract, **purchase authorization or purchase agreement**.

(f) Notwithstanding any other provision of this chapter, in determining the good faith efforts of a casino licensee to meet its MBE and WBE participation goals, no consideration shall be given to dollars spent in excess of $750,000 per calendar quarter with a single certified or provisionally certified MBE or WBE by the casino licensee or by any contractor or commercial buyer pursuant to an agreement with the casino licensee authorized under (e) above; provided, however, that any disbursements to a single MBE or WBE in excess of $750,000 per calendar quarter shall be recorded and reported by the casino licensee on its quarterly report as required by N.J.A.C. 19:53-5.7.

[(f)]**(g)** The percentage of disbursements awarded to certified and provisionally certified MBEs and WBEs by a casino licensee during any period shall be determined by dividing the total amount of such disbursements **permitted by this section** made during the period by the casino licensee and by any contractor **or commercial buyer** pursuant to an agreement authorized under (e) above, by the net disbursements of the casino licensee for the period as determined in (a) and (d) above.

[(g)]**(h)** When recording or reporting the dollar value of its disbursements for goods or services with MBEs and WBEs, a casino licensee shall record or report a disbursement with an enterprise that has been certified as both an MBE and WBE only once.

(i) If a casino licensee has an agreement with a contractor in which the contractor agrees to award a portion of its contract to certified or provisionally certified MBEs or WBEs pursuant to (e) above and the contractor itself is a certified or provisionally certified MBE or WBE, a casino licensee shall not claim credit for any disbursement to [the] **a** certified or provisionally certified MBE or WBE subcontractor if a corresponding credit is claimed for **disbursements made pursuant to** the casino contract.

(j) If a casino licensee has issued a purchase authorization to a commercial buyer and the commercial buyer itself is a certified or provisionally certified MBE or WBE, a casino licensee shall only claim credit for those disbursements made to the commercial buyer which represent compensation paid to the commercial buyer for its purchasing or negotiation activities on behalf of the casino licensee. Except as otherwise authorized by (e) above, the casino licensee shall not claim credit for any disbursements made to the commercial buyer for the purpose of purchasing goods and services from a supplier unless, pursuant to (k) below, the commercial buyer also qualifies as a supplier and does in fact supply goods or services to the casino licensee in satisfaction of the purchase authorization.

(k) In determining whether an enterprise which is purchasing goods for the benefit of a casino licensee is acting as a supplier or commercial buyer for purposes of this subchapter, the totality of circumstances surrounding the transactions shall be considered including, without limitation, the following:

1. Whether the enterprise is a viable ongoing business enterprise involved in the distribution of such goods independent of any business conducted with casino licensees (indicative of supplier status);

2. The level of involvement of casino licensees in the purchasing decisions of the enterprise, such as whether:

i. The casino licensee specifies not only the goods to be purchased but also the terms of purchase or the supplier from which the goods should be purchased (indicative of commercial buyer status); or

ii. The enterprise has the authority to make purchasing decisions without the approval of the casino licensee (indicative of supplier status); and

3. The historical business relationship between the enterprise and the casino licensee, such as whether:

i. The casino licensee takes an active role in the management of the enterprise (indicative of commercial buyer status); or

ii. All business arrangements between the enterprise and the casino licensee are negotiated on an independent arm's length basis (indicative of supplier status).

19:53-5.7 Quarterly casino licensee disbursement reports

(a) Each casino licensee shall submit to the Commission and the Division, in a format prescribed by the Commission, a quarterly report on its purchases of goods and services, including bus business, which shall consist of the following information recorded in accordance with the requirements of N.J.A.C. 19:53-5.5:

1.-5. (No change.)

6. The name and vendor identification number of each certified and provisionally certified MBE or WBE with whom the casino licensee did business during the quarter, as well as:

i.-ii. (No change.)

iii. The total amount of dollars, if any, which were disbursed to the certified or provisionally certified MBE or WBE by a contractor **or commercial buyer** pursuant to an agreement as described in N.J.A.C. 19:53-5.5(e);

7. The total dollar amount of **permitted** disbursements made to certified and provisionally-certified MBEs and WBEs during the quarter by either the casino licensee or its contractors **and commercial buyers**, listed by MBEs, WBEs and combined total, and the percentage of the net disbursements reported pursuant to (a)5 above that each listed amount represents; and

8. The total dollar amount of **permitted** disbursements made during the quarter to certified and provisionally-certified MBEs and WBEs by contractors **or commercial buyers** pursuant to agreements as described in N.J.A.C. 19:53-5.5(e).

(b) (No change.)

ENVIRONMENTAL PROTECTION AND ENERGY

(a)

ENVIRONMENTAL REGULATION—LAND USE REGULATION PROGRAM

Ninety-Day Construction Permits; Fees

Proposed Amendments: N.J.A.C. 7:1C-1.1, 1.2 and 1.5

Authorized By: Jeanne M. Fox, Acting Commissioner, Department of Environmental Protection and Energy.

Authority: N.J.S.A. 13:1D-9, 13:1D-29 et seq., specifically 13:1D-33.

DEPE Docket Number: 67-93-12/364.

Proposal Number: PRN 1994-70.

A **public hearing** concerning these amendments will be held on Monday, February 28, 1994, at 10:00 A.M. at:

New Jersey Department of Environmental Protection and Energy
Public Hearing Room
401 East State Street
Trenton, New Jersey 08625

Submit written comments, identified by the Docket Number given above, by March 9, 1994 to:

Janis Hoagland, Esq.
Administrative Practice Officer
New Jersey Department of Environmental Protection and Energy
CN 402
Trenton, New Jersey 08625-0402

The agency proposal follows:

Summary

The Department of Environmental Protection and Energy (Department) is proposing amendments to N.J.A.C. 7:1C-1.5 governing fees for the filing and review of applications for construction permits pursuant to the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et

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seq., the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., and the Waterfront Development Act, N.J.S.A. 12:5-3. In addition, the Department is proposing amendments at N.J.A.C. 7:1C-1.1 and 1.2 to reflect the reorganization of the Department of Environmental Protection to the Department of Environmental Protection and Energy as well as other internal organizational changes.

Under N.J.A.C. 7:1C-1.5(k) in the 90 Day Construction Permits rules, some applicants may apply for a partial rebate of the application fee at the end of the permit review process. The Department is proposing to delete this provision and replace it with a maximum fee of $30,000 for Waterfront Development permits. This upper limit on Waterfront Development permit fees is being set because once a project reaches a certain size, further increases in the cost of the project do not always increase the Department's costs in processing the permit or in assessing compliance with permit conditions.

For those projects for which the fees are capped at $30,000, the Department will track the actual time its staff spends reviewing the permit application. The Department will charge additional fees if such fees are necessary to cover its costs based upon the application review time and the estimated costs of determining compliance with permit conditions. When the Department's costs do exceed the initial fee of $30,000, the Department will document its costs and provide this documentation to the applicant with a bill for supplemental fees. Based upon a review of the Department's records, 99.5 percent of the projects for which permit applications were submitted to the Department required a fee of less than $30,000. To date, $30,000 has adequately covered the Department's costs for reviewing an individual permit application and determining compliance with permit conditions. Thus, the Department anticipates that it will rarely need to assess any additional fees.

The Department is proposing this amendment because it has experienced some difficulty administering the rebate provision since adopting it in March 1993. The current rule allows an applicant to request a partial rebate if it paid a fee of over $7,000 and that fee exceeded the Department's permit processing cost by more than 25 percent and by more than $2,000. An applicant can request a rebate after a permit decision has been made and the time for requesting an administrative appeal has expired. However, because the rebate provision is based upon permit processing costs only, it does not account for the costs incurred by the Department in assessing compliance with administrative and performance conditions on approved permits. The Department expends significant resources in determining condition compliance for these issued permits. Providing a rebate of unexpended permit fees immediately after a permit is issued prevents the Department from recouping the costs associated with condition compliance, which normally are incurred during the construction phases of a project.

The rebate provision and the lack of a cap on fees have proven to be costly and burdensome for both the Department and the applicant. Since the current rule was adopted and implemented, the Department has had to assess several fees in excess of $50,000, as well as one fee of $750,000. Such fees exceed what the Department actually needs for processing and determining condition compliance for a single permit.

Under the current scheme, the applicant must pay the entire fee according to the fee schedule in order for the Department to begin the review process regardless of whether the applicant will ultimately be entitled to a rebate. The Department must then account for every action associated with the review of every permit in order to be able to determine how much time is expended during permit review and the amount of any rebate to which the applicant may be entitled. These time-studies have required a special accounting system which adds extra costs. Moreover, at the end of the process, the applicant must apply to the Department for a rebate and then await a check, after already having experienced the loss of the use of these funds. The proposed amendment will address these concerns by making the cost of application review more predictable at the beginning of the process. Further, it will relieve the applicant of the financial burden of paying more than is necessary to accomplish the review of its application and determination of condition compliance. Finally, it will allow the Department to concentrate its tracking of time on those few projects for which the permit fee is capped at $30,000.

The proposed cap on Waterfront Development fees will help ensure that a fee will not exceed the Department's permit processing and estimated condition compliance costs. The cap is being proposed only for Waterfront Development permit fees because these application fees are calculated as a percentage of construction costs. While construction costs are an excellent way to predict the complexity of a project and the associated time required to complete the review of the application, this method is not always accurate. Sometimes construction costs are more reflective of the types of materials and design chosen rather than of the magnitude of the environmental issues that the Department needs to address in its review of the permit application and in determining condition compliance. In these instances, a cap on the total fee is appropriate.

Unlike the Waterfront Development fees, current CAFRA fees are based on the actual size and use of the development and not on construction costs. This fee calculation method adequately covers the Department's costs of processing a permit application because CAFRA projects are large scale. Therefore, the Department is not proposing to cap CAFRA fees. Further, the Department is not proposing to cap Coastal Wetland Permit fees because these fees never reach the threshold which would have entitled the applicant to a rebate under the current rules. Finally, the Department is proposing to cap fees on Waterfront Development permits for projects waterward of the mean high water line because the fees for Waterfront Development permit applications for nonresidential projects landward of the mean high water line are already capped at $4,000 (see N.J.A.C. 7:1C-1.5(a)1iii(2)) and will be the subject of a future rule amendment which will update the fees as a result of the 1993 amendments to CAFRA.

Social Impact

Waterfront Development permits are required so that the Department can review proposed impacts to the State's coastal environment. The proposed amendment will have a positive social impact to the extent that the citizens of New Jersey are concerned about impacts to the coastal environment, and this proposed rule amendment will enable the Department to collect the fees it needs for permit processing and determining condition compliance associated with these permits. It will also benefit the permit applicant by providing a predictable schedule for determining the total permit fee in advance, and by relieving the applicant of the burden of having to pay an excessive fee and then seeking a rebate after permit processing is complete.

Economic Impact

The proposed amendment will have a positive economic impact. An applicant will pay a reasonable permit fee with its application rather than pay a potentially excessive fee which may have to be rebated when the permit review process is complete. Thus, the proposed amendment will alleviate any burden on the applicant associated with loss of operating capital for an indeterminate period of time. In addition, the proposed amendment will allow the Department to focus its time-tracking efforts on those projects deemed to be large or complex that have reached the upper $30,000 fee limit. The proposed change may have a minor negative economic impact on a small number of permit applicants with permit fees exceeding $7,000 but less than $30,000, who might have been able to demonstrate that they qualified for a rebate under the current rule. According to the Department's records, from calendar year 1990 to date, such applications have represented two percent of the total applications. To date, no applicant in this category has requested a rebate.

Environmental Impact

The proposed amendments reflect the Department's intention to manage these construction permit programs as effectively and efficiently as possible. To the extent that the proposed amendment allows the Department to devote its time to reviewing the environmental impacts of a project instead of time accounting exercises, this amendment will have a positive environmental impact.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has determined that this proposed amendment will not impose additional reporting, recordkeeping or other technical compliance requirements on small businesses, nor will compliance result in additional capital costs. The proposed amendment will apply to those applicants seeking coastal construction permits with application permits with application fees exceeding $7,000. Based on a review of the applications received during fiscal year 1993, the Department does not anticipate that any of the applicants affected by this proposed change will fall within the "small businesses" category as defined in the New Jersey Regulatory Flexibility Act. The application fees fund the processing and review of construction permits.

In developing this amendment, the Department has balanced the need to protect the environment against the economic impact of this rulemak-

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ing and has determined that to limit the scope of these rules would endanger the environment, public health or public safety. Therefore, no exemption from coverage for small business is provided.

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

7:1C-1.1 Purpose

This chapter implements P.L. 1975, Chapter 232 (N.J.S.A. 13:1D-29 et seq.), to secure timely decisions by the Department of Environmental Protection **and Energy** on construction permit applications as defined therein, to assure adequate public notice of procedures thereunder, and to continue effective administration of the substantive provisions of other laws.

7:1C-1.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

. . .

"Application" means DEPE Application Form CP-1 and the appropriate agency supplement.

"Appropriate agency" means:

1. The [Division of Coastal Resources] **Land Use Regulation Program**, CN 401, Trenton, New Jersey 08625 for:

i.-iv. (No change.)

2. The [Division of Water Resources, Wastewater Facilities Management Element] **Division of Water Quality**, CN 029, Trenton, New Jersey 08625 for:

i. (No change.)

"Commissioner" means the Commissioner of the New Jersey Department of Environmental Protection **and Energy**.

. . .

"Department" means the New Jersey Department of Environmental Protection **and Energy**.

"DEPE Bulletin" means the official publication of the Department of Environmental Protection **and Energy** required by N.J.S.A. 13:1D-34, listing the status of pending construction permit applications.

. . .

7:1C-1.5 Fees

(a) Fees shall be charged for the review of any application for a construction permit in accordance with the following schedule:

1. Waterfront development permits:

i.-iii. (No change.)

iv. The permit fee for all other waterfront developments taking place waterward of the mean high water line shall be as follows:

(1) (No change.)

(2) The permit fee for all other activities requiring a waterfront development permit shall be based on the following schedule:

Construction Costs—Fees

$0 to $50,000—$1,450 + ½ of one percent of construction costs

$50,001 to $100,000—$1,700 + one percent of construction costs above $50,000

$100,001 to $200,000—$2,200 + 1¼ percent of construction costs above $100,000

$200,001 to $350,000—$3,450 + 1½ percent of construction costs above $200,000

greater than $350,000—$5,700 + one percent of construction costs above $350,000. **The fee payable at the time of the application shall not exceed $30,000. If the fee calculated under this formula would have exceeded $30,000, the Department will document its actual costs for review and processing of the application and the estimated cost of determining compliance with the conditions of the permit. If such costs exceed $30,000, the applicant shall pay a supplemental fee to cover such costs. The Department shall provide the applicant with documentation of such costs if a supplemental fee is charged.**

2.-5. (No change.)

(b)-(j) (No change.)

[(k) An applicant who has paid a fee calculated under (a)1, 2, or 3 above of more than $7,000 may request a rebate of part of that fee, at the time provided in (1) below. The Department shall refund to the applicant the amount by which that fee exceeds the Department's actual costs incurred in connection with the review of the Waterfront Development, coastal wetlands, or CAFRA application (including, without limitation, costs incurred in processing and reviewing the application and in addressing any appeal of the permit decision), as shown by Department timekeeping records, if:

1. The Department's timekeeping records show that the fee exceeds the Department's actual costs incurred in connection with the application by more than 25 percent; and

2. The Department's timekeeping records show that the fee exceeds the Department's actual costs incurred in connection with the application by than $2,000.

(1) An applicant requesting a rebate under (j) above shall make the request in writing to:

Administrator
Land Use Regulation Program
Department of Environmental Protection & Energy
CN 401
Trenton, New Jersey 08625

The request shall be received by the Department within 20 days after the applicable date in (1)1 or (1)2 below, but not before such applicable date:

1. If neither the applicant nor any other person appeals the Department's decision to approve, condition or disapprove the permit application, the last day on which such an appeal could have been timely filed (without considering any extensions of such time which may be available under any other provision of this title); or

2. If the applicant or another person has appealed the Department's decision to approve, condition or disapprove the permit application, the date as of which any disposition of such appeal can no longer be further appealed.]

(a)

WATER MONITORING MANAGEMENT BUREAU OF MARINE WATER CLASSIFICATION AND ANALYSIS

Shellfish Growing Water Classifications

Proposed Amendments: N.J.A.C. 7:12-1.2, 2.1, 2.2, 3.2, 4.1 and 9.1

Authorized By: Jeanne M. Fox, Acting Commissioner, Department of Environmental Protection and Energy.

Authority: N.J.S.A. 13:1D-9 and 58:24-1 et seq.

DEPE Docket Number: 01-94-01/299.

Proposal Number: PRN 1994-97.

Submit written comments, identified by the DEPE docket number above, by March 9, 1994 to:

Janis E. Hoagland, Esq.
Office of Legal Affairs
Department of Environmental Protection and Energy
CN 402
Trenton, New Jersey 08625-0402

The agency proposal follows:

Summary

The Department of Environmental Protection and Energy (Department) proposes to amend its rules on the classification of certain shellfish beds as the result of surveys conducted by the Bureau of Marine Water Classification and Analysis.

N.J.S.A. 58:24-1 requires the Department to inspect places within the State's jurisdiction from which oysters, clams or other shellfish are taken to be distributed or sold for use as food. In conducting these inspections, the Department's purpose is to ascertain the sanitary conditions of these shellfish beds, and to determine whether shellfish from those beds are suitable for use as food. N.J.S.A. 58:24-3 requires the Department to prohibit the taking of shellfish from places in which pollution or other conditions may make the shellfish dangerous to health.

The Department implements these statutory mandates through its Shellfish Growing Water Classification rules, currently codified at

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N.J.A.C. 7:12. Since 1961, the Department has amended these rules nearly every year, to reclassify shellfish growing waters based upon improvement or deterioration in water quality. N.J.A.C. 7:12 delineates the areas from which shellfish pose a danger to health.

The rules prohibit the use of shellfish from those areas for the purpose of human consumption, or impose specific conditions on harvesting for that use in order to protect public health. Under the statute, distributing, selling, offering shellfish for sale, or having shellfish in possession with the intent to distribute or sell is *prima facie* evidence that such shellfish is intended for use as food. N.J.S.A. 58:24-4.

The rule also establishes special permit programs to allow some limited use of shellfish from waters in which the harvest is restricted. The Department made significant changes to the special permit rules in 1990 by revising provisions governing hard clam and soft clam depuration (that is, the process that uses a controlled aquatic environment to reduce the levels of bacteria and viruses) and revising other existing provisions of the rules.

The proposed amendments will revise the classification of certain shellfish beds and modify the definitions to be in compliance with the National Shellfish Sanitation Program.

In conducting its surveys, the Bureau collects and analyzes water samples, inventories actual and potential sources of pollution, and performs hydrographic studies of water flow patterns which distribute pollution. These surveys are conducted in accordance with applicable State and Federal (Food and Drug Administration (FDA)) guidelines and regulations as described in the National Shellfish Sanitation Program Manual of Operations (Part I—Sanitation of Shellfish Growing Areas) (hereinafter NSSP). The FDA further requires that each state annually appraise the quality of those waters classified as "Approved" for the harvest of shellfish. New Jersey conducts scientific investigation work and research and, pursuant to N.J.S.A. 58:24-1 et seq., revises its Shellfish Growing Classification Rules annually.

The proposed amendments will result in the reclassification of approximately 405 acres of harvest water area of which approximately 318 acres (or 78.5 percent) are to be upgraded, reflecting an improvement in the overall water quality. The names of the waterways and number of acres to be reclassified are listed below in general terms. Pursuant to N.J.A.C. 7:12-1.2. "Approved" means waters meeting the minimum sanitary requirements for year-round shellfish harvesting; "Seasonal" means waters meeting the sanitary requirements for harvesting part of the year; "Special Restricted" means waters not meeting the sanitary requirements to harvest except by special permit; and "Prohibited" means waters not meeting the sanitary requirements for shellfish harvesting.

Chart#	Area	Action	Acres
3	Atlantic Ocean	Prohibited to Approved	140
4	Barnegat Bay	Seasonal to Approved	178
7	Beach Thorofare	Special Restricted to Prohibited	80
7	Lakes Bay area	Special Restricted to Prohibited	7

The Department notes that the 178 acres in Barnegat Bay is a clarification to the rules that become operative January 1, 1993. This upgrade was included in the revision; however, the change was not incorporated in the Shellfish Growing Water Classification Charts issued in 1993.

The reclassification described reflects a continuing general trend of improvement in shellfish water quality. The following table illustrates that trend, listing the increase in acreage under each classification from year to year since 1977 (with decreases in acres listed in parentheses):

Year	Approved	Seasonal	Special Restricted	Prohibited
1977	(113)	0	0	113
1978	(5,400)	1,280	(524)	4,644
1979	2,733	4,260	0	(6,993)
1980	8,719	5,613	(1,582)	(12,750)
1981	5,080	(1,925)	(206)	(2,949)
1982	150	(346)	(15)	211
1983	2,240	4,460	(273)	(6,427)
1984	5,226	(3,063)	(680)	(1,483)
1985	242	93	(80)	(255)
1986	(853)	(582)	(92)	1,527
1987	(153)	(35)	31,464	(31,276)
1988	(1,405)	1,250	(725)	880
1989	1,411	(766)	(580)	(65)
1990	2,700	3,270	(350)	(5,620)
1991	13,137	(934)	343	(12,546)
1992	1,329	283	(27)	(1,585)
1993*	318	(178)	(87)	(53)

*Under proposed amendments

In addition to the reclassification described above, the proposed amendments revise the definition of the word "shellfish" to include scallops, only when whole or with roe-on, to be consistent with the NSSP. The proposed amendments also clarify N.J.A.C. 7:12-2 which provides that shellfish grown in waters classified as Prohibited may not be used for human consumption except under special conditions as established by the Interstate Shellfish Sanitation Conference (ISSC). The special conditions refer to aquaculture projects in which submarket size shellfish are raised in waters classified as prohibited and later transferred to Approved waters for growout to market size. Currently there are no such rules in effect; however, when developed they will be incorporated in this subchapter.

Social Impact

For the reasons discussed below, the Department believes that N.J.A.C. 7:12 has had a positive social impact. The proposed amendments to N.J.A.C. 7:12-2 will enhance that positive impact.

History has shown a direct connection between the consumption of shellfish harvested from contaminated areas and human illness. However, the last major incidence of a shellfish-related illness from New Jersey waters was in 1966. Since then, greater emphasis has been placed on the classification of shellfish-producing waters and the consequent restriction of shellfish harvesting to areas meeting sanitary standards. The National Shellfish Sanitation Program developed a manual of operations that became the guiding document in the sanitary control of shellfish harvest areas. New Jersey expanded the use of the special permit programs in the early 1970s. These programs capitalized on the natural ability of shellfish to purge bacterial contamination when moved from a contaminated site to a clean site. Revisions to the rules governing these programs have been implemented over the years as technology has changed.

Increased public awareness of the extensive shellfish water quality testing and the intensive surveys that comprise the basis for these rules continues to reveal a high regard for New Jersey shellfish quality.

In addition to the more than 13,000 persons licensed to harvest shellfish, the adoption of these amendments would benefit the far greater number of consumers who utilize the shellfish harvested from New Jersey waters. While the downgrading of specific waters may, in limited cases, reduce localized recreational opportunities, the net effect of adopting the amendments will be to increase such opportunities by making more waters available for harvest. The continued monitoring efforts undertaken by the Department insure that the State's shellfish resource remains a wholesome food product, available to both recreational and commercial harvesters.

Economic Impact

For several years, there has been a general trend of improvement in shellfish water quality. In each of the last six years, more acreage has been classified as Approved as a result of improved water quality. Much of the improved water quality has been in areas that have been off limits to shellfishing for several years. The resulting reclassification has made available a new shellfish resource for harvest and direct marketing.

The shellfish growing water reclassification contained in these amendments represents an increase in the availability of harvest water to shellfishermen. The overall economic impact of these regulatory changes

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will therefore be favorable to the shellfish industry while allowing the Department to fulfill its statutory responsibility to protect the public health.

Environmental Impact

The continuous monitoring of New Jersey's shellfish growing waters benefits the State not only by affording protection from shellfish related disease, but also by serving as an environmental yardstick by which the progress of pollution abatement programs can be measured.

In addition, the demand for increased recreational, residential and commercial facilities in New Jersey's coastal zone continues to present a dilemma to environmental planners. The level of discord associated with the conflicting interests that depend upon publicly owned and managed natural resources can only be expected to increase. Therefore, the need for an objective method of evaluating the impact of man's activities upon complex estuarine and marine systems is increasing. The criteria associated with the National Shellfish Sanitation Program, which forms the basis for these water quality classifications, are but one suggested method that can be utilized to quantify the impact of development.

The proposed amendments represent a tangible measurement of the quality of New Jersey's surface waters as well as providing a historical record for future comparison. The proposed amendments will have a positive environmental impact by sanctioning the extensive monitoring efforts upon which the specific changes herein are based.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Department has determined that the proposed amendments will not impose additional reporting or recordkeeping requirements on small business. The proposed amendments, except for the change in the definition of "shellfish," "Department" and "Division," delineate areas from which shellfish may be harvested and those areas from which shellfish may not be harvested. Compliance with the restrictions imposed on those areas is required of all harvesters regardless of business size in order to maintain a safe shellfish resource.

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

7:12-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

. . .

"Bureau" means the Bureau of Marine Water Classification and Analysis in the Division of [Water Resources] **Science and Research**.

. . .

"Department" means the New Jersey Department of Environmental Protection **and Energy**.

. . .

"Division" means the Division of [Water Resources] **Science and Research** in the Department of Environmental Protection **and Energy**.

. . .

"Shellfish" means all species of oysters, clams or mussels, either shucked or in the shell that are fresh or fresh frozen and whole or in part **and scallops, only when they are whole or with roe-on**.

. . .

7:12-2.1 Shellfish growing water classification—Prohibited

(a) The following shellfish growing waters are classified Prohibited:

1.-8. (No change.)

9. Atlantic City area (Note: Portions are also designated as Special Restricted and Seasonal. See N.J.A.C. 7:12-3 and 4):

i. All of Clam Creek and contiguous harbors; [and]

ii. All of Inside Thorofare and West Canal[.]**;**

iii. All of Beach Thorofare from a line across Beach Thorofare bearing approximately 225 degrees T from the eastern side of the mouth of Penrose Canal at its junction with Beach Thorofare to a line from the northernmost tip of runway number 442 (North-South runway) at Bader Field in Atlantic City and bearing approximately 033 degrees T across Beach Thorofare; and

iv. All of an unnamed lagoon at the northwest corner of Lakes Bay.

10.-14. (No change.)

15. Jenkins Sound Area:

i. All of Jenkins Sound north of a line from a Department maintained marker northeast of the [Darking] **parking** area at Shellbed Landing and bearing approximately 078 degrees T to another Department maintained marker and terminating; and

ii. (No change.)

16.-17. (No change.)

18. Delaware Bay area (Note: Portions are also designated as Special Restricted and Seasonal. See N.J.A.C. 7:12-3 and 4):

i. (No change.)

ii. All of Cox Hall Creek and Fishing Creek;

[ii.]**iii.** (No change in text.)

[iii.]**iv.** All of the Bidwell Creek **upstream of the easterly side of the Route 47 bridge**;

Recodify existing iv.-vii. as **v.-viii.** (No change in text.)

19. (No change.)

20. Atlantic Ocean:

i. All of the ocean waters east of a line connecting the northernmost point of Sandy Hook and the southwesternmost point of Rockaway Point and south of the New York State line and extending to and following the New Jersey three nautical mile jurisdiction limit in a southerly direction until it intersects a line bearing approximately 269 degrees T connecting a point with coordinates of latitude 40 degrees 20.8 minutes N., longitude 73 degrees 47.7 minutes W. (generally marked by a buoy charted as W Or "BA" Gp Fl(4) 20 sec WHISTLE marking the separation zone on the Ambrose-Barnegat traffic lane) and the radio tower located at the New Jersey Marine Police Station, 128 Ocean Avenue, Borough of Monmouth Beach, with coordinates of latitude 40 degrees 20.5 minutes N., longitude 73 degrees 58.5 minutes W., then along that line to a point 1.5 nautical miles directly offshore, then along the shoreline in a southerly direction 1.5 nautical miles offshore until it intersects a line beginning at the water tank located on 509 Monmouth Avenue, Borough of Spring Lake, with coordinates of latitude 40 degrees 08.8 minutes N., longitude 74 degrees 02.2 minutes W., and bearing approximately 085 degrees T through the dome of the Essex-Sussex Hotel, 700 Ocean Avenue, Borough of Spring Lake, with coordinates of latitude 40 degrees 08.8 minutes N., longitude 74 degrees 01.5 minutes W., then proceeding from that point of intersection in a westerly direction along that line towards the above noted dome until it is 0.5 nautical miles directly offshore, then continuing in a southerly direction 0.5 nautical miles offshore for approximately [4.2] **3.9** nautical miles to a point with coordinates of latitude 40 degrees [4.7] **5.1** minutes N., longitude 74 degrees [1.8] **1.7** minutes W., then bearing approximately 280 degrees T **(reciprocal 100 degrees T)** to the water tank located [at 1123 Burnt Tavern Road] **next to the junction of New York Avenue and the Con Rail Railroad tracks**, Borough of Point Pleasant **Beach**, with coordinates of latitude 40 degrees [05.0] **05.2** minutes N., longitude 74 degrees, [03.9] **2.8** minutes W., and terminating.

ii.-xii. (No change.)

7:12-2.2 Use of shellfish grown in waters classified as Prohibited for human consumption

Shellfish grown in waters classified as Prohibited may not be utilized for human consumption **except under conditions as may be established by the ISSC.**

7:12-3.2 Shellfish growing waters that are classified as Special Restricted

(a) The following shellfish growing waters are classified as Special Restricted:

1.-22. (No change.)

23. Atlantic City-Absecon area (Note: A portion is also designated as Seasonal. See N.J.A.C. 7:12-4):

i.-vi. (No change.)

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[vii. All of Beach Thorofare from Absecon Channel to Great Egg Harbor Inlet; and]

[viii.]**vii.** All of Beach Thorofare from Absecon Channel to [the Route 40 Bridge] **a line across Beach Thorofare bearing approximately 225 degrees T from the eastern side of the mouth of Penrose Canal at its junction with Beach Thorofare.**

24. Pleasantville-Northfield-Linwood-Margate-Ventnor-Longport area (Note: A [Portion] **portion** is also designated as Seasonal. See N.J.A.C. 7:12-4):

i.-ii. (No change.)

iii. All of Great Thorofare and all of Beach Thorofare from [the Route 40 Bridge (near Bader Field in Atlantic City)] **a line from the northernmost tip of runway number 422 (North-South runway) at Bader Field in Atlantic City and bearing approximately 033 degrees T across Beach Thorofare** to a line from the tip of the stone jetty at the end of Atlantic Avenue (Longport) and bearing approximately 336 degrees T across [beach] **Beach** Thorofare to the center of the Longport Blvd.-Route 152 bridge, that crosses an unnamed creek on the unnamed island immediately north and west of the city of Longport;

iv.-v. (No change.)

vi. Lakes Bay (Note: A portion is also designated as Seasonal. See N.J.A.C. 7:12-4.): All of Lakes Bay [north of] **within** a line from the Pleasantville Yacht Club and following the channel markers F1 G "15", F1 B "13", F1 G "11", F1 R "8" to F1 G "7", then bearing approximately 061 degrees T across the northernmost tip of a small unnamed island to Great Island **then northwesterly across the mouth of Great Thorofare, then along the shoreline in a northwesterly direction, then across the mouth of an unnamed lagoon at the northwest corner of Lakes Bay and returning to the point of origin.**

25.-33. (No change.)

7:12-4.1 Seasonally Approved growing waters (Approved November 1 through April 30 yearly, Special Restricted May 1 through October 31, yearly)

(a) The following shellfish growing waters designated on the charts referred to in N.J.A.C. 7:12-1.1 shall be Special Restricted for the harvest of shellfish from May 1 through October 31 yearly and Approved for the harvest of shellfish from November 1 through April 30 yearly:

1.-9. (No change.)

10. Jenkins Sound-Grassy Sound-Richardson Sound: Seasonal-Special Restricted May 1 through October 31 yearly, Approved November 1 through April 30 yearly:

i. All of Nichols Channels, Dung Thoro, Great Flat Thoro, Drum Thoro, Jenkins Channel, Genesis Bay, Jenkins Sound and tributaries thereof contained within a line beginning at the [Darking] **parking** area at Shellbed Landing and continuing along the Jenkins Sound shoreline in a southwesterly direction to a Department maintained marker at the mouth of an unnamed tributary to Race Cove, then bearing approximately 126 degrees T to another Department maintained marker, then in a southeasterly direction along the Jenkins Channel shoreline excluding tributaries to Dead Thoro Point, then in a southwesterly direction to Grassy Sound Channel, then bearing approximately 118 degrees T to Nummy Island, then along that shoreline in a northeasterly direction including tributaries to Great Channel, then along the shoreline of Dung Thoro and Nichols Channel, excluding tributaries to a Department maintained marker on the shoreline of Genesis Bay, then bearing approximately 279 degrees T to a Department maintained marker, then along the shoreline in a southerly direction to a Department maintained marker, then bearing approximately 258 degrees T to a Department maintained marker, then along the shoreline in a southwesterly direction to the point of origin and terminating.

ii.-iv. (No change.)

11. (No change.)

7:12-9.1 General provisions; all programs

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

(c) Each application shall be accompanied by a fee in the amount of $25.00 (check or money order made payable to [New Jersey Department of Environmental Protection] **Treasurer, State of New Jersey**). Forms may be obtained from the New Jersey Department of Environmental Protection **and Energy,** [Division of Water Resources,] Bureau of Marine Water Classification and Analysis, Stoney Hill Road, P.O. Box 405, Leeds Point, New Jersey 08220, and New Jersey Marine Police stations located throughout the State. Duplicate permits may be issued upon written request to the Bureau of Marine Water Classification and Analysis at the aforementioned address if accompanied by a $10.00 check or money order payable to the [New Jersey Department of Environmental Protection] **Treasurer, State of New Jersey.**

(d)-(m) (No change.)

(a)

OFFICE OF LAND AND WATER PLANNING

Notice of Public Meetings and Opportunity for Comment

Draft Amendments to the Statewide Water Quality Management Planning Rules, N.J.A.C. 7:15

Take notice that the Department of Environmental Protection and Energy (Department) will hold two public meetings on its draft amendments to the Statewide Water Quality Management Planning Rules, N.J.A.C. 7:15. The Water Quality Management Planning Rules contain the policies and procedures for the development, amendment and adoption of the Statewide and Areawide Water Quality Management (WQM) Plans, including provisions for Wastewater Management Plans. The rules are based upon the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., which prohibit the Department from issuing any permit that conflicts with the Water Quality Management Plans.

The Department has reviewed this program, giving foremost consideration to its primary objective of protecting and enhancing the State's water resources. As a result of this review, the Department is preparing to propose amendments that will focus on two major actions: (1) simplifying and redirecting the WQM planning process so that more planning decisions are made locally and, when the Department's WQM Planning staff is involved, that the level of review and effort by staff is consonant with the complexity and environmental impact of the proposed project; and (2) incorporating the Discharge Allocation Certificate Environmental Assessment provisions (from the New Jersey Pollutant Discharge Elimination System [NJPDES] rules at N.J.A.C. 7:14A) into the WQM Planning rules to simplify the NJPDES permitting process and to encourage planning at a municipal level prior to permit applications.

The Department is describing these amendments as "interim" because it anticipates proposing major changes to the WQM Plan rules and process within the next several years to coordinate with and reflect the comprehensive watershed based planning program currently under development. A portion of the proposed watershed based planning approach was previously published at 25 N.J.R. 411(a).

Copies of the draft interim amendments can be obtained from the Water Planning Group, Office of Land and Water Planning, in the Department. Interested persons may telephone the Office at (609) 633-1179.

The **public meetings** on the draft interim amendments to the Statewide Water Quality Management Planning Rules will be held as follows:

Thursday, February 24, 1994, at 1:30 P.M.
Cherry Hill Township Municipal Building
2nd Floor, Room 208, Council Chambers
820 Mercer Street
Cherry Hill, New Jersey

Monday, February 28, 1994, at 1:30 P.M.
Somerset County Library
Rooms A and B
North Bridge Street and Vogt Drive
Bridgewater, New Jersey

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Written comments on the draft interim amendments are welcome and should be submitted by March 14, 1994, to:

Daniel Van Abs, Ph.D.
Assistant Administrator
Office of Land and Water Planning
Department of Environmental Protection and Energy
CN 423
Trenton, New Jersey 08625

(a)

AIR QUALITY REGULATION PROGRAM
AIR OPERATING PERMITS

Notice of Public Roundtable on Air Operating Permit Rules and related revisions to Preconstruction Permit Rules

Proposed New Rules: N.J.A.C. 7:27-22
Proposed Amendments: N.J.A.C. 7:27-1, 8 and 18

Take notice that the Department of Environmental Protection and Energy is holding a public roundtable on the above cited proposed rules and amendments. All interested parties are invited to participate.

The proposed rules and amendments were published in the September 7, 1993 New Jersey Register at 25 N.J.R. 3963(a). The Department is currently reviewing and responding to comments received during the public comment period (which ended on November 23, 1993) on the proposal.

In reviewing the comments received on the proposal, the Department has identified a number of key issues which require significant policy decisions. Through this roundtable, the Department is seeking further public input on these issues, prior to adopting the rule in final form, or taking other final action on its September 7, 1993 proposal. At the roundtable, the Department will present a summary of the issues, and various policy options for each. Public comment and discussion of these issues and options will be encouraged. A list of the issues to be discussed at the roundtable can be obtained from the Office of Air Quality Management at (609) 777-1345, fax: (609) 633-6198.

The roundtable will be held:

Tuesday, March 1, 1994 at 10:00 A.M. at
DEPE Public Hearing Room
401 East State Street
Trenton, New Jersey

(b)

DIVISION OF ENVIRONMENTAL SAFETY, HEALTH AND ANALYTICAL PROGRAMS

Notice of Extension of Comment Period
Fees for the Registration of Nonionizing Radiation Producing Sources

Proposed New Rules: N.J.A.C. 7:28-48

Take notice that the Department of Environmental Protection and Energy is extending until February 22, 1994 the public comment period on proposed new rules N.J.A.C. 7:28-48 published in the December 6, 1993 New Jersey Register at 25 N.J.R. 5422(a).

Submit written comments, identified by DEPE Docket Number 60-93-11/142 by February 22, 1994 to:

Janis E. Hoagland, Esq.
Administrative Practice Officer
New Jersey Department of Environmental Protection and Energy
Office of Legal Affairs
CN 402
Trenton, New Jersey 08625-0402

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RULE ADOPTIONS

PERSONNEL

(a)

MERIT SYSTEM BOARD

Compensation

Demotional Pay Adjustments: State Service

Adopted Amendment: N.J.A.C. 4A:3-4.10

Proposed: November 1, 1993 at 25 N.J.R. 4821(a).
Adopted: December 21, 1993 by the Merit System Board,
Anthony J. Cimino, Commissioner, Department of Personnel.
Filed: January 12, 1994 as R.1994 d.71, **without change.**

Authority: N.J.S.A. 11A:2-6(d) and 11A:3-7.

Effective Date: February 7, 1994.
Expiration Date: August 5, 1998.

Summary of Public Comments and Agency Responses:
No written comments received.

Summary of Hearing Officer Recommendations and Agency Response:
A public hearing on the proposed amendment was held on Thursday, November 18, 1993. Henry Maurer served as hearing officer. **No comments were received** on this proposed amendment at the time and no recommendations were made by the hearing officer. The hearing record may be reviewed by contacting Henry Maurer, Division of Appellate Practices and Labor Relations, Department of Personnel, CN 312, Trenton, NJ 08625.

Full text of the adoption follows:

4A:3-4.10 Demotional pay adjustments: State service
(a)-(b) (No change.)
(c) If the demotion is other than disciplinary or in lieu of removal under (b) above, the employee's salary shall be reduced one increment in the higher range. Then the employee's salary in the lower range will be set at the step that is equal to or next higher than such reduced salary.
1. The adjustment in (c) above is made after adjustment for workweek. See N.J.A.C. 4A:3-4.9(d).
2. The anniversary date is retained, unless the action results in step eight or nine.
i. If the action results in step eight, the employee shall be eligible for advancement to step nine, if warranted by performance, on the pay period that reflects the difference between the time served on the step prior to demotion and 39 pay periods.
ii. If the action results in step nine, the anniversary date is based on the effective date of the action.
3.-4. (No change.)
(d)-(e) (No change.)

(b)

MERIT SYSTEM BOARD

Equal Employment Opportunity

Adopted Amendments: N.J.A.C. 4A:4-2.2 and 2.14; 4A:6-1.3; and 4A:7-1.1, 2.1, 2.2, 2.3 and 3.1

Proposed: November 1, 1993 at 25 N.J.R. 4821(b).
Adopted: December 21, 1993 by the Merit System Board,
Anthony J. Cimino, Commissioner, Department of Personnel.
Filed: January 12, 1994 as R.1994 d.72, **without change.**

Authority: N.J.S.A. 11A:2-6(d) and 42 U.S.C. 12101 et seq.

Effective Date: February 7, 1994.
Expiration Dates: May 12, 1998, N.J.A.C. 4A:4;
December 22, 1997, N.J.A.C. 4A:6;
September 22, 1997, N.J.A.C. 4A:7.

Summary of Public Comments and Agency Responses:
No written comments received.

Summary of Hearing Officer Recommendations and Agency Response:
A public hearing on the proposed amendments was held on Thursday, November 18, 1993. Henry Maurer served as hearing officer. **No comments were received** on these proposed amendments, and no recommendations were made by the hearing officer. The hearing record may be reviewed by contacting Henry Maurer, Division of Appellate Practices and Labor Relations, Department of Personnel, CN 312, Trenton, NJ 08625.

Full text of the adoption follows:

4A:4-2.2 Types of examinations
(a)-(b) (No change.)
(c) See N.J.A.C. 4A:4-2.14 for rules regarding the accommodation and waiver of examinations for persons with disabilities.

4A:4-2.14 Accommodation and waiver of examinations for persons with disabilities
(a) Otherwise qualified applicants with disabilities may request an accommodation in taking an examination by indicating their request for accommodation on the examination application.
1. (No change.)
(b) The Commissioner may waive an examination for an otherwise qualified candidate or provisional with a physical, mental or emotional affliction, injury, dysfunction, impairment or disability which makes it physically or psychologically not practicable to undergo the testing procedure for a particular title, but does not prevent satisfactory performance of the title's responsibilities under conditions of actual service.
1. (No change.)
(c)-(d) (No change.)

4A:6-1.3 Sick leave
(a)-(g) (No change.)
(h) Sick leave may be used by an employee with a disability for absences related to the acquisition or use of an aid for the disability when the aid is necessary to function on the job. In such cases, reasonable proof may be required by the appointing authority.
(i) (No change.)

4A:7-1.1 General provisions
(a) There shall be equal employment opportunity for all persons in, or applicants for, the career, unclassified and senior executive services, regardless of race, creed, color, national origin, sex, affectional or sexual orientation, age, marital status, religion, or disability, except where a particular qualification is specifically permitted and is essential to successful job performance. See N.J.A.C. 4A:4-4.5 on bona fide occupational qualifications.
(b) Equal employment opportunity includes, but is not limited to, recruitment, selection, hiring, training, promotion, transfer, work environment, layoff, return from layoff, compensation and fringe benefits. Equal employment opportunity further includes policies, procedures and programs for recruitment, employment, training, promotion, and retention of minorities, women and persons with disabilities. Equal employment opportunity but not affirmative action is required with respect to persons identified solely by their affectional or sexual orientation.
(c) Persons with disabilities shall include any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. See 29 U.S.C. 706 and 42 U.S.C. 12101 et seq. Persons with disabilities shall also include persons who are defined as handicapped under N.J.S.A. 10:5-5(q). See also N.J.A.C. 4A:4-2.14 for accommodation and waiver of examinations for persons with disabilities.
(d) (No change.)

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4A:7-2.1 Division responsibilities: State service

(a) The Division of Equal Employment Opportunity and Affirmative Action (Division of EEO/AA) shall develop, implement and administer an equal employment opportunity and affirmative action program for all State employees in the career, senior executive and unclassified services. Such program shall:

1. Ensure that each State agency's equal employment opportunity and affirmative action goals for minorities, women and persons with disabilities are in accordance with the Standard for Determining Underrepresentation of Women and Minorities in New Jersey State Government, and are related to their population in the New Jersey labor market as determined by the relevant federal census;

2.-7. (No change.)

4A:7-2.2 Department of Personnel responsibilities: State service

(a) The Department of Personnel, through the Division of EEO/AA, shall:

1. Ensure that minorities, women and persons with disabilities are among the pool of applicants for all vacant positions in the career, unclassified and senior executive services;

2.-7. (No change.)

4A:7-2.3 Equal Employment Opportunity Advisory Commission: State service

(a) An Equal Employment Opportunity Advisory Commission shall be established and shall consist of 11 members appointed by the Governor, at least six of whom shall be minorities, women and persons with disabilities, and shall meet at least quarterly.

(b) (No change.)

4A:7-3.1 Appointing authority responsibilities

(a) (No change.)

(b) Each State agency shall:

1.-5. (No change.)

6. Ensure that minorities, women and persons with disabilities are considered for employment opportunties where the need for aggressive efforts have been identified.

7. (No change.)

(a)

MERIT SYSTEM BOARD

Voluntary Demotions

Adopted Amendment: N.J.A.C. 4A:4-7.8

Proposed: November 1, 1993 at 25 N.J.R. 4823(b).

Adopted: December 21, 1993 by the Merit System Board, Anthony J. Cimino, Commissioner, Department of Personnel.

Filed: January 12, 1994 as R.1994 d.74, **without change**.

Authority: N.J.S.A. 11A:2-6(d) and 11A:4-1 et seq.

Effective Date: February 7, 1994.

Expiration Date: May 12, 1998.

Summary of Hearing Officer Recommendations and Agency Responses:

A public hearing concerning the proposed amendment was held on November 18, 1993. Henry Maurer served as hearing officer. No comments were received on this proposed amendment, and no recommendations were made by the hearing officer. One person submitted written comments. The hearing record may be reviewed by contacting Henry Maurer, Division of Appellate Practices and Labor Relations, Department of Personnel, CN 312, Trenton, NJ 08625.

Summary of Public Comments and Agency Responses:

COMMENT: Patricial I. Blinn, an employee of the Department of Personnel, opposed the amendment. She noted that the amendment would benefit only those who break the laws, resulting in suspension of their drivers' licenses. A more productive amendment, she argued, would provide that any permanent employee who returns to a previously held permanent title within current continuous service shall receive aggregate seniority. She further argued that the proposed amendment is in conflict with N.J.A.C. 4A:4-7.10(b), which provides that when an employee returns to his or her prior employment via a regular reemployment list, seniority commences as of the date of regular reemployment. If the provisions of N.J.A.C. 4A:4-7.10(b) are objectionable, she asserted, then that rule should be amended to allow all regularly reemployed career service employees to be granted aggregate total State service and title seniority.

RESPONSE: The amendment was intended to address a limited situation: employees who are required to hold a Commercial Driver License (CDL) and whose licenses are suspended. For anyone holding a regular driver license, the first offense on the charge of driving while intoxicated results in a six-month suspension of the license. However, under the provisions of recent legislation, the penalty for the same offense for the holder of a CDL is a one-year suspension. This amendment was requested by the Department of Transportation to provide a viable alternative to removal of these employees. Although employees who violated the motor vehicle laws will benefit from this amendment, it must be noted that such employees suffer substantial consequences under these laws due to that violation. The DOT has argued that further penalizing such employees by removal or permanent demotion would be unfair, and would be detrimental to the public interest by negating the State's investment in training that employee for his or her job.

The commenter suggests that the rules on voluntary demotions and regular reemployment be amended to grant all employees aggregate seniority upon return to their permanent titles. However, such amendments would clearly be a substantive change from the current proposal, and thus could be addressed only in the context of a separate proposal. With regard to the asserted conflict with N.J.A.C. 4A:4-7.10(b), the Board believes that the more specific provisions of the amendment to N.J.A.C. 4A:4-7.8 are controlling over the general provisions of that rule. Therefore, the Board concludes that the amendment to N.J.A.C. 4A:4-7.8 should be adopted as proposed.

Full text of the adopted amendments follows:

4A:4-7.8 Voluntary demotion

(a)-(e) (No change.)

(f) When an employee is returned to his or her prior permanent title after a voluntary demotion, seniority in the prior permanent title shall be aggregated when:

1. The demotion was necessary due to the temporary loss of licensure required to perform the duties of the position;

2. The demotion was agreed to by both the employee and the appointing authority; and

3. The demotion was for a set period of time up to a maximum of one year.

(b)

MERIT SYSTEM BOARD

Leaves of Absence

Adopted Amendments: N.J.A.C. 4A:6-1.2, 1.6, 1.11, 1.12 and 1.13

Proposed: November 1, 1993 at 25 N.J.R. 4824(a).

Adopted: December 21, 1993 by the Merit System Board, Anthony J. Cimino, Commissioner, Department of Personnel.

Filed: January 12, 1994 as R.1994 d.73, **without change**.

Authority: N.J.S.A. 11A:2-6(d) and 11A:6-1 through 15; 38:23-1, 2 and 4; 38A:4-4, 52:14-26.2 and P.L. 1993, c.105.

Effective Date: February 7, 1994.

Expiration Date: December 22, 1997.

Summary of Public Comments and Agency Responses:

No written comments received.

Summary of Hearing Officer Recommendations and Agency Responses:

A public hearing on the proposed amendments was held on Thursday, November 18, 1993. Henry Maurer served as hearing officer. No comments were received on these proposed amendments and no recommendations were made by the hearing officer. The hearing record may be reviewed by contacting Henry Maurer, Division of Appellate Practice and Labor Relations, Department of Personnel, CN 312, Trenton, NJ 08625.

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Full text of the adoption follows:

4A:6-1.2 Vacation leave

(a) Full-time State employees in the career service shall be entitled to annual paid vacation leave, credited at the beginning of each calendar year in anticipation of continued employment, based on their years of continuous State full-time or part-time service in the career, senior executive or unclassified service. See (c) below for definition of continuous service.

1.-2. (No change.)

3. An increase in vacation leave shall be granted at the beginning of the calendar year in which the years of service requirement will be met.

i. When there is a change in the calendar year in which the years of service requirement is met, due to an employee's leave without pay, the employee shall be liable for any increased vacation leave that was not earned.

4. (No change.)

(b) (No change.)

(c) Continuous service, for purposes of this section, shall mean employment for the same jurisdiction without actual interruption due to resignation, retirement or removal.

1.-2. (No change.)

3. An unclassified State employee, who is reappointed following a layoff under the provisions of a collective negotiations agreement, shall be credited with service prior to the layoff and shall continue to accrue service upon reappointment.

(d)-(i) (No change.)

4A:6-1.6 Sick Leave Injury (SLI) requirements: State service

(a) (No change.)

(b) An employee who is disabled due to a work-related injury or illness shall be granted a leave of absence with pay.

1.-2. (No change.)

3. Benefits are limited to a period beginning on the initial date of the injury or illness and ending one year from that date.

i. Benefits shall not be paid for any absence from work occurring more than one year from the initial date of the injury or illness, even if the aggregate period of disability does not exceed one year.

ii. In cases of disorders as set forth in (c)4 below, the one year period shall begin with the first date of disability from work.

(c) The disability must be due to an injury or illness resulting from the employment.

1.-3. (No change.)

4. Progressive, degenerative or repetitive motion disorders, such as asbestosis or carpal tunnel syndrome, are compensable only when the claim is supported by medical documentation clearly establishing that the disorder would not have occurred but for the performance of specific work duties.

5.-6. (No change.)

(d)-(e) (No change.)

4A:6-1.11 Military leave

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

(c) A permanent employee who is a member of the organized reserves of the Army, Navy, Air Force or Marine Corps of the United States or other affiliated organizations shall be entitled to a leave of absence with pay on days on which he or she is required to engage in field training, but only that training which consists of participation in unit training field operations and is a part of the required annual tour of duty in order to be a member of that component. However, appointing authorities may reschedule an employee's work time to avoid conflict with military field training.

1.-2. (No change.)

(d)-(e) (No change.)

4A:6-1.12 Leave for appointment by Governor

When a permanent employee or an employee in the senior executive service is appointed by the Governor to an office, the appointing authority shall grant and record a leave of absence without pay for the period of appointment, provided that the employee requests such a leave of absence prior to the appointment. Upon the expiration of the leave, the employee shall have the right to return to the former title and receive all the rights, privileges and benefits of that title as if he or she had remained in that title. See N.J.S.A. 52:14-16.2.

4A:6-1.13 Convention leave

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

(c) Any corrections officer who is a member of the Italian American Police Society of New Jersey shall be granted a leave of absence with pay to attend any State or national convention of the organization. The leave shall be for a period inclusive of the duration of the convention with a reasonable time allowed for travel to and from the convention. A certificate of attendance at the convention shall, upon request, be submitted by the member so attending. See N.J.S.A. 11A:6-10.

Recodify existing (c) through (e) as (d) through (f) (No change in text.)

COMMUNITY AFFAIRS

(a)

DIVISION OF HOUSING AND DEVELOPMENT

Notice of Administrative Correction
Uniform Construction Code
Departmental Fees
N.J.A.C. 5:23-4.20

Take notice that the Department of Community Affairs has discovered an error in the text of N.J.A.C. 5:23-4.20. N.J.A.C. 5:23-4.20(d), which was adopted effective October 5, 1992 (see 24 N.J.R. 1844(a) and 3515(b)), was not incorporated into the Code text of the rule. This omission is corrected through this notice, published in accordance with N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (additions indicated in boldface **thus**):

5:23-4.20 Departmental fees

(a)-(c) (No change.)

(d) The fee for an application by a manufacturer, distributor, owner or any other person for approval of any fixture, appurtenance, material or method, pursuant to N.J.A.C. 5:23-3.8, shall be an amount equal to the cost incurred, or to be incurred, by the Department for such tests as the Department may require, plus an administrative surcharge in the amount of 10 percent of such cost.

(b)

DIVISION OF HOUSING AND DEVELOPMENT

New Home Warranties and Builders' Registration
Claims Procedure
Adopted Amendment: N.J.A.C. 5:25-5.5

Proposed: November 15, 1993 at 25 N.J.R. 4986(a).

Adopted: December 17, 1993 by Stephanie R. Bush, Commissioner, Department of Community Affairs.

Filed: December 23, 1993 as R.1994 d.50, **without change.**

Authority: N.J.S.A. 46:3B-10.

Effective Date: February 7, 1994.

Expiration Date: February 19, 1996.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows:

5:25-5.5 Claims procedure

(a)-(f) (No change.)

(g) All claims filed with the State Plan after the expiration of the first two-year warranty period shall be filed with and processed by the Division. All payments made by the Division on such claims shall be from the New Home Warranty Security Fund.

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1. Upon receipt of a claim, the Division shall inspect the home for the purpose of determining if the defect is covered by the warranty and, upon verification that the defect is covered, and upon submission of the bids and review thereof as provided in (e)2 above, the Director shall certify the amount of the award to the Treasurer, who shall make payment from the fund.

2. The provisions of (e)2, 3 and 4 above shall apply in all cases in which claims are filed with the State Plan after the expiration of the first two-year warranty period.

HUMAN SERVICES

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Administrative Corrections
Independent Clinic Services
HCFA Common Procedure Coding System (HCPCS)
Introduction; HCPCS Procedure Codes—Qualifiers
N.J.A.C. 10:66-6.1 and 6.4

Take notice that the Division of Medical Assistance and Health Services has discovered several codification errors in the adopted text of N.J.A.C. 10:66-6.1 and 6.4 (see 25 N.J.R. 5528(a)). In addition, the introductory paragraph, "Family planning to include each of the following:" which appeared in the original proposal document (PRN 1993-519) at N.J.A.C. 10:66-6.4(c)10i but was omitted from the published proposal and adoption, needs to be added for clarity. Lastly, at N.J.A.C. 10:66-6.4(h), the term "Podiatry service" is corrected as "podiatry services." This notice of administrative correction is published in accordance with N.J.A.C. 1:30-2.7.

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

10:66-6.1 Introduction

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

(c) Listed below are both general and specific policies of the New Jersey Medicaid program that pertains to HCPCS. Specific information concerning the responsibilities of an independent clinic provider when rendering Medicaid-covered services and requesting reimbursement are located at N.J.A.C. 10:66—Subchapters 1 through 5 and 10:66—Appendix.

1. (No change.)

2. Specific requirements concerning medicine are as follows:

i. (No change.)

[iii.]**ii.** (No change in text.)

3.-4. (No change.)

10:66-6.4 HCPCS procedure codes—qualifiers

(a) Evaluation and management and other procedures:

[2.]**1.** Drawing of blood: 36415.

2.-8. (No change.)

(b) (No change.)

(c) Family planning services:

1.-9. (No change.)

10. Annual medical revisit: 99395WF and 99395WFWM.

i. Family planning to include each of the following:

(1)-(4) (No change.)

ii.-iii. (No change.)

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

(h) Podiatry services:

1.-2. (No change.)

(i) (No change.)

(j) Rehabilitation services:

1. (No change.)

2. Audiometric tests: 92552, 92553, 92557, 92567, 92568, 92572, 92576, 92582, and 92589.

i.-ii. (No change.)

[ii.]**iii.** Acoustic reflex testing, 92568, shall include at least two frequencies per ear. Brief reflex screening at one frequency per ear is not reimbursable. Documentation of these tests shall appear in the patient's record.

3.-4. (No change.)

(k)-(m) (No change.)

(n) Miscellaneous services:

1. (No change.)

Recodify existing 2. and 3. as **i. and ii.** (No change in text.)

(b)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Administrative Changes
Case Management Services Manual
N.J.A.C. 10:73-2.1, 2.4 and 2.7

Take notice that, effective August 17, 1992, N.J.A.C. 10:49 was readopted in accordance with Executive Order No. 66(1978) (see 24 N.J.R. 2837(a)). The Division of Medical Assistance and Health Services, Department of Human Services has discovered that certain references in the Case Management Services chapter (N.J.A.C. 10:73) are no longer correct as a result of the readopted N.J.A.C. 10:49. The purpose of this notice of administrative change is to correct those cited cross references in N.J.A.C. 10:73 to reflect the current readopted codification at N.J.A.C. 10:49. There is no change in terminology. This notice of administrative change is published pursuant to N.J.A.C. 1:30-2.7(c).

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

10:73-2.1 Case Management Program/Mental Health (CMP/MH); general

(a) (No change.)

(b) Case management services are not available to recipients of the Medically Needy Program, except pregnant women, nor recipients served in the DMAHS' Home and Community Based Services Waiver Program, Model Waivers, DDD Waiver or the Home Care Expansion Program.

1. For information on how to identify a Medicaid recipient, refer to N.J.A.C. 10:49-[1.2]**2**, Administration.

10:73-2.4 Requirements for providers participating in CMP/MH

(a) (No change.)

(b) The following are the specific provisions for provider participation in CMP/MH.

1. (No change.)

2. Case management providers under CMP/MH shall comply with general Medicaid program policies regarding provider participation (see N.J.A.C. 10:49-[1.3]**3.1**). Provider entities must be mental health provider organizations who contract with the New Jersey Division of Mental Health and Hospitals in accordance with the "Rules and Regulations Governing Community Mental Health Services and State Aid Under the Community Mental Health Services Act" N.J.A.C. 10:37 to provide clinical case management and/or liaison services.

3. Upon notification from DMH&H of a certified, under contract CMP/MH provider, the New Jersey Medicaid program shall forward the appropriate provider enrollment forms to the provider. (See N.J.A.C. 10:49-[1.3]**3.1**, Eligible Providers.)

4. (No change.)

10:73-2.7 Prior authorization for clinical case management

(a) (No change.)

(b) The CMP/MH provider shall request prior authorization from the Division of Mental Health and Hospitals, utilizing forms prescribed by that Division.

1. Prior authorization may be for up to 12 calendar months. It is the responsibility of the provider to request prior authorization before furnishing or rendering services. (See N.J.A.C. 10:49-[1.8]**6.1** regarding prior authorization.)

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INSURANCE

(a)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Qualifications for Licensing; Broker and Broker-salesperson

Adopted Amendment: N.J.A.C. 11:5-1.3

Proposed: November 1, 1993 at 25 N.J.R. 4849(b).
Adopted: December 14, 1993 by New Jersey Real Estate Commission, Micki Greco Shillito, Executive Director.
Filed: January 4, 1994 as R.1994 d.56, **with a substantive change** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 45:15-6 and 45:15-9.

Effective Date: February 7, 1994.
Operative Date: July 1, 1994.
Expiration Date: October 15, 1998.

Summary of Agency-Initiated Changes:

As proposed, the amended rule would have required applicants for a broker or broker-salesperson license to affirmatively demonstrate their continuous licensure and employment on a full-time basis as a salesperson, during the hours of approximately 9:00 A.M. to 5:00 P.M. during the three years immediately preceding the application. After reconsidering the proposal, the Commission has concluded that many salespersons work early evening hours, yet are in all other respects considered to be employed full-time. Therefore, the hours designated in subparagraph (a)1i have been changed to "10 A.M. to 8 P.M.," with the 40-hour per week minimum requirement remaining unchanged.

At the same time, the Commission considers it extremely important for salespersons who aspire to obtain broker licenses to interact with other real estate service providers, such as mortgage bankers, home inspectors, attorneys and title agents on a frequent basis. Therefore, the Commission will continue to treat experience gained primarily on weekends or evenings as insufficient to satisfy the experience requirement for broker or broker-salesperson licensure.

Summary of Public Comments and Agency Responses:

The proposed amendment was published on November 1, 1993. During the comment period, which closed December 10, 1993, the Commission received comments from the Real Estate License Law Committee of the New Jersey Association of Realtors and from Larry Danks, owner and Director of Danks Real Estate School and Director of the Camden County College real estate prelicensure education program.

COMMENT: The New Jersey Association of Realtors Real Estate License Law Committee supported adoption of the amendment as proposed.

RESPONSE: The Commission is encouraged by the committee's support and adopts the amendment substantially as proposed.

COMMENT: Supporting documentation related to closed transactions on which applicants have gained experience is most important in verifying candidates' overall qualifications for licensure. Verification of this information could be done through spot checking and sampling. No change in the proposal is suggested.

RESPONSE: The Commission agrees with this comment. As proposed, the rule empowers the Comission to request from applicants supporting documentation and other evidence of full-time activity. The Comission has the authority to make further investigations into applicants' experience.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from the proposal indicated in brackets with asterisks *[thus]*):

11:5-1.3 Qualifications for licensing; broker and broker-salesperson

(a) All references in this section to "brokers" shall include broker-salespersons. The experience requirement for licensure as a broker imposed by N.J.S.A. 45:15-9 is construed to require a demonstration by the applicant of their commitment to real estate brokerage as their primary vocation, as evidenced by their involvement in the real estate brokerage business on a full-time basis.

1. With the exception of persons licensed as brokers in other states, all applicants for licensure as a broker must have been continuously licensed and employed on a full-time basis as a real estate salesperson during the three years immediately preceding their application. Such full-time employment shall be demonstrated by a showing that:

i. The applicant has worked as a salesperson under the authority of the broker(s) with whom they were licensed for at least 40 hours per week and during the hours of approximately *[9:00]* ***10:00*** A.M. to *[5:00]* ***8:00*** P.M.;

ii. Such work in (a)1i above was performed during any five days in each week of the three year period; and

iii. If the applicant was employed in any other occupation during the three year period, such other employment was on a part-time basis and did not exceed 25 hours per calendar week.

2. No applications for approval of an applicant's experience to qualify for licensure as a broker shall be made until an applicant:

i. Has been continuously licensed as a salesperson for at least the three years immediately preceding such application;

ii. Has completed the 90-hour general broker's prelicensure course and the two 30-hour courses referred to in N.J.A.C. 11:5-1.27(g).

(b) The Commission shall give due consideration to the following in reviewing the experience of an applicant:

1. Evidence of having been actively involved in the real estate brokerage business as a real estate salesperson on a full-time basis during each year of the three year period. Written statements by the brokers with whom the applicant was licensed during the three year period which certify the applicant's activity as a salesperson while licensed through those brokers must be submitted.

2. Applicants and/or brokers may also be required to submit supporting documentation relating to the closed transactions on which the applicant received compensation as a salesperson from the broker, or to supply other evidence of full-time activity, such as extensive involvement in a specialized field of real estate brokerage.

3. In no event will an applicant whose brokerage activity was limited to solely making referrals to other licensees be deemed to have fulfilled the full-time, active involvement in the brokerage business requirement for licensure.

(c) Broker-salespersons shall meet the same qualifications as brokers, including the qualifications as set forth in (a) and (b) above. A person licensed as a broker-salesperson must be employed by and act under the supervision of a duly licensed real estate broker and shall not independently maintain an office or escrow account. A broker-salesperson may be authorized to serve as an office supervisor or a branch office in accordance with the provisions of N.J.S.A. 45:15-12.

(d) Every applicant for licensure as a broker or broker-salesperson shall present with his or her application for licensure examination a certificate of satisfactory completion of courses in real estate and related subjects at a school licensed by the Commission or offered by another approved provider pursuant to N.J.S.A. 45:15-10.1(b) and N.J.A.C. 11:5-1.27 and N.J.A.C. 11:5-1.28, unless waived by the Commission in accordance with the provisions of N.J.S.A. 45:15-10.2 and N.J.A.C. 11:5-1.27.

(e) An applicant must pass the State broker license examination and apply for and request the issuance of a license as a broker or broker-salesperson not later than one year after successful completion of the 150-hour broker prelicensure education requirements. Any person who fails to apply for the issuance of a license as a broker or broker-salesperson within the said one year time period shall be required to retake and successfully complete all prescribed courses and the examination and must submit evidence of having again fulfilled the experience requirement during the three years immediately preceding the new application.

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(a)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Brokers and Salespersons Actions for Collection of Compensation

Adopted Amendment: N.J.A.C. 11:5-1.10

Proposed: November 1, 1993 at 25 N.J.R. 4851(a).
Adopted: December 14, 1993 by New Jersey Real Estate Commission, Micki Greco Shillito, Executive Director.
Filed: January 4, 1994 as R.1994 d.57, **with a technical change** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 45:15-3 and 45:15-6.

Effective Date: February 7, 1994.
Expiration Date: October 15, 1994.

Summary of Public Comments and Agency Responses:
The proposed amendment was published on November 1, 1993. During the comment period, which closed December 10, 1993, the Commission received one comment from the Real Estate License Law Committee of the New Jersey Association of Realtors, which supports adoption of the amendment as published.

RESPONSE: The Commission is encouraged by the committee's support and adopts the amendment as proposed.

Upon adoption, the section heading has been revised for clarity.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***):

11:5-1.10 Employment agreements; commissions; accounting to salesperson***s; actions for collection of compensation***

(a)-(h) (No change.)

(i) Broker and salesperson licensees may only bring or maintain actions in the courts of New Jersey for the payment of compensation due them for brokerage services performed as provided in N.J.S.A. 45:15-3.

1. The Commission interprets the language "at the time the alleged cause of action arose" as used in N.J.S.A. 45:15-3 to mean at the time that the brokerage services which form the basis for the alleged claim to compensation were rendered. For example, at the time when a property was listed for sale or rental by a licensee.

2. The Commission does not interpret the language "at the time the alleged cause or action arose" as requiring that the licensee must have been actively licensed at the time that the compensation allegedly due was to have been paid. For example, the Commission does not construe this language as requiring licensure at the time of the renewal of a lease to enable a claimant to sue for compensation based upon a promise, made or in effect when the lease was originally executed, to pay additional consideration to the claimant in the event that the lease was renewed.

(j) All references to "salesperson" in this section shall be construed to also include individuals licensed as broker-salespersons. All references to "non-payment of a commission" in this section shall be construed to include the non-payment of other forms of compensation.

(b)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Educational Requirements for Salespersons and Brokers in Making Application for Licensure Examination

Adopted Amendment: N.J.A.C. 11:5-1.27

Proposed: November 1, 1993 at 25 N.J.R. 4852(a).
Adopted: December 30, 1993 by New Jersey Real Estate Commission, Micki Greco Shillito, Executive Director.
Filed: January 4, 1994 as R.1994 d.58, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 45:15-10, 10.1 and 10.2.

Effective Date: February 7, 1994.
Operative Date: July 1, 1994.
Expiration Date: October 15, 1998.

Summary of Agency-Initiated Changes:
After considering further how best to allocate the additional 60 hours of broker prelicensure education required under the new law, the Commission has decided to add instruction on license requirements and procedures as an additional syllabus item under the 30-hour office management and related topics course. The instruction will cover license applications, and procedures applicable to transfers, changes in broker address, branch offices and other licensing transactions, as well as proper office closing requirements. The additional syllabus item has been added in response to uncertainty and confusion among some current brokers regarding these requirements and procedures.

The additional syllabus item does not represent an increase in the number of hours of instruction. Rather, schools shall incorporate all eight topics which make up the office management and related topics course into a comprehensive 30-hour program.

The word "salespersons" in subsection (e) of the proposal is changed to "salesperson" to make that term consistent with other portions of the rule text.

Summary of Public Comments and Agency Responses:
The proposed amendment was published on November 1, 1993. During the comment period, which closed December 10, 1993, the Commission received comments from the Real Estate License Law Committee of the New Jersey Association of Realtors and from Larry Danks, Owner and Director of Danks Real Estate School and Director of the Camden County College real estate prelicensure education program.

COMMENT: The New Jersey Association of Realtors Real Estate License Law Committee supported adoption of the amendment as published.

RESPONSE: The Commission is encouraged by the committee's support and adopts the amendment substantially as proposed.

COMMENT: The words "and related subjects" should be deleted from proposed subparagraphs (e)3i and iii, so as not to permit college and graduate students to substitute non-real estate courses, such as business courses, for real estate courses in qualifying for a waiver of the requirement to take the 75 hour salesperson prelicensure course in order to qualify to challenge the salesperson prelicensure exam.

RESPONSE: The Commission rejects this suggestion. Many colleges do not offer sufficient courses covering exclusively the subject of real estate for students to accumulate 75 classroom hours if they were not permitted to supplement their real estate training by taking other, real-estate-related courses. The Commission also recognizes the value of taking courses such as business law and accounting in preparing for a career in real estate.

COMMENT: One who has acquired an undergraduate degree with a major in real estate should be required to apply for a real estate salesperson education waiver no later than a certain time after earning that degree. Applicants should be up-to-date on recent developments in the real estate business, and, therefore, a five-year time limit from the completion of one's real estate degree program to apply for a salesperson education waiver is recommended.

RESPONSE: While the Commission agrees that applicants should remain current of recent developments in the real estate business, it

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rejects this recommendation as unnecessary. All applicants, before they may become licensed, must pass the prelicensure examination, which rigorously tests applicants on their knowledge of real estate and the current laws and rules pertinent to it. Moreover, the Commission believes that a college degree with a major in real estate is excellent preparation to become a real estate salesperson.

COMMENT: Textbooks used as part of the broker prelicensure course should be reviewed and approved by the Commission. The text of the rule should replace the words "assigned reading from a general textbook" to "assigned reading from a general principles of real estate textbook subject to Commission review and approval."

RESPONSE: The Commission rejects this proposal as unnecessary. While the Commission agrees that the quality of assigned reading is an important element in properly teaching students, all schools must teach the curricula prescribed by the Commission in subsection (f) and (g) of this rule, which remains the primary means of assuring that students receive proper instruction.

COMMENT: Subparagraph (g)5iv is unclear with regard to the permissible time for entering one of the 30-hour broker prelicensure courses.

RESPONSE: The Commission agrees that the wording of the text requires clarification. Students must commence each of the two 30-hour courses at their starting dates, and schools may not offer these courses in modules or cycles, as they may with the 90-hour general broker's course.

COMMENT: With regard to cycling the salesperson's course, the modular groupings are far too generous. The effect of this provision would be to allow students to start courses at almost any time and to attend classes covering subject matter that requires knowledge of earlier subjects.

RESPONSE: By permitting schools to cycle courses, the Commission recognizes, on the one hand, the need for properly educating students so that they can successfully challenge the prelicensure examination and, on the other hand, the practical needs of real estate schools and their students. However, because the Commission shares the concerns expressed in this comment, the Commission will delete the provision in subsection (f) permitting the cycling of the salesperson's course at the present time, with the intention of further exploring this issue in the future. With regard to the 90-hour general broker's course, students seeking to become brokers will presumably have sufficient practical real estate experience for cycling to be acceptable. Therefore, no change will be made to the 90-hour general broker's course provisions.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

11:5-1.27 Educational requirements for salespersons and brokers in making application for licensure examination

(a) All applicants for a salesperson's or broker's license shall present with their license application evidence of their satisfactory completion of a course of education in real estate subjects taught in accordance with N.J.S.A. 45:15-10.1 and as required by this section.

1. This requirement shall also apply to disabled veterans making application for licensure pursuant to N.J.S.A. 45:15-11. However, the Commission shall approve a program of studies in real estate completed by such a veteran offered by a provider other than a licensed school if the program consisted of at least 75 hours in the case of an applicant for a salesperson's license, or 225 hours in the case of an applicant for a broker's license and the program was offered by an accredited college or university for credit.

2. No person shall receive credit toward the fulfillment of the salesperson prelicensure education requirement for attendance at a broker's prelicensure course and no person shall receive credit toward the fulfillment of the broker's prelicensure education requirements for attendance at a salesperson's prelicensure course.

(b) To qualify to challenge the real estate salesperson license examination, a candidate must first successfully complete a course of study in real estate at a school licensed by the Commission pursuant to N.J.S.A. 45:15-10.4 consisting of a minimum of 75 hours as specified in (f) below. To qualify to challenge the real estate broker's license exam, a candidate must first successfully complete courses of study in real estate consisting of a minimum of 150 hours as specified in (g) below, offered by a licensed school or, with respect to those certain courses specified in (g)5 below, offered by some other Commission-approved provider.

(c) No person with the exception of qualified disabled veterans shall receive credit for satisfactory completion of the prescribed 150 hours of broker's courses unless that person was the holder of a salesperson's license at the time of enrollment in said course.

(d) (No change.)

(e) The requirements that broker license candidates complete the general 90 hour broker prelicensure education course and that *[salespersons]* ***salesperson*** license candidates complete the 75 hour salesperson prelicensure education course shall not apply to:

1. Applicants for licensure as a broker or salesperson who have held a real estate broker's license issued by another state and who were actively engaged in the real estate brokerage business for three years or more immediately preceding the date of application;

2. Applicants for licensure as a broker who are attorneys at law admitted to the practice in the State of New Jersey and applicants for licensure as a salesperson who are attorneys at law admitted to practice in New Jersey or in any other state at the time of making application;

3. Applicants for licensure as a salesperson who have earned a college degree from any accredited institution of higher education, provided that:

i. The total number of college level classroom hours devoted to real estate and related subjects was 75 or more, and such courses were completed within three years of making application;

ii. The applicant received a bachelor or associate degree in real estate regardless of how long prior to their application for a waiver they received that degree; or

iii. The applicant satisfactorily completed 75 or more classroom hours of course work in real estate or related subjects, at least 45 hours of which consisted of instruction on real estate conducted as part of a post-graduate program and that such post-graduate studies were completed within three years of making application.

4. Applicants for licensure as a salesperson who hold or held a real estate license issued by another state, provided that:

i. The applicant has satisfactorily completed a prelicensure course of real estate education at a proprietory school, college or university in that other state;

ii. The prelicensure course was sanctioned by the real estate licensing authority of that state;

iii. The total number of classroom hours included in the course was 75 or more;

iv. The applicant qualified for licensure in that state by examination; and

v. The applicant was actively licensed in that state within three years of applying for the waiver.

5. Applicants for licensure as a salesperson who previously held a license as a New Jersey real estate broker and whose last license expired more than two but less than five years prior to making application.

(f) *[The salesperson's prelicensure course may be taught in blocks or modules of material. The maximum number of modules into which the course may be divided is 10, with their content corresponding to the 10 subject matter areas identified in the syllabus below. Schools offering courses in modules may include more than one subject matter area in a given module. No student may commence a course which is offered in modules on a date other than the starting date of any module. No student shall be given credit for the successful completion of a salesperson's prelicensure course unless and until they have received instruction in all of the subject matter areas identified below for approximately the number of hours indicated, and passed a comprehensive final examination.]* The salesperson's course of 75 hours shall include:

1.-11. (No change.)

(g) The 150 hours of prelicensure education required of candidates for licensure as a broker or broker-salesperson by N.J.S.A. 45:15-10 shall be acquired as provided in this subsection. A 90 hour general broker's prelicensure course shall first be completed in accordance with the following syllabus and directives. Thereafter, two

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30 hour broker courses as described in (g)5, 6 and 7 below shall be completed. All three courses, totalling 150 hours of instruction, must be successfully completed within a period of two years. Where the three courses are not so completed, a candidate must again successfully complete any previously taken course and all courses not previously taken within the two year time frame, and again fulfill the experience requirement established at N.J.S.A. 45:15-9 and N.J.A.C. 11:5-1.3 in order to qualify to challenge the broker license examination.

1. The 90 hour general broker's prelicensure course may be taught in blocks or modules of material. The maximum number of modules into which the course may be divided is 23, with their content corresponding to the 23 subject matter areas identified in the syllabus below. Schools offering courses in modules may include more than one subject matter area in a given module. No student may commence a course which is offered in modules on a date other than the starting date of any module. No student shall be given credit for the successful completion of a 90 hour general broker's prelicensure course unless and until they have received instruction in all of the subject matter areas identified below for approximately the number of hours indicated, and passed a comprehensive final examination. The 90 hour general broker's prelicensure course shall be conducted in accordance with the following syllabus and directives. Substantive instruction shall be provided on the following topics for approximately the number of hours indicated:

i.-xxiii. (No change.)

2. Within the 90 hour general broker prelicensure course instruction will also be provided on the following topics for the hours indicated. These topics shall be taught in such a manner as to familiarize students with the basic elements of the listed topics and to impart to students an awareness of their scope and effect. The coverage on these topics will also inform students of the sources which can be contacted in order to obtain additional general information and/or specific data concerning the topics' applicability to or impact upon particular locations, and to educate students on their obligations and responsibilities as licensees to ascertain and disclose such information. The topics to be taught are:

i.-vi. (No change.)

3. Instructors conducting 90 hour general broker prelicensure courses shall provide general information to their students concerning the procedures through which students can arrange to sit for the State license examination and through which licenses are issued by the Commission, and shall give at least two spot quizzes and a comprehensive final exam on the material covered in the course (four hours).

4. In addition to classroom instruction and assigned reading from a general textbook, in the 90 hour broker course students shall also be assigned additional outside reading on various topics which shall include, but not be limited to, informational publications of the New Jersey Department of Environmental Protection and Energy on the various environmental topics covered, those sections of the New Jersey Law Against Discrimination which directly relate to the activities of real estate professionals, and other topics as directed by the New Jersey Real Estate Commission.

5. After having successfully completed the 90 hour broker course, all candidates for licensure as a broker or broker-salesperson must successfully complete a 30 hour prelicensure course on brokers' ethics and agency law and relationships, and a second 30 hour prelicensure course on office management and related topics.

i. All such agency/ethics and office management courses shall be taught by licensed instructors at licensed schools.

ii. All such agency/ethics courses shall be taught utilizing methods which maximize the use of case studies of recent Commission decisions in disciplinary actions, demonstration models and other non-lecture techniques.

iii. A final examination of not less than one hour shall be administered in all such courses on which students must receive a passing grade in order to be deemed to have successfully completed such courses.

iv. No school shall allow students to commence any 30 hour agency/ethics course or office management course at a time other than the starting date of *[the complete course]* ***such courses***.

6. The 30 hours of instruction in the ethics/agency course shall be devoted to:

i. The fiduciary duties owed by agents to their principals;

ii. Disclosed and undisclosed dual agency;

iii. Conflicts of interest and self-dealing;

iv. The risks and benefits of sub-agency to the principal and the agent;

v. Restrictions on and disclosure requirements regarding acting for more than one party to a transaction, including those pertaining to licensees providing mortgage services;

vi. Disclosure requirements to non-principals;

vii. Issues raised by licensees involved in transactions as non-agents; and

viii. The obligations to properly qualify or pre-qualify prospective purchasers and related issues.

7. The 30 hours of instruction in the office management and related topics course shall be devoted to:

i. Office management requirements imposed upon supervising brokers of main and branch offices;

ii. Recordkeeping requirements, with particular emphasis upon and extensive coverage of escrow account records;

iii. The importance of adequate supervision and training of other licensees to assure their compliance with the license law and the rules of the Commission;

iv. Instruction on proper qualification and pre-qualification techniques, including requiring demonstrations by the students, and with emphasis upon the significance of training and oversight of other licensees;

v. Statutory and rule requirements pertaining to contracts, leases and listing agreements and to broker advertising;

vi. Closings; *[and]*

vii. Environmental concerns*[.]***; and***

viii. Instruction on licensure requirements and procedures applicable to license applications, transfers, changes of broker address, branch offices, etc., and office closing requirements.

(h)-(j) (No change.)

(a)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Prelicensure Schools and Real Estate Instructors; Requirements

Adopted Amendment: N.J.A.C. 11:5-1.28

Proposed: November 1, 1993 at 25 N.J.R. 4855(a).

Adopted: December 14, 1993 by the New Jersey Real Estate Commission, Micki Greco Shillito, Executive Director.

Filed: January 4, 1994 as R.1994 d.59, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 45:15-6, 45:15-10.3 and 45:15-10.14.

Effective Date: February 7, 1994.

Operative Date: July 1, 1994.

Expiration Date: October 15, 1998.

Summary of Agency-Initiated Changes:

The entire proposed rule is to be recodified before adoption to accommodate additional changes to be proposed in the future and in order to avoid confusion when comparing the unamended rule with the adopted change.

The word "applicant" in paragraph (l)1 is changed to "applicants" to make that paragraph grammatically correct and the word "those" has been added to that same paragraph for clarity.

Summary of Public Comments and Agency Responses:

The proposed amendment was published on November 1, 1993. During the comment period, which closed December 10, 1993, the Commission received comments from the Real Estate License Law Committee of the

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New Jersey Association of Realtors and from Larry Danks, Owner and Director of Danks Real Estate School and Director of the Camden County College real estate prelicensure education program.

COMMENT: The New Jersey Association of Realtors Real Estate License Law Committee supported adoption of the amendments as published.

RESPONSE: The Commission is encouraged by the committee's support and adopts the amendments substantially as proposed.

COMMENT: Attorneys should be required to submit a New Jersey State Police Request for Criminal History Record Information Form with their application as are other applicants for instructor licensure.

RESPONSE: The Commission disagrees with the necessity to require attorneys to undergo a criminal history check. Moreover, attorneys are subject to a nationwide background check prior to bar admission, which is more extensive than the criminal history check for non-attorney applicants.

COMMENT: An out-of-State broker who does not hold a real estate degree and has not taken the 90-hour general broker prelicensure course should not be permitted to qualify to challenge the instructor license exam without working for at least one year as a licensed broker in New Jersey. The experience required of non-New Jersey brokers seeking a waiver of the requirement that instructor license candidates complete the 90-hour course should therefore be changed from the proposed three years' continuous licensure out-of-State to two years of licensure as a broker in another state followed by one year of working as a licensed broker in New Jersey. Such a requirement would allow time for such an individual to develop some degree of familiarity with New Jersey real estate laws and practice.

RESPONSE: The Commission rejects this suggestion. As proposed, the experience requirement for out-of-State brokers seeking instructor licenses—which is three years' continuous licensure as a broker immediately preceding application to challenge the instructor prelicensure exam—is consistent with the requirement for broker licensure in N.J.S.A. 45:15-9. Moreover, to further insure each applicant's ability to teach prelicensure courses, he or she must pass a comprehensive instructor license examination which will extensively test general real estate knowledge and New Jersey real estate law.

COMMENT: In order to upgrade the quality of instruction and to further ensure the professionalism of instructor applicants, the Commission should require all applicants to hold a master's degree, rather than only a bachelor's degree, while grandfathering anyone currently approved as an instructor holding only a bachelor's degree.

RESPONSE: The Commission recognizes that a college degree is an important requirement for licensure as a real estate instructor in the absence of extensive practical experience as a licensed real estate broker. However, the Commission believes that requiring a master's degree in lieu of a bachelor's degree would prevent many otherwise qualified and talented individuals from becoming licensed as instructors, and that such a high standard is unnecessary to ensure the quality of instruction at prelicensure schools.

COMMENT: Regarding the instructor prelicensure examination, references in the proposal to testing on teaching methods should be eliminated until the Commission more clearly identifies what will be expected of applicants before testing in this area. Moreover, such questions will be difficult to formulate.

RESPONSE: The Commission believes there will be sufficient time between the anticipated effective date of this amended rule and its operative date, which will be concurrent with the effective date of the new licensing law, to develop appropriate examination questions pertaining to teaching methods. The Commission disagrees that such questions will be difficult to formulate.

COMMENT: Regarding the biannual Commission-sponsored seminars, the Commission should avoid specifically mandating that the seminar be offered on three dates, in that it might be possible to hold the seminar on two dates instead of three. There should be a balance between convenience to the instructors and avoiding unnecessary planning and time consumption to the Commission staff.

RESPONSE: The Commission agrees with this suggestion and, accordingly, modifies the appropriate wording from "three dates" to "a minimum of two dates."

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

11:5-1.28 Licensed schools and instructors; requirements

(a) The following regulations are applicable to schools and instructors licensed to conduct courses of education in real estate subjects pursuant to N.J.S.A. 45:15-10.4 and 10.5 and to applicants for such licenses.

*[(b)]***1.*** The original license term for pre-licensure course instructors and schools shall begin on July 1, 1994 and terminate on February 28, 1997. Thereafter, each two-year license term for school and instructor licenses shall run from March 1 to the last day of February of the second following year.

Recodify proposed (c)-(k) as ***(b)-(j)*** (No change in text.)

*[(l)]***(k)*** No person, other than a guest lecturer, shall teach real estate education courses, the attendance and successful completion of which shall constitute the fulfillment of the educational prerequisites for licensure established under N.J.S.A. 45:15-10.1, unless that person is licensed as an instructor pursuant to N.J.S.A. 45:15-10.5 and this section.

1. Each applicant for licensure as a real estate instructor shall be 18 years of age or older and shall have a background of good moral character, including the absence of any conviction for ***those*** certain crimes or other like offenses referred to in N.J.S.A. 45:15-12.1, subject to the applicant's ability to affirmatively demonstrate his or her rehabilitation from such conviction. In order to confirm the absence of any such conviction, the Commission shall require all non-attorney applicant***s*** to submit with their application for instructor licensure a New Jersey State Police Request for Criminal History Record Information Form and a certified check or money order in the amount established by the New Jersey State Police as the processing fee for such forms.

2. Each applicant for licensure must hold a bachelor's degree from an accredited college or university, except for the following applicants:

i. New Jersey licensed brokers who have been continuously licensed as such for the two years immediately preceding their application; and

ii. Licensed brokers from other states who have been continuously licensed as such for the three years immediately preceding their application.

3. Except as provided in (l)3i and ii below, all instructor license applicants must successfully complete all of the education requirements for licensure as a New Jersey broker established at N.J.A.C. 11:5-1.27, totalling 150 hours, not more than one year prior to passing the instructor license examination and applying for an instructor license.

i. New Jersey broker licensees who have been licensed as such for at least the two years immediately preceding the application and who have completed the full 150 hours of broker prelicensure courses established at N.J.A.C. 11:5-1.27 shall be deemed to have fulfilled the education requirements for licensure as an instructor.

ii. The following individuals will not be required to take the 90-hour general broker course but must successfully complete the two 30-hour broker prelicensure courses referred to in N.J.A.C. 11:5-1.27 in order to fulfill the instructor prelicensure education requirements:

(1) New Jersey broker licensees who have been licensed as such for the two years preceding their application for an instructor license but who have not previously completed those two courses; and

(2) Licensed brokers from other states who have been licensed as such for the three years immediately preceding application.

4. All instructor license applicants shall successfully complete an instructor license examination as established by the Commission. The examination shall extensively test the applicant's general real estate knowledge and shall include questions on teaching methods. Applicants are advised to engage in independent study and/or to take courses offered by independent providers on teaching methods.

5. Subsequent to passing the instructor license examination, as a prerequisite to being issued an instructor license, all applicants must attend a seminar conducted by or under the direction of the Commission staff covering Commission and licensing procedures. Such seminars shall not exceed one day in length.

*[(m)]***(l)*** Regulations applicable to the renewal of school and instructor licenses are as follows:

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1. Pursuant to N.J.S.A. 45:15-10.7, the fee for the renewal of a real estate instructor license for an additional two-year license term shall be $50.00. The fee for the renewal of a real estate school license shall be $200.00 for the first teaching location licensed and $100.00 for each additional licensed location to be renewed.

2. As a prerequisite for the renewal of an instructor license, an instructor must attend a Commission-sponsored seminar updating them on recent developments affecting the real estate brokerage business in New Jersey. Such seminars shall be offered on *[three dates]* ***a minimum of two dates***, each in a different location throughout the state, during the second year of each two-year license term. Persons initially licensed as instructors in the last six months of the two-year license term are exempt from this seminar attendance requirement for the first renewal of their instructor license.

3. In the event that any person to whom an instructor's license has been or shall have been issued shall fail to renew such license or obtain a new license for a period of two consecutive years or more after the expiration of the last license held, the Commission shall require such person to again fulfill all the qualifications for initial licensure as an instructor prior to issuance of a further instructor's license. This requirement shall not apply to a person reapplying for an instructor's license who was a licensed instructor and who allowed their license to expire due to subsequent employment in a public agency in this State with responsibility for dealing with matters relating to real estate if the person reapplying does so within one year of termination of that employment.

Recodifying proposed (n)-(x) as ***(m)-(w***) (No change in text.)

*[(y)]***(x)*** The purpose of this subsection is to assure that there is a total separation between instructional activity conducted by approved schools and any solicitation of students, which, as defined in *[(y)2ii]* ***(x)2ii*** below, means any recruiting efforts or brokerage activity directed at students. These provisions will be construed in a manner consistent with that regulatory objective. A violation of any of these provisions will be considered by the Commission as conduct demonstrating unworthiness for licensure, thereby subjecting the offending licensee to sanctions pursuant to N.J.S.A. 45:15-17(e) and (r). The Commission may also impose sanctions for a violation of these provisions pursuant to N.J.A.C. 11:5-1.28*[(x)]* ***(w)***. Requirements regulating the involvement of approved schools in soliciting students to become salepersons for particular real estate brokers are as follows:

1. At the beginning of the first class session of all salesperson prelicensure courses, all approved schools shall distribute to all students in attendance in writing the following:

NOTICE
TO: ALL SALESPERSON COURSE STUDENTS
FROM: NEW JERSEY REAL ESTATE COMMISSION
RE: SOLICITATION OF SALESPERSON LICENSE CANDIDATES AT PRELICENSURE SCHOOLS:

It is the policy of the New Jersey Real Estate Commission that there be a complete and total separation between the instruction you receive in your prelicensure education course and any efforts by brokers to recruit you to join the firm and/or to secure listings or offers on listed properties from you. This policy is reflected in Commission rule N.J.A.C. 11:5-1.28*[(y)]***(x)***, which is reproduced in its entirely below.

If you are subjected to any recruitment efforts or are solicited for listings or offers during class time you should immediately notify your instructor, the Director of your school, and the New Jersey Real Estate Commission by writing to:

New Jersey Real Estate Commission
20 West State Street, CN 328
Trenton, New Jersey 08625
Attn: Director, Real Estate Education

You are free to negotiate the terms of your employment with any broker. It is in your own best interest to talk to several prospective employing brokers before deciding which offers the best compensation plan, including post-termination payment provisions, and support package for you. You should also consider a prospective employer's professionalism and reputation for honesty and integrity when deciding which broker to work for.

In the event an enrolled student does not attend the first session of a salespersons course, a copy of the foregoing notice shall be delivered to that student at the commencement of the first class session which that student does attend.

2. (No change.)

3. With the exception of posting, distributing written materials as provided in *[(y)5]***(x)5*** below, no school director, instructor, guest lecturer or staff member shall, prior to, nor within seven days following, a student's successful completion of a course, solicit a student to become a salesperson for any particular real estate broker, nor shall any such person at any time accept any fee or other compensation for soliciting or recruiting students attending their school to apply for employment with a particular real estate broker.

4.-9. (No change.)

(a)

DIVISION OF THE NEW JERSEY REAL ESTATE COMMISSION

Expediting of Licensing Issuance and Transfer Procedures

Adopted Amendment: N.J.A.C. 11:5-1.31

Proposed: November 1, 1993 at 25 N.J.R. 4858(a).
Adopted: December 14, 1993 by New Jersey Real Estate Commission, Micki Greco Shillito, Executive Director.
Filed: January 4, 1994 as R.1994 d.60, **with a technical change** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).
Authority: N.J.S.A. 45:15-6 and 45:15-14.
Effective Date: February 7, 1994.
Operative Date: July 1, 1994.
Expiration Date: October 15, 1998.

Summary of Public Comments and Agency Responses:

The proposed amendment was published on November 1, 1993. During the comment period, which closed December 10, 1993, the Commission received one comment from the Real Estate License Law Committee of the New Jersey Association of Realtors, which supports adoption of the amendment as published.

RESPONSE: The Commission is encouraged by the committee's support and adopts the amendment as proposed.

Upon adoption, "of" is changed to "or" in N.J.A.C. 11:5-1.31(c)3 to correct a typographic error.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

11:5-1.31 Expediting of license issuance and transfer procedures

(a) For the purpose of expediting the right of licensees to engage in real estate activities, where license certificates cannot be issued without delay after all conditions have been fulfilled, the Commission directs that a certificate of authority in the form of a letter to the licensee be sent to serve as a temporary license for a limited period of time.

(b) In cases where a licensee who is transferring from one broker to another requests that their current broker deliver their license to them, rather than return it to the Commission, so as to expedite the transfer process, the license shall be so delivered, provided that:

1. The rear of the license certificate is signed and dated by the terminating broker in the appropriate location prior to the delivery of the license to the departing licensee;

2. At the time of the delivery of the license to the departing licensee, the termination confirmation section of the license, reflecting the effective date of the licensee's separation from that broker, has been completed, signed and retained by the terminating broker; and

3. Within five business days of the delivery of the license to the departing licensee, the terminating broker shall mail to the Com-

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mission the completed and signed termination confirmation section of the license and send a copy of it to the departing licensee at their last known residence address.

(c) A transferring licensee who receives their license from the terminating broker after that broker has signed the license and entered the date of termination on it may then take that license to their new employing broker. Prior to the transferring person commencing work as a licensee for the new employing broker, that broker shall:

1. Enter on the license in the appropriate location the effective date of the individual's employment with that broker and sign the license as the new employing broker;

2. Detach the temporary license stub portion from the main license document and place it with the licenses of the other persons licensed with that broker; and

3. Mail to the Commission the dated and signed license of the transferring individual with the required transfer fee (see N.J.S.A. 45:15-14) in the form of a certified or cashiers check or money order *[of]* ***or*** broker's business account check. See N.J.A.C. 11:5-1.20.

(a)

INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD

Eligibility For and Replacement of Standard Health Benefits Plans

Adopted Amendment: N.J.A.C. 11:20-1.2
Adopted New Rules: N.J.A.C. 11:20-12

Proposed: November 30, 1993 pursuant to P.L. 1993, c.164, s. 7, at 26 N.J.R. 87(a), January 3, 1994.

Adopted: December 28, 1993 by the New Jersey Individual Health Coverage Program Board of Directors, Charles Wowkanech, Chair.

Filed: December 30, 1993 as R.1994 d.54, **without change.**

Authority: N.J.S.A. 17B:27A-16.

Effective Date: December 30, 1993.

Expiration Date: August 13, 1998.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows:

11:20-1.2 Definitions

Words and terms contained in the Act, when used in this chapter, shall have the meanings as defined in the Act, unless the context clearly indicates otherwise, or as such words and terms are further defined by this chapter.

. . .

"Health benefits plan" means a hospital and medical expense insurance policy, including certificates covering individual New Jersey residents, a health service corporation subscriber contract delivered or issued for delivery in New Jersey. The term "health benefits plan" specifically includes:

1.-7. (No change.)

The term "health benefits plan" specifically excludes:

1.-8. (No change.)

9. Hospital confinement indemnity coverage so long as the coverage is provided on a stand alone basis, contains no elimination period greater than three days, provides coverage for no less than 31 days during one period of confinement for each person covered under the policy, and provides no less than $40.00 but no more than $250.00 in daily benefits except that the benefit for the first day of hospital confinement may exceed $250.00 as long as the following formula is satisfied:

$$\frac{\text{1st day benefit} - \text{2nd day benefit}}{5} + \text{2nd day benefit} < \$250.00$$

10.-17. (No change.)

. . .

SUBCHAPTER 12. ELIGIBILITY FOR AND REPLACEMENT OF STANDARD HEALTH BENEFITS PLANS

11:20-12.1 Purpose and scope

(a) This subchapter establishes the standards for determining who may be covered by a standard health benefits plan, as defined at N.J.A.C. 11:20-1.2.

(b) This subchapter sets forth the standards for obtaining a standard health benefits plan by persons covered by, or eligible for, group health benefits plans and persons covered by individual health benefits plans.

(c) This subchapter shall apply to persons applying for coverage by standard health benefits plans in New Jersey, all carriers which are members of the program, insurance producers selling standard health benefits plans, and employers offering group health benefits plans to their employees.

11:20-12.2 Definitions

For the purposes of this subchapter, words and terms used herein shall have the meanings set forth by the Act, or as may be more specifically defined at N.J.A.C. 11:20-1.2, unless otherwise defined below, or the context clearly indicates otherwise.

"Eligible to participate in a group health benefits plan" means, with respect to a group health benefits plan offered by an employer to an employee and the employee's dependents, the employee works at least the minimum number of hours required for participation in the group health benefits plan, the employee has been employed for at least the minimum period required by the employer and the employee, and the employee's qualified dependents have satisfied all other lawful standards for participation in the group health benefits plan. With respect to a group health benefits plan under an HMO contract only, a person who resides outside of the HMO's service area shall not be considered to be "eligible to participate in a group health benefits plan."

"General services" means a range of services or treatments which result in:

1. Hospital charges; and

2. Medical-surgical charges.

"Group health benefits plan" means a health benefits plan, as that term is defined at N.J.A.C. 11:20-1.2, for groups of two or more persons, except that "group health benefits plan" shall also include any self-funded health benefits plan for groups of two or more persons.

"Hospital charges" means charges for care, including room and board received in or at a hospital or other facility licensed by the state in which it is located which provides mainly for the care and treatment of sick or injured persons, but does not include facilities which mainly provide convalescent or custodial care, or government hospitals which mainly provide care to military or ex-military personnel.

"Medical-surgical charges" means charges for diagnostic care and treatment rendered by a licensed health care provider acting within the scope of his or her licensure whether or not rendered in a hospital, but which, if rendered in a hospital, would not be reflected in the hospital charge.

"Open enrollment period" means the period from October 1 through October 31, beginning in 1994 and annually thereafter. The effective date for coverage elections made during the "open enrollment period" shall be January 1 of the following year.

"Standard health benefits plan" means a health benefits plan, including riders, if any, adopted by the IHC Program Board.

11:20-12.3 Eligibility for coverage under a standard health benefits plan

(a) The policyholder of a standard health benefits plan shall be a resident, as defined at N.J.A.C. 11:20-1.2. A carrier may require reasonable proof of residency. A dependent of the policyholder may be a nonresident, but may not reside outside of the United States.

(b) A person shall not be covered by a standard health benefits plan, as the policyholder or a dependent, if the person is eligible for Medicare, Medicaid, or a group health benefits plan, except as provided in N.J.A.C. 11:20-12.4.

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11:20-12.4 Replacement of a group health benefits plan with a standard health benefits plan

(a) A person who is a participant, or is eligible to participate, in a group health benefits plan that does not cover general services may choose, only during the open enrollment period, to be covered by a standard health benefits plan.

(b) A person who is a participant, or is eligible to participate, in a group health benefits plan that covers general services may choose, only during the open enrollment period, to be covered by a standard health benefits plan with a higher deductible and policyholder coinsurance requirement or lower deductible and policyholder coinsurance requirement than the group health benefits plan.

1. A standard health benefits plan shall be considered to have a higher deductible and policyholder coinsurance requirement than a group health benefits plan if the deductible is more than $100.00 higher and the policyholder coinsurance requirement is at least 10 percent higher than the group health benefits plan.

2. A standard health benefits plan shall be considered to have a lower deductible and policyholder coinsurance requirement than a group health benefits plan if the deductible is more than $100.00 lower and the policyholder coinsurance requirement is at least 10 percent lower than the group health benefits plan.

(c) With respect to coverage under an HMO contract, the following apply, notwithstanding (a) and (b) above:

1. A person who participates, or is eligible to participate, only in a group health benefits plan under an HMO contract may choose, only during the open enrollment period, to be covered under any standard health benefits plan, except plan E with a $150.00 cash deductible or the standard HMO benefits plan.

2. A person who participates, or is eligible to participate, only in a group health benefits plan under a non-HMO contract may choose, only during the open enrollment period, to be covered by the HMO standard health benefits plan.

(d) A carrier making determinations under (b) above with respect to a person who participates, or is eligible to participate, in more than one group health benefits plan, shall decide which group health benefits plan to compare with a standard health benefits plan, as follows:

1. If a person is seeking to be covered by a standard health benefits plan with a higher deductible and policyholder coinsurance requirement than the group health benefits plan, the carrier shall compare the group health benefits plan with the higher, or highest, deductible and policyholder coinsurance requirement.

2. If a person is seeking to be covered by a standard health benefits plan with a lower deductible and policyholder coinsurance requirement than the group health benefits plan, the carrier shall compare the group health benefits plan with the lower, or lowest, deductible and policyholder coinsurance requirement.

(e) A carrier comparing deductibles and policyholder coinsurance requirements according to (b) above shall not consider any separately applicable deductible and policyholder coinsurance requirements for specified covered services.

(f) A carrier comparing deductibles and policyholder coinsurance requirements according to (b) above, with respect to a health benefits plan delivered under a selective contracting arrangement, shall use the in-network benefit as a basis for comparison.

(g) A carrier determining whether a group health benefits plan covers general services, according to (a) and (b) above, shall not consider any limits, coinsurance, copayment or deductible requirements which may apply to a specific type of general service, (or a covered service within a type of general service) separately from the other general services (or covered services) under either the group health benefits plan or the standard health benefits plan.

(h) Notwithstanding (a), (b) and (c) above, a carrier shall not offer a person coverage by a standard health benefits plan unless:

1. The person is required to pay a portion of the premium for coverage by the group health benefits plan in which the person participates, or is eligible to participate; and

2. The person's coverage by a group health benefits plan has been terminated or will terminate no later than 30 days after the effective date of the standard health benefits plan, except as extension of benefits provisions under the group health benefits plan or by law may be applicable.

(i) A person who is eligible only for continuation of coverage under an employer's group health benefits plan required by State or Federal law, including, but not limited to, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and amendments thereto, may choose to be covered by any standard health benefits plan in lieu of continuing to participate in the group health benefits plan.

11:20-12.5 Selection of a standard health benefits plan by a person covered by an individual health benefits plan

(a) A person who is covered by an individual health benefits plan with an effective date prior to August 1, 1993, may choose, at any time, to be covered by any standard health benefits plan.

(b) A person who is covered by a standard health benefits plan or whose coverage by a standard health benefits plan has not lapsed for more than 30 days may choose, at any time, to be covered by a standard health benefits plan with the same or higher deductible and the same or higher policyholder coinsurance requirement than the standard health benefits plan being replaced, except that a person who is covered by standard health benefits plan A may choose, only during the open enrollment period, to be covered by any other standard health benefits plan.

(c) A person who is covered by a standard health benefits plan or whose coverage by a standard health benefits plan has not lapsed for more than 30 days may choose, only during the open enrollment period, to be covered by a standard health benefits plan with a lower deductible or lower policyholder coinsurance requirement than the standard health benefits plans being replaced.

(d) The following rules apply to the HMO standard health benefits plan, notwithstanding (a), (b) and (c) above:

1. A person covered by standard health benefits plan E with a $150.00 deductible may replace that coverage, at any time, with coverage under an HMO standard health benefits plan.

2. A person covered by the HMO standard health benefits plan may replace that coverage, at any time, with coverage by an HMO standard health benefits plan with the same or higher copayment options than the HMO standard health benefits plan being replaced.

3. A person covered by standard health benefits plans A, B, C, or D, or plan E with a deductible of $500.00 or $1,000 may replace that coverage, only during the open enrollment period, with coverage by an HMO standard health benefits plan.

4. A person covered by an HMO standard health benefits plan may replace that coverage, only during the open enrollment period, with coverage by an HMO standard health benefits plan with a lower copayment option than the HMO standard health benefits plan being replaced.

(e) A carrier comparing deductibles or policyholder coinsurance requirements according to (b) and (c) above shall not consider any separately applicable deductible or policyholder coinsurance requirements for specific covered services.

(f) A carrier comparing deductibles or policyholder coinsurance requirements according to (b) and (c) above, with respect to individual health benefits plans delivered under selective contracting arrangements, shall use the in-network benefit as a basis for comparison.

(g) Notwithstanding (b), (c) and (d) above, a carrier shall not offer a person coverage by a standard health benefits plan unless the person's coverage by the standard health benefits plan being replaced has been terminated or will terminate no later than 30 days after the effective date of the replacement standard health benefits plan.

11:20-12.6 Penalties

The Board shall promptly provide the Commissioner with any information in its possession regarding possible violations of this subchapter by covered persons, employers, carriers, and insurance producers, and request that the Commissioner pursue all fines and penalties provided by law.

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(a)

INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD

Enrollment Status Report

Adopted New Rules: N.J.A.C. 11:20-17 and 11:20 Appendix, Exhibit L

Proposed: November 30, 1993 pursuant to P.L.1993, c.164, s.7, at 26 N.J.R. 90(a), January 3, 1994.

Adopted: December 28, 1993 by the New Jersey Individual Health Coverage Program Board of Directors, Charles Wowkanech, Chair.

Filed: December 30, 1993 as R.1994 d.53, **without change.**

Authority: N.J.S.A. 17B:27A-11f and 17B:27A-16.

Effective Date: December 30, 1993.

Expiration Date: August 13, 1998.

These new rules were proposed and are being adopted pursuant to the procedures of P.L.1993, c.164, section 7, as therein authorized. Accordingly, notice of the proposal of these new rules was published in three newspapers of general circulation in New Jersey, and simultaneously mailed to all known interested parties when submitted to the Office of Administrative Law for publication in the New Jersey Register.

Pursuant to section 7d, all interested parties were provided at least a 15-day comment period. As set forth in the notice of proposed new rules, the written comment period ended on December 17, 1993.

Pursuant to section 7e, notwithstanding the receipt of comments (which, pursuant to section 7d, ultimately must be summarized and responded to in a report for public distribution and publication in the New Jersey Register) the Individual Health Coverage Program Board may adopt these rules immediately upon the expiration of the public comment period by filing the notice of adoption with the Office of Administrative Law for publication in the New Jersey Register. These new rules shall be effective upon the date of filing with the Office of Administrative Law.

Summary of Public Comments and Agency Responses:
No public comments were received.

Full text of the adoption follows:

SUBCHAPTER 17. ENROLLMENT STATUS REPORT

11:20-17.1 Purpose and scope

(a) This subchapter provides for the quarterly and annual submission of enrollment status reports by all members of the IHC Program, and sets forth the procedures and format for those reports.

(b) This subchapter applies to all members of the IHC Program that issue standard health benefits plans to individuals.

11:20-17.2 Definitions

(a) Words and terms defined at N.J.S.A. 17B:27A-2 and N.J.A.C. 11:20-1, when used in this subchapter, shall have the meanings as defined therein, unless more specifically defined in (b) below or unless the context clearly indicates otherwise.

(b) The following words and terms, when used in this subchapter, shall have following meanings, unless the context clearly indicates otherwise.

"Enrollment status report" means a complete and accurate document that is prepared and filed in accordance with the requirements of this subchapter and sets forth the information in the format of Part 1 of Exhibit L for the quarterly submission and Part 2 of Exhibit L for the annual submission in the Appendix to this chapter, which is incorporated herein by reference.

11:20-17.3 Filing requirements

(a) Every member of the IHC Program issuing standard health benefits plans shall complete and file with the Board the enrollment status reports required by this subchapter.

(b) Members shall file enrollment status reports on a quarterly basis reflecting inforce subscriber contracts, inforce persons insured, subscribers by rating category and subscribers by deductible and copayment options in the format of Part 1 of Exhibit L which shall reflect data as of March 31, June 30, September 30 and December 31 of each year. The first such report shall be filed reflecting data from August 1 through December 31, 1993.

(c) Members shall file enrollment status reports on an annual basis reflecting subscribers by zip code category, covered persons by age and sex category and subscribers by salary category in the format of Part 2 of Exhibit L which shall reflect data as of December 31 of each year. The first such report shall be filed reflecting data as of December 31, 1993.

(d) Members shall submit completed enrollment status reports to the Board at the following address no later than 45 days following the end of the quarter or end of the year (for annual reporting purposes):

Enrollment Status Report
IHC Interim Administrator
c/o The Prudential Insurance Company of America
P.O. Box 4080
Iselin, New Jersey 08830

(e) Affiliated carriers shall submit the enrollment status reports only on a combined basis. Each affiliated carrier shall be identified on the report.

(f) In lieu of submission on paper, members may submit the reports on a 5.25 inch 360 KB or 3.5 inch 1.44 MB computer disk, which provides the information in the format set forth in Parts 1 and 2 of Exhibit L, and includes instructions for the use of the program.

11:20-17.4 Contents of the enrollment status report

(a) Members shall report the following information on a quarterly basis on the enrollment status report form set forth as Part 1 of Exhibit L in the Appendix, separately for each of the standard health benefits plans, broken out into Indemnity or PPO and POS delivery systems for Plans A through E, and, if applicable, the individual health benefits plans issued on a community rated, open enrollment basis prior to August 1, 1993:

1. Subscriber contracts at the end of the period, which shall be calculated by adding the number of contracts inforce at the beginning of the period to the number of contracts representing new sales and conversions during the period, and subtracting the number of contracts lapsed during the period.

i. New sales and conversion contracts shall be reported separately by employment status and replacement status.

(1) Employment status shall be separated into three categories: employed, unemployed, unknown. Employment status shall be obtained from the section of the application entitled, Other Health Care Coverage, and the question "Are you employed?" If the response is yes, then the contract should be reported as employed. If the response is no, then the contract should be reported as unemployed. If the question has not been answered, the contract should be reported as unknown.

(2) Replacement status shall be separated into three categories: previously insured, previously uninsured, and unknown. Replacement status shall be obtained from the section of the application entitled, Other Health Care Coverage, and the question "Are you replacing existing coverage?" If the response is yes, then the contract shall be reported as previously insured. If the response is no, then the contract shall be reported as previously insured. If the question has not been answered, the contract shall be reported as unknown.

ii. A reinstatement shall be reported by reducing the number of contracts lapsed;

2. Persons insured at the end of the period, which shall be calculated by adding the number of persons insured at the beginning of the period and the number of new insureds during the period, and subtracting the number of insureds lapsed during the period.

i. The number of lives insured should be reported in this section. For those members who do not maintain actual dependent data, the following factors shall be used to convert contracts to persons insured: single = 1; husband and wife = 2; parent and child(ren) = 2.8; family = 3.9;

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APPENDIX

Exhibit L, Part 1

Carrier Name: _____

Quarter Ending: _____

Name of Person Completing Report: _____

Telephone Number: _____

Fax Number: _____

Enrollment Status Report

Open Enrolled, Community Rated Individual Plans

Quarterly Statistics	Health Benefits Plan	Issued Prior to August 1, 1993	Plan A		Plan B		Plan C		Plan D		Plan E		HMO Plan	Total
			Indemnity	PPO/POS	Indemnity	PPO/POS	Indemnity	PPO/POS	Indemnity	PPO/POS	Indemnity	PPO/POS		
A. Report by Subscriber Contract														
I. Number of Contracts Inforce Beginning of Period														
II. New Sales and Conversions Issued in Period														
Total Number of New Contracts														
	Contracts by Employment Status													
	Number Employed													
	Number Unemployed													
	Number Unknown													
	Contracts by Replacement Status													
	Number Previously Insured													
	Number Previously Uninsured													
	Number Unknown													
III. Number of Contract Lapses in Period														
IV. Number of Contracts Inforce End of Period (I. + II. - III.)														
B. Report by Persons Insured (End of Period)														
I. Number Insured Beginning of Period														
II. Number of New Insureds During Period														
III. Number of Insureds Lapsed During Period														
IV. Number Insured End of Period (I. + II. - III.)														
C. Report of Contracts by Rating Category (End of Period)														
Number of Single Subscriber Contracts														
Number of Husband and Wife Subscriber Contracts														
Number of Parent and Child(ren) Contracts														
Number of Family Contracts														
D. Report of Contracts by Deductible/Copayment Option (End of Per.)														
Number of Subscriber Contracts with $150 or $250 Deduct or $10 Copay														
Number of Subscriber Contracts with $500 Deduct or $15 Copay														
Number of Subscriber Contracts with $1000 Deduct or $20 Copay														

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Exhibit L, Part 2

Annual Report Page 1

Carrier Name _____ Name of Person Completing Report: _____

Telephone Number: _____

Year Ending: _____ Fax Number: _____

Enrollment Status Report

Annual Statistics

Open Enrolled, Community Rated Individual Plans

	Health Benefits Plan		Plan A		Plan B		Plan C		Plan D		Plan E		HMO Plan	Total
			Indemnity	PPO/POS	Indemnity	PPO/POS	Indemnity	PPO/POS	Indemnity	PPO/POS	Indemnity	PPO/POS		
A. Report of Contracts by Zip Code Categories														
Number of Subscriber Contracts in Zip Code Areas 070 - 073														
Zip Code Areas 074 - 075														
Zip Code Areas 076														
Zip Code Areas 077														
Zip Code Areas 078														
Zip Code Areas 079														
Zip Code Areas 080 - 084														
Zip Code Areas 085														
Zip Code Areas 086														
Zip Code Areas 087														
Zip Code Areas 088 - 089														
Total Subscribers														
B. Report of Covered Persons by Age and Sex														
Number of Male Covered Persons Insured End of Period														
Age 0 to 20														
20 to 30														
30 to 40														
40 to 50														
50 to 60														
60 to 65														
65 to 70														
70 & Over														
Number of Female Covered Persons Insured End of Period														
Age 0 to 20														
20 to 30														
30 to 40														
40 to 50														
50 to 60														
60 to 65														
65 to 70														
70 & Over														
Total Covered Persons End of Period														

Annual Report Page 2

C. Report of Salary Data														
Number of Subscriber Contracts														
Salary Under $10,000														
$10 to $20,000														
$20 to $30,000														
$30 to $40,000														
$40 to $50,000														
$50 to $60,000														
$60,000 & Over														
Total Subscribers														

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3. Contracts at the end of the period, which shall be reported separately by rating category, that is: single; husband and wife (or two person); parent and child(ren) and family; and

4. Contracts at the end of the period, which shall be reported separately by deductible options of $150.00 or $250.00, $500.00, $1,000 for Plans A-E or copayment options of $10.00, $15.00, $20.00 for the HMO Plan.

(b) Members shall report the following information on an annual basis on the enrollment status report form set forth as Part 2 of Exhibit L in the Appendix, cumulatively for all years to date and separately for each of the standard health benefits plans, broken down by Indemnity or PPO and POS delivery systems for Plans A-E, and if applicable, the individual health benefits plans issued on a community rated, open enrollment basis prior to August 1, 1993:

1. Number of contracts inforce geographically, categorized by the first three digits of the zip code, as of December 31 of the previous year;

2. Number of lives insured, separated by sex and age distribution as of December 31 of the previous year beginning with 12/31/94; and

3. Number of contracts by salary categories as reported by the subscriber on the household income section of the application.

11:20-17.5 Penalties

Failure to provide the enrollment status reports within the time and in the format required by this subchapter shall result in the imposition of penalties as may be provided by law.

(a)

NEW JERSEY SMALL EMPLOYER HEALTH BENEFITS PROGRAM

Declaration and Approval of Reinsuring or Risk-Assuming Carrier Status

Adopted Amendments: N.J.A.C. 11:21-14.4, 14.5 and Parts 1 and 2 of Exhibit U of the Appendix to N.J.A.C. 11:21

Proposed: December 14, 1993 pursuant to P.L. 1993, c.162, s.16 at 26 N.J.R. 328(b), January 18, 1994.

Adopted: December 30, 1993 by Samuel F. Fortunato, Commissioner, Department of Insurance.

Filed: December 30, 1993 as R.1994 d.55, **without change.**

Authority: N.J.S.A. 17:1-8.1, 17:1C-6(e), 17B:27A-34 and 17B:27A-46.

Effective Date: December 30, 1993.

Expiration Date: October 15, 1998.

These amended rules were proposed and are being adopted pursuant to the procedures of P.L. 1993, c.162, s.16 ("Section 16"), as therein authorized. Accordingly, notice of the proposal was published in three newspapers of general circulation in New Jersey and mailed to all known interested parties when submitted to the Office of Administrative Law for publication in the New Jersey Register.

Pursuant to Section 16d, all interested parties were provided at least a 15-day comment period. As set forth in the notice of proposed amended rules, the written comment period ended on December 29, 1993. **No written comments were received.**

Pursuant to Section 16e, notwithstanding the receipt of comments (which pursuant to Section 16d ultimately must be summarized and responses provided in a report for public distribution and publication in the *New Jersey Register*), the Commissioner of Insurance may adopt these amended rules immediately upon the expiration of the public comment period by filing the notice of adoption with the Office of Administrative Law. These amended rules are effective upon the filing of the notice of adoption with the Office of Administrative Law.

Summary of Public Comments and Responses:

No comments received.

Full text of the adoption follows:

11:21-14.4 Declaration to be a reinsuring or risk-assuming carrier

(a) Every small employer carrier shall file a declaration with the Board and Commissioner on or before October 4, 1993 or within 30 days of the date that the Board files its Plan of Operation with the Commissioner for review, whichever date is later, stating whether the small employer carrier elects to operate as a risk-assuming carrier or a reinsuring carrier for purposes of compliance with the Program.

1.-2. (No change.)

3. Any small employer carrier that fails to file a timely declaration shall be deemed to have submitted a declaration to be a reinsuring carrier on October 4, 1993 or the 30th day following the date that the Board submitted its Plan of Operation to the Commissioner, whichever date is later, for purposes of determining the statutory election period for that carrier.

4. Any small employer carrier that is disapproved as a risk-assuming carrier shall be deemed to have elected to operate as a reinsuring carrier on October 4, 1993 or the 30th day following the date that the Board submitted its Plan of Operation to the Commissioner, whichever date is later, for purposes of determining the statutory election period for that small employer carrier.

5. The statutory election period shall be deemed to begin on January 1, 1994.

(b) Every carrier that is not currently a small employer carrier but determines to become one, shall file, at least 90 days prior to issuing any small employer health benefits plans, a declaration with the Board and the Commissioner stating whether the carrier elects to operate as a risk-assuming carrier or as a reinsuring carrier for purposes of compliance with the Program.

1. Any such carrier that fails to file a timely declaration shall be deemed to have elected to operate as a reinsuring carrier as of the date the carrier files policy forms or certification of utilization of small employer policy forms, as appropriate, with the Board and the Commissioner.

2. Any such carrier that is disapproved as a risk-assuming carrier shall be deemed to have elected to operate as a reinsuring carrier as of the date the carrier elected to operate as a risk-assuming carrier.

3. In any calendar year in which a carrier elects to operate, or is deemed to have elected to operate, as a reinsuring carrier:

i. If the date, or deemed date, of election is on or before June 30 of that year, the statutory election period shall be deemed to begin on January 1 of that calendar year.

ii. If the date, or deemed date, of election is on or after July 1 of that year, the statutory election shall be deemed to begin on January 1 of the immediately succeeding calendar year.

(c) A carrier operating as a reinsuring carrier which elects to operate as a risk-assuming carrier effective upon the expiration of the statutory election period applicable to the reinsuring carrier shall file a declaration with the Board and the Commissioner 90 days prior to the end of the applicable statutory election period stating that the carrier elects to operate as a risk-assuming carrier for purposes of compliance with the Program.

1. (No change.)

2. The election shall not be effective until approved by the Commissioner as provided in this subchapter, except that all approved such risk-assuming elections shall relate back to January 1, if approval occurs subsequent to the end of the carrier's reinsuring statutory election period.

3. (No change.)

11:21-14.5 Application to be a risk-assuming carrier

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

(c) Every carrier filing for risk-assuming carrier status shall complete in full the Risk-Assuming Application Form set forth in Exhibit U, Part 3 of the Appendix of this chapter, incorporated herein by reference.

1.-2. (No change.)

3. The Risk-Assuming Application Form shall be supported by an actuarial opinion setting forth the assumptions and methodologies used to determine and certify that the carrier's portfolio is of good

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and sufficient value, liquidity and diversity to assure the carrier's ability to meet its outstanding obligations as they mature and that surplus is adequate in relation to the amount of liabilities.

4. The Risk-Assuming Application Form shall be accompanied by a statement setting forth the carrier's group experience in New Jersey for the past three years, if any. If a carrier or its affiliated carriers have no New Jersey group experience, then the statement shall set forth the national experience of the carrier and its affiliate(s). The experience information shall include:

i.-ii. (No change.)

iii. The respective lapse rates of all group contracts and of small employer group contracts annually;

iv. The respective net earned premium for group contracts and for small employer group contracts annually;

v. The respective incurred claims for group contracts and for small employer group contracts annually;

vi.-vii. (No change.)

5. (No change.)

(d)-(e) (No change.)

APPENDIX

. . .

EXHIBIT U
PART 1
REINSURING CARRIER DECLARATION

(To be submitted to the SEH Program Board and the New Jersey Department of Insurance, Division of Financial Examinations, 20 West State Street, CN-325, Trenton, New Jersey 08625-0325, Attn: SEH Declaration.)

Information on Person Completing this Declaration

Name: _____

Title: _____

Address: _____

_____

Phone: _____ FAX: _____

(Carrier Name) _____ elects to operate as a reinsuring carrier for purposes of complying with the Small Employer Health Benefits Program established pursuant to N.J.S.A. 17B:27A-17 et seq. In accordance with N.J.S.A. 17B:27A-35, this election shall be binding:

a. for two years from January 1, 1994 if this election is made, or is deemed to have been made, prior to October 5, 1993, or within 30 days of the date the SEH Board submitted its Plan of Operation to the Commissioner, whichever date is later, or

b. if this election is made on or after October 5, 1993 or after the 30th day following the submission of the Plan of Operation by the SEH Board to the Commissioner, whichever date was later, for five years from January 1 of the calendar year in which this election is made, if made on or before June 30 of the calendar year, or for five years from January 1 of the calendar year following the year in which this election is made, if the election is made subsequent to June 30 in a calendar year.

This election is to be effective on behalf of the company(ies) named below only. (Attach additional pages as necessary and include NAIC numbers, if any.)

1. _____

2. _____

3. _____

_____ _____
Date Signature

EXHIBIT U
PART 2
RISK-ASSUMING CARRIER DECLARATION

(To be submitted to the SEH Program Board and the New Jersey Department of Insurance, Division of Financial Examinations, 20 West State Street, CN-325, Trenton, New Jersey 08625-0325, Attn: SEH Declaration/Approval.)

. . .

LABOR

(a)

OFFICE OF EMPLOYMENT AND TRAINING

Job Training Partnership Act (JTPA): Non-Criminal Complaint/Grievance, Hearing and Review Procedures at Employer, SDA, State and Federal Level

Readoption with Amendments: N.J.A.C. 12:41

Proposed: December 6, 1993 at 25 N.J.R. 5456(a).

Adopted: January 14, 1994 by Raymond L. Bramucci, Commissioner, Department of Labor.

Filed: January 14, 1994 as R.1994 d.78, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 34:1-20, 34:1A-3(e), 20 U.S.C.A. Sec. 1554 and 20 CFR Sec. 627.500 et seq.

Effective Date: January 14, 1994, Readoption;
February 7, 1994, Amendments.

Expiration Date: January 14, 1999.

On December 6, 1993 at 25 N.J.R. 5456(a), the Department of Labor proposed to readopt with amendments N.J.A.C. 12:41 which set forth the grievance, hearing and review procedures that apply at the employer, Service Delivery Area (SDA), State and Federal levels for non-criminal complaints and appeals under the Federal Job Training Partnership Act (JTPA) in accordance with the 1992 Federal amendments to the JTPA. The proposed amendments also deleted reference to these procedures as they relate to the New Jersey Jobs Training Act (NJJTA) since NJJTA had been repealed by P.L. 1992, c.43, Section 15.

Comments on the proposal were received from only the New Jersey State AFL-CIO during the comment period which ended January 5, 1994. A full record of the opportunity to be heard can be inspected by contacting the Office of External and Regulatory Affairs, New Jersey Department of Labor, CN 110, Trenton, New Jersey 08625.

Summary of Public Comments and Agency Responses:

COMMENT: The proposed amendment providing that section 143 labor standards violations may be submitted to the Federal Secretary of Labor when the complainant has exhausted local and State grievance procedures deprives a worker of the right to directly seek remedial action from the expert labor law administering agencies.

RESPONSE: This is clearly not the case. Pursuant to Federal regulations, N.J.A.C. 12:41-1.14(e) states that a complainant may pursue remedies authorized under another Federal, State, or local law for violation of Section 143 of the JTPA. Nevertheless, in order to clarify this matter further, N.J.A.C. 12:41-1.14(e) has been amended as follows:

Nothing in this subsection shall be construed to prohibit a grievant from pursuing a remedy authorized under another Federal, State, or local law for violation of Section 143 of the JTPA.

COMMENT: The proposal substitutes arbitration for governmental administration of labor laws which, incidentally, are not bargainable items.

RESPONSE: Arbitration is an alternative authorized under the JTPA which may be available to a complainant(s) as a way of addressing alleged violations of the labor laws. As stated at N.J.A.C. 12:41-1.14(a), a complainant may only pursue binding arbitration if a collective bargaining agreement covering the parties so provides. Therefore, if a complainant's option to pursue binding arbitration has been foreclosed by the terms of a collective bargaining agreement or if binding arbitration is not

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addressed by an existing collective bargaining agreement or if no collective bargaining agreement exists, then the complainant would be unable to elect this alternative.

COMMENT: The Department of Labor's summary statement erroneously states that the proposed amendments are required by the 1992 Federal amendments.

RESPONSE: The rules mirror the Federal requirements in this area. The commenter's statement is based upon a misreading of the requirements imposed by the rules proposed for adoption. As noted above, the rules do not foreclose any other avenues which may be pursued by a complainant nor do the rules interfere with the administration of the labor laws.

COMMENT: It is recommended that you change the definition of complainant to clearly include a collective bargaining representative for union workers.

RESPONSE: The definition of complainant is broad and universal in its description and would include an individual acting in a representative capacity.

COMMENT: N.J.A.C. 12:41-1.9(e) refers to terms and conditions specified at N.J.A.C. 12:41-1.11 which do not seem to be there.

RESPONSE: The reference at N.J.A.C. 12:41-1.9(e) erroneously refers to "N.J.A.C. 12:41-1.11, Section 143 labor standards complaints." The section covering the referenced subject matter of Section 143 labor standards complaints is N.J.A.C. 12:41-1.12. This typographical error in the citation to the rules has been corrected.

In addition, the printed codification of N.J.A.C. 12:41-1.12 as 1.2 has been corrected.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 12:41.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. JOB TRAINING PARTNERSHIP ACT (JTPA): NON-CRIMINAL COMPLAINT/ GRIEVANCE, HEARING AND REVIEW PROCEDURES AT EMPLOYER, SDA, STATE AND FEDERAL LEVEL

12:41-1.1 Purpose

The purpose of this subchapter is to set forth the grievance, hearing and review procedures required under the Job Training Partnership Act (JTPA) at 29 U.S.C.A. §1554 and the regulations that implement the JTPA at 20 CFR Sec. 627.500 et seq.

12:41-1.2 Scope

(a) Employers of JTPA participants shall follow the grievance and hearing requirements set forth at N.J.A.C. 12:41-1.5. The employer grievance and hearing procedures shall apply to any JTPA participant aggrieved by his or her employer.

(b) Each SDA shall follow, at a minimum, the grievance and hearing requirements set forth at N.J.A.C. 12:41-1.6. The SDA grievance and hearing procedures shall apply to the following:

1. JTPA participant appeals from decisions at the employer level;
2. JTPA participant complaints;
3. Local recipient complaints (schools; contractors; employers with on-the-job training contracts; and consultants); and
4. Complaints from other interested persons.

(c) The State review procedures set forth at N.J.A.C. 12:41-1.7 shall apply to the following:

1. JTPA participant appeals from decisions at the employer level;
2. Local recipient appeals from decisions at the SDA level; and
3. Appeals by other interested persons from decisions at the SDA level.

(d) The State hearing procedures set forth at N.J.A.C. 12:41-1.8 shall apply to local recipients adversely affected by the results of monitoring and/or investigations and to any other complainants who must seek resolution initially at the State level (complaint not subject to review at the SDA level), and any other participant or interested party aggrieved by an SDA.

1. All SDAs shall provide its participants, upon their enrollment, with a copy of the State hearing procedures.

2. Each SDA shall also provide local recipients with a copy of the State hearing procedures no later than the date of the contract between the SDA and the local recipient.

(e) The audit resolution procedures set forth at N.J.A.C. 12:5-1 shall apply to subrecipients adversely affected by the results of an audit.

(f) The Federal review procedures set forth at N.J.A.C. 12:41-1.9 shall apply pursuant to 20 CFR 627.600 et seq. to appeals from complainants who did not receive a decision at the State level.

12:41-1.3 Definitions

The following terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Assistant Director" means the Assistant Director of the Office of Employment and Training Services, New Jersey Department of Labor.

"Commissioner" means the Commissioner, New Jersey Department of Labor.

"Complainant" means the individual, group or agency alleging a non-criminal violation of the JTPA and/or related agreements and makes an informal and/or formal complaint.

"Local recipient" means any person or government department, agency or establishment (private-for-profit/non-profit) that receives Federal JTPA funds to carry out JTPA programs through a State or local government but does not include an individual who is a beneficiary of such a program.

"JTPA" means Job Training Partnership Act, 29 U.S.C.A. §1501 et seq.

"Participant" means any individual who has been determined eligible for participation upon intake, and may have started receiving employment, training, or services (except post-termination services) funded under the JTPA following intake.

"Recipient" means the State of New Jersey.

"Respondent" means the individual, group or agency against whom a complaint is made and to whom opportunity is given to participate in the complaint resolution process.

"SDA" means Service Delivery Area as defined in 29 U.S.C.A. §1511.

"Secretary" means the United States Secretary of Labor.

"Substate grantee (SSG)" means the entity which receives JTPA Title III funds for one or more SDAs from the State.

12:41-1.5 Grievance and hearing procedures at the employer level

(a) Each employer, including private-for-profit employers under the JTPA, shall maintain a grievance and hearing procedure relating to the terms and conditions of employment available to its participants.

1. Each employer may operate its own grievance and hearing system or may utilize the grievance and hearing system established by the SDA or by the Department at N.J.A.C. 12:41-1.6.

(b) Each employer grievance system shall provide for, upon request of the complainant, a review of an employer's decision by the SDA and the Assistant Director, if necessary, in accordance with N.J.A.C. 12:41-1.6 and 1.7, respectively.

12:41-1.6 Grievance and hearing procedures at the SDA level

(a) Each SDA shall establish and maintain grievance and hearing procedures for grievances or complaints about its programs and activities from participants, local recipients and other interested persons. The procedures shall include the resolution of complaints alleging a violation of the JTPA, regulations, grants or other agreements under the JTPA.

(b) The grievance and hearing procedures shall contain, at a minimum, the following requirements:

1. Upon enrollment into a JTPA program, the SDA shall provide participants with a written description of the grievance procedures which shall include the requirements set forth in (b)4 through 7 below. The SDA shall also provide local recipients with these procedures no later than the date of execution of the contract between the SDA and the local recipient.

2. The SDA shall maintain evidence that the grievance and hearing procedures have been provided to participants and to local recipients.

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3. The grievance and hearing procedures shall provide that the identity of any person who has furnished information relating to, or assisting in, an investigation of a possible violation of the JTPA shall be kept confidential to the extent possible, consistent with a fair determination of the issues.

4.-5. (No change.)

6. The SDA shall provide participants and local recipients with the name, address and telephone number of the local official to whom complaints and grievances can be directed.

7. At a minimum, the SDA shall also provide participants and local recipients with the following:

i. A written notice of the date, time and place of the hearing;

ii. An opportunity to be represented by an attorney or other representative of the complainant's choice;

iii. An opportunity to bring witnesses and documentary evidence. SDA recipients or other subrecipients shall cooperate in making available any persons under their control or employ to testify, if such persons are requested to testify by the complainant, and to release requested documents unless privacy laws or other laws intervene to take precedence;

iv.-vi. (No change.)

vii. Written notice that the complainant is entitled to a hearing within 30 days of filing the written grievance and that a written decision shall be made by the hearing officer or designated representative of the SDA within 60 days of the filing of the complaint/grievance;

viii. Written notice that the complainant has a right to an administrative review by the Assistant Commissioner if the decision is adverse or is not made within 60 days of the filing of the complaint;

ix. The name and address of the State agency to whom the request for an administrative review is to be addressed and other information needed to file the request for review with the State;

x. Written notice that the complainant must file the request for an administrative review with the Assistant Director within 10 days of receiving the adverse decision or within 15 days of the date the decision should have been made by the SDA;

xi. Written notice that the complainant has one year to submit a complaint after the date of the occurrence (except for complaints regarding discrimination, which have a 180 day limitation subject to an extension for good cause granted by the Directorate of Civil Rights);

xii. Written notice that the complainant may submit a complaint alleging violations of Section 143 labor standards to the Secretary of Labor when the complainant has exhausted the local and State grievance procedures, or when the 60 day time period specified for reaching a decision has elapsed without a decision. The complainant should also be informed that he or she has a right to submit the complaint to binding arbitration if a collective bargaining agreement covering the parties to the grievance so provides, and that if the complaint is submitted to binding arbitration, the Federal review procedure is not available for appeals of labor standards complaints.

xiii. Written notice that the complainant has a right to request a review by the Commissioner pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and by the Secretary if the State does not render a decision, and that the Federal review is confined to allegations of violations of law under the JTPA; and

Recodify existing xiii. as xiv. (No change in text.)

8. (No change.)

12:41-1.7 Review procedures at the State level

(a) If a participant, local recipient or other interested person does not receive a decision at the SDA level within 60 days of filing the complaint or receives a decision unsatisfactory to the complainant, the complainant may file a written request for a review at the State level.

1. The request for a review shall be filed within 10 days of receipt of the adverse decision or 15 days from the date on which the complainant should have received a decision.

(b) Each request for a review shall be submitted to:

New Jersey Department of Labor
Assistant Director,
Office of Employment and Training
CN 055
Trenton, New Jersey 08625-0055

(c) Upon filing the request for review, the complainant shall simultaneously submit the following:

1.-4. (No change.)

5. If applicable, citations to the provisions of the JTPA or other agreements under the Act believed to have been violated;

6.-7. (No change.)

(d) The Commissioner shall issue a written decision within 30 days. The Commissioner's decision is final.

(e) If the complaint or grievance is based upon alleged discrimination the complaint shall be submitted to either the SDA or the Directorate of Civil Rights in accordance with Section 167 of the JTPA, P.L. 102-367.

12:41-1.8 Hearing procedures at the State level

(a) Any local recipient of JTPA funds adversely affected by the results of monitoring and/or investigations, or any other complainant who must seek resolution initially at the State level, having a complaint not subject to review at the SDA level, may submit to the Commissioner a written request for a hearing.

1. Any participant, subcontractor or other interested party aggrieved by a local recipient may submit to the Commissioner a written request for a hearing.

(b) (No change.)

(c) The hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., within 30 days from the date the Commissioner received the written request for a hearing. The hearing officer shall issue a written decision in the matter within 60 days of the receipt of the written request for a hearing.

1. The Commissioner shall attempt to resolve the complaint informally prior to the hearing date.

2. The Commissioner may, upon agreement of both parties, extend the time period for the hearing by 15 days if an informal resolution seems imminent.

(d) If the decision of the hearing officer is adverse to either party or the decision is not made within 60 days, the complainant or respondent may request an independent review.

1. The request for an independent review shall be submitted to the Commissioner within 10 days of the receipt of the adverse decision or 15 days from the date on which the complainant should have received a decision.

(e) The Commissioner shall issue a written decision within 30 days of the receipt of the complaint. The Commissioner's decision shall be final.

(f) If the Commissioner fails to issue a written decision within 30 days of receipt of the complaint, the complainant or respondent may appeal to the Secretary pursuant to 20 CFR 627.600 et seq. utilizing the procedures set forth at N.J.A.C. 12:41-1.9.

12:41-1.9 Federal review procedures

(a) If the Commissioner fails to issue a decision as required by N.J.A.C. 12:41-1.7 and 1.8, respectively, the complainant or respondent may request a determination from the United States Secretary of Labor whether reasonable cause exists to believe that the JTPA or its regulations have been violated.

(b) A complainant or respondent making a request to the Secretary due to non-decision by the Commissioner on a grievance shall use the following procedures and submit the following information when filing the appeal:

1. The request shall be filed no later than 15 days from the date on which the complainant should have received a decision. Appeals shall be submitted to:

Secretary of Labor
United States Department of Labor
Washington, D.C. 20210

2.-4. (No change.)

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5. Citations to the provisions of the JTPA, regulations, grant or other agreements under the JTPA believed to have been violated;
6. (No change.)
7. A statement of the date the complaint was filed with the Commissioner, the date on which the Commissioner should have issued a decision, and an attestation that no decision was issued.
(c)-(d) (No change.)
(e) A complaint alleging violation of the JTPA, Section 143 labor standards may be submitted to the Secretary of Labor under the terms and conditions specified at N.J.A.C. 12:41-*[1.11]***1.12***, Section 143 labor standards complaints.
(f) A complainant or respondent shall notify the Commissioner if he or she plans to submit an appeal to the United States Department of Labor. Any local recipient or SDA upon learning of a complainant's or respondent's intention of filing an appeal to the United States Department of Labor shall inform the Commissioner.

12:41-1.10 Protection of complainants
(a) No recipient of JTPA funds shall discriminate against or unlawfully deny JTPA benefits to any participant or individual connected with the administration of the program who has filed a complaint or instituted or caused to be instituted any proceeding related to the JTPA, or has testified or is about to testify in any such proceeding or investigation under or related to the JTPA.
(b) The Secretary, as set forth at 20 CFR 627.600 et seq., or the Commissioner shall, within 30 days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

12:41-1.11 Eligibility determination complaints
In cases where an applicant disagrees with the eligibility determination made by a Service Delivery Area, the local level grievance procedure shall apply. Applicants who disagree with the eligibility determination must be advised that they may use the grievance system to appeal the initial eligibility determination.

12:41-*[1.2]***1.12*** Section 143 labor standards violations: complaints
(a) Pursuant to the Federal Job Training Reform Amendments of 1992, P.L. 102-367, complainants alleging violations of labor standards at Section 143 of the JTPA may appeal to the Secretary of Labor under the conditions described below. Section 143 labor standards cover health and safety, worker's compensation, benefit and working conditions, nondisplacement of currently employed workers, payment of minimum wage, noninterference in union organizing and compliance with the Davis-Bacon Act, U.S.C.A. 276(a) et seq.
(b) A complaint alleging JTPA Section 143 violations may be submitted to the Secretary of Labor by either party to the complaint when:
1. The complainant has exhausted the local and State grievance procedures set forth in this chapter; or
2. The 60-day time period specified in this chapter for reaching a decision under the local or State procedure has elapsed without a decision.
(c) Pursuant to 20 CFR 627.600 et seq., the Secretary of Labor shall investigate the allegations contained in a complaint alleging violation(s) of JTPA Section 143, make a determination whether a violation has occurred, and issue a decision within 120 days of receipt by the Secretary of Labor of the complaint. Such complaints are to be directed to the:

Secretary of Labor
United States Department of Labor
200 Constitution Avenue
Washington, D.C. 20210

12:41-1.13 Section 143 labor standards complaints: remedies
(a) Except as provided below, violations of Section 143 shall be limited to:
1. Suspension or termination of payments under JTPA;
2. Prohibition of placement of a participant, for an appropriate period of time, in a program under the Act with an employer that has violated Section 143; and/or
3. Appropriate equitable relief (other than back pay).
(b) Remedies are available under the following conditions: for violations of the benefits and working condition requirements, Section 143(a)(4); displacement of currently employed workers, Section 143(b)(1); employing participants when another individual is on layoff or the employer terminates regular employees to hire JTPA participants, Section 143(b)(3); or when the prevailing wage requirements of the Davis-Bacon Act are not met.
(c) Available remedies for violations of Sections 143(a)(4), (b)(1), (b)(3), and (d) are those listed in (a) above and the following:
1. Reinstatement of the grievant to the position held prior to displacement;
2. Payment of lost wages and benefits; and/or
3. Reestablishment of other relevant terms, conditions, and privileges of employment.
(d) A grievant may pursue remedies authorized under another Federal, State, or local law for a violation of Section 143 of the JTPA.

12:41-1.14 Section 143 labor standards complaints: binding arbitration
(a) As an alternative to the procedure set forth at N.J.A.C. 12:41-1.12, a person alleging a violation of Section 143 may submit the grievance to binding arbitration if a collective bargaining agreement covering the parties to the grievance so provides.
(b) A person electing to have her or his complaint on JTPA Section 143 labor standards violation(s) processed under binding arbitration provisions is subject to the following requirements:
1. The person shall choose binding arbitration before, and in lieu of, initiating a complaint under other grievance procedures provided under Section 144 of the JTPA; and
2. The person may not elect binding arbitration for a complaint that previously has been subject to any other grievance procedure established under the JTPA.
(c) Binding arbitration decisions under this section are not reviewable by the Secretary of Labor.
(d) The remedies available to a grievant under binding arbitration are limited to:
1. Appropriate equitable relief (other than back pay);
2. Reinstatment of the grievant to the position held by the grievant prior to displacement;
3. Payment of lost wages and benefits; and
4. Reestablishment of other relevant terms, conditions, and privileges of employment.
(e) *[The grievant may pursue remedies]* ***Nothing in this section shall be construed to prohibit a grievant from pursuing a remedy*** authorized under another Federal, State, or local law for violation of Section 143 of the JTPA.

(a)

DIVISION OF VOCATIONAL REHABILITATION SERVICES

Rules of the Division of Vocational Rehabilitation Services

Readoption with Amendments: N.J.A.C. 12:45
Adopted Repeal: N.J.A.C. 12:45-3

Proposed: November 15, 1993 at 25 N.J.R. 5130(b).
Adopted: December 29, 1993 by Raymond L. Bramucci, Commissioner, Department of Labor.
Filed: December 29, 1993 as R.1994 d.52, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).
Authority: N.J.S.A. 34:1-20, 34:1A-3(e), 34:16-20 et seq. and 34 C.F.R. Sec. 361.1 et seq.
Effective Date: December 29, 1993, Readoption;
February 7, 1994, Amendments and Repeal.
Expiration Date: December 29, 1998.

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On November 15, 1993 at 25 N.J.R. 5130(b), the Department of Labor proposed to readopt the rules of the Division of Vocational Rehabilitation Services which set forth the procedures, standards and criteria used by the Division to provide rehabilitation services to individuals with disabilities, as well as the procedures and standards used to defray the costs of transportation of individuals with disabilities who are certified to participate in certified community rehabilitation programs. The Department also proposed the repeal of the rules establishing the requirements for mobility impaired residents who are clients of the Division to receive equipment which is functional, safe and durable.

Comments on the proposal were received from individuals and organizations during the public comment period which ended December 15, 1993; one comment was officially received after the comment period and is also responded to herein. The full record of the opportunity to be heard may be inspected by contacting the Office of External and Regulatory Affairs, New Jersey Department of Labor, CN 110, Trenton, New Jersey 08625.

Summary of Public Comments and Agency Responses:

COMMENT: The New Jersey State AFL-CIO suggested that "individuals with a most severe disability" be defined.

RESPONSE: N.J.A.C. 12:45-1.2 defines an "individual with a most severe disability" as an individual with a disability:

1. Who has a severe physical or mental impairment or combination of impairments which seriously limits two or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

2. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

COMMENT: The ARC of New Jersey, formerly the Association for Retarded Citizens of New Jersey, and the New Jersey Association for Persons in Supported Employment (APSE) expressed support for the regulatory changes contained in PRN 1993-631, specifically the new emphasis on placing individuals with disabilities in integrated work settings, the removal of "an average of twenty hours of work per week" from the definition of "competitive work," the promotion of consumer empowerment, "people-first" language and changes promoting consumer choice. APSE also expressed support for the addition of transition services and the "departure from the promotion of the extended or sheltered employment" models, and the ARC also supported the shift in the burden of proof relating to eligibility.

RESPONSE: The Department accepts the comments.

COMMENT: The ARC of New Jersey expressed concern that the proposed rules did not reference the U.S. Department of Labor's approval of the concept that vocational exploration, vocational assessment and vocational training can take place in a mainstream employment setting as part of a structured Individualized Written Rehabilitation Program (IWRP), provided all the criteria set out by the U.S. Department of Labor are met.

RESPONSE: N.J.A.C. 12:45-1.2 defines the term "assessment for determining eligibility and vocational rehabilitation needs" as ". . . including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment." This specific language relates to the concern over the U.S. Department of Labor's approval of the concept that vocational exploration, assessment and training may take place in an inclusive employment setting as part of a structured IWRP. Although relevant to the provision of vocational services for persons with disabilities, it is the Department's understanding that this ruling of the U.S. Department of Labor was made with reference to the Fair Labor Standards Act.

COMMENT: Community Options, Inc. expressed support for utilizing "people first language" and the emphasis on placing persons with disabilities into competitive employment rather than making them employable.

RESPONSE: The Department accepts the comment.

COMMENT: The President/CEO of Community Options asked for consideration to be selected for the State Rehabilitation Advisory Council and recommended that the name be changed to the New Jersey State Community Rehabilitation Advisory Council.

RESPONSE: Executive Order No. 110(1993) issued by Governor Florio on October 29, 1993 (see 25 N.J.R. 5385(b)) denominated the Federally mandated council the "New Jersey Division of Vocational Rehabilitation Services Rehabilitation Advisory Council." Nominations for the Council were solicited via a mailing to approximately 156 organizations and individuals interested in services for individuals with disabilities in the Spring of 1993. Nominations were closed June 25, 1993. The appointments are made by the Governor.

COMMENT: The Public Advocate supports the content of the proposed readoption with amendments to N.J.A.C. 12:45, in particular its philosophy of consumer choice and faithfulness to the recent amendments to the Rehabilitation Act.

RESPONSE: The Department accepts the comment.

COMMENT: The Public Advocate believes that the term "clear and convincing evidence" should not be defined by the Department since the term represents a legal standard which has traditionally been interpreted by, and has developed through, court decisions.

RESPONSE: In light of the comment, the Department has determined that the proposed definition of the term "clear and convincing" at N.J.A.C. 12:45-1.2 provides no greater assistance in the day to day administration of the program than that presently available through case law. This is so simply because the application of the standard is fact-sensitive and as such can not readily encompass the myriad of circumstances to which it would be applied. Accordingly, the Department is deleting any definition of the term so as to require a full consideration of each application for services on its own individual merits. In the event Federal regulations are promulgated which provide any guidance on the clear and convincing standard of proof, these rules will be revisited and amendments proposed consistent with Federal requirements.

COMMENT: The Public Advocate believes that the language of the Rehabilitation Act, P.L. 102-569, Section 7(18)(A), concerning the availability of supported employment to only individuals with a most severe disability is too narrow and that individuals with severe disabilities, as well as those with the most severe disabilities, can benefit from supported employment and supportive employment services. The Public Advocate suggests that the regulations reflect the permissive use of State monies, when available and not required for Fedreal matching funds, to provide such services.

RESPONSE: The Department's proposal is consistent with Federal law; however, the Department will consider amending the rules to increase the availability of supported employment services to reach individuals with severe disabilities providing such services may be provided with State monies not needed to match Federal funds and which are appropriated for such purposes.

COMMENT: The Public Advocate recommends that all five types of vocational rehabilitation services which may be available for the benefit of groups of individuals which appeared in the Act be included in the regulation as adopted.

RESPONSE: Preliminarily, it should be noted that the Department's proposed readoption does not place any categorical restrictions on any goods or services necessary to render an individual with a disability employable. Its restrictions are on services which may be provided for the benefit of groups. The Department chose to include only two of the five types of services which may be available for the benefit of groups of individuals because of limited resources. The three types of services included in the Act that did not appear in the proposal have not heretofore been provided by the Department nor included in the regulations governing the Division of Vocational Rehabilitation Services. Moreover, these services are not included in the Department's State Plan for Vocational Rehabilitation Services filed with the U.S. Department of Education. Because the proposed amendment may impact the present level of services provided by the Division and raises concerns regarding the Department's duty to provide support for various services, the Department needs additional time to study the ramifications of the proposed amendment. Accordingly, the Department will consider the suggested proposal for amendment to the rules in the months ahead.

COMMENT: The Public Advocate recommends that all proposed additions to the regulations at N.J.A.C. 12:45-1.16 regarding the release of personal information without the consent of the individual with a disability be stricken prior to the adoption of the regulations. The Public Advocate understands that the proposed additions were based, at least in part, upon practical concerns about the need to secure a specific release prior to virtually every case contact and suggests the Department consider whether a carefully drafted general release, coupled with documentation of pre-disclosure consent (that is, by telephone, letter, etc.) would satisfy this concern in most instances. The regulations should more explicitly deal with the limited situations requiring explicit written consent, such as the release of information related to HIV status, mental health issues and records of substance abuse.

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RESPONSE: The Department shares the Public Advocate's concern regarding the release of personal information and will delete the proposed additions at N.J.A.C. 12:45-1.16(f)5 and 6. These additions were proposed to satisfy required assurances to the U.S. Department of Education that all applicants or their representatives are informed about policies governing the use of personal information, including identification of those situations where the State unit requires or does not require informed written consent of the individual before information may be released and identification of other agencies to which information is routinely released. Upon further review of the Federal requirements, the Department believes that the requirements for release of information to other programs or authorities contained in N.J.A.C. 12:45-1.16(f)1, 2 and 3 are adequate to deal with the limited situations requiring explicit written consent, such as the release of information related to HIV status, mental health issues and records of substance abuse. The Department amends on adoption N.J.A.C. 12:45-1.16(f)4 by adding "(except where expressly prohibited by Federal or State laws or regulations)." A carefully worded general release will be incorporated in the document signed by applicants at the time of application. This release will include information concerning the circumstances under which and entities to whom personal information may be released (except where expressly prohibited by Federal or State laws or regulations) for purposes directly connected with the individual's vocational rehabilitation program. The Department will provide notice to the public and an opportunity to submit comments on a proposed general release according to the requisite rulemaking procedures. Individuals will be given the opportunity to give or refuse to give this general consent at the time of application. Individuals refusing to give general consent may experience delays associated with obtaining explicit written consent, but will not be denied services based upon a refusal to provide a general consent.

COMMENT: The U.S. Department of Education Rehabilitation Services Administration (RSA) Region II notes that the amendments to the rules governing the Division of Vocational Rehabilitation Services should include the Technical Amendments to the Rehabilitation Act which became law in September 1993 in order to reflect the most recent statutory requirements.

RESPONSE: The Department is currently reviewing the Technical Amendments of 1993. Should the Technical Amendments of 1993 or any Federal regulations interpreting these Technical Amendments indicate any inconsistencies with N.J.A.C. 12:45, additional amendments will be proposed.

COMMENT: The U.S. Department of Education Rehabilitation Services Administration suggests the term "extreme medical risk" be retained in the rules found at N.J.A.C. 12:45-1.2 because the Rehabilitation Act as amended in 1993, specifically Section 101(a)(8)(A), retains this concept as it pertains to the applicability of comparable services and benefits.

RESPONSE: The Rehabilitation Act as amended does require each State to assure the U.S. Commissioner of Education that it will provide certain services after a determination that comparable services and benefits are not available under any other program, except that such determination is not required if the determination would delay the provision of such services to any individual at extreme medical risk. Section 101(a)(8)(A). The Department has provided this assurance in its State Plan for Vocational Rehabilitation Services. While the term "extreme medical risk" is not utilized in the proposed readoption, the Department will retain the definition of this term in the definitions section of the rule at N.J.A.C. 12:45-1.2.

COMMENT: The New Jersey Department of Human Services Division of Mental Health and Hospitals (DMHH) supports the amendments and readoption of N.J.A.C. 12:45 and offers two suggestions: to expand the definition of therapeutic treatment for mental and emotional disorders to include provision of service by qualified mental health agencies and to replace the word "severe" with "significant" in light of the notice of proposed rulemaking regarding a change in nomenclature published in the Federal Register, Vol. 58, No. 206, at 57938, October 27, 1993.

RESPONSE: Current Federal regulations limit the expenditure of Federal funds for diagnosis and treatment for mental and emotional disorders to diagnosis and treatment by physicians or licensed psychologists in accordance with State licensure laws. The Department does purchase diagnosis and treatment services from qualified mental health agencies with the stipulation that such services be provided or directly supervised by licensed physicians or psychologists. With regard to the change in terminology from "severe" to "significant" proposed at the Federal level, the rules at N.J.A.C. 12:45 will be proposed for amendment if the proposed change is in fact adopted.

COMMENT: The New Jersey Optometric Association registers strong objection to revisions in the language concerning "physical and restorative services" and recommends that the "freedom of choice language" found in the first sentence of item 9 of the old definition of "physical and restorative services" be incorporated as its own numbered item in the revised subsection that lists examples of "vocational rehabilitation services," found at N.J.A.C. 12:45-1.13(a). It further recommends that language regarding freedom of choice of ocular practitioners for DVRS clients be specifically incorporated as follows:

Eyeglasses and visual services, including visual training and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids, prescribed by a physician skilled in diseases of the eye or by an optometrist, whomever the individual may select.

RESPONSE: The Department accepts the comment. N.J.A.C. 12:45-1.13(a)4 is not intended by the Department to be all-inclusive of examples of physical and mental restoration services and the Department had always envisioned the inclusion of eyeglasses and visual services thereunder. The Department, however, has no objection to listing eyeglasses and visual services as another example of physical and mental restoration services. Accordingly, the recommended language has been added at N.J.A.C. 12:45-1.13(a)4v.

COMMENT: The New Jersey Optometric Association questions whether or not specific services are covered and to what extent services will be covered in light of the expectation that treatment services will result in the "elimination or removal of impediments to employment within a reasonable length of time." The Association gives, as examples of "corrective surgery," refractive surgery (that is, radial keratotomy) and strabismus surgery and asks about therapeutic treatment services.

RESPONSE: Physical and mental restoration services may include these surgeries and therapeutic treatment.

COMMENT: The New Jersey Optometric Association supports the broader, more inclusive referral language for referrals to the Commission for the Blind and Visually Impaired, namely, whenever the individual demonstrates any indications of possible eligibility for services provided by the Commission.

RESPONSE: The Department accepts the comment.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 12:45.

Full text of the adopted amendments follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. PROCEDURES AND STANDARDS

12:45-1.1 Purpose and scope

(a) The purpose of this subchapter is to set forth the procedures, standards and criteria used by the Division of Vocational Rehabilitation Services to rehabilitate individuals with disabilities.

(b) (No change.)

12:45-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Act" means the Rehabilitation Act, 29 U.S.C. §§701 et seq., as amended by the Rehabilitation Act Amendments of 1992, P.L. 102-569.

"Assessment for determining eligibility and vocational rehabilitation needs" means, as appropriate in each case:

1. A review of existing data:

i. To determine whether an individual is eligible for vocational rehabilitation services; and

ii. To assign the priority described in the order of selection found at N.J.A.C. 12:45-1.9;

2. To the extent additional data is necessary to make the determination and assignment in 1 above, a preliminary assessment of such data (including the provision of goods and services during such assessment);

3. To the extent additional data is necessary, a comprehensive assessment (including the administration of the assessment) of the

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unique strengths, resources, priorities, interests and needs, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature and scope of vocational rehabilitation services to be included in the individualized written rehabilitation program of the individual, which comprehensive assessment:

i. Is limited to the information that is necessary to identify the rehabilitation needs of the individual and to develop the rehabilitation program of the individual;

ii. Uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements;

(1) Existing information; and

(2) Such information as can be provided by the individual and, where appropriate, by the family of the individual.

iii. May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational and environmental factors, that affect the employment and rehabilitation needs of the individual; and

iv. May include an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and

4. Referral;

i. Where appropriate, the provision of rehabilitation technology services to an individual with a disability to assess and develop the capacities of the individual to perform in a work environment;

ii. The provision of vocational rehabilitation services to an individual for a total period not in excess of 18 months for the limited purpose of making determinations regarding whether an individual is eligible for vocational rehabilitation services and regarding the nature and scope of vocational rehabilitation services needed for such individual; and

iii. An assessment at least once in every 90-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subparagraph 4ii above may be made.

["Clear and convincing evidence" means that proof which results in reasonable certainty of the truth of the ultimate fact in controversy. Clear and convincing proof will be shown where the truth of the facts asserted is highly probable.]

"Community rehabilitation program" means a program that provides directly, or facilitates the provision of, vocational rehabilitation services to individuals with disabilities and that provides, singly or in combination, for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement:

1. Medical, psychiatric, psychological, social and vocational services that are provided under one management;

2. Testing, fitting, or training in the use of prosthetic and orthotic devices;

3. Recreational therapy;

4. Physical and occupational therapy;

5. Speech, language and hearing therapy;

6. Psychiatric, psychological and social services, including positive behavior management;

7. Assessment for determining eligibility and vocational rehabilitation needs;

8. Orientation and mobility services for individuals who are blind;

9. Extended employment;

10. Psychosocial rehabilitation services;

11. Supported employment services and extended services;

12. Services to family members when necessary to the vocational rehabilitation of the individual;

13. Personal assistive services; or

14. Services similar to the services described in paragraphs 1 through 13 above.

"Disability" means a physical or mental impairment that constitutes or results in a substantial impediment to employment.

"Division" means the Division of Vocational Rehabilitation Services (DVRS), New Jersey Department of Labor.

"Employment outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market (including satisfying the vocational outcome of supported employment) or satisfying any other vocational outcome the Secretary of the U.S. Department of Education may determine consistent with the Act.

"Extended services" means ongoing support services and other appropriate services, needed to support and maintain an individual with the most severe disability in supported employment, that:

1. Are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining integrated, competitive employment;

2. Are based on a determination of the needs of an eligible indivdual, as specified in an individualized written rehabilitation program; and

3. Are provided by a State agency, a nonprofit private organization, employer, or any other appropriate resource, after an individual has made the transition from services provided by the Division.

"Extreme medical risk" means a risk of substantially increasing functional impairment or risk of death if medical services are not provided expeditiously.

"Family member" or "member of the family" means any relative by blood or marriage of an individual with a disability and any other individual living in the same household with whom the individual with a disability has a close interpersonal relationship:

"Impartial hearing officer" means:

1. An individual who:

i. Is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

ii. Is not a member of the State Rehabilitation Advisory Council created by the Governor by Executive Order;

iii. Has not been involved in previous decisions regarding the vocational rehabilitation of the applicant or client;

iv. Has knowledge of the delivery of vocational rehabilitation services, the State Plan and the Federal and State rules governing the provision of such services and training with respect to the performance of official duties; and

v. Has no personal or financial interest that would be in conflict with the objectivity of the individual.

2. An individual shall not be considered to be an employee of a public agency for purposes of subparagraph 1i above solely because the individual is paid by the agency to serve as a hearing officer.

"Individual with a disability" means any individual who:

1. Has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and

2. Can benefit in terms of an employment outcome from vocational rehabilitation services.

"Individual with a severe disability" means an individual with a disability:

1. Who has a severe physical or mental impairment or combination of impairments which seriously limits one functional capacity (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome; and

2. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

"Individual with a most severe disability" means an individual with a disability:

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1. Who has a severe physical or mental impairment or combination of impairments which seriously limits two or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

2. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

"Integrated work setting," as used in the definition of "supported employment," means job sites where:

1. Most co-workers are not individuals with disabilities and individuals with disabilities are not part of a work group of other individuals with disabilities; or

2. Most co-workers are not individuals with disabilities, and if a job site described in paragraph 1 above is not possible, individuals with disabilities are part of a small work group of not more than eight individuals with disabilities; or

3. If there are no co-workers or the only co-workers are members of a small work group of not more than eight individuals, all of whom have disabilities, individuals with disabilities have regular contact with individuals who do not have disabilities, other than personnel providing support services, in the immediate work setting.

"Ongoing support services" means services:

1. Provided to the individuals with the most severe disabilities;

2. Provided, at a minimum, twice monthly:

i. To make an assessment, regarding the employment situation, at the worksite of each such individual in supported employment, or under special circumstances, especially at the request of the client, off-site; and

ii. Based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain employment stability; and

3. Consisting of:

i. A particularized assessment supplementary to the comprehensive assessment;

ii. The provision of skilled job trainer(s) who may accompany the individual for intensive job skill training at the worksite;

iii. Job development and placement;

iv. Social skills training;

v. Regular observation or supervision of the individual;

vi. Follow-up services such as regular contact with the employers, the individuals, the parents, family members, guardians, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

vii. Facilitation of natural supports at the worksite;

viii. Any other vocational rehabilitation service; or

ix. A service similar to another service described in this paragraph.

"Personal assistance services" means a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

"Public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to:

1. The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces;

2. A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

3. A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees; or

4. Firefighting, fire prevention, or emergency rescue missions.

"Rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with disabilities in areas which include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

"Supported employment" means competitive work in integrated work settings for individuals with the most severe disabilities:

1. For whom competitive employment has not traditionally occurred, or for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and

2. Who, because of the nature and severity of their disability, need intensive supported employment services or extended services in order to perform such work. Such term includes transitional employment for persons who are individuals with the most severe disabilities due to mental illness.

"Supported employment services" means ongoing support services and other appropriate services needed to support and maintain an individual with the most severe disability in supported employment, that:

1. Are provided singly or in combination and are organized and made available in such a way to assist an eligible individual in entering or maintaining integrated competitive employment;

2. Are based on a determination of the needs of an eligible individual, as specified in an individualized written rehabilitation program; and

3. Are provided by the Division for a period of time not to extend beyond 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time in order to achieve the rehabilitation objectives identified in the individualized written rehabilitation program.

i. Special circumstances that would warrant consideration of an extension of services beyond 18 months may include an interruption of service during the 18 month period, significant changes in either job functions or supervision during the 18 month period or any other special circumstances providing there is reason to believe that an extension would allow the eligible individual to achieve the rehabilitation objectives identified in the individualized written rehabilitation program.

"Transition services" means a coordinated set of activities for a student designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.

12:45-1.3 Processing applications and referrals

(a)-(d) (No change.)

(e) If the information received from an individual or his or her representative indicates legal blindness (N.J.S.A. 30:6-18(a)), visual impairment (N.J.S.A. 30:6-18(c)) or demonstrates other indications of possible eligibility for services provided by the New Jersey Commission for the Blind and Visually Impaired, as outlined in the Agreement of Cooperation between the Division and the New Jersey Commission for the Blind and Visually Impaired, that individual shall be referred to the New Jersey Commission for the Blind and Visually Impaired for vocational rehabilitation and other services.

(f) The counselor shall determine eligibility within a reasonable period of time, not to exceed 60 days after the individual has submitted an application to receive services, unless the counselor notifies the individual that exceptional and unforseen circumstances beyond the control of the Division preclude it from completing the determination within the prescribed time, and:

1. The individual agrees that an extension of time is warranted; or

2. An extended evaluation is required.

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12:45-1.4 Eligibility for vocational rehabilitation services

(a) An individual shall be eligible for vocational rehabilitation services if the counselor determines that the following exists:

1. A physical or mental impairment which for the individual constitutes or results in a substantial impediment to employment; and

2. A need for vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment.

(b) Each counselor shall apply the eligibility requirements without regard to sex, race, age, creed, color, national origin or disability of the individual applying for service.

(c) (No change.)

(d) No upper or lower age limit shall be established which will, in and of itself, result in a finding of ineligibility of any individual with a disability who otherwise meets the eligibility requirements set forth in (a) above.

(e)-(f) (No change.)

12:45-1.5 Preliminary assessment

(a) A preliminary assessment based upon the review of existing data shall be conducted to determine whether an individual is eligible for vocational rehabilitation services and to assign the priority category for the order of selection for services pursuant to N.J.A.C. 12:45-1.9.

(b) To the extent additional data is necessary to make such determination and assignment, such data will be secured by the counselor.

12:45-1.6 Comprehensive assessment

(a) A comprehensive assessment of the unique strengths, resources, priorities, interest, and needs, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature and scope of vocational rehabilitation services to be included in the Individualized Written Rehabilitation Program of the individual will be conducted. The comprehensive assessment:

1. Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the rehabilitation program of the individual;

2. Uses, as the primary source of such information to the maximum extent possible and appropriate and in accordance with confidentiality requirements:

i. Existing information; and

ii. Such information as can be provided by the individual and where appropriate, by the family of the individual;

3. May include, to the degree needed to make such a determination, an assessment of the personality, interest, interpersonal skills, intelligence, related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments of and employment opportunities for the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, that affect the employment and rehabilitation needs of the individual;

4. May include an appraisal of the patterns of work behavior of the individual to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance including the utilization of work in real job situations to assess and develop the capacities of the individuals to perform adequately in a work environment; and

5. May provide rehabilitation technology services, where appropriate, to an individual with a disability to assess and develop the capacities of the individual to perform in a work environment.

12:45-1.7 Extended evaluation

(a) Eligibility for vocational rehabilitation services under a plan for extended evaluation shall be determined based only upon:

1. The presence of a physical or mental disability which for the individual constitutes or results in a substantial impediment to employment; and

2. An inability to make a determination that vocational rehabilitation services might benefit the individual in terms of achieving an employment outcome due to the severity of the disability.

(b) The extended evaluation period shall begin on the date of certification for extended evaluation.

1.-2. (No change.)

(c)-(d) (No change.)

(e) The extended evaluation shall be terminated at any time before the end of the 18-month extended evaluation when:

1. It is determined that the individual with a disability can benefit in terms of an employment outcome from vocational rehabilitation services and thus is found eligible for such services; or

2. The individual is found ineligible for additional vocational rehabilitation services because it has been determined, on the basis of clear and convincing evidence, that the individual cannot benefit from vocational rehabilitation services in terms of an employment outcome.

12:45-1.8 Certification: eligibility; extended evaluation; ineligibility

(a) Before or at the same time that an individual with a disability is accepted for vocational rehabilitation services, there shall be a certification by the counselor that the individual has met the basic eligibility requirements as set forth at N.J.A.C. 12:45-1.4.

1. (No change.)

(b) Before and as a basis for providing an extended evaluation to determine vocational rehabilitation eligibility, there shall be a certification by the counselor that the individual has met the requirements at N.J.A.C. 12:45-1.7(a).

1. (No change.)

i.-iii. (No change.)

(d) (No change.)

(e) The counselor may close a case without any determination of eligibility when an applicant is unavailable during an extended period of time to complete an assessment and the counselor has made repeated efforts to contact the individual and to encourage his or her participation.

12:45-1.9 Order of selection for services

(a) (No change.)

(b) After documentation of eligibility and execution of Certification of Eligibility, the following priorities will be followed according to the Director's determination of how many priorities can be served. The order of selection is as follows:

1. Clients classified as individuals with a most severe disability;

2. Clients classified as individuals with a severe disability; and

3. All other eligible clients.

(c) A public safety officer whose impairment arose from a disability sustained in the line of duty, and the immediate cause of disability being a criminal act, apparent criminal act, or a hazardous condition resulting from the officer's performance of duties in direct connection with the enforcement, execution, and administration, of law or fire prevention, firefighting, or related public safety activities, will receive services on a priority basis within any of the three priority categories to which he or she is assigned.

(d) If the Division cannot serve every individual within the designated priority group due to the amount of available funds, then the Division will provide services to clients in the order in which they applied for services.

Example: If all individuals with a most severe disability in priority 1 cannot be served due to lack of available funds, then services will be provided to those clients determined to be priority 1, in the order in which they applied for services.

(e) When imposed, the order of selection shall not preclude:

1. Diagnostics necessary to establish a client's eligibility; and

2. Post-employment services.

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12:45-1.10 Case record for the individual

(a) Each counselor shall maintain for each applicant for, and recipient of, vocational rehabilitation services a case record which shall include, to the extent pertinent, the following information:

1. Documentation concerning the preliminary assessment supporting the determination of eligibility, the need for an extended evaluation, and, as appropriate, documentation concerning the comprehensive assessment supporting the nature and scope of vocational rehabilitation services to be provided;

2. (No change.)

3. Documentation supporting any determination that the individual's disability is severe;

4. Documentation as to periodic assessment of the individual during an extended evaluation;

5. (No change.)

6. In the event that physical and mental restoration services are provided, documentation supporting the determination that the clinical status of the individual with a disability is stable or slowly progressive unless the individual is being provided an extended evaluation;

7. (No change.)

8. Documentation relating to the participation by the individual with a disability in the cost of vocational rehabilitation services if the State unit elects to condition the provision of services on the financial need of the individual;

9. (No change.)

10. Documentation that the individual has been advised of the confidentiality of all information pertaining to his or her case, and documentation and other material concerning any information released about the individual with a disability with his or her written consent;

11. Documentation as to the reason for closing the case including the individual's employment status and, if determined to be rehabilitated, the basis on which the employment was determined to be suitable;

i. Documentation of any reviews in the case of an individual who has been provided vocational rehabilitation services under an individualized written program but who has been determined after the initiation of these services to be no longer capable of achieving a vocational goal;

12.-13. (No change.)

12:45-1.11 Individualized written rehabilitation program: procedures

(a) When a counselor determines that an individual is eligible for vocational rehabilitation services or that a period of extended evaluation is necessary to determine eligibility, an individualized written rehabilitation program shall be prepared for the individual.

(b)-(e) (No change.)

(f) The counselor shall review the individualized written rehabilitation program as often as necessary but at least on an annual basis.

1. Each individual with a disability or, as appropriate, that individual's parent, guardian, or other representative, shall be given an opportunity to review the program and, if necessary, jointly redevelop, and agree to its terms.

12:45-1.12 Contents of the individualized written rehabilitation program (IWRP)

(a) The individualized written rehabilitation program (IWRP) must contain the consumer's name and social security number, along with a statement that he or she has been found eligible for extended evaluation services, vocational rehabilitation services, or that the IWRP is an amendment to an earlier plan. Each IWRP shall include statements concerning:

1. The employment objective of the eligible individual, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual;

2. A rationale for the employment objective which is based on the assessment used to determine eligibility and vocational rehabilitation needs, including an assessment of career interests, for the individual, which goals shall, to the maximum extent appropriate, include placement in integrated settings;

3. The intermediate rehabilitation objectives related to the attainment of the consumer's goals, determined through assessment carried out in the most individualized and integrated setting (consistent with the informed choice of the individual);

4. The specific vocational rehabilitation services to be provided, and the projected dates for the initiation of and the anticipated duration of each service;

5. If appropriate, the specific rehabilitation technology services to be provided to assist in the implementation of the individual's intermediate rehabilitation objectives and long-term rehabilitation goals;

6. If appropriate, the specific on-the-job and related personal assistance services to be provided to the client, and, if appropriate and desired by the individual, the training in managing, supervising, and directing personal assistance services to be provided;

7. An assessment of the expected need for post-employment services and, if appropriate, an assessment of the need for extended services;

8. At the time of successful closure, the IWRP must reassess the need for post-employment services and, if appropriate, the need for extended services, including a statement detailing how such services shall be provided or arranged through cooperative agreements with other service providers;

9. The objective criteria, the evaluation procedure, and the review schedule to be used in determining whether the stated goals and objectives are being achieved;

10. The terms and conditions under which the goods and services described in the IWRP will be provided to the individual in the most integrated setting and the identity of the entity or entities that will provide the vocational rehabilitation services and the process used to provide or procure such services;

11. The consideration given to the availability of comparable benefits (similar benefits) to the client or to members of the client's family under any program to meet, in whole or in part, the cost of any vocational rehabilitation services;

12. A description by the individual, in the words of the individual (or, if appropriate, in the words of a parent, a family member, a guardian, an advocate or an authorized representative of the individual) regarding how the individual was informed about and involved in choosing among alternative goals, objectives, services, entities providing such services and the methods used to provide or procure such services;

13. The responsibilities of the individual in implementing the individualized written rehabilitation program and the extent of client participation in the cost of services, if any;

14. An assurance that the individual has been informed of that individual's rights and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review and fair hearing of rehabilitation counselor or coordinator determinations;

15. An assurance that the individual has been provided a description of the availability of a client assistance program established under section 112 of the Act;

16. The basis on which the individual has been determined to be rehabilitated; and

17. If necessary, an amendment specifying the reasons that an individual for whom a program has been prpared is no longer eligible for vocational rehabilitation and the rights and remedies available to such an individual.

(b) Each individualized written rehabilitation program shall also contain, for individuals with the most severe disabilities for whom a vocational objective of supported employment has been determined to be appropriate:

1. A description of the time-limited services to be provided by the State; and

2. A description of the extended services needed and an identification of the source of extended services, which may include natural supports, or to the extent that it is not possible to identify

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the source of extended services at the time the individualized written rehabilitation program is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available.

12:45-1.13 Vocational rehabilitation services

(a) Vocational rehabilitation services are any goods or services necessary to render an individual with a disability employable, including, but not limited to, the following:

1. An assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

2. Counseling, guidance, and work-related placement services for individuals with disabilities, including job search assistance, placement assistance, job retention services, personal assistance services, and follow-up, follow-along, and specific postemployment services necessary to assist such individuals to maintain, regain, or advance in employment;

3. Vocational and other training services for individuals with disabilities, which shall include personal and vocational adjustment, books, or other training materials, and such services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals, except that no training services in institutions of higher education shall be paid for unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

4. Physical and mental restoration services, including but not limited to:

i. Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes an impediment to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;

ii. Necessary hospitalization in connection with surgery or treatment;

iii. Prosthetic and orthotic devices; *[and]*

iv. Diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws; ***and***

v. Eyeglasses and visual services, including visual training and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids, prescribed by a physician skilled in diseases of the eye or by an optometrist, whomever the individual may select.

5. Maintenance for additional costs incurred while participating in rehabilitation;

6. Interpreter services for individuals who are deaf;

7. Occupational licenses, tools, equipment, and initial stocks and supplies;

8. Transportation in connection with the rendering of any vocational rehabilitation service;

9. Telecommunications, sensory, and other technological aids and devices;

10. Rehabilitation technology services;

11. Referral and other services designed to assist individuals with disabilities in securing needed services from other agencies;

12. Transition services that promote or facilitate the accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives;

13. On-the-job or other related personal assistance services provided while an individual with a disability is receiving vocational rehabilitation services in this section;

14. Supported employment services; and

15. Other goods and services that can reasonably be expected to benefit an individual with a disability in terms of an employment outcome.

(b) Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

1. The establishment, development or improvement of community rehabilitation programs, including, under special circumstances as described at 34 CFR 361.74, the construction of a facility, and the provision of other services (including services offered at community rehabilitation programs) which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized rehabilitation written program of any one individual with a disability. Such programs shall be used to provide services that promote integration and competitive employment.

2. Technical assistance and support services to businesses that are not subject to title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and that are seeking to employ individuals with disabilities.

12:45-1.14 Individuals determined to be rehabilitated

(a) In order to be determined rehabilitated, an individual must have been, as a minimum:

1. (No change.)

2. Provided counseling and guidance as essential vocational rehabilitation services;

3.-4. (No change.)

(b) (No change.)

12:45-1.15 (No change.)

12:45-1.16 Protection; use and release of personal information

(a)-(d) (No change.)

(e) The requirements for release of information for audit, evaluation, and research are as follows:

1. Personal information may be released to an organization, agency or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes which would significantly improve the quality of life for individuals with disabilities, and only if the organization, agency, or individual assures that:

i.-v. (No change.)

(f) The requirements for release of information to other programs or authorities are as follows:

1. (No change.)

2. The Division shall release personal information if required by Federal or State law;

3. The Division shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, (except where expressly prohibited by Federal or State laws or regulations), and in response to judicial order; ***and***

4. The Division may also release personal information in a medical emergency or in order to protect the individual or others when the individual poses a threat to his or her safety or to the safety of others ***(except where expressly prohibited by Federal or State laws or regulations)****[;]*****.***

*[5. The Division shall release personal information when requested by and given to the individual as provided at (d) above; and

6. This Division shall release personal information without a signed release statement when such information is necessary to provide the authorized services only to:

i. Doctors, hospitals, clinics, rehabilitation centers providing services to clients as authorized by the Division; and

ii. Schools or training centers, when the Division has authorized service, and such information is required for the success of the program, safety of the client, or is otherwise in the client's best interest.]*

12:45-1.17 Appeal of vocational rehabilitation decision by applicant or recipient

(a) All applicants/clients for vocational rehabilitation shall be advised of their right to an administrative review and/or a fair hearing in the event that they are dissatisfied with any determination with regard to the furnishing or denial of vocational rehabilitation services.

1. An administrative review and/or a fair hearing must be requested in writing by the applicant or client. This written request

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should be submitted to the Director, Division of Vocational Rehabilitation Services.

2. The review or hearing shall be held at a time and place convenient for the applicant or client.

3. The applicant or client will be notified of the date, time and place of the review or hearing. The notification will be sent in advance of the review or hearing and provide enough time for the applicant or client to prepare for the review or hearing.

4. The applicant or client may be represented by counsel, friend, Client Assistance Program located in the Department of the Public Advocate, parent, guardian, self, or other representative. All correspondence, decisions, scheduling of an administrative review or fair hearing, or other documents sent to the client, which are related to the appeal will be copied and sent to the representative.

5. The applicant or client and his or her representative, if he or she desires to have one, will be given an adequate opportunity for cross examination and to present evidence and/or witnesses on his or her behalf during the review or fair hearing.

6. The review shall be held before a Division administrator within 14 days of the request by the applicant or client for a review. Fair hearings shall be conducted by an impartial hearing officer who shall be an administrative law judge within 45 days of the request by the applicant or client for a fair hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and Federal regulation.

7.-11. (No change.)

SUBCHAPTER 2. TRANSPORTATION FOR EMPLOYEES CERTIFIED FOR EXTENDED EMPLOYMENT

12:45-2.1 Purpose and scope

This subchapter sets forth the procedures and standards used by the Department and community rehabilitation programs to defray the costs of public transportation, personal auto, and paratransit expenses of individuals with disabilities certified by the Division of Vocational Rehabilitation Services as extended employees in community rehabilitation programs.

12:45-2.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

. . .

"Personal auto" means an automobile owned and operated by the extended employee, or an immediate family member of the extended employee.

. . .

"Community rehabilitation program" means a facility processing a valid certificate to vend extended employment services to the Division issued by the Director thereof, in compliance with the rules governing Extended (Sheltered) Employment found at N.J.A.C. 12:51-6.

12:45-2.3 Responsibilities of community rehabilitation programs

(a) Each community rehabilitation program shall complete, on a biannual basis, a survey of the transportation needs of each client certified as an extended employee (see Appendix A incorporated herein and made part of by reference).

1. Each survey shall include the community rehabilitation program name, the name and phone number of each person completing the survey, and the following information for each client:

i. Name, address and social security number;

ii. Mode of transportation (that is, public transportaton, personal auto or paratransit);

iii. Round trip mileage from residence to the community rehabilitation program;

iv. Daily out-of-pocket cost; and

v. Actual number of days in attendance per client during the prior six month period.

(b) Each community rehabilitation program with an extended employment contract shall submit a completed survey by July 15 and January 15 of each year to:

Chief of Rehabilitation Services
Division of Vocational Rehabilitation Services
CN 398
Trenton, New Jersey 08625-0398

1. Failure to submit the surveys by the due dates may result in a delay in the allocation of funds to the community rehabilitation program.

12:45-2.4 Method of payment

(a) Upon receipt of the completed surveys, the Division shall conduct an analysis of all surveys and determine the percentage of allowable expenses that can be reimbursed.

(b) Each certified individual with a disability will be reimbursed a percentage of his or her costs, which percentage shall be calculated based upon the ratio between the total amount of the appropriation allocated for the reimbursement of travel expenses in each fiscal year and the aggregate total of allowable reimburseable expenses submitted for that fiscal year.

12:45-2.5 Disbursement of funds

(a) The Department shall allocate available funds to each community rehabilitation program by August 1 and February 1 of each year based on their reported allowable transportation costs.

(b) Each certified community rehabilitation program shall issue checks to clients to be used to defray transportation costs by August 15 and February 15 of each year.

(c) The Department shall reimburse each community rehabilitation program for the reasonable administrative costs associated with the disbursement of checks to clients.

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APPENDIX

TRANSPORTATION SURVEY FOR ALL NEW DVRS EE CLIENTS

ALL REQUESTED INFORMATION MUST BE PROVIDED

Period Covered: _____ Facility Name _____ Persons Completing Form _____ Telephone Number _____

Client Name	Address and Zip Code	SS#	Mode of Transportation	Distance From Facility (Roundtrip)	Daily Client Out of Pocket Cost	Number of Days in Attendance

APPENDIX A

Instructions for completion of client lists for transportation survey

The enclosed client list is that which we have for your facility at the present time. We may have overlooked some data that we received from you, so please check the list carefully. If any clients have been placed or dropped out and are not to receive a check, please draw a single line through the entry. Please do this lightly so that we can read the information sufficiently to remove it from our system.

The critical items that we need reviewed and adjusted on this document are:

1. The daily cost to the client is to be adjusted in the column "Daily Client Out of Pocket Costs."

2. The number of days the client attended during this period should be indicated under "Number of Days in Attendance."

3. Accurate distance is critical in those instances where the client is transported by personal auto and is to be paid mileage up to a maximum of $0.25 per mile.

4. Please verify the mode of transportation on all clients in extended employment using the following codes as appropriate:

NJ = New Jersey Transit
CT = County Transportation System
PC = Private contractor
FC = Facility operated
PF = Private Contractor arranged by facility
DD = Division of Developmental Disabilities
MU = Municipal transportation system
AU = Client/Parent own auto
PA = PATH (northeast) or PATCO (South).

After verifying the accompaying list, please use the blank form to list any clients that must be added. Please fill in all the requested information: Client name, address, zip code, social security number, mode of transportation, distance from the facility, daily client out of pocket cost, and the actual number of days the individual attended the program.

Please return this material to the attention of your community rehabilitation program specialist by _____.

LAW AND PUBLIC SAFETY

(a)

DIVISION OF CONSUMER AFFAIRS
BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Practice of Land Surveying
Subdivision Plats

Adopted Amendment: N.J.A.C. 13:40-5.1

Proposed: December 6, 1993 at 25 N.J.R. 5447(b).
Adopted: January 1, 1994 by the State Board of Professional Engineers and Land Surveyors, Lewis Conley, Jr., President.
Filed: January 14, 1994 as R.1994 d.77, **without change.**
Authority: N.J.S.A. 45:8-27 et seq.
Effective Date: February 7, 1994.
Expiration Date: August 3, 1995.

Summary of Public Comments and Agency Responses:
One complimentary letter was received from Wendy Lathrop, President, New Jersey Society of Professional Land Surveyors.

Full text of the adoption follows:

13:40-5.1 Land surveyors; preparation of land surveys

(a)-(l) (No change.)

(m) Subdivision plats, whether classified as major or minor, shall be prepared by a licensed land surveyor and shall be based on a new or existing survey of the property being subdivided.

1. The licensee shall provide appropriate survey information, as set forth above, to permit a subsequent licensed land surveyor to accurately lay out newly described lots.

2. If a newly described lot will be adjacent to or abutting a perimeter line, the licensee shall ensure that the perimeter line is accurately established on the ground.

3. In all instances, including where deeds are used to record minor subdivisions and/or where an existing plat or plan of survey is used, only the licensee who prepared the boundary map on which the subdivision is based may provide the certification on the subdivision plat that the boundary survey is accurate and was prepared under

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his or her supervision, as required by the Map Filing Law, N.J.S.A. 46:23-9.11(m), and in accordance with N.J.A.C. 13:40-9, Responsible Charge of Engineering or Land Surveying Work.

(n) (No change.)

TRANSPORTATION

(a)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID
BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Restricted Parking and Stopping
Route N.J. 28 in Somerset County

Adopted Amendment: N.J.A.C. 16:28A-1.19

Proposed: November 15, 1993 at 25 N.J.R. 5111(b).
Adopted: December 16, 1993 by Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.
Filed: January 6, 1994 as R.1994 d.61, **without change.**
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-1.38.1, 39:4-198 and 39:4-199.
Effective Date: February 7, 1994.
Expiration Date: May 7, 1998.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:28A-1.19 Route 28

(a)-(d) (No change.)

(e) The certain parts of State highway Route 28 described in this subsection shall be designated and established as "Time Limit Parking" zones where parking is prohibited at all times except in the areas designated below. In accordance with the provisions of N.J.S.A. 39:4-199, permission is granted to erect appropriate signs at the following established Time Limit Parking zones.

1. (No change.)

2. In the Borough of Somerville, Somerset County:

i.-ii. (No change.)

iii. Along the eastbound (southerly) side:

(1) Beginning at a point 130 feet east of the easterly curb line of Mountain Avenue to a point 115 feet west of the westerly curb line of West Main Street—Somerset.

(A) Two hours time limit parking from 6:00 A.M. to 2:00 A.M., Monday through Friday excluding weekends and holidays.

(f)-(g) (No change.)

(b)

DIVISION OF TRAFFIC ENGINEERING AND LOCAL AID
BUREAU OF TRAFFIC ENGINEERING AND SAFETY PROGRAMS

Restricted Parking and Stopping
Route N.J. 71 in Monmouth County

Adopted Amendment: N.J.A.C. 16:28A-1.38

Proposed: November 15, 1993 at 25 N.J.R. 5112(a).
Adopted: December 16, 1993 by Richard C. Dube, Director, Division of Traffic Engineering and Local Aid.
Filed: January 6, 1994 as R.1994 d.62, **without change.**
Authority: N.J.S.A. 27:1A-5, 27:1A-6, 39:4-138.1, 39:4-198 and 39:4-199.
Effective Date: February 7, 1994.
Expiration Date: May 7, 1998.

Summary of Public Comments and Agency Responses:
No comments received.

Full text of the adoption follows.

16:28A-1.38 Route 71

(a) The certain parts of State highway Route 71 described in this subsection shall be designated and established as "no stopping or standing" zones where stopping or standing is prohibited at all times except as provided in N.J.S.A. 39:4-139. In accordance with the provisions of N.J.S.A. 39:4-198, proper signs shall be erected.

1. No stopping or standing in Bradley Beach Borough, Monmouth County:

i. Along the easterly side:

(1) From the southerly curb line of Lake Terrace Avenue to a point 150 feet southerly therefrom.

2. No stopping or standing in Spring Lake Heights Borough, Monmouth County:

i. Along the northbound (easterly) side:

(1) Beginning at the Spring Lake Heights Borough-Sea Girt Borough corporate line to the prolongation of the northerly curb line of Park Avenue.

(2) From the northerly curb line of Church Street to a point 120 feet northerly therefrom.

(3) From the northerly curb line of Pitney Drive to the Spring Lake Heights Borough-Wall Township corporate line.

ii. Along the southbound (westerly) side:

(1) From the Wall Township, Spring Lake Heights Borough corporate line to the northerly curb line of Allaire Road.

(2) From the northerly curb line of Park Avenue to the Spring Lake Heights Borough-Sea Girt Borough corporate line.

iii. Along both sides from 6:00 P.M. to 6:00 A.M.:

(1) From Warren Avenue to Park Avenue.

3. No stopping or standing in Manasquan Borough, Monmouth County:

i. Along both sides:

(1) For the entire length within the corporate limits of Manasquan Borough including all ramps and connections thereto which are under the jurisdiction of the Commissioner of Transportation.

Recodify existing 5. and 6. as 4. and 5. (No change in text.)

6. No stopping or standing in Deal Borough, Monmouth County:

i. (No change.)

ii. Along the westerly (southbound) side:

(1)-(2) (No change.)

(3) Norwood Avenue—Beginning 144 feet from the southerly curb line of Brighton Avenue to a point 40 feet southerly therefrom.

Recodify existing 8. through 10. as 7. through 9. (No change in text.)

(b)-(d) (No change.)

(c)

DIVISION OF REGIONAL OPERATIONS, REGION V
OFFICE OF OUTDOOR ADVERTISING SERVICES

Roadside Sign Control and Outdoor Advertising on the Atlantic City Expressway

Adopted Concurrent Amendments: N.J.A.C. 16:41C-1.1 and 8.7

Proposed: December 6, 1993 at 25 N.J.R. 5699(a).
Adopted: January 6, 1994 by Dennis Keck, Acting Assistant Commissioner for Policy and Planning.
Filed: January 14, 1994 as R.1994 d.76, **without change.**
Authority: N.J.S.A. 27:1A-5, 27:1A-6 and 27:5-5 et seq.
Effective Date: January 14, 1994.
Expiration Date: May 4, 1997.

Summary of Public Comments and Agency Responses:
No comments received.

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Full text of the adoption follows:

16:41C-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

. . .

"Protected zones" means all areas inside the boundaries of this State which are adjacent to and within 660 feet of the edge of the right-of-way of highways not in the Interstate and Primary Systems, and those areas inside the boundaries of this State which are outside urban areas and visible from the highway but beyond 660 feet of the edge of the right-of-way of highways not in the Interstate and Primary Systems.

16:41C-8.7 Off-premise advertising signs permitted within the protected area of the uncontrolled portion of Interstate Highways and within the protected area and protected zone of all other Limited Access Highways in zoned and unzoned commercial or industrial areas

(a) Off-premise advertising signs permitted within the protected area of the uncontrolled portion of Interstate Highways and within the protected area and protected zone of all other Limited Access Highways in zoned and unzoned commercial or industrial areas shall not be located within 2,000 feet of any of the following areas or sites adjacent to the highway:

1. Scenic areas designated as such by the Commissioner or other State agency authorized to make such designations;
2. Safety rest areas; or
3. Informational sites.

(b) Spacing between signs along each side of the highway shall be a minimum of 1,000 feet.

(c) No sign shall be located within 2,000 feet of an interchange or intersection at grade (measured along the Limited Access Highway or freeway from the nearest tip of the gore or comparable point).

(d) Illumination of such signs is permitted, subject to the general restrictions outlined in N.J.A.C. 16:41C-3.2.

TREASURY-TAXATION

(a)

DIVISION OF TAXATION

General Policies and Procedures
Payment of Taxes by Electronic Funds Transfer
Adopted New Rules: N.J.A.C. 18:2-3

Proposed: March 15, 1993 at 25 N.J.R. 1078(a).

Adopted: January 5, 1994 by Leslie A. Thompson, Director, Division of Taxation.

Filed: January 6, 1994 as R.1994 d.63, **with substantive and technical changes** not requiring additional public notice (See N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 54:50-1.

Effective Date: February 7, 1994.

Expiration Date: November 1, 1998.

Summary of Public Comments and Agency Responses:

The Division received one letter regarding the electronic funds transfer rule proposal. Mr. Michael C. Lefanto, writing on behalf of the New Jersey Society of Certified Public Accountants, made the following comments:

COMMENT: Mr. Lefanto disagreed with the Division's statutory interpretation that if the taxpayer meets the prior year threshold for any type of tax, the taxpayer must use EFT for all types of taxes.

RESPONSE: The Division's response was that it does not intend to alter that interpretation, found in proposed rule, N.J.A.C. 18:2-3.4. As was explained in the Summary for the rule proposal, it is based on the provisions in the statute that require that "all" tax payments, except payments of certain specified types of taxes, shall be made by EFT. See N.J.S.A. 54:48-4.1a-c.

COMMENT: Mr. Lefanto commented with respect to proposed N.J.A.C. 18:2-3.6 and the rule's references to the January 31 date in paragraph (b)2, (c)2, and (d)2. He correctly pointed out those paragraphs refer to a one-month period, instead of a year-long period. As the Summary, the EFT statute, and the other parts of N.J.A.C. 18:2-3.6 make clear, paragraphs (b)2, (c)2, and (d)2 should refer to a year-long period of time.

RESPONSE: Upon adoption of the proposed rules, the technical errors of referring to a January 31 date will be changed to refer to a December 31 date.

COMMENT: Mr. Lefanto questioned whether rule N.J.A.C. 18:2-3.8 leaves too much for written guidelines, and interpretations on a case-by-case basis, and suggested that a number of possible scenarios be included in the rules at this time.

RESPONSE: The Division's response was that, for detailed aspects of payment by EFT, the development of guidelines, as experience is gained, is more appropriate at this point in time because the EFT procedure is a newly established one. The Division's and taxpayers' experience as the guidelines develop can lead to more detailed rules at the appropriate time in the future.

COMMENT: Mr. Lefanto also suggested that the rules should make the "receipt" date for a check the postmark date.

RESPONSE: The Division stated that, depending on where and what time of day a check is mailed and the proximity to a weekend and/or holiday, it can often take two or three days or even longer for a mailed check to reach the Division. If the postmark date was considered to be the check receipt date, often taxpayers could find it more financially advantageous to mail a check than to follow the EFT requirements. Therefore, the Division believes that use of a postmark on a check payment would be contrary to the legislative intent of the EFT statute.

Furthermore, the postmark date provision of the Taxpayer Bill of Rights law begins with the following exception: "Except as another payment method may be specified by law. . . ." That language in the postmark provision clarifies, as one would expect, that the Taxpayer Bill of Rights postmark date requirements do not apply when the EFT payment method is required.

COMMENT: Finally, Mr. Lefanto expressed concern with "the fact that payment by EFT is not deemed received by [the] Division's bank account until the day after the EFT payment."

RESPONSE: This is a feature of EFT payment that was statutorily intended. (See N.J.S.A. 54:48-4.1a.) Accordingly, the Division could not by rule alleviate any hardship that might be caused by the statute.

Statutory references in N.J.A.C. 18:2-3.4 have been corrected on adoption.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 3. REQUIREMENTS FOR PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

18:2-3.1 Purpose

These rules enable the State to receive the actual tax monies from certain taxpayers, by the payment due date, because the taxpayers are required to pay their taxes by electronic funds transfer, instead of being allowed to pay by check or other similar instrument.

18:2-3.2 Scope

This subchapter establishes the bases for determining which taxpayers must pay taxes by electronic funds transfer (EFT), as well as the basic requirements for paying by EFT.

18:2-3.3 Definitions

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

"ACH" (automated clearing house) means a Federal reserve bank, or an organization established by agreement with the National Automated Clearing House Association (NACHA), which operates as a

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clearing house for transmitting or receiving entries between banks and bank accounts, and which authorizes an electronic transfer of funds between the banks or bank accounts.

"ACH credit" means a transaction in which the taxpayer, through its own bank, originates an entry crediting the State of New Jersey's bank account and debiting its own bank account for the amount of the payment due.

"ACH debit" means a transaction in which the State of New Jersey, through its designated depository bank, originates an ACH transaction debiting the taxpayer's bank account and crediting the State's bank account for the amount of the payment due.

"Director" means the Director of the Division of Taxation in the Department of Treasury.

"EFT" (electronic funds transfer) means any transfer of funds, other than a transaction originated by check, draft or similar paper instrument, that is initiated through an electronic terminal, telephonic instrument or computer or magnetic tape for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

"Prior year liability" means the total liability for any tax imposed on, collected by or withheld by the taxpayer in the calendar year or the fiscal or calendar privilege period, as determined under the specific law regarding that tax, ending before the calendar year or fiscal or calendar privilege period for which an electronic funds transfer payment is determined to be required.

"State tax" means any tax which is payable to or collectible by the Director.

"Taxpayer" means any person or entity owing or liable to pay any tax, or any person or entity deemed to be so owing or liable.

18:2-3.4 Payments required to be paid by electronic funds transfer

(a) Between March 1, 1993, and February 28, 1994, a taxpayer that had a prior year liability for any type of tax, with certain exceptions in (f) below, in the amount of $200,000 or more shall remit all its State tax payments of all types, with certain exceptions in (f) below, by using EFT. The taxpayer may choose the ACH debit method or the ACH credit method of EFT.

(b) Between March 1, 1994, and February 28, 1995, a taxpayer that had a prior year liability for any type of tax, with certain exceptions in (f) below, in the amount of $100,000 or more shall remit all its State tax payments of all types, with certain exceptions in (f) below, by using EFT. The taxpayer may choose the ACH debit method or the ACH credit method of EFT.

(c) Between March 1, 1995, and February 29, 1996, a taxpayer that had a prior year liabiltiy for any type of tax, with certain exceptions in (f) below, in the amount of $50,000 or more shall remit all its State tax payments of all types, with certain exceptions in (f) below, by using EFT. The taxpayer may choose the ACH debit method or the ACH credit method of EFT.

(d) Beginning March 1, 1996, a taxpayer that had a prior year liability for any type of tax, with certain exceptions in (f) below, in the amount of $20,000 or more shall remit all its State tax payments of all types, with certain exceptions in (f) below, by using EFT. The taxpayer may choose the ACH debit method or the ACH credit method of EFT.

(e) The EFT requirements of (a) through (d) above apply to any estimated tax payments due from a taxpayer.

(f) The EFT requirements of (a) through (d) above do not apply to payments of the following types of taxes:

1. Transfer inheritance tax imposed pursuant to N.J.S.A. 54:33-1;

2. Estate tax imposed pursuant to N.J.S.A. 54:38-1;

3. Gross income tax payments of estimated or final tax liability imposed pursuant to N.J.S.A. *[54:8-5]* ***54A:8-5*** and N.J.S.A. *[54:8-1]* ***54A:8-1***, but not including withholding tax imposed pursuant to N.J.S.A. 54A:7-1 and 54A:7-1.1.

18:2-3.5 Specific requirements

(a) A taxpayer that is required to pay by EFT shall initiate the transfer and take whatever other steps are necessary so that any tax payment due is deposited in the State of New Jersey's account in the designated depository, on or before the date that the tax is due according to the pertinent law.

(b) A taxpayer shall make separate EFT transactions for each payment of each type of tax.

(c) A taxpayer may switch its choice of method to the other method of EFT for all its payments if the taxpayer gives the Director notice in writing 60 days in advance of using the other method.

(d) Whichever method (ACH credit or ACH debit) a taxpayer chooses for complying with its EFT requirements, the taxpayer shall use the same method for payment of all the types of taxes it is required to pay by EFT.

(e) If a taxpayer chooses the ACH debit payment option and the banking information necessary to generate ACH debits changes, the taxpayer shall give the Director notice in writing at least 60 days prior to the date the change will take effect.

18:2-3.6 Determination of prior year liability

(a) The Director will annually, on such date as is practicable, determine taxpayers' prior year liability for one or more types of taxes. If an actual prior year liability cannot be determined, the Director may make a determination according to an estimated prior year liability.

(b) For tax payments due between March 1, 1993 and February 28, 1994, the Director shall base "prior year liability" on:

1. The tax liability for calendar year 1992, if the Director is determining a prior year liability with regard to a type of tax for which liability is based on one or more calendar months, one or more calendar quarters or a calendar year; or

2. The tax liability for any fiscal year or privilege period ending between January 1, 1992 and *[January]* ***December*** 31, 1992, if the Director is determining a prior year liability with regard to a type of tax for which liability is based on a fiscal year or privilege period.

(c) For tax payments due between March 1, 1994 and February 28, 1995, the Director shall base "prior year liability" on:

1. The tax liability for calendar year 1993, if the Director is determining a prior year liability with regard to a type of tax for which liability is based on one or more calendar months, one or more calendar quarters or a calendar year; or

2. The tax liability for any fiscal year or privilege period ending between January 1, 1993 and *[January]* ***December*** 31, 1993, if the Director is determining a prior year liability with regard to a type of tax for which liability is based on a fiscal year or privilege period.

(d) For tax payments due between March 1, 1995 and February 29, 1996, the Director shall base "prior year liability" on:

1. The tax liability for calendar year 1994, if the Director is determining a prior year liability with regard to a type of tax for which liability is based on one or more calendar months, one or more calendar quarters or a calendar year; or

2. The tax liability for any fiscal year or privilege period ending between January 1, 1994 and *[January]* ***December*** 31, 1994, if the Director is determining a prior year liability with regard to a type of tax for which liability is based on a fiscal year or privilege period.

(e) For tax payments due in March of 1996 and thereafter, the Director shall base "prior year liability" on:

1. The tax liability for the calendar year preceding the calendar year in which the Director makes the prior year liability determination, if the Director is determining a prior year liability with regard to a type of tax for which liability is based on one or more calendar months, one or more calendar quarters or a calendar year; or

2. The tax liability for any fiscal year or privilege period ending in the calendar year preceding the calendar year in which the Director makes the prior year liability determination, if the Director is determining a prior year liability with regard to a type of tax for which liability is based on a fiscal year or privilege period.

18:2-3.7 Notice to taxpayers

(a) The Director will notify taxpayers of their EFT payment requirements at least 30 days prior to the date on which the Director first requires compliance with N.J.A.C. 18:2-3.4(a) through (e).

(b) The failure of the Director to notify a taxpayer as required by (a) above shall not relieve a taxpayer from compliance with its

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EFT payment requirements. However, if the Division's records indicate that the Director failed to notify the taxpayer as required by (a) above, the Director may take the lack of notice into consideration with respect to any request for a waiver of penalty or interest.

(c) The Director will annually, on such date as is practicable, notify those taxpayers that do not meet the current "prior year liability" threshold for being required to pay by EFT.

18:2-3.8 Penalties and interest for late EFT payments

(a) If an EFT payment is deposited later than the date required by N.J.A.C. 18:2-3.5(a), the Director shall, for the period between the required and the actual deposit date, assess late payment penalties and interest as provided under the State Tax Uniform Procedure Law or under the pertinent State tax law.

(b) If the availability of funds for EFT payment is delayed, and if the taxpayer shows, to the satisfaction of the Director, that the delay was due to reasons beyond the control of the taxpayer, the Director shall abate penalties and interest. Circumstances such as the taxpayer being in a poor financial condition will not, by itself, be deemed to be reasons beyond the control of the taxpayer.

18:2-3.9 Failure to comply

(a) If a taxpayer is required to remit a tax payment by EFT and the taxpayer pays (with sufficient funds) by check, draft or similar instrument, payment shall be deemed to have been made on the third business day after the date the Director receives the check, draft or similar paper instrument.

(b) The Director will not consider any claim or assertion by a taxpayer that its check, draft or other instrument cleared prior to the date it was deemed to have been paid under (a) above.

18:2-3.10 Voluntary EFT payment

(a) A taxpayer not required to remit payments by EFT may, upon written approval from the Director, use the ACH debit or ACH credit method for EFT payment for such types of taxes as the taxpayer elects.

(b) Once the Director has given written approval, a taxpayer must use the approved EFT method of payment unless the taxpayer gives the Director notice in writing at least 30 days prior to withdrawing from voluntary participation.

(c) Except as otherwise provided in this section, any taxpayer voluntarily remitting taxes by EFT must follow the EFT requirements of this subchapter and any pertinent guidelines prescribed by the Director.

18:2-3.11 Effect of subchapter

If the provisions of these rules conflict with the provisions of any other tax rule concerning the payment of State taxes, except those taxes excepted in N.J.A.C. 18:2-3.4(f), the provisions of N.J.S.A. 54:48-4.1 and these rules shall govern, unless the context clearly indicates otherwise.

OTHER AGENCIES

(a)

CASINO CONTROL COMMISSION

General Provisions
Accounting and Internal Controls
Definitions
Procedure for Collecting and Recording Checks Returned to the Casino After Deposit
Adopted Amendments: N.J.A.C. 19:40-1.2 and 19:45-1.29

Proposed: November 15, 1993 at 25 N.J.R. 5114(a).
Adopted: January 10, 1994 by the Casino Control Commission, Steven P. Perskie, Chairman.
Filed: January 11, 1994 as R.1994 d.65, **without change.**
Authority: N.J.S.A. 5:12-63(c), 69(a) and 99(a).
Effective Date: February 7, 1994.
Expiration Dates: August 24, 1994, N.J.A.C. 19:40;
August 15, 1997, N.J.A.C. 19:45.

Summary of Public Comments and Agency Responses:

COMMENT: Sands and the Division of Gaming Enforcement support the adoption of the proposed amendments.

RESPONSE: Accepted.

COMMENT: Trump Taj Mahal also supports the adoption of the proposed amendments, and further suggests that the proposed language of N.J.A.C. 19:45-1.29(k) be revised to read, "... chief executive officer **or equivalent executive** ..."

RESPONSE: The responsibilities of the position of chief executive officer are set forth in the definition of "chief executive officer" in N.J.A.C. 19:45-1.1. The definition details the responsibilities "regardless of ... the particular title which the person holds." Since the flexibility Trump Taj Mahal seeks is already provided in the regulations, this comment has been rejected.

Full text of the adoption follows:

19:40-1.2 Definitions

(a) (No change.)

(b) The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise.

...

"Controller" is defined in N.J.A.C. 19:45-1.11(b)8.

...

19:45-1.29 Procedure for collecting and recording checks returned to the casino after deposit

(a)-(j) (No change.)

(k) Listings of uncollectible checks shall be approved in writing by, at a minimum, the chief executive officer, a casino key employee approved by the Commission and the controller. All such uncollectible checks and listings shall be maintained and controlled by accounting department employees. A continuous trial balance of all uncollectible checks shall be maintained by employees of the accounting department. The continuous trial balance shall be adjusted for any subsequent collections.

(b)

CASINO CONTROL COMMISSION

General Provisions
Organization and Operation of the Commission
Adopted Amendments: N.J.A.C. 19:40-2.1

Adopted: January 10, 1994 by the Casino Control Commission, Steven P. Perskie, Chairman.
Filed: January 11, 1994 as R.1994 d.64.
Authority: N.J.S.A. 5:12-69(a) and 52:14B-4(b).
Effective Date: January 11, 1994.
Expiration Date: August 24, 1994.

Agency Note: In accordance with N.J.S.A. 52:14B-4(b), these amendments to the organizational rules at N.J.A.C. 19:40-2.1 may be adopted without prior notice or hearing and are effective upon filing.

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

19:40-2.1 Organization

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

(c) The Commission's staff shall be comprised of the divisions and offices set forth below. Each division and office shall be organized into such operational units, and each unit shall have such assigned positions, as the Chair shall direct.

1.-4. (No change.)

5. The Office of the Commissioners shall consist of [the Affirmative Action Officer,] the General Counsel, the Public Information Officer, the [Director of Governmental and Community Relations] **Equal Employment Opportunity and Affirmative Action Of-**

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ficer/Director of Community Relations, the Director of Organizational Development and the Executive Secretary, together with the members of their respective staffs. The members of the office, together with the Chair, the directors of the several divisions and such members of the senior staff as the Chief of Staff may designate shall constitute the management team of the Commission, and shall execute general Commission policies as established by the Commission.

(a)

CASINO CONTROL COMMISSION

Applications
Casino Licensees
Employee Reporting and Recordkeeping Requirements
Work Permits

Adopted Repeal: N.J.A.C. 19:41-1.7
Adopted New Rule: N.J.A.C. 19:43-9.3

Proposed: November 15, 1993 at 25 N.J.R. 5114(b).

Adopted: January 10, 1994 by the Casino Control Commission, Steven P. Perskie, Chairman.

Filed: January 11, 1994 as R.1994 d.66, **with a substantive change** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3) and **with N.J.A.C. 19:43-9.4 not adopted but reproposed** in this issue of the New Jersey Register.

Authority: N.J.S.A. 5:12-63c, 69a, 70c, 89a, 90a, 91a, and 106.

Effective Date: February 7, 1994.

Expiration Date: December 21, 1997, N.J.A.C. 19:43.

Agency Note: As a result of the public comments received in response to this proposal, the Casino Control Commission determined at its public meeting of January 5, 1994, to adopt the repeal of N.J.A.C. 19:41-1.7 and new rule N.J.A.C. 19:43-9.3. The Commission determined to repropose N.J.A.C. 19:43-9.4. The reproposal may be found in the Proposal section of this issue of the New Jersey Register.

Summary of Agency-Initiated Change:

At N.J.A.C. 19:43-9.3, the change upon adoption from the original proposal is the addition of a grand total of all employees in all categories. This figure was inadvertently left out of the proposal and its inclusion now does not require any additional information from casino licensees but rather more fully describes the format of information which is already being provided by the casino licensees to the Commission. Therefore the change is not so substantive as to require additional public notice or comment.

Summary of Public Comments and Agency Responses:

COMMENTS: Sands Hotel and Casino (Sands) does not object to the repeal of N.J.A.C. 19:41-1.7 or the adoption of N.J.A.C. 19:43-9.3.

RESPONSE: The comment has been accepted.

COMMENT: As to proposed new rule N.J.A.C. 19:43-9.4, which would codify the current system of recording and verification of employee experiential hours, the Sands Hotel and Casino (Sands) has submitted comments on two separate aspects of the proposal. Sands submits that no casino licensees have ever tracked experiential hours as to pit bosses and poker shift supervisors and that there is no practical reason for doing so.

RESPONSE: Hours spent working in a specific game serve a regulatory purpose for pit bosses and poker shift supervisors (poker shift supervisors function essentially as pit bosses in poker) because the recording of hours worked supervising an authorized game allows for the most flexibility for some current experiential requirements and any future requirements. Pursuant to administrative policy, in order to allow New Jersey casino employees to qualify to deal and supervise in poker during the test period that is now being conducted, several different qualifying alternatives were allowed. Two of those alternatives required a demonstration of hours of supervision in an authorized game. To allow employees to maximize their experience in order to be prepared to move into another game, a new game, or instructing in a particular game, the hours worked in each game must be recorded. To except pit bosses and poker shift supervisors from the recording of specific experiential hours would be to handicap those individuals regarding new game and new employment opportunities.

COMMENT: Sands' other comments concern the type of tracking system used to initially record and verify the experiential hours. Sands has suggested the inclusion of "initiated electronically by the employee through the use of a time card or other electronic means."

RESPONSE: The originally proposed N.J.A.C. 19:43-9.4 does not specify as to how the record of hours must be kept. It does indicate that the "log" of experiential hours must be in the pit. There is nothing in this language which would preclude a computer log-in system to be used in the pit to record experiential hours instead of a manual system. However, in N.J.A.C. 19:43-9.4(b), the current proposal requires signatures of the employee and the employee's supervisor at the time that the hours are recorded. Sands' comments as to the role of the signature in the recording process demonstrate that the new rule, as previously published, envisions a manual log-in system. In order to eliminate any requirement for a manual verification process, N.J.A.C. 19:43-9.4 is being reproposed to eliminate signature or any other type of control on the recording system. N.J.A.C. 19:43-9.4(b) has been redrafted and modified to eliminate (b)2 and 3 which had required signatures. This modification will not diminish the responsibilities imposed by the new rule but will allow the casino licensee greater discretion in the method employed to achieve compliance with the rule. In N.J.A.C. 19:43-9.4(a) of the proposed rule, responsibility to "maintain a complete, accurate and current record of the number of actual hours worked in each game by each employee" is placed on the casino licensee. N.J.A.C. 19:43-9.4(c), which is unchanged from the original proposal, requires that both the casino licensee and the employee verify experiential hours by affidavit before such hours are submitted to the Commission. Reproposal of N.J.A.C. 19:43-9.4 without specific requirements as to how the casino licensee should maintain the accuracy and completeness of the experiential record would allow the casino licensee to choose its own method to assure compliance. (See the reproposal in this issue of the New Jersey Register.)

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

19:43-9.3 Employee reporting and recordkeeping requirements

(a) Each casino licensee shall maintain a complete, accurate and current record of the employment and licensing or registration status of each employee. Such record shall include, without limitation, the information in (b) below.

(b) Each casino licensee shall file the following reports with the Commission by electronic data transfer on the first and the 15th calendar day of each month:

1. For each current employee:

i. The license or registration number;

ii. The last name, first name and middle initial as indicated on his or her license or registration;

iii. The date of birth;

iv. The position, represented by a job code that corresponds with a position described in the casino licensee's approved jobs compendium maintained pursuant to N.J.A.C. 19:45-1.11A;

v. The job title as it appears in the casino licensee's approved jobs compendium and which corresponds with the job code required in (b)1iv above;

vi. The initial date of hire in the position indicated by the job code in (b)1iv above;

vii. The effective date of any change in the employee's position or job title;

viii. The access code, if any, assigned to the employee, which code designates the restricted casino areas that the employee is permitted to enter and remain in for purposes of performing his or her normal duties; and

ix. The casino code assigned by the Commission to the casino licensee.

2. For each individual whose employment has been terminated since the date of the most recent report filed with the Commission pursuant to this subsection:

i. The information in (b)1i through vi and (b)1viii through ix above; and

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ii. The effective date of termination.

3. A record of any and all designations used by a casino licensee to describe categories of its employees, for example, "full time," "part time," or "seasonal," *[and]* the number of employees in each such category ***and the total number of all employees in all categories***.

(a)

CASINO CONTROL COMMISSION

Hearings
Proceedings Against Applicants, Licensees and Registrants
Multiple Party Representation
Adopted Amendments: N.J.A.C. 19:42-5.3

Proposed: November 15, 1993 at 25 N.J.R. 5115(a).
Adopted: January 10, 1994 by the Casino Control Commission, Steven P. Perskie, Chairman.
Filed: January 11, 1994 as R.1994 d.67, **without change.**
Authority: N.J.S.A. 5:12-69a, 70d and 70k.
Effective Date: February 7, 1994.
Expiration Date: August 15, 1995.

Summary of Public Comments and Agency Responses:

Comments were received from the Division of Gaming Enforcement ("Division").

COMMENT: The Division noted its support for the codification of the Division's role in the petition procedure. The Division noted that, as a result of its investigation and conduct of early discovery, the Division may be uniquely qualified to advise the Commission of possible inconsistent defenses that may preclude multiple representation.

RESPONSE: The Commission agrees, as evidenced by the adoption herein.

Full text of the adoption follows:

19:42-5.3 Notice of defense; multiple party representation

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

(c) In any circumstance described in (d) below, an attorney who intends to represent more than one party in the same or a substantially related matter shall file a petition for approval no later than 10 days after filing a pleading or entering an appearance in the matter, whichever is earlier. The petitioner shall file such petition with the Commission, or with the Office of Administrative Law if the matter has been transmitted to it, and one copy with the Division.

1. The Division may, within 10 days from the date that the petition is filed, file a written response to the petition with the Commission, or with the Office of Administrative Law if the matter has been transmitted to it.

(d) No attorney shall represent the following parties respondent, unless a petition pursuant to (c) above is granted:

1.-4. (No change.)

(e) Any petition filed pursuant to (c) above shall be in writing and shall include:

1.-6. (No change.)

(f) Upon receipt of a petition pursuant to (c) and (e) above:

1.-2. (No change.)

(g) All interested parties shall be advised of the decision of the Chair or the Chair's designee either orally or in writing no later than 15 days from the date that the petition is filed. If the decision is communicated orally, it shall be reduced to writing and mailed to the petitioner within five days.

(h)-(i) (No change.)

(b)

CASINO CONTROL COMMISSION

Casino Licensees
Employment Requirements
Obligation to Terminate, Suspend or Refuse Employment; Form of Notice
Adopted New Rule: N.J.A.C. 19:43-9.2

Proposed: November 1, 1993 at 25 N.J.R. 4871(a).
Adopted: January 10, 1994 by the Casino Control Commission, Steven P. Perskie, Chairman.
Filed: January 11, 1994 as R.1994 d.68, **without change.**
Authority: N.J.S.A. 5:12-63c, 69a, 70a, 94 and 107d.
Effective Date: February 7, 1994.
Expiration Date: December 21, 1997.

Summary of Public Comments and Agency Responses:

COMMENT: Sands Hotel and Casino (Sands) does not object to the adoption of this proposed new rule; however, the Sands strongly suggests that the irrebuttable presumption of receipt which appears in the proposed new rule at N.J.A.C. 19:43-9.2(b)2 should be eliminated so as to maintain the same consistent with overall notice provisions of N.J.A.C. 19:40-3.3(c).

No other comments were received.

RESPONSE: Notice to casino licensees of any person whose license or registration has been revoked or suspended by the Commission or whose application for licensure or registration has been denied is described with particularity in this subsection.

This specific type of notice may be issued by printed copy or by electronic transfer using computer transmission. This distinct notice provision is not inconsistent with the general notice provisions of N.J.A.C. 19:40-3.3 which provides in subsection (c) as a limitation to the scope of the regulation, "Unless as otherwise specifically provided by law or Commission regulation, . . .". The specific notice requirement of suspension, revocation or denial provided in this proposal clearly distinguishes this type of notice from general notice by stating in N.J.A.C. 19:43-9.2(b)2, "Notwithstanding N.J.A.C. 19:40-3.3(b)" and then describing the circumstances when notice will be deemed received.

Full text of the adoption follows:

19:43-9.2 Obligation to terminate, suspend or refuse employment; form of notice

(a) Each casino licensee shall terminate or suspend the employment of, or shall refuse to employ, any person whose license or registration has been revoked or suspended by the Commission or whose application for licensure or registration has been denied if such licensure or registration is required for such employment by the Act and the Commission's regulations. Any casino licensee required to terminate or suspend the employment of any such person, pursuant to N.J.S.A. 5:12-106b, shall do so within 24 hours of receipt of notice from the Commission as defined in (b) below.

(b) The Commission shall, on a weekly basis, notify each casino licensee of the name, date of birth, and license, registration or application number of each person whose license, registration or application has been revoked, suspended or denied by the Commission.

1. This notice shall be provided to each casino licensee by hard copy (printed) communication or electronic data transfer by no later than 3:00 P.M. each Thursday, unless Thursday is a State or Federal holiday, in which case notice shall be provided by no later than 3:00 P.M. on the first weekday thereafter that is not a State or Federal holiday.

2. Notwithstanding N.J.A.C. 19:40-3.3(b), this notice shall be deemed received by the casino licensee at 9:00 A.M. on the second weekday following the issuance of the notice, unless that weekday is a Friday or State or Federal holiday, in which case notice shall be deemed received at 9:00 A.M. on the first weekday thereafter that is not a State or Federal holiday.

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(a)

CASINO CONTROL COMMISSION

Accounting and Internal Controls
Gaming Equipment
Slot Machines and Bill Changers; Identification; Signs; Meters; Other Devices
Procedure for Control of Coupon Redemption and Other Complimentary Distribution Programs
Adopted Amendments: N.J.A.C. 19:45-1.1, 1.16, 1.33, 1.36, 1.37, 1.42, 1.44, 1.46 and 1.46A; N.J.A.C. 19:46-1.26
Adopted New Rule: N.J.A.C. 19:45-1.46B

Proposed: September 20, 1993 at 25 N.J.R. 4471(a).
Adopted: January 10, 1993 by the Casino Control Commission, Steven P. Perskie, Chairman.
Filed: January 11, 1994 as R.1994 d.69, **without change**.
Authority: N.J.S.A. 5:12-69(a) and (e), 70(l), 99(a)8 and 10, 100(c) and 102(m)3.
Effective Date: February 7, 1994.
Expiration Dates: August 15, 1997, N.J.A.C. 19:45;
April 15, 1998, N.J.A.C.. 19:46.

Agency Note: The text of intervening amendments concerning slot drop boxes have been inserted or are reflected in N.J.A.C. 19:45-1.1, 1.36, 1.38(d) and 19:45-1.42(e), where necessary.

Summary of Public Comments and Agency Responses:

COMMENT: The Division of Gaming Enforcement indicated that it had no objection to the adoption of the proposal, but noted that no prototype of the coupons or coupon acceptance mechanism had been submitted for Division review, and suggested that adoption of the amendments be deferred until satisfactory prototypes had been reviewed and tested by the Division.

RESPONSE: Accepted in part and rejected in part. Although the coupons and coupon acceptance devices could be reviewed and tested prior to adoption of this proposal, it is not necessary to do so. The proposed rules primarily address the manner in which the devices must operate; whether the devices actually do operate as required is a separate matter which can be subsequently addressed during testing by the Division or on the casino floor.

COMMENT: Greate Bay Hotel & Casino, Inc. (The Sands Hotel and Casino) suggested that N.J.A.C. 19:45-1.46B(b) be amended to permit a bill changer to identify the dollar value of a coupon either by encoded data on the coupon itself, as presently proposed, or by encoded data that identifies the coupon, and which is then matched with a data file located elsewhere that can identify the dollar value of the coupon. This would permit alternative methods of data processing and the use of different computer software and hardware systems.

RESPONSE: Accepted in part and rejected in part. The suggestion raises a number of issues concerning the operation and control of gaming devices and the handling and storage of gaming-related information, all of which are beyond the scope of the present proposal, and will be addressed at a later date.

Full text of the adoption follows:

19:45-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

. . .

"Bill changer" means any mechanical, electrical, or other device, contrivance or machine designed to interface mechanically, electrically or electronically with a slot machine for the purpose of dispensing an amount of coins or slot tokens from the slot machine hopper equal to the amount of currency or the demonstration of a coupon inserted into the bill changer.

. . .

"Slot machine drop" means the amount of coins and slot tokens in a slot drop bucket or a slot drop box, and the amount of cash and coupons in a slot cash storage box.

. . .

19:45-1.16 Drop boxes and slot cash storage boxes

(a) (No change.)

(b) Each bill changer in a casino shall have contained in it a secure metal container known as a "slot cash storage box" in which shall be deposited all cash and coupons inserted into the bill changer. Each slot cash storage box shall:

1. (No change.)

2. Have a slot opening through which currency and coupons can be inserted into the slot cash storage box;

3. Have a mechanical arrangement or device that prohibits removal of currency and coupons from the slot opening whenever the slot cash storage box is removed from the bill changer;

4.-5. (No change.)

(c)-(d) (No change.)

19:45-1.33 Procedure for opening, counting and recording contents of drop boxes and slot cash storage boxes

(a)-(g) (No change.)

(h) Procedures and requirements for conducting the count shall be as follows:

1.-3. (No change.)

4. The contents of each drop box or slot cash storage box shall be segregated by a count team member into separate stacks on the count table by each denomination of coin, currency and coupon, and by type of form, record or document, except that the Commission may permit the utilization of a machine to sort currency or coupons automatically by denomination;

5. (No change.)

6. Any coupon deposited in a drop box or a slot cash storage box shall be counted and included as gross revenue pursuant to N.J.S.A. 5:12-24, without regard to the validity of the coupon.

7.-10. (No change.)

11. As the contents of each slot cash storage box are counted, one count team member shall record on the Slot Cash Storage Box Report or supporting documentation the following information:

i.-iii. (No change.)

iv. The total amount of currency counted for each slot machine denomination;

v. The total dollar amount of each denomination of coupon;

vi. The total dollar amount of all denominations of coupons; and

Recodify existing as vii. (No change in text.)

12. Notwithstanding the requirements of (h)8, 9 and 11 above, if the casino licensee's system of internal controls provides for the count team functions to be comprised only if counting and recording currency, coin and coupons, accounting department employees shall perform all other counting, recording and comparing duties required by this section.

13. (No change.)

(i) At the conclusion of the count:

1.-2. (No change.)

3. The Slot Cash Storage Box Report, after signing, and any coupons removed from the slot cash storage boxes shall be transported directly to the accounting department and shall not be available to any cashiers' cage personnel. The Accounting Department shall record the figures from the Slot Cash Storage Box Report on the Slot Win Report and calculate the total drop for that gaming day. All coupons shall be received and processed by the accounting department in the manner set forth in N.J.A.C. 19:45-1.46(l).

4. (No change.)

(j) (No change.)

19:45-1.36 Slot machines and bill changers; coin and slot token containers; slot cash storage box compartments; keys

(a) Each slot machine located in a casino shall have the following coin or slot token containers:

1.-2. (No change.)

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3. On those slot machine to which a bill changer is attached, a container known as a slot cash storage box, in which currency and coupons accepted by the bill changer are retained.

(b)-(k) (No change.)

19:45-1.37 Slot machines and bill changers; identification; signs; meters

(a)-(d) (No change.)

(e) Unless otherwise authorized by the Commission, each slot machine that has an attached bill changer shall also be equipped with mechanical, electrical or electronic devices as follows:

1. A "change meter," that continuously and automatically counts the number of coins or slot tokens vended from the slot machine's hopper to make change, whether for currency or coupons;

2. A number of "bill meters," that continuously, automatically and separately count, for each denomination of currency accepted by the bill changer, the actual number of bills accepted by the bill changer; and

3. If the attached bill changer can accept coupons but does not contain the coupon meters identified in N.J.A.C. 19:45-1.46B:

i. A "numercial coupon meter" that continuously, automatically and separately counts the total number of all coupons accepted by the bill changer; and

ii. A "value coupon meter" that continuously, automatically and separately counts the total dollar value of all coupons accepted by the bill changer.

(f)-(i) (No change.)

19:45-1.38 Slot machines and bill changers; location; movements

(a)-(c) (No change.)

(d) Prior to removing a slot machine from the gaming floor, the slot drop bucket or slot drop box shall be removed and transported to the count room, and all meters shall be read and recorded in conformity with the procedures set forth in N.J.A.C. 19:45-1.42. Any coins or tokens in the payout reserve container and the corresponding hopper storage area shall be removed, transported, and counted with the slot drop bucket or slot drop box contents. Notwithstanding the foregoing, a slot machine may be removed from the casino with coins or tokens contained therein when removal of such coins is precluded by mechanical or electrical difficulty. If coins or tokens remain in a slot machine when it is removed from the casino, this fact and the date and time that such coins or tokens are removed from the slot machine and transported to the count room shall be recorded in the machine movement log. The removal and transportation to the count room of such coins or tokens must be completed immediately after the slot machine is opened.

(e) Prior to removing a bill changer from the gaming floor, the slot cash storage box shall be removed and transported to the count room and all meters except the cash box meter shall be read and recorded in conformity with the procedures set forth in N.J.A.C. 19:45-1.42. A bill changer may be removed from the casino with currency or coupons contained therein when removal of the slot cash storage box is precluded by mechanical or electrical difficulty. If currency or coupons remain in a bill changer when it is removed from the casino, this fact and the date and time that the slot cash storage box or, if necessary, currency or coupons are removed from the bill changer and transported to the count room shall be recorded in the machine movement log.

19:45-1.42 Removal of slot drop buckets and slot cash storage boxes; meter readings

(a)-(d) (No change.)

(e) Accounting department employees with no incompatible functions shall, at least once a week read and record on a Slot Meter Sheet the numbers on the in-meter, drop meter, jackpot meter, manual jackpot meter, change meter and coupon meters. Accounting department employees shall periodically read and record on a Slot Meter Sheet the numbers on the bill meters in accordance with a schedule established by the casino licensee and approved by the Commission, but in no event shall the casino licensee be required to read and record the bill meters more than once a week. These procedures shall be performed in conjunction with the removal and replacement of the slot drop buckets, slot drop boxes or slot cash storage boxes prior to opening the slot machines for patron play.

(f) (No change.)

(g) Whenever there is a variance of $25.00 or more between the meter reading taken from the change meter and recorded on the Slot Meter Sheet pursuant to (f) above, and the total amount of cash and coupons removed from the bill changer's slot cash storage box, the casino licensee's accounting department shall, as expeditiously as possible, read and record on a Slot Meter Sheet the bill meters and value coupon meter, and shall remove the slot cash storage box and count the contents in accordance with N.J.A.C. 19:45-1.33. The meter readings from the bill meters and value coupon meter shall be compared to the total amount of cash and coupons removed from the slot cash storage box for the period from the last date the bill meters and value coupon meter were read to verify the variance. The casino licensee shall be required to file an incident report with the casino controller, Commissioner and Division whenever a variance between the meter readings from the change meter and the cash and coupons removed from the slot cash storage box is $25.00 or more. The incident report shall include, at a minimum, the following:

1.-5. (No change.)

6. An indication as to whether the bill meters and value coupon meter confirmed the variance; and

7. (No change.)

19:45-1.44 Computer recordation and monitoring of slot machines

(a) (No change.)

(b) The computer permitted by (a) above shall be designed and operated to automatically perform the function relating to slot machine meters in the casino as follows:

1.-6. (No change.)

7. Record the total value of each denomination of currency accepted and stored in the slot cash storage box;

8. Record the total number and total dollar amount of all coupons accepted and stored in the slot cash storage box; and

Recodify existing as 9. (No change in text.)

(c) (No change.)

19:45-1.46 Procedure for control of coupon redemption and other complimentary distribution programs

(a)-(i) (No change.)

(j) Coupons shall be redeemed in the following manner:

1.-2. (No change.)

3. Notwithstanding the above, an automated coupon redemption machine or bill changer may be utilized to accept coupons provided that the acceptance of coupons by:

i. An automated coupon redemption machine complies with this section and N.J.A.C. 19:45-1.46A; or

ii. A bill changer complies with this section and N.J.A.C. 19:45-1.46B.

4. (No change.)

(k) (No change.)

(l) All documentation, unused coupons, voided coupons and redeemed coupons maintained in conformity with (g), (h), (i) and (j) above shall be forwarded on a daily basis to the accounting department, where they shall be:

1. (No change.)

2. Recounted and examined for proper calculation, summarization and recording on documentation, including, without limitation, the Master Game Report and the Slot Cash Storage Box Report;

3.-5. (No change.)

(m)-(o) (No change.)

19:45-1.46A Procedures and requirements for an automated coupon redemption machine

(a)-(k) (No change.)

(l) Any coupon accepted by an automated coupon redemption machine shall be cancelled by the machine immediately upon exchange, in a manner approved by the Commission, so that the

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coupon is not redeemable in accordance with N.J.A.C. 19:45-1.34(a) or acceptable by another automated coupon redemption machine or a bill changer.

(m)-(p) (No change.)

19:45-1.46B Procedures and requirements for a bill changer which can accept coupons

(a) Each bill changer which can accept coupons shall be able to establish the dollar value and validity of each coupon inserted therein by interpreting the coded information which must be contained on the coupon pursuant to (b) below.

(b) In addition to complying with the requirements of N.J.A.C. 19:45-1.46, each coupon which can be accepted by a bill changer shall contain encoded data that identifies the dollar value of the coupon and such other information as the Commission may require. Each coupon shall also contain a unique code or other security measure, which can be interpreted only by the bill changer, to ensure that the coupon is valid.

(c) The methods by which a bill changer and each coupon which can be accepted therein will comply with the requirements of (a) and (b) above shall be submitted to and approved by the Commission before any such bill changer or coupon may be used by a casino licensee.

(d) Unless the slot machine to which the bill changer is attached contains the coupon meters identified in N.J.A.C. 19:45-1.37(e)3 and 19:46-1.26(d)3, a bill changer which can accept coupons shall be equipped with mechanical, electrical or electronic devices as follows:

1. A "numerical coupon meter" that continuously, automatically and separately counts the total number of all coupons accepted by the bill changer; and

2. A "value coupon meter" that continuously, automatically and separately counts the total dollar value of all coupons accepted by the bill changer.

(e) Each coupon accepted by a bill changer shall be deposited and stored in the bill changer's slot cash storage box. Each such coupon shall be counted as part of the slot cash storage box drop in accordance with the count procedures in N.J.A.C. 19:45-1.33.

(f) Each coupon accepted by a bill changer shall be cancelled in a manner approved by the Commission which shall prevent the acceptance of the cancelled coupon by any bill changer, any automated coupon redemption machine or any other form of authorized redemption. The coupon shall be cancelled by the bill changer immediately upon acceptance, or pursuant to N.J.A.C. 19:45-1.33(h)7, in the count room prior to the conclusion of the count.

(g) Unless otherwise authorized by the Commission, any coupon which can be accepted by a bill changer shall be accounted for and controlled pursuant to N.J.A.C. 19:45-1.46.

19:46-1.26 Slot machines and bill changers; identification; signs; meters; other devices

(a) (No change.)

(b) Unless otherwise authorized by the Commission, each bill changer shall have the following identifying features:

1. (No change.)

2. A display on the front of the bill changer that clearly indicates the denomination of the currency or coupon inserted therein;

3. A display on the front of the bill changer that clearly indicates the amount of coins dispensed by the slot machine hopper after currency or a coupon has been inserted and accepted; and

4. (No change.)

(c) (No change.)

(d) Unless otherwise authorized by the Commission, each slot machine that has an attached bill changer shall also be equipped with mechanical, electrical, or electronic devices as follows:

1. A "change meter" that continuously and automatically counts the number of coins or slot tokens vended from the slot machine's hopper to make change whether for currency or coupons;

2. A number of [mechanical, electrical or electronic devices, to be known as] "bill meters" that continuously, automatically and separately count, for each denomination of currency accepted by the bill changer, the actual number of bills accepted by the bill changer; and

3. If the attached bill changer can accept coupons but does not contain the coupon meters indentified in N.J.A.C. 19:45-1.46B:

i. A "numerical coupon meter" that continuously, automatically and separately counts the total number of all coupons accepted by the bill changer; and

ii. A "value coupon meter" that continuously, automatically and separately counts the total dollar value of all coupons accepted by the bill changer.

(e)-(i) (No change.)

(a)

SOUTH JERSEY TRANSPORTATION AUTHORITY

Rules of Operation

Readoption with Amendments: N.J.A.C. 19:75
Adopted New Rules: N.J.A.C. 19:75-10, 11 and 12
Repeal and Adopted New Rule: N.J.A.C. 19:75-2.3

Proposed: November 1, 1993 at 25 N.J.R. 4875(a).

Adopted: January 10, 1994 by the South Jersey Transportation Authority; Walter A. DeAngelo, Executive Director.

Filed: January 11, 1994 as R.1994 d.70 **with substantive changes** not requiring additional public notice and comment (See N.J.A.C. 1:30-43).

Authority: N.J.S.A. 27:25A-7(i) and (q) and 27:25A-22(a) and (c).

Effective Date: January 11, 1994, Readoption.

Expiration Date: January 11, 1999;
February 7, 1994, Amendments, Repeal and New Rules.

Summary of Public Comments and Agency Responses:

The South Jersey Transportation Authority (the "Authority") in accordance with its enabling legislation conducted two public hearings on its proposed rules, one on November 17, 1993 at the Authority's Administration Building in Hammonton, New Jersey, and the other on November 29, 1993 at the Atlantic County Auditorium in Atlantic City, New Jersey. Additionally, the Authority met with members of the various industries affected by the rules, and written comments were received until December 1, 1993. A list of all commenters is set forth below, along with a summary of comments received and the Authority's response to these comments.

The majority of the comments addressed proposed N.J.A.C. 19:75-12.6, Bus Management Program. In response to these comments, the Authority has deleted this proposed rule at this time to allow the Authority to have further discussions with the affected parties.

A comment was received regarding an amendment to proposed N.J.A.C. 19:75-6.2(a)3 which raised the minimum number of parking spaces required for bus parking lot approval from 50 to 75 parking spaces. Since this requirement may pose a hardship on existing bus parking lots, the Authority will withdraw this amendment, and the required minimum number of spaces will remain at 50.

Comments were received requesting further clarification of the language in proposed N.J.A.C. 19:75-5.1 regarding facilities which are exempted under the Authority's enabling legislation at N.J.S.A. 27:25A-22(a). The Authority has amended this section to eliminate any ambiguities by making reference to N.J.A.C. 19:75-6.2(d). A comment was received regarding a perceived ambiguity in proposed N.J.A.C. 19:75-7.1 regarding the bus management fee. This language has also been amended to further clarify that the fee is not paid when a bus enters Atlantic City to pick up passengers.

Comments were received regarding proposed N.J.A.C. 19:75-5.4 as to the Authority's regulation of dumping of waste. The Authority has deleted this section from the proposal recognizing that dumping of waste is currently regulated by various State health regulations and local ordinances.

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A comment was received that the quarter-mile requirement of N.J.A.C. 19:75-6.2(a)7 was unnecessary. The Authority agrees with this comment and has deleted this requirement for bus parking lot approval.

A substantive change is being made to N.J.A.C. 19:75-6.2(d). This subsection should read in part "... shall not apply to a privately owned parking, repair and maintenance facility in existence at a location in Atlantic [City] **County** ..." This language mirrors the grandfathering provision of the Authority's enabling legislation as contained in N.J.S.A. 27:25A-22(a).

A comment was received with regard to proposed N.J.A.C. 19:75-9.2(e) that the appeal process for a minor variance should not be deleted. The Authority agrees with this comment and has reinstated the language providing an appeal of a minor variance application.

The Authority has made a technical change recodifying N.J.A.C. 19:75-6.2(f) through (i). Additionally, a technical change has been made to proposed N.J.A.C. 19:75-6.2(g) changing the words "in addition to any other violation" to "in addition to any other penalty."

The Authority received comments from the following individuals:

1. Gerald Greenberg, Chairman, Greater Atlantic City Hotel/Motel Association;
2. John Crowley, International Hotel;
3. Nelson Johnson, Esquire, on behalf of Greater Atlantic City Hotel/Motel Association;
4. Duane Bordell, Vice-President, Blue and White Bus Lines;
5. Sandy Miller, owner, Comfort Inn Victorian and Ramada Inn motels located along the Black Horse Pike;
6. Ed Davis, owner, Great Escape Tours;
7. Joseph P. Milza, owner, Renault Winery;
8. Herman Zatt, Chelsea Neighborhood Association in Atlantic City;
9. Michael Sweeney, Esquire, on behalf of Atlantic City Bus Operators Association;
10. Scott Silver, Esquire, on behalf of Academy Tours and Cape Transit Corporation;
11. Alva Fabietti, owner, Best Western Bayside resort in West Atlantic City;
12. John Donnelly, Esquire, on behalf of John King Bus Parking and Ruffu Ford;
13. Hosrof Bagraduni, owner of Hampton Inn, West Atlantic City, New Jersey;
14. Daniel Mercadante, Executive Vice-President, Leisure Line;
15. Michael J. Fitzgerald, Esquire, on behalf of South Jersey Gas Company.

COMMENT: Proposed N.J.A.C. 19:75-12.6 would cause an economic hardship to nongaming activity centers in Atlantic City which are already economically depressed, as well as to motorcoach carriers who utilize this industry and may experience an increase in charges passed on by the various activity centers. Any pass on of these charges to the end consumer could affect tourism in Atlantic City which must compete with other areas of the country where casino gaming is legalized. The cost to the Authority of operating the Bus Management Program is excessive and provides no incentive for the Authority to operate more efficiently. The allocation among the various participants is arbitrary and inequitable. (Commenters 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 15).

RESPONSE: As a result of the concerns expressed by the various industries by way of oral and written comments with respect to proposed N.J.A.C. 19:75-12.6, Bus Management Program, the Authority has deleted this section from the rules at this time. It is the Authority's position that this section of the proposed rules needs additional consideration, and that it is in the best interest of all concerned to defer action on this section to allow the Authority to have further discussions with the affected parties and industries.

COMMENT: A comment was received that proposed N.J.A.C. 19:75-12 is a fee-generating program for the Authority, and an objection was raised with regard to the Authority's raising the bus management fee to $2.00. (Commenters 9 and 13).

RESPONSE: Proposed N.J.A.C. 19:75-12.6 has been deleted. The Authority rejects this comment with regard to the remainder of subchapter 12 as a fee-generating program for the Authority. The application fees charged in this fee schedule are necessary to defray the costs associated with the Authority's approval process. The Authority rejects the comment with regard to the increase in the bus management fee from $1.00 to $2.00 as not timely nor relevant to this rulemaking proceeding. The Authority by Resolution and in accordance with its enabling Legislation increased the bus managemnt fee effective January, 1993 after two public hearings. There was no increase in the bus management fee by way of this rulemaking process.

COMMENT: Clarification was requested concerning some perceived ambiguities in the proposed rules regarding facilities exempted under the South Jersey Transportation Authority Act (the "Act") at N.J.S.A. 27:25A-22 and the New Jersey Administrative Code at N.J.A.C. 19:75-6.2(d). These sections were proposed N.J.A.C. 19:75-12.6, 5.1, 5.4, 6.1, and 7.1. (Commenters 10 and 14.)

RESPONSE: Proposed N.J.A.C. 19:75-12.6 is no longer relevant. However, facilities that are grandfathered under the Act would have been exempt under proposed N.J.A.C. 19:75-12.6. The language of proposed N.J.A.C. 19:75-5.1 has been amended to further clarify that these sections do not apply to exempt facilities; N.J.A.C. 19:75-6.1(a) already includes the clarification. N.J.A.C. 19:75-5.4 with regard to the dumping of waste has been deleted. The language of N.J.A.C. 19:75-7.1 has been amended to clarify that the bus management fee is not paid by a bus who enters Atlantic City to pick up passengers.

COMMENT: Clarification was requested with regard to how the rules would impact secondary bus movements of motorcoaches who utilize noncasino activity centers and move passengers to other activity centers throughout the Atlantic City area. (Commenters 1, 2 and 6.)

RESPONSE: Secondary bus movements in the proposed rules relate exclusively to deadhead bus movements where a bus is moving with no passengers at all from one location to another primarily associated with parking. Secondary bus movements do not refer to buses with groups of individuals going from one location to another. Restricting secondary bus movements will have no impact on the buses which service the nongaming activity centers and move passengers throughout Atlantic City.

COMMENT: Comments were received challenging the Authority's statutory authority for charging fees for the Bus Management Program. (Commenters 3, 9, 12 and 15.)

RESPONSE: The Authority rejects this comment with regard to its authority to charge such fees. The South Jersey Transportation Authority Act (N.J.S.A. 27:25A-1 et seq.) (the "Act") provides under the general powers section that the Authority has the power "... to fix and revise from time-to-time and charge and collect tolls, fares, passenger facility charges or other charges for transit over or use of any project of the Authority. ..." N.J.S.A. 27:25A-7(i). Under the Act, "project" is defined as "an Expressway project or transportation project and the cost associated therewith." "Transportation project" is defined under the Act to include "... any planning necessary to develop a comprehensive, efficient, convenient or economical transportation system in South Jersey. ..." N.J.S.A. 27:25A-3. Further, N.J.S.A. 27:25A-7(i) provides in part that "... any revenues collected shall be available to the Authority for use in furtherance of any of the purposes of the Act." The revenues to be collected by the Authority with regard to the Bus Management Program were to be used to defray the cost of the planning and operation of the Program. The Bus Management Program is a comprehensive program that will allow the Authority to develop the efficient transportation system contemplated by the Act.

COMMENT: Proposed N.J.A.C. 19:75-6.2(a)3 as amended requires a minimum of 75 parking spaces for approval of a parking lot. A comment was received that this requirement could cause a hardship for an existing parking lot with approximately 50 spaces, and could be viewed as a taking. (Commenters 12 and 15.)

RESPONSE: The Authority will withdraw this amendment and the requirement will remain at 50.

COMMENT: A comment was received regarding the necessity for filing an impact statement by approved parking lots under proposed N.J.A.C. 19:75-6.2, especially addressing the "need" for such lot. It was suggested that existing lots should be grandfathered under the proposed rules. (Commenters 12 and 15.)

RESPONSE: The Authority rejects this comment. With regard to the necessity of an impact statement, such a statement is to address current conditions in Atlantic City. Impact statements which were submitted several years ago are outdated in that since their submission, additional casinos have been constructed, several casinos have added parking garages, and there have been major changes in the roadways and various traffic networks which raise transportation issues. The requirement that "need" be addressed is a function of the Authority's enabling legislation at N.J.S.A. 27:25A-22(a)(5). With regard to facilities to be grandfathered,

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this issue was addressed by the Legislature and is contained in the enabling legislation at N.J.S.A. 27:25A-22(a), which language is mirrored in the proposed rules at N.J.A.C. 19:75-6.2(d).

COMMENT: A comment was received with regard to the Authority's bus assignment program that the proposed rules lack standards and details as to how the program will be designed and implemented, and that the bus assignment program could give the Authority an unfair competitive advantage with regard to bus parking and that such a program could potentially be abused.

RESPONSE: The Bus Assignment Program will utilize all approved bus parking facilities. The program is designed to minimize bus trafic. Corridors were not designed by the Authority, but merely correspond to the various geographic areas of Atlantic City, i.e., uptown, midtown/ Brighton Park, down beach, and marina area. After discharging passengers, buses will proceed to either of two Authority approved bus parking lots that are closest to that bus' final destination in that corridor. If these lots are full, the Authority will assign the bus to the next closest available facility. Buses servicing the midtown or Brighton Park casinos will have a choice of three lots.

COMMENT: A comment was received regarding proposed N.J.A.C. 19:75-11.1 regarding bus maintenance facilities, stating that the rule as written makes no distinction between maintenance and repair facilities owned and operated by a locally-based carrier to service either its own fleet or its own fleet and buses of other operators, and a facility which services the general public. A question was raised as to whether it was the Authority's intention to limit the approval requirement to those facilities who service the general public. (Commenter 10).

RESPONSE: Proposed N.J.A.C. 19:75-11.1 is clear that it applies to "[a]ny and all existing and proposed bus maintenance facilities not exempted under N.J.A.C. 19:75-6.2(d) . . . ." Therefore, unless the maintenance facility is grandfathered under the enabling legislation which language is contained in N.J.A.C. 19:75-6.2(d), the facility must submit an application for Authority approval to participate in the bus management and maintenance program.

COMMENT: A comment was received seeking clarification that it is not the intent of the Authority by way of proposed N.J.A.C. 19:75-6.1 to prevent a locally-based operator from storing its own buses between assignments, even if such storage is overnight, and that no payment would be required under proposed N.J.A.C. 19:75-12.2 for such overnight storage. (Commenter 10).

RESPONSE: This comment is correct. A locally-based operator which exclusively accommodates its own buses may store such buses overnight without the requirement of payment under proposed N.J.A.C. 19:75-12.2.

COMMENT: A comment was received that the economic impact statement as contained in the proposal failed to address the impact of N.J.A.C. 19:75-12.6, the bus assignment program or capital improvements that may be necessary for a facility to be approved by the Authority. (Commenter 15).

RESPONSE: The Authority addressed in its economic impact statement the overall potential economic impact of the rules as proposed on the regulated community. Such a statement cannot address the potential economic impact on each participating individual. The reference to N.J.A.C. 19:75-12.6 is no longer relevant since this section has been deleted. As buses will be assigned to the closest approved lot to their final destination, the impact on the parking lot owners will indeed be a "function of the casinos that the various bus companies serve." The Authority recognized in its economic impact statement that facilities may have to make capital improvements to meet the criteria of the proposed rules. However, it is for the individual facilities to consider the criteria and determine what, if any, improvements must be made.

COMMENT: A comment was received that the definition "impact statement" as contained in N.J.A.C. 19:75-1.1 contains undefined terms, such as "marketing assessment identification" and "timetable," that the term "traffic impact statement" as contained in N.J.A.C. 19:75-4.4(a)5 should be defined, and that the term "impact statement" as contained in N.J.A.C. 19:75-6.2(a)1 is inconsistent with N.J.A.C. 19:75-1.1. (Commenter 15).

RESPONSE: "Impact statement," as contained in N.J.A.C. 19:75-1.1, applies to applications for approval of bus parking lots, bus maintenance facilities and/or on-site capacity of activity centers. Item No. 2 of the impact statement requires the applicant to provide a description of the project including "marketing assessment identification" and "timetable." Marketing assessment identification is the facility's targeted market, that is, casinos, tour buses, in-State operators, out-of-State operators, etc. "Timetable" would only apply to new facilities which are not presently operating, and would require the facility to provide an estimate as to when the facility would be operational. Item No. 3 requires an environmental assessment and has been amended to require the applicant to address the potential impact the facility will have on the neighborhood and community in which the facility is located. N.J.A.C. 19:75-4.4(a) pertains to activity centers who wish to request additional on-site capacity for the loading and unloading of buses. N.J.A.C. 19:75-4.4(a)5 requires the applicant to include a "traffic impact statement." The applicant must address how the additional site capacity will impact traffic in the area. The term "impact statement" as contained in N.J.A.C. 19:75-6.2(a)1 is consistent with N.J.A.C. 19:75-1.1, as the factors listed are required in the "impact statement". This section contains the words "which includes, but is not limited to, the following factors". "Impact statement," by definition in N.J.A.C. 19:75-1.1, must be included with a bus parking lot, bus maintenance facility, or on-site capacity application for approval.

COMMENT: A comment was received that N.J.A.C. 19:75-2.1(a) indicates that bus routings may change or be altered at the "discretion of the Authority" with no reference to formal rulemaking. (Commenter 15).

RESPONSE: The Commenter is commenting on a previous draft of the rules. This issue has been addressed in the published proposal by providing that routing changes would be in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.) and the Rules for Agency Rulemaking (N.J.A.C. 1:30).

COMMENT: A comment was received regarding N.J.A.C. 19:75-3.2(a) as to who may act as the Authority's "designee" for purposes of dispatch. (Commenter 15).

RESPONSE: "Designee" in this section refers to the individual designated by the Executive Director of the Authority to perform this function.

COMMENT: A comment was received that no action with regard to the issuance of an emergency order in connection with N.J.A.C. 19:75-4.3(b)7 can be at the sole discretion of the Executive Director, but must be reasonable and in accordance with the standards enumerated in the rules. (Commenter 15).

RESPONSE: It is the role of the Authority to determine when an emergency situation exists and to issue the appropriate emergency order. Certainly all actions will be reasonable in accordance with the nature of the situation.

COMMENT: A comment was received that N.J.A.C. 19:75-4.4(c) fails to provide appropriate standards for the Authority to approve additional site capacity. (Commenter 15).

RESPONSE: The Authority rejects this comment. This section adequately provides the criteria to be considered by the Authority in approving additional site capacity.

COMMENT: A comment was received regarding N.J.A.C. 19:75-5.3 that bus parking lot owners and bus operators are to be "mutually responsible" for bus idling requirements. The commenter questioned how lot owners were to enforce this requirement, and whether or not fines would be imposed on such owners for violations. (Commenter 15).

RESPONSE: Restricting bus idling is essential to the health of the residents of Atlantic City, and is part of the Authority's Bus Management Program. N.J.A.C. 19:75-5.3, regarding bus idling, is in accordance with NJDEPE idling standards. One of the criteria for bus parking lot approval is that the lot participate in the Authority's Bus Management Program. Proposed N.J.A.C. 19:75-6.2(a)8. Bus parking lot operators should ensure that buses which are stopped on their lots are not violating these idling standards. If it is determined that bus idling requirements are not being complied with, a fine will be imposed in accordance with the rules.

COMMENT: A comment was received that N.J.A.C. 19:75-6.2(a)4 which prohibits auto parking at a bus parking lot site appears unreasonable. (Commenter 15).

RESPONSE: The Authority rejects this comment. This section of the rule was amended in that it has been determined that co-mingling of automobiles and buses in the same traffic area causes safety and circulation problems and impacts adversely on the Authority's transportation system.

COMMENT: A comment was received that the requirement for existing lots to submit an application for approval within 45 days of the adoption of the rules as contained in N.J.A.C. 19:75-6.2(a) is unreasonable. (Commenter 15).

RESPONSE: The Authority rejects this comment. Existing lots had previously been grandfathered for approximately five years under the legislation of the predecessor of the Authority, the Atlantic County

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Transportation Authority, to allow such lots to come into compliance. Therefore, the 45 day requirement for submittal of an application for approval upon adoption of the proposed rules is not unreasonable.

COMMENT: A comment was received that the quarter-mile requirement of N.J.A.C. 19:75-6.2(a)7 is inconsistent with the five mile driving distance requirement of N.J.A.C. 19:75-6.2(a)2 and is unncessary. (Commenter 15).

RESPONSE: The Authority agrees with this comment that the quarter-mile requirement is inconsistent with the five mile driving distance requirement and has deleted this Section from the proposed rules.

COMMENT: A comment was received with regard to N.J.A.C. 19:75-6.2(a)10 and 6.2(a)11 that the intent and purposes of the Authority and the Bus Management Program should be set forth in detail in the rules. (Commenter 15).

RESPONSE: The Authority rejects this comment. The entire chapter of the proposed rules comprises the Authority's Bus Management Program and reflects the intent and purposes of the Authority in providing a comprehensive transportation system.

COMMENT: A comment was received with regard to N.J.A.C. 19:75-6.2(b), questioning whether the Authority has a form to be completed by an applicant. (Commenter 15).

RESPONSE: The Authority has developed a form which contains all the application requirements, and will make this form available to all applicants. Additionally, Authority personnel will be available to answer questions and to assist applicants in any way that they can.

COMMENT: A comment was received questioning whether N.J.A.C. 19:75-6.2(f) had intentionally been omitted from the rules and if so, whether the codification of this section must be corrected. (Commenter 15).

RESPONSE: N.J.A.C. 19:75-6.2(f) was omitted due to editing of this section. The Authority will correct the codification of this section.

COMMENT: A comment was received that N.J.A.C. 19:75-6.2(g) which provided for revocation of an approval in the event a violation is not corrected within 15 days is unreasonable, and that the phrase "in addition to any other violation" appears to be a typographical error and is meant to refer to "any other penalty." (Commenter 15).

RESPONSE: The Authority rejects this comment with regard to the 15 day cure period as being unreasonable. This regulation which has been in effect for the past 10 years, has been effective, and has never been challenged as "unreasonable." This section will be amended to change the word "violation" to "penalty."

COMMENT: A comment was received that N.J.A.C. 19:75-6.2(i), although substantively not amended in the proposal, should be reconsidered by the Authority to recognize in the approval process the requirements which were previously the subject of an approved variance, and to clarify that the approval does not expire if the application has been timely submitted and remains under review by the Authority. (Commenter 15).

RESPONSE: The Authority rejects this comment in that a variance issued by the Authority is not indeterminant. If an application has been timely submitted, but remains under review by the Authority, an approval does not expire. The Authority feels that further clarification of the rule is unnecessary.

COMMENT: A comment was received regarding N.J.A.C. 19:75-7.4(c) as to whether the term "fails to comply with this section" applies to subsection (a) or (b), and that the revocation of an approval is an unreasonably harsh penalty requiring a standard as to when revocation would be considered an appropriate penalty. (Commenter 15).

RESPONSE: As the reference is to "this section" and not "subsection," it applies to the entire section N.J.A.C. 19:75-7.4. The rules provide under what circumstances the Authority would consider revocation of an approval as a penalty. The rules further provide that prior to the revocation of an approval for any violation, there will be an opportunity for a hearing pursuant to the Administrative Procedures Act and the Uniform Administrative Procedure Rules.

COMMENT: A comment was received with regard to N.J.A.C. 19:75-9.2(e) that allowing an appeal of a denial of a minor variance should not be deleted, and that an appeal to the Executive Director would be appropriate, or if time allowed, to the Board itself. (Commenter 15).

RESPONSE: The authority agrees with this comment, and has reinstated the language of N.J.A.C. 19:75-9.2(e) to allow an appeal to the Board in the event of a denial of a minor variance application.

COMMENT: A comment was received with regard to N.J.A.C. 19:75-9.4(a)1 that it is inappropriate to not consider an application as being "duly filed" unless declared complete by the Authority, since the rules fail to provide clear application requirements, and that such a requirement is unreasonable in view of N.J.A.C. 19:75-6.2(a)'s requirement that existing bus parking lots must submit an application within 45 days after adoption of the rules. (Commenter 15).

RESPONSE: The Authority rejects this comment. The rules are clear as to the application requirements, and the Authority will provide a form to all applicants in order to assist them in providing this information. This section is neither unreasonable, nor inconsistent with N.J.A.C. 19:75-6.2(a), that existing bus parking lots must "submit" an application within the 45 day requirement.

COMMENT: A comment was received regarding N.J.A.C. 19:75-12.3, 12.4(b), 12.4(c) and 12.5(b) that any payment to the Authority for expenses incurred for review of any application should be based upon appropriate documentation, and that the rules should contain guidelines to protect applicants from arbitrary demands.

RESPONSE: The Authority will provide each applicant with an invoice setting forth any expenses incurred for review of the application by professionals. The invoice will contain such professional's hourly rate, the amount of time expended, and the expense incurred. The Authority will make every effort to keep these costs to a minimum. Any costs associated for review by the Authority's own staff will be based upon a formula taking into consideration the time spent on such review, the employee's base salary and the appropriate multiplier, and will also be provided to the applicant. Any vouchers or other supporting documentation will be available to the applicant upon request.

Summary of Agency-Initiated Changes:

The following technical changes have been made to correct printing errors:

1. In proposed N.J.A.C. 19:75-2.3(b)1, (c)1, and (d)1, end parenthesis have been added after "(Baltic Avenue."

2. In proposed N.J.A.C. 19:75-2.3(o)2ii, the comma after "Jr." has been deleted.

3. In proposed N.J.A.C. 19:75-2.3(o)3Bii, the word "Jr." has been added to "Dr. Martin Luther King."

Summary of changes made in Response to Comments:

The following changes have been made in response to comments:

1. N.J.A.C. 19:75-12.6 has been deleted and proposed N.J.A.C. 19:75-12.7 recodified.

2. The minimum number of parking spaces required for Authority approval in N.J.A.C. 19:75-6.2(a)3 will remain at 50.

3. Reference to N.J.A.C. 19:75-6.2(d) regarding exempted facilities has been added to N.J.A.C. 19:75-5.1.

4. The language of N.J.A.C. 19:75-7.1 has been amended to clarify that the bus management fee is not paid when a bus enters Atlantic City to pick up passengers.

5. N.J.A.C. 19:75-5.4 regarding dumping of waste has been deleted.

6. N.J.A.C. 19:75-6.2(a)7 has been deleted and this section has been recodified.

7. A substantive change is being made to N.J.A.C. 19:75-6.2(d). This section should read in part "... shall not apply to a privately owned parking, repair and maintenance facility in existence at a location in Atlantic [City] **County** ... "

8. N.J.A.C. 19:75-6.2(f) through (i) have been recodified.

9. A technical change has been made to proposed N.J.A.C. 19:75-6.2(g) changing the words "in addition to any other violation" to "in addition to any other penalty".

10. The language of N.J.A.C. 19:75-9.2(e) regarding an appeal of a minor variance application which was deleted in the proposal will be reinstated.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 19:75. **Full text** of the adopted amendments and new rules follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. GENERAL PROVISIONS

19:75-1.1 Definitions

The following terms shall have the following meanings, unless the context clearly indicates otherwise:

...

"Authority" means the South Jersey Transportation Authority.

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"Bus" means any motor vehicle or motorbus operated over public highways or public places in this State, for the transportation of passengers for hire in intrastate business, as defined in N.J.S.A. 48:4-1, whether used in regular route, casino, charter or special bus operations, notwithstanding that such motor vehicle or motorbus may also be used in interstate commerce.

"Bus assignment" means a comprehensive plan for bus parking to provide for the orderly management of bus traffic throughout Atlantic County, and designed to minimize the impact of bus traffic on residential neighborhoods, improve air quality and have a positive impact on traffic flow within the City of Atlantic City.

"Bus management program" means a comprehensive program and/or plan developed by the Authority to regulate all casino related bus activities in Atlantic County, including, but not limited to, bus intercept, bus parking, bus maintenance, bus assignment, site capacities, traffic management, computerized/electronic permit validation, and maintenance of daily manifest.

"Bus parking lot" means a facility authorized by the Authority on which buses subject to these regulations remain stationary during the period between discharge and loading of passengers at an activity center.

"Certificate of site capacity" means a certificate effective for a period of one year, issued to each activity center, setting its on-site bus capacity and designating all day bus and overnight bus discharging and loading areas.

"Combination bus" means a bus subject to this chapter and destined for one or more activity centers within the City of Atlantic City.

"Completed application" means an application for bus parking lot discharge/loading, major/minor variances, site capacity, and bus maintenance facility approval containing all information required by N.J.A.C. 19:75-4.2(c), 6.2(b), 9.2(a), 9.3(a) or 11.1(a).

"Impact statement" means a statement included with a bus parking lot and/or bus maintenance facility approval or on-site capacity application which includes such facts and analysis necessary to evaluate the benefits and adverse effects of the proposed facility. The statement shall include the following major sections:

1. (No change.)

2. Project description: a detailed operational plan of what the applicant proposes to do with the lot, where and how, marketing assessment identification, type of service(s) to be provided, and timetable.

3. Environmental assessment: an assessment of the probable beneficial and adverse impacts of the facility. On site as well as off site impact of the facility shall be assessed. Impact shall be quantified wherever possible and shall address geology, soils, hydrology, traffic conditions, public safety, noise, air quality, neighborhood and community impact.

4. Impact on existing and authorized facilities: an assessment of the probable beneficial and adverse impact of the facility on existing and authorized facilities, including divergence of traffic from existing facilities and economic impact.

5. Need: a statement indicating the precise inherent benefits to the bus management program, including increased traffic management efficiency, proximity to other approved Authority facilities, expected impact on existing approved Authority facilities, and other factors deemed necessary to improve air quality and mitigate traffic.

"Intercept" means the procedure of either holding or staging buses at Authority approved locations/facilities for the purpose of regulating the flow of bus traffic to activity centers.

"Load or unload location" means certain locations for the loading or unloading of passengers as designated by the Authority, in accordance with the provisions of this chapter.

"Maintenance facility" means a facility authorized in accordance with this chapter by the Authority to maintain buses and high occupancy vehicles used to transport passengers to and from activity centers.

"Manifest" means a record of daily bus arrivals by an activity center which includes, at a minimum, bus company names, bus numbers, arrival and departure times, origins, destinations, the Authority permit number, combinations, number of passengers, and trip type.

"Motorbus charter service" means subscriptions, tour and other special motorbus services.

"Motorbus regular route service" means the operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers, for hire or otherwise, within South Jersey or between points within South Jersey and points without South Jersey.

"Para-transit service" means any service, other than motorbus regular route service and motorbus charter service, including, but not limited to, dial-a-ride, non-regular route, jitney or community minibus, and shared-ride services such as vanpools, limousines, or taxi-cabs which are regularly available to the public. Para-transit services shall not include limousine or taxi-cab service reserved for the private and exclusive use of individual passengers.

. . .

"South Jersey Transportation Authority Service Area" means the area encompassing the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem.

"Transportation project" means the acquisition, construction and maintenance of an airport, public transportation facility or other transportation facility, established by N.J.S.A. 27:25A-1 et seq. or which may be hereafter established by law and may include related facilities and activities which may consist of public transportation services, public transportation facilities, including, but not limited to, rail and bus stations and terminals, noise abatement projects, parking facilities, public highways and feeder roads related to or connected with the project, and any economic development facilities as defined in this section. Transportation project includes any planning necessary to develop a comprehensive, efficient, convenient or economical transportation system in South Jersey, any planning or marketing necessary or desirable for the execution of any transportation project, and any planning, acquisition, construction, or operation of economic development facilities related to, connected with or in the vicinity of the project.

"Variance" means permission to depart from the literal requirements of any provision of this chapter.

19:75-1.2 Bus itinerary

(a) The owners or operators of all casino or activity center oriented regular route motorbuses, or casino or activity center oriented charter motorbuses preparing to enter or operating in Atlantic County, unless specifically exempted elsewhere in this Chapter, shall be required within seven days of the date of written demand by the Authority, to file with the Authority a notice indicating proposed routes of travel and destinations within the county. All such proposed routes and destinations shall be in conformance with the Authority's bus management program.

(b) The owners or operators of all casino or activity center oriented combination buses shall file the notice provided in (a) above prior to the operation of any combination buses in Atlantic County. Combination buses shall proceed in one direction only, either east to west or west to east, and shall travel on the most direct authorized route, from initial passenger discharge to final passenger discharge following entry into Atlantic City. Combination buses shall proceed in the same manner when picking up passengers just prior to exiting Atlantic City.

19:75-1.3 Exempt buses

The provisions of this chapter shall apply to all motor bus charter services, motorbus special services, and motorbus regular route services in Atlantic County except those services operated under "The New Jersey Public Transportation Act of 1979," including, but not limited to, New Jersey Transit buses which operate solely from municipal bus termini approved by the Authority, services specifically exempted herefrom by the New Jersey Department of Transportation, and other special services where the primary destination includes, but is not limited to a school, recreation center, community center, or church with the exception of destinations to a casino or authorized activity center.

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SUBCHAPTER 2. ROUTES OF TRAVEL

19:75-2.1 Routes of travel; generally

(a) All buses subject to the provisions of this chapter, while operating in Atlantic County, shall travel only on routes as defined by the Authority. Routings may change or be altered at the discretion of the Authority, in accordance with the provisions of the Administrative Practice Act, N.J.S.A. 52:14B-1 et seq., and the Rules for Agency Rulemaking, N.J.A.C. 1:30.

(b) Except for the City of Atlantic City, bus routes in Atlantic County are U.S. Route 30, U.S. Route 40/322 and the Atlantic City Expressway. All other routes are considered to be feeder routes to these major access roadways. The major access roadway is designed to enable the bus to enter the city where its destination is located.

1.-3. (No change.)

i.-vii. (No change.)

19:75-2.2 Atlantic County and Atlantic City access routes

All buses entering or exiting Atlantic County and Atlantic City shall do so on routes as prescribed by the Authority in accordance with N.J.A.C. 19:75-2.3.

19:75-2.3 Routes of travel to and from Casino hotels, Atlantic City Convention Hall or Center, Atlantic City International Airport, Atlantic City Rail Terminal, and other major traffic generators

(a) Routes to and from Bally's Grand:

1. Arrival: Via the Atlantic City Expressway to Exit 2 onto Albany Avenue (Route 40E) via Albany Avenue to Pacific Avenue, left to Providence Avenue, left and right into Bally's Grand Transportation Center.

2. Departure: Exit the Transportation Center, left onto Boston Avenue to Captain O'Donnell Parkway/Atlantic Avenue, right or left to approved bus parking, or left to Albany Avenue (Route 40W), right to Atlantic City Expressway West (Exit 2).

(b) Routes to and from Bally's Park Place:

1. Arrival: Via the Atlantic City Expressway, left into Missouri Intercept Lot, right out of lot (Baltic Avenue*)* to Missouri Avenue, left to Atlantic Avenue, left to Ohio Avenue, right to Pop Lloyd Boulevard, left to Park Place, right up to Bally's Park Place bus area.

2. Departure: Via Park Place, go around Brighton Park to Indiana Avenue to Atlantic Avenue, right or left to aprpoved bus parking, or left to Arkansas Avenue, right to Atlantic City Expressway W.

(c) Routes to and from Caesar's:

1. Arrival: Via the Atlantic City Expressway, left into Missouri Intercept Lot, right out of lot (Baltic Avenue*)* to Missouri Avenue, left to Caesar's Transportation Center, left into the Center.

2. Departure: Left onto Arkansas Avenue to Atlantic Avenue, right or left to approved bus parking, or straight to the Atlantic City Expressway W.

(d) Routes to and from Claridge:

1. Arrival: Via the Atlantic City Expressway, left into the Missouri Intercept Lot, right out of lot (Baltic Avenue*)* to Missouri Avenue, left to Atlantic Avenue, left to Ohio Avenue, right to Claridge Transportation Center, left into Center.

2. Departure: Right onto Park Place to Pop Lloyd Boulevard, right turn to Michgan Avenue, right on Michigan Avenue to Atlantic Avenue, right or left on Atlantic Avenue to Authority approved bus parking lot, or left on Atlantic Avenue to Arkansas Avenue, right to the Atlantic City Expressway W.

(e) Routes to and from Harrah's:

1. Arrival: Via Route 30/Absecon Boulevard to Dr. Martin Luther King Boulevard Exit, then left onto Huron Avenue, left to Brigantine Boulevard, left and follow signs under Brigantine Bridge to Harrah's Transportation Center.

2. Departure: Via Brigantine Boulevard to Route 30, right or left on approved routes to approved bus parking or Brigantine Boulevard, right to Huron Avenue, right to Absecon Boulevard/ Route 30, right.

(f) Route to and from Merv Griffin's Resorts:

1. Arrival: Via the Atlantic City Expressway, left to Missouri Intercept Lot, right out of lot (Baltic Avenue) to Missouri Avenue, left to Atlantic Avenue, left to Pennsylvania Avenue, right on Pennsylvania Avenue to Merv Griffin's Resorts.

2. Departure: Via Pennsylvania Avenue down into tunnel, exit through tunnel onto Maryland Avenue to Route 30 W; or exit through tunnel onto Maryland Avenue to Atlantic Avenue, left to Authority approved bus parking or exiting the city via the Atlantic City Expressway.

(g) Routes to and from Sands:

1. Arrival: Via the Atlantic City Expressway, left to Missouri Intercept Lot, right out of lot (Baltic Avenue) to Missouri Avenue, left to Atlantic Avenue, left to Dr. Martin Luther King Boulevard, right to Pop Lloyd Boulevard, right to the Sands bus area.

2. Departure: Via Pop Lloyd Boulevard, right on Indiana Avenue to Atlantic Avenue, right or left to Authority approved bus parking or left to Arkansas Avenue, right to the Atlantic City Expressway W.

(h) Routes to and from Showboat:

1. Arrival: Via Route 30/Absecon Boulevard to North Carolina Avenue, right to Atlantic Avenue, left on Atlantic Avenue, right on Maryland Avenue, left on Pacific Avenue, right into Showboat Transportation Center.

2. Departure: Via Delaware Avenue to Route 30 W. or to Atlantic Avenue, left to Authority approved bus parking.

(i) Routes to and from Tropworld:

1. Arrival: Via the Atlantic City Expressway, to Atlantic Avenue, right to Brighton Avenue, left to the Tropworld Transporation Center, right into the Center.

2. Departure: Right onto Morris Avenue to Atlantic Avenue, right or left to Authority approved bus parking, or left on Atlantic Avenue onto Captain O'Donnell Parkway to Albany Avenue, right to the Atlantic City Expressway W.

(j) Routes to and from Trump Castle:

1. Arrival: Via Route 30/Absecon Boulevard, to Dr. Martin Luther King Boulevard Exit, then left to Huron Avenue, to Trump Castle Transportation Center. First left after Brigantine Boulevard to entrance of Transportation Center.

2. Departure: Via Huron Avenue, exit right to Route 30/Absecon Boulevard, or exit right to Brigantine Boulevard left to Route 30/ Absecon Boulevard to approved bus parking, following approved routes as indicated in this chapter.

(k) Routes to and from Trump Plaza:

1. Arrival: Via the Atlantic City Expressway, left into Missouri Avenue Intercept Lot, right out of lot (Baltic Avenue) to Missouri Avenue, left to Trump Plaza Transportation Center, right into Center.

2. Departure: Right onto Mississippi Avenue to Atlantic Avenue, right or left to Authority approved bus parking, or right to Arkansas Avenue, left to the Atlantic City Expressway W.

(l) Routes to and from Taj Mahal:

1. Arrival: Via Route 30/Absecon Boulevard, right on Pennsylvania Avenue into tunnel and exit tunnel onto Maryland Avenue, right into Taj Mahal Transportation Center.

2. Departure: Via Maryland Avenue to Route 30/Absecon Boulevard or Atlantic Avenue, right or left to approved bus parking.

3. Alternate Route;

i. Arrival: Via the Atlantic City Expressway to Atlantic Avenue, left to Pennsylvania Avenue, right into tunnel, exit tunnel onto Maryland Avenue, right into Taj Mahal Transportation Center.

ii. Departure: Via Maryland Avenue to Route 30/Absecon Boulevard, or (off hours) Maryland Avenue to Atlantic Avenue, left to Arkansas Avenue, right onto the Atlantic City Expressway W.

(m) Routes to and from Atlantic City Convention Hall:

1. Arrival: Via the Atlantic City Expressway left into Missouri Avenue Intercept Lot, right out of lot (Baltic Avenue) to Missouri Avenue, left to Pacific Avenue, right to Mississippi Avenue, left into tunnel, staying right to loading area.

2. Departure: Exit tunnel (Georgia Avenue) onto Pacific Avenue, right to Arkansas Avenue, left to the Atlantic City Expressway, or to Atlantic Avenue, right or left to Authority approved bus parking.

(n) Routes to and from Atlantic City International Airport:

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1. Arrival: Atlantic City Expressway Eastbound to Exit 9, left turn on Delilah Road (Route 646) to Airport Circle to Airport terminal building.

2. Departure: Airport terminal building to Airport Circle, right to Delilah Road (Route 646) to Atlantic City Expressway Interchange 9, West to Camden/Philadelphia or East to Garden State Parkway and Atlantic City.

(o) Routes to and from Atlantic City Rail Terminal/New Convention Center:

1. Taj Mahal/Showboat Resorts:

i. Arrival: Exit Showboat via Delaware Avenue to Atlantic Avenue. Make a left onto Atlantic Avenue to Michigan Avenue, right on Michigan Avenue to Kirkman Boulevard. Make a left on Kirkman Boulevard to Rail Terminal.

ii. Departure: Kirkman Boulevard to Michigan Avenue, right on Michigan Avenue to Atlantic Avenue, left on Atlantic Avenue to Pennsylvania Avenue, right on Pennsylvania Avenue to approved load/unload area at Resorts International. After unloading at Resorts proceed through tunnel to Taj Mahal Transportation Center position, proceed to Maryland Avenue, right on Pacific Avenue to entrance of Showboat to load/unload area.

2. Harrah's Marina/Trump Castle:

i. Arrival: Exit Trump Castle to Brigantine Blvd., right on Brigantine Blvd., proceed under the Brigantine Bridge to Harrah's exit to load/unload area. Exit Harrah's Marina to Brigantine Blvd. to Huron Avenue, right on Huron Avenue to Dr. Martin Luther King, Jr., Blvd., bear left onto Dr. Martin Luther King, Jr., Blvd. to Atlantic Avenue, right on Atlantic Avenue to Michigan Avenue, right on Michigan Avenue to Kirkman Blvd., left at Kirkman Blvd., to Rail Terminal.

ii. Departure: Kirkman Boulevard to Michigan Avenue, right to Atlantic Avenue, left on Dr. Martin Luther King, Jr.*[,]* Boulevard to Huron Avenue, bear right on Huron Avenue to Brigantine Blvd. Cross over Brigantine Blvd. to load/unload area at Trump Castle. Exit Trump Castle to Brigantine Blvd., go under Brigantine Bridge to Harrah's bus load/unload area.

3A. Brighton Park Casinos—Bally's Park Place and Claridge:

i. Arrival: Park Place around Park to Indiana Avenue, left on Indiana Avenue to Atlantic Avenue, make a left on Atlantic Avenue to Michigan Avenue, right on Michigan Avenue to Kirkman Blvd., left on Kirkman Blvd. to Rail Terminal.

ii. Departure: Kirkman Blvd. to Ohio Avenue, right on Ohio Avenue to approved load/unload area.

3B. Sands:

i. Arrival: Right on Indiana Avenue to Atlantic Avenue, left to Michigan Avenue, right to Kirkman Blvd. to Rail Terminal.

ii. Departure: Kirkman Blvd. to Michigan Avenue, right on Michigan Avenue to Atlantic Avenue, left on Atlantic Avenue to Dr. Martin Luther King***, Jr.*** Blvd., right to Pop Lloyd Blvd., right to approved load/unload area.

4. Caesars, Trump Plaza:

i. Arrival: Exit Transportation Center and return to Atlantic Avenue. Make a right on Atlantic Avenue to Michigan Avenue. Left on Michigan Avenue to Kirkman Blvd. Make a left onto Kirkman Blvd. to Rail Terminal.

ii. Departure: Kirkman Blvd. to Michigan Avenue, right on Michigan Avenue to Atlantic Avenue, right on Atlantic Avenue to Missouri Avenue, left on Missouri Avenue to Trump Plaza or Caesars bus center. Exit bus center.

5. Tropworld/Bally's Grand:

i. Arrival: Exit Transportation Center and return to Atlantic Avenue, right on Atlantic Avenue to Michigan Avenue, left on Michigan Avenue to Kirkman Blvd., left onto Kirkman Blvd., to Rail Terminal.

ii. Departure: Kirkman Blvd. to Michigan Avenue, right on Michigan Avenue to Atlantic Avenue, right on Atlantic Avenue to Brighton Avenue, left on Brighton Avenue, TropWorld Transportation Center or left on Providence Avenue to Bally's Grand Transportation Center.

SUBCHAPTER 3. BUS INTERCEPT

19:75-3.1 Conditions requiring intercept

Buses traveling to Authority approved activity centers are subject to intercept.

19:75-3.2 Intercept procedure; location approval; waiver

(a) Buses subject to intercept at Authority approved locations and so notified by the activity center and/or the Authority, shall proceed to the approved intercept facility designated by the activity center and/or the Authority, and shall be dispatched as and when on-site capacity permits, or as otherwise directed by the Authority or its designee.

(b) Any activity center authorized to intercept and dispatch must submit an intercept and dispatch plan to the Authority for review and approval prior to authorization. In evaluating plans submitted for Authority approval, the Authority shall consider site capacity, peak hour bus volumes, over-all impact on traffic, safety, staffing levels, corridor location and the various functions performed at the intercept facility.

(c) Any activity center that does not require the physical interception of buses at an Authority operated facility shall request an exemption/waiver from the Authority in writing. If such a request is made, an intercept plan shall be submitted for Authority review and approval prior to utilization. In evaluating the intercept plan and determining whether to issue an exemption/waiver, the Authority shall consider site capacity, peak hour bus volumes, over-all impact on traffic, safety, staffing levels, corridor location and the various functions performed at the intercept facility.

(d) Upon 30 days written notice from the Authority, all activity centers providing gratuities, incentives or premiums, to bus passengers shall submit a plan to the Authority for review and approval setting forth the procedure to be utilized by the activity center at the intercept facility to carry out these activities, to ensure that the activities do not adversely affect traffic flow at either the intercept facility or the activity center.

SUBCHAPTER 4. DISCHARGE AND LOADING OF PASSENGERS

19:75-4.2 On-site capacity; designated discharging and loading area; certificate of on-site capacity; requirements of application

(a) The Authority shall, on its own initiative or upon submission of an application by an activity center or proposed activity center, designate the number of buses which may be present at any given time at each activity center, which number shall constitute the "on-site bus capacity" for the activities center. The Authority shall also designate the specific area or areas on-site where buses may discharge and load passengers at the activity centers. Where appropriate or necessary, on-site capacity and designated areas shall be allocated by the Authority between buses carrying:

1.-2. (No change.)

(b) The Authority shall issue to each activity center a certificate setting forth its on-site bus capacity and designating all day bus and overnight bus discharging and loading areas, a copy of which shall be filed with the police department of the municipality in which such activity center is located. Certificates shall be effective for a period of one year with periodic reviews and annual updates unless earlier modified by the Authority pursuant to N.J.A.C. 19:75-4.3.

(c) Any activity center which submits an application in accordance with (a) above shall include in the application a statement of physical capabilities, the type of service provided, and a traffic mitigation plan. Such activity center shall also participate in the Authority's Bus Management Program, in accordance with the provisions of this chapter.

(d) Site capacity shall not be transferrable. A certificate of site capacity reverts back to the Authority upon change of ownership of the property or facility.

(e) A violation of this subchapter shall subject the affected activity center to penalties as provided for in N.J.A.C. 19:75-8.1.

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19:75-4.3 Modification of authorized on-site capacity or discharge and loading areas; emergency procedures

(a) The Authority shall regularly monitor all bus operations at activity centers. When, in the opinion of the Authority, traffic conditions in the City of Atlantic City and Atlantic County require, the Authority shall notify any activity center of its intention to reduce or otherwise modify the on-site bus capacity of such activity center or alter its discharging and loading areas.

1.-5. (No change.)

6. Failure to make timely written request for such hearing shall result in the proposed action taking effect on the date set forth in the notice of intention to reduce or modify, and the Authority shall issue a new certificate setting forth the specific reductions and/or modifications pursuant to N.J.A.C. 19:75-4.2(b).

(b) When, in the opinion of the Executive Director of the Authority or his or her designee, extraordinary traffic volumes or other circumstances create an imminent peril to the health, safety and welfare of the residents of the City of Atlantic City and Atlantic County, which peril may be reduced or avoided by the limitation of on-site bus operations at the activity centers, the Executive Director of the Authority or his or her designee may issue an emergency order reducing on-site capacity, and/or modifying discharging and loading areas for any or all of the activity centers.

1. Such emergency order shall be in writing, setting forth the specific reasons for such orders and shall become effective immediately upon service of the emergency order upon the affected activity center or centers, and the police department of the municipality in which the affected activity center is located.

2. Such emergency order shall continue in effect until the imminent peril to health, safety and welfare has ceased, or for a period of seven days, whichever is shorter, unless extended by the Executive Director or his or her designee of the Authority at a duly scheduled hearing.

3. Written notice of such hearing shall be served upon the affected activity center and the police departments of the municipalities in which the affected activity centers are located.

4.-5. (No change.)

6. Such emergency orders shall be in accordance with the Authority's Emergency Management Plan as set forth in N.J.A.C. 19:75-10.1.

7. Any emergency orders issued in accordance with (b) above shall be at the sole discretion of the Executive Director or his or her designee of the Authority.

19:75-4.4 Additional site approval; requests by activity centers to increase or modify on-site bus capacity or discharging or loading areas

(a) Additional sites may be approved at activity centers with on-site bus capacity and designated discharging and loading areas by the Authority upon written application, containing, without limitation, the following:

1.-4. (No change.)

5. A traffic impact statement including impact on other activity centers, need, and physical capabilities.

6. (No change.)

(b) All applications shall be submitted with an original and eight copies. One additional copy of the application shall be served upon the police department of the municipality in which the proposed site is located and proof of such service by way of affidavit or certified mail, return receipt shall be filed with the Authority. Upon filing with the Authority, the application shall be acted upon in the manner and under the procedure set forth in N.J.A.C. 19:75-9.4, and thereafter the Authority shall issue a certificate, pursuant to N.J.A.C. 19:75-4.2(b).

(c)-(d) (No change.)

(e) No discharging/loading site located in a traffic or curb lane, or similar area where the site impedes traffic flow, shall be utilized without prior Authority approval of a plan to mitigate the effect on traffic flow. Mitigation plans shall be submitted to the Authority in accordance with the requirement of (a) through (d) above.

SUBCHAPTER 5. BUS OPERATIONS

19:75-5.1 Procedure following discharge of passengers

Upon discharge of all passengers, buses shall forthwith proceed to an authorized bus parking facility in accordance with the Authority's bus assignment program and all traffic regulations, unless otherwise exempted ***in accordance with N.J.A.C. 19:75-6.2(d)***. Buses shall not be operated solely for the convenience of the driver between discharge and loading of passengers. Buses picking up passengers shall not arrive more than 15 minutes prior to scheduled departure.

19:75-5.3 Engine idling requirements

No buses shall be stopped with their engine running except as is specifically permitted by the New Jersey Department of Environmental Protection Idle Standard set forth in N.J.A.C. 7:27-14.3. Bus parking lot owners and bus operators will be mutually responsible for compliance with this regulation.

*[19:75-5.4 Dumping of Waste

Buses shall dump waste only at locations and into receptacles designated by the Authority.]*

SUBCHAPTER 6. PARKING

19:75-6.1 Approved parking lots

(a) All buses subject to the provisions of this chapter shall park in lots approved by the Authority unless otherwise exempted, in accordance with N.J.A.C. 19:75-6.2(d) *[below]*.

(b) A list of approved bus parking lots is available from the Authority upon request.

19:75-6.2 Bus parking lot approvals

(a) All bus parking lots shall submit an application for approval to operate to the Authority, in addition to any and all other required municipal, county, state or Federal approvals. This application shall be submitted *[within 45 days after adoption of this subsection]* ***by March 24, 1994***. Failure to do so shall result in rescission of approval to operate a bus parking facility. Authority approval shall be granted only if the proposed lot:

1. Has filed an impact statement acceptable to the Authority, which includes, but is not limited to the following factors: air quality, need, traffic circulation and neighborhood impact analysis.

2. Is within a driving distance of five miles of that portion of Atlantic Avenue between Maine and Albany Avenues within the corporate limits of Atlantic City;

3. Has a minimum of *[75]* ***50*** bus parking spaces, with each space having a minimum dimension of 45 feet by 12 feet;

4. Permits only bus parking at this site;

5. Has lighting and is attended during all hours of operation;

6. Contains signs conforming to the standards of the municipality in which the lot is located.

[7. Is located within a quarter mile along the major traffic corridors of Rt. 30, Rt. 40, and Atlantic City Expressway;]

*[8.]***7.*** Participates in the Authority's Bus Management Program;

*[9.]***8.*** Possesses two-way radio or telephone equipment sufficient to participate in bus intercept and dispatch activity;

*[10.]***9.*** Does not materially impair the intent and purpose of these regulations;

*[11.]***10.*** Demonstrates that it complements the Authority's bus management program, and does not adversely affect any portion of the program as contained in this chapter.

(b) Applicants for Authority approval of any bus parking lot shall submit an original and eight copies of the application to the Authority, including any maps, plans or drawings required by the Authority containing, and without limitation, the following:

1.-5. (No change.)

6. Impact statement as defined in N.J.A.C. 19:75-1.1.

(c) (No change.)

(d) The requirement of Authority approval shall not apply to a privately owned parking, repair and maintenance facility in existence at a location in Atlantic *[City]* ***County*** as of February 1, 1983, which exclusively accommodates motor buses owned by the owner

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of a parking facility and does not rent or lease the facility or its use to any other motorbus provided there is no increase in the capacity of the facility after August 9, 1991, except that any such facility located within the City limits of Atlantic City may provide repair and maintenance service to its motorbuses and other motorbuses and attendant storage and may expand its facility to an adjoining property, subject to municipal planning and zoning ordinances. The requirements for Authority approval shall also not apply to a privately owned parking, repair or maintenance facility located outside the City limits of Atlantic City in existence on February 1, 1983, and in continuous operation thereafter, which exclusively accommodates motorbuses, tractors, trailers and limousines owned directly or through a corporation by an owner or a contract purchaser of the facility, provided there is no increase in the land area of the entire facility after February 1, 1983, the number of buses parked at any one time does not exceed 85, and on or after January 1, 1992 this exemption shall not transfer with title to the facility.

(e) All approvals shall be conditioned upon compliance with the following:

1.-3. (No change.)

4. Submission of monthly reports on forms supplied by the Authority setting forth arrival/departure times, the bus operator's name, bus number, point of origin, number of passengers and whether or not it is a combination bus.

*[(g)]***(f)*** The Authority retains the right to enter upon and inspect all approved bus parking lots during hours of operation for the purpose of verifying compliance with the provisions of this chapter. In the event that the owner and/or operator of any bus parking lot shall fail to comply with any provision of this subchapter, the Authority shall notify such owner/operator of the specific violation thereof. The Authority, in addition to any other *[violation]* ***penalty*** provided for herein, shall revoke approval of such bus parking lot unless the enumerated violations have been corrected within 15 days of notification to the owner/operator.

*[(h)]***(g)*** All approvals granted by the Authority pursuant to this subsection shall be for a period of one year. Any renewal or extension of any approval shall only be granted pursuant to the provisions of *[(i)]* ***(h)*** below. Such approval may be earlier terminated by the Authority in the event that:

1. (No change.)

2. The approval by the Authority is withdrawn pursuant to *[(g)]* ***(f)*** above.

*[(i)]***(h)*** Renewals: 120 days prior to the expiration of the approval period provided for in this section, the owner of a bus parking lot shall file with the Authority a written request for a one year renewal of the approval. Such written request shall contain certification by the owner that the bus parking lot complies with all the terms and conditions set forth in this subchapter governing the granting of bus parking lot approval, including any amendments to this subchapter taking effect prior to the expiration of the term of the original approval. The request for renewal shall be processed by the Authority pursuant to the provisions of N.J.A.C. 19:75-9.4. Failure to apply for renewal of a bus parking lot approval within the time period for herein shall result in the expiration of such approval at the end of one year from the date of issuance. The owner whose bus parking lot approval has expired may file a new application for approval pursuant to the provisions of (a) through *[(h)]* ***(g)*** above at any time.

SUBCHAPTER 7. BUS MANAGEMENT FEE

19:75-7.1 Mandatory payment of fees; proof of payment

(a) The owner/operators of any bus subject to the provisions of this chapter shall:

1. Pay a bus management fee to the Authority in the amount of $2.00 for each bus which it owns or operates and which enters a municipality within the district in which casino gambling is authorized. This fee shall be adjusted annually by the Authority according to the percentage increase of the Consumer Price Index for the Philadelphia/New Jersey area for the preceding year, as determined by the Bureau of Labor Statistics. Payment of the bus management fee shall be for each such entry by any bus ***with passengers***, and applies to any and all buses not exempt carrying passengers to an approved activity center.

2. Exhibit proof of such payment by way of permit in the front windshield of the vehicle, which proof shall be visibly displayed and contain complete information to be considered valid, including the name of the company, bus number and month, day and year of entry.

(b) Casino oriented buses that do not have a valid permit or do not purchase a valid permit are subject to a fine in accordance with N.J.A.C. 19:75-8.

19:75-7.2 Modes of payment

(a) All bus operators or owners required to pay the bus management fee shall do so in accordance with the following:

1. Payment of the bus management fee shall be made in advance by sending a check or money order payable to the Authority, at South Jersey Transportation Authority, Farley Plaza Service Plaza, P.O. Box 351, Hammonton, NJ 08037. Such advance payment including costs for postage and handling must be received no less than two weeks prior to the scheduled arrival date of any bus subject to this subchapter.

2. Payment of the fee shall be made in advance or at all Authority-approved bus parking facilities and activity centers.

3. The Authority, in its sole discretion, may authorize the purchase of a permit on an emergency basis at an Authority-approved activity center. The following conditions are considered emergency situations:

i. Motorbuses that operate on a limited basis traveling to Atlantic City (less than 10 trips per year);

ii. Motorbus companies that are unaware of Authority rules;

iii. Motorbuses that originate from distances to Atlantic City in excess of 300 miles;

iv. Unscheduled emergency trips to Atlantic City if the motorbus company has contacted the Authority prior to entry;

v. Motorbus drivers that encounter unusual or special circumstances and do not have a valid permit in their possession; and

vi. Motorbus drivers that have an invalid permit in their possession and need to purchase a replacement permit. The invalid permit must be turned into Authority representatives.

19:75-7.3 Proof of payment required at Authority authorized bus parking lots/activity centers

(No change in text.)

19:75-7.4 Activity center manifest

(a) The Authority shall require each activity center to maintain a daily bus activity manifest, and participate in the Authority's computerized/electronic manifest program.

(b) Any activity center which the Authority has determined has maintained or submitted a fraudulent manifest shall be subject to a penalty as contained herein, and/or revocation of their approval.

(c) Any activity center which fails to comply with this section may have its approval revoked by the Authority, after the opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

SUBCHAPTER 8. VIOLATIONS AND PENALTIES

19:75-8.1 Specific offenses

(a) For any violation of the following provisions of this chapter, the violator shall be subject to minimum penalties as set forth below

Traveling on unapproved routes, Subchapter 2.
Illegal bus parking, Subchapter 6.
Non-payment of bus management fee, Subchapter 7.
Failure to intercept when required, Subchapter 3.
Failure to possess variance if required, Subchapter 9.
Discharge/load passengers at non-approved location, Subchapter 4.
Activity center exceeding capacity, Subchapter 4.
Operating bus for driver's convenience, Subchapter 5.
Failure to file combination bus itinerary, Subchapter 1.
Combination bus traveling in violation of bus itinerary, Subchapter 1.

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Excessive Engine Idling, Subchapter 5.
Failure to meet criteria for an approved bus parking lot, Subchapter 4.
Failure to meet criteria for an approved bus maintenance facility, Subchapter 11.
Failure to purchase a valid permit, Subchapter 7.
Failure of an activity center, bus parking lot, or bus maintenance facility to submit a manifest in accordance with the format determined by Authority, Subchapter 7.
Failure of an activity center to participate in Authority's computerized/electronic manifest program, Subchapter 7.

(b) For any violation of the above provisions of this Chapter, the violator will be subject to a minimum penalty in the amount of $150.00 for a first offense, $300.00 for a second offense, and $500.00 for a third or subsequent offense.

19:75-8.4 Prosecution of violations

Any violation of these rules and regulations shall be prosecuted in the municipal court in the municipality in which the violation occurred. All moneys collected as a result of the imposition of fines in cases prosecuted by the municipality shall be paid to the municipality. If in the judgment of the Authority, any municipality shall fail to enforce adequately the provisions of these rules and regulations, proceedings to enforce such rules and regulations in the municipality shall be prosecuted by the Authority, and moneys collected as a result of the imposition of fines shall be paid to the Authority.

SUBCHAPTER 9 VARIANCE; PROCEDURE

19:75-9.1 Variances; minor and major

(a) In particular cases and for special reasons, the Authority may grant a variance from the strict application of the provisions of this Chapter. Such variances shall be designated as minor variances or major variances.

1. (No change.)

2. A major variance, if granted, shall permit a permanent or long term deviation without penalty from all or any provisions of this chapter. The procedure for the application for and determination of a major variance is set forth in N.J.A.C. 19:75-9.3.

19:75-9.2 Application for minor variance

(a) (No change.)

(b) All applications for a minor variance shall be filed at the Operations Department of the Authority, 25 South New York Avenue, Atlantic City, New Jersey 08401, or Farley Service Plaza, P.O. Box 351, Hammonton, New Jersey 08037, no later than three business days prior to the date for which the variance is requested. In approving or disapproving the application for a variance, the Authority shall consider the impact of such variance on all phases of the Bus Management Program, as contained in this chapter.

(c) The Director of Operations or his or her designee shall review all applications for minor variances. The application shall be approved upon a showing of special reasons and only if the variance can be granted without substantial detriment to the public good or substantial impairment to the intent and purpose of the provisions of this chapter.

(d) If the Director of Operations or his or her designee shall grant any minor variance, he or she shall forthwith notify the applicant and the police department or departments affected in writing. Such notice must be in possession of the applicant and bus operator and displayed to any enforcement official upon request. Failure to possess and display the aforesaid notice of variance may result in the imposition of penalties under N.J.A.C. 19:75-8 notwithstanding the grant of a minor variance.

(e) If the Director of Operations or his or her designee shall deny any minor variance, he or she shall forthwith notify the applicant in writing, setting forth the specific reasons for such denial***, and advising the applicant that it may appear before the Board of the Authority at its next scheduled meeting and present testimony or other evidence on behalf of its application. At such board meeting, the Board of the Authority may affirm, reverse, or modify the decision of the Director of Operations or his or her designee***.

19:75-9.3 Application for major variance

(a) An application for a major variance shall be in writing and set forth the following:

1.-3. (No change.)

4. Period for which variance is requested; and

5. (No change.)

(b) All applications shall be filed in original and eight copies with the Director of Planning and Development of his or her designee of the Authority, 25 South New York Avenue, Atlantic City, N.J. 08401, or Farley Service Plaza, P.O. Box 351, Hammonton, New Jersey 08037 and an additional copy with the police department of the municipality or municipalities affected by the variance. Proof of service of the application on the police department or departments so affected shall be filed with the Authority by way of affidavit or certified mail return receipt requested prior to a determination on the application.

19:75-9.4 Hearing procedure for issues relating to the Authority's Bus Management Program, major variances, bus parking lot and maintenance facilities approvals, additional activity center on-site approvals, and other hearings

(a) All applications for major variance (N.J.A.C. 19:75-9.1(a)2 and 9.3), bus parking lot approvals (N.J.A.C. 19:75-6.2), bus maintenance facility approvals (N.J.A.C. 19:75-11.1) and additional site approvals (N.J.A.C. 19:75-4.3) shall be reviewed by the Planning and Development Division of the Authority.

1. Within 45 days following receipt of application, the Authority, through the Planning and Development Division, shall notify the applicant in writing by certified mail regarding the completeness of the filing. The Authority may declare the application to be complete for filing or shall notify the applicant of specific deficiencies. The Authority shall, within 30 days following the receipt of additional information to correct filing deficiencies, notify the applicant of the completeness of the amended filing, or shall specify the unaddressed deficiencies. An application shall not be considered duly filed until it has been declared complete by the Authority.

2. The Planning and Development Division of the Authority shall recommend approval or disapproval of all completed applications to the Executive Director who shall grant or deny the application within 30 days of the recommendation of the Planning and Development Division. The determination of the Executive Director, setting forth the reasons for the grant or denial of the application, shall be forwarded to the applicant by certified mail, return receipt requested.

3. In the event of an adverse determination by the Executive Director, the applicant may request a hearing within 10 days of receipt of the determination, which request shall be in writing to the Executive Director sent registered mail, return receipt requested.

4. The hearing shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

5. The applicant shall be notified in writing of the date, time and place of the Board meeting at which the Board shall act upon the decision of the hearing officer.

(b)-(c) (No change.)

SUBCHAPTER 10. EMERGENCY MANAGEMENT PROGRAM

19:75-10.1 Declaration of an emergency situation

(a) When an emergency situation is declared by a Federal, State, county, or local governmental entity or State police, and notification is made, the Authority shall initiate an emergency management plan. The Authority has identified three levels of response under which emergency management procedures would be initiated. These three levels are as follows:

1. Condition I: A basic state of preparedness when communication levels with other entities are initiated and when the need for ongoing communications exist in the anticipation of upgrading the response to Condition II.

2. Condition II: Under a declared emergency, the initial level of response (Condition I) has already been surpassed, and the

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Authority personnel are specifically assigned to participate in active interaction at emergency management control centers or designated locations to take specific action in response to changing conditions.

3. Condition III: This level of this action plan is the highest level of staffing and implementation of emergency procedures in response to a worsening condition up to and including evacuation. Full-time, 24 hour manning and full organizational participation is required during Condition III.

(b) In addition to actions taken by the Authority, similar response efforts are assumed to take effect by other public safety entities. Minimum extra staffing is initiated under Condition II, and Condition III requires full representation and participation, including emergent communication networking during a full state of declared emergency.

19:75-10.2 Operations during emergency situations

(a) Under emergency condititons at the Condition I level, the Authority Duty Supervisor will handle Condition I procedures and activities. The Supervisor shall interact with Authority headquarters to communicate conditions to management and to receive directions from the executive staff through the Director of Operations or his or her designee.

(b) Under Condition II situations, a second Authority Duty Supervisor is called in to be assigned to an emergency management control desk located at either the Atlantic City office or the County of Emergency Management Office in Northfield. This second Supervisor is assigned to the control desk for the duration of the emergency, or for 12 hour shifts as needed.

(c) The Authority Executive Director or his or her designee shall oversee all Authority procedures and coordinate casino patron transportation in conjunction with casino personnel.

(d) The Authority's Director of Operations or his or her designee shall execute directives from the Executive Director in consort with directives and advice from the emergency management offices.

(e) The Duty Supervisor shall initiate and receive communications with casino emergency management coordinators, private bus parking lot operators and local bus companies.

(f) The Authority Supervisors shall staff emergency management control desks as assigned and communicate with the Authority's Director of Operations or his or her designee for coordination of procedures and provision of status reports between the emergency management offices and the Authority.

19:75-10.3 Direction and control

(a) Under Condition I emergencies, the Authority shall initiate communication procedures, and notifications are made by Authority staff to all Atlantic City casino hotels and bus parking lot operators that emergency conditions exist or are anticipated.

(b) Under Condition II emergencies, the Authority personnel would initiate communiques to all casino hotels, non-casino hotels, private bus parking lots and other activity centers to inform appropriate contacts of emergency conditions and status reports, which shall be by telephone and facsimile. When Condition II is reached, the Authority shall assign a Duty Supervisor to the designated emergency management control center, and initiate up-dating reports as under Condition I above. Other public safety entities shall initiate actions and casino bus management departments should communicate pertinent information to client bus companies that operate bus equipment into Atlantic City. Casino staff at this time should have an assessment of the number of buses arriving at individual properties, and shall provide the Authority with an assessment of these numbers in order that a proper inventory of bus equipment can be made.

(c) Under a Condition III situation, the Authority shall coordinate bus equipment to central staging areas in anticipation of a dispatch for the transportation of casino patrons from Atlantic City. The Authority shall notify private bus lot operators and local bus companies to mobile motorbuses at this time. The Authority field personnel shall work in concert with the Atlantic City Police Department, and coordinate and establish the best marshalling area(s). Casino bus managers and casino emergency management offices shall participate in the coordinative assignment of buses to marshalling areas and communicate transportation requirements to the Authority Duty Supervisor desk. This dispatch of motorbuses shall be communicated by radio among the Authority field personnel and casino personnel.

SUBCHAPTER 11. BUS MAINTENANCE FACILITIES

19:75-11.1 Bus maintenance facility approval

(a) Any and all existing and proposed bus maintenance facilities not exempted under N.J.A.C. 19:75-6.2(d) shall submit an application to the Authority to participate in the Authority's bus management and maintenance program, in addition to any and all other required municipal, county, state or federal approvals. All applicants for a maintenance facility must meet the following criteria:

1. The facility must file an impact statement acceptable to the Authority, which includes air quality, emissions control, traffic circulation, neighborhood impact analysis and compliance with OSHA standards for safety and disposal of chemical, petrochemical, acids, adequate ventilation and related standards as dictated;

2. The facility must be within a driving distance of five miles of that portion of Atlantic Avenue between Maine and Albany Avenues within the corporate limits of Atlantic City;

3. The facility shall be full service and able to accommodate heavy maintenance, unit overhaul, dumping, routine service and inspection. Additionally, fuel, tires and washing capabilities shall also be available;

4. Buses shall not be parked overnight beyond the number of bus bays available to accommodate them;

5. The facility shall contain signs conforming to the standards of the municipality, county or state in which the facility is located;

6. The facility shall possess two-way radio or telephone equipment compatible with, and sufficient to participate in, the Authority's bus intercept and dispatch activities;

7. The facility shall demonstrate that it complements the Authority's bus management and maintenance program and does not adversely affect any portion of the program, as contained in this chapter.

8. The facility shall be located only along designated transportation corridors approved by the Authority;

9. The facility shall submit a monthly manifest in a format to be determined by the Authority; and

10. The facility shall submit to the Authority a detailed site plan, operating plan, and safety plan which addresses the criteria set forth in this section.

SUBCHAPTER 12. FEE SCHEDULE

19:75-12.1 Activity center

(a) A fee of $100.00 shall be paid for an activity center pre-application conference.

(b) An application fee of $400.00 shall be paid for the review of an activity center application plus all costs, fees and expenses incurred by the Authority for review by its staff and/or professionals. The initial review includes the initial site capacity review, at no additional charge.

19:75-12.2 Site capacity

(a) An application fee of $75.00, plus all costs, fees and expenses incurred by the Authority for review by its staff and/or professionals shall be paid for the annual renewal of the site capacity determination.

(b) An application fee of $150.00 plus all costs, fees and expenses incurred by the Authority for review by its staff and/or professionals shall be paid for a request to modify or increase a site capacity determination.

(c) Any facility which accommodates overnight parking shall pay a fee to the Authority for each bus parked, based on the prevailing per day cash bus parking rate at an Authority bus parking facility.

19:75-12.3 Variances

An application fee of $250.00 shall be paid for each request for a major variance, plus all costs, fees and expenses incurred by the Authority for review by its staff and/or professionals.

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19:75-12.4 Bus parking lot

(a) A fee of $100.00 shall be paid for a bus parking lot pre-application conference.

(b) An application fee of $400.00, plus all costs, fees and expenses incurred by the Authority for review by its staff and/or professionals, shall be paid for the review of an application for a bus parking lot.

(c) An application fee of $250.00, plus all costs, fees and expenses incurred by the Authority for review by its staff and/or professionals, shall be paid for the renewal of a bus parking lot approval.

19:75-12.5 Bus maintenance facilities

(a) A fee of $100.00 shall be paid for a maintenance facility pre-application conference.

(b) An application fee of $400.00, plus all costs, fees and expenses incurred by the Authority for review by its staff and/or professionals, shall be paid for the review of an application for any maintenance facility.

(c) An application fee of $250.00, plus all costs, fees and expenses incurred by the Authority for review by its staff and/or professionals, shall be paid for the renewal of a maintenance facility approval.

*[19:75-12.6 Bus management program

(a) All activity centers, approved bus maintenance facilities, and approved bus parking facilities not owned or operated by the Authority or under contract with the Authority, shall participate in the Authority's Bus Management Program and will be charged a fee by the Authority in accordance with (b) below for the annual cost of the Authority's operation and maintenance of the Program.

(b) The Authority estimates that the cost for this program for Fiscal Year 1993 is $1,000,000. Based on this figure and the current number of site capabilities, bus parking spaces and bus maintenance facility bays, the cost shall be allocated as follows:

1. Casinos shall pay 45 percent of this cost, or $450,000, which shall be allocated among the casinos at the rate of $2,866 per site-capacity space.

2. Non-casino activity centers shall pay 35 percent of this cost, or $350,000, which shall be allocated at the rate of $1,331 per site-capacity space.

3. Bus maintenance facilities shall pay 5 percent of this cost, or $50,000, which shall be allocated at the rate of $2,778 per bus maintenance bay.

4. Bus parking facilities not owned or operated by the Authority or under contract with the Authority shall pay 15 percent of this cost, or $150,000, which shall be allocated at the rate of $649 per bus parking space.

(c) The fee to be paid by the various activity centers and facilities in accordance with (b) above shall be paid to the Authority on a quarterly basis.

(d) The fee to be paid hereunder shall be adjusted annually by the Authority, based on the Authority's projected cost of operation of the Program. Each of the activity centers and facilities affected by this subchapter shall receive notice of any adjustment by certified mail, return receipt requested, 30 days prior to any adjustment being made.]*

*[19:75-12.7]***19:75-12.6*** General provisions

(a) The actual costs incurred for time spent by any professional consultants retained by the Authority for review of any application shall be allocated to each applicant in addition to the application fee set forth in this subchapter.

(b) Any application for an activity center, site capacity, variance, bus parking lot, bus maintenance facility or any other approval subject to the approval of the Authority shall be accompanied by such fee as shall be specified in this subchapter.

(c) An application shall not be deemed complete until the application fee required has been paid. Every approval granted and every certificate issued shall, whether or not expressly so conditioned, be deemed to be conditioned upon the payment of fees as required by this subchapter. The failure to fully pay any such fee, when due, shall be grounds for denying or revoking any permit, approval or certificate issued with respect to the use to which the unpaid fee pertains.

(d) Whenever a public hearing is required on an application by this chapter, the applicant shall pay the cost of such legal notices as shall be required to be given.

(e) Any single application which encompasses several uses will be subject to the several appropriate fees enumerated in this chapter.

(f) A full refund of fees shall be made by the Executive Director, provided that a written request to withdraw the application is received before the close of the second working day after receipt of the same.

(g) Upon written request from a charitable, philanthropic, fraternal or religious nonprofit organization holding a tax exempt status under the Federal Internal Revenue Code, the Executive Director shall waive the payment of fees required by N.J.A.C. 19:75-12.1 through 12.4.

SUBCHAPTER 13. SEVERABILITY

19:75-13.1 (No change in text.)

ENVIRONMENTAL PROTECTION AND ENERGY

(a)

OFFICE OF POLLUTION PREVENTION

Pollution Prevention Program Requirements

Adopted Amendments: N.J.A.C. 7:1K-1.5, 3.1, 3.4, 3.9, 3.10, 4.3, 4.5, 4.7, 5.1, 6.1, 7.2, 7.3, 9.2 through 9.5, and 9.7.

Adopted Repeal: N.J.A.C. 7:1K-5.2, 6.2, and 12.7

Adopted New Rules: N.J.A.C. 7:1K-3.11, 9.2, 12.6 and 12.9

Adopted Repeal and New Rule: N.J.A.C. 7:1K-12.8

Proposed: May 3, 1993 at 25 N.J.R. 1849(a).

Adopted: December 23, 1993 by Jeanne M. Fox, Acting Commissioner, Department of Environmental Protection and Energy.

Filed: December 27, 1993 as R.1994 d.51, **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-4.3).

Authority: N.J.S.A. 13:1B-1 et seq.; N.J.S.A. 13:1D-9; N.J.S.A. 13:1D-35 et seq. and N.J.S.A. 34:5A-1 et seq.

DEPE Docket Number: 30-93-04.

Effective Date: February 7, 1994.

Expiration Date: March 1, 1998.

On May 3, 1993 at 25 N.J.R. 1849(a), the Department of Environmental Protection and Energy (Department) proposed a number of amendments to the Pollution Prevention Program Rules, N.J.A.C. 7:1K.

A public hearing to accept testimony on the proposed amendments was held on May 27, 1993. The public comment period on the proposal closed on June 18, 1993.

The Department received written comments from 41 commenters during the public comment period on the proposal ending May 3, 1993, and four individuals testified at the public hearing on May 27, 1993. The following is a list of people who made either oral or written comments directly related to the proposed amendments:

1. Marian Wise, INFORM
2. Cynthia House, Merck, Inc.
3. James Connolly, Hoffman-LaRoche, Inc.
4. John Sandstet, Sybron Chemicals, Inc.
5. A.N. Bogard, Exxon Chemical Company
6. Thomas Detweiler, Chemical Industry Council of New Jersey
7. Russell Nerlick, Western Monmouth Utilties Authority
8. Simon Shute, DuPont, Inc.—Chambers Works
9. Rick Engler, New Jersey Industrial Union Council, AFL-CIO
10. Andrew Soos, Givaudan-Roure
11. Edward Altiere, Local 810, IBT
12. Amy Bahruth, CWA Local 1031

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13. Robert Beck, Local 8-397 O.C.A.W.I.U.
14. Michael Beson
15. Zygmunt Borowick, I.C.W.U. #825
16. William Boyea, Aluminum Brick & Workers' Union
17. Frederick Brown
18. Luette Cherchiaro, Arthur Kill Watershed Association
19. Arnold Cohen, Ironbound Committee Against Toxic Wastes
20. Frederick Ehrhardt, Local 810 IBT
21. Hank Frundt, School of Social Science & Human Services, Ramapo College
22. Miles Galvin, Rutgers Association of University Professors
23. Carol Gay, Communications Workers of America
24. Amy Goldsmith, New Jersey Environmental Federation
25. Bob Harsell, Arthur Kill Watershed Association
26. K.B. Kaiser
27. George Kelly, International Chemical Workers Union
28. John Knowles, I.A.M. & A.W.
29. William Lawton, O.C.A.W. 8-397
30. Carmen Martino, Cornell University Construction Industry Program
31. Eltia Montano, Ironbound Committee Against Toxic Wastes
32. Jane Nogaki, New Jersey Environmental Federation
33. Jane Perkins, Friends of the Earth
34. Dolores Phillips, New Jersey Environmental Federation
35. Daniel Picard, Local 8-406 O.C.A.W.
36. Eric Scherzer, O.C.A.W. Local 8-149
37. William Schiffin, I.C.W.U. #825
38. Phil Sowinski, International Chemical Local 271
39. Ira Stern, I.L.G.W.U.
40. Doug Stevens, UAW Local 595
41. Richard Whaler, International Chemical Workers' Union
42. Jerry Mitzner, Sybron Chemicals, Inc.

Summary of Hearing Officer Recommendations and Agency Response:

Jeanne M. Herb, Director, Office of Pollution Prevention, served as hearing officer at the May 27, 1993 public hearing on the proposed amendments to N.J.A.C. 7:1K. After reviewing testimony presented at the public hearing, Ms. Herb recommended that the Department adopt the amendments to N.J.A.C. 7:1K as proposed. John R. Weingart, Assistant Commissioner for Environmental Regulation, has reviewed the hearing officer's report and concurs with the recommendations. The Department accepts the recommendation to adopt these amendments as proposed.

Ms. Herb's recommendations are set forth in more detail in the hearing officer's report. A copy of the administrative record on the amendments, which includes the hearing officer's report, is available upon payment of the Department's normal charges for copying. Persons requesting copies should contact:

Department of Environmental Protection and Energy
Office of Legal Affairs
401 East State St.
CN 402
Trenton, N.J. 08625-0402

Summary of Public Comments and Agency Responses:

Proposed N.J.A.C. 7:1K-1.5
Definition of Intermediate Product

A. Summary of Issue

The Department proposed to amend the definition of "intermediate product" at N.J.A.C. 7:1K-1.5 to remove the existing definition's exclusion of increases in quantities of intermediate products from counting towards use reduction or nonproduct output reduction goals. As noted in the proposal, the Department determined upon review of this issue that intermediate products are essentially "internal products" at a facility, and as products, should not be subject to requirements for use or nonproduct output reduction goals.

B. Comment and Response

1. COMMENT: One commenter (5) supported the Department's proposal to treat intermediate products as products for pollution prevention planning purposes, and agreed that intermediate products should not be subject to use and nonproduct output reduction goals. In addition, the commenter recommended that converting nonproduct output to intermediate product should count as "pollution prevention" and that the Department should allow such conversions to be counted as progress toward a facility's use or nonproduct output reduction goals.

RESPONSE: The scenario described by the commenter could not occur. If a material was being generated as nonproduct output and the facility was able to use the material as an intermediate product, the process would be considered a new process in accordance with N.J.A.C. 7:1K-3.9(a) and the material would no longer meet the definition of nonproduct output. New processes would then be exempt from use and nonproduct output reduction goals in accordance with N.J.A.C. 7:1K-3.9(c).

Proposed N.J.A.C. 7:1K-3.1(d) and (e)
Fluctuating Reporting Obligations Under TRI

A. Summary of Issue

The Department proposed two new subsections in order to address a facility's obligation to conduct pollution prevention planning (1) when the facility is not currently covered by the Act but becomes covered because its use, manufacture or production of a covered hazardous substance exceeds the 42 U.S.C. §11023 threshold (proposed N.J.A.C. 7:1K-3.1(d)) and (2) when the facility is no longer covered by either 42 U.S.C. §11023 or the Act (proposed N.J.A.C. 7:1K-3.1(e).)

B. Comments and Responses

2. COMMENT: One commenter (10) requested that proposed N.J.A.C. 7:1K-3.1(d) be modified to clarify that only facilities which become covered due to increases in production are subject to pollution prevention planning, and not facilities which become covered due to the addition of new processes (which are exempted from most pollution prevention planning in accordance with N.J.A.C. 7:1K-3.4(c) and 3.9(c)).

RESPONSE: The commenter is partially correct. Under N.J.A.C. 7:1K-3.1(d), facilities whose use of hazardous substances is below the 42 U.S.C. §11023 threshold, and whose increased production results in the facility exceeding the threshold, are required to conduct pollution prevention planning. If the increased production results from the increased use or manufacture of hazardous substances in a new production process, the facility is subject to reporting and planning for any hazardous substances which meet the facility-wide threshold. However, under the "new processes exemption" at N.J.A.C. 7:1K-3.4(c) and 3.9(c), the facility would only be required to compile limited pollution prevention planning information for the new production processes. In addition, any other existing production process at that same facility that uses a hazardous substance meeting the facility-wide threshold would be also subject to full pollution prevention planning requirements.

Facilities may also have other types of production changes (other than increased production) that result in the increased use or manufacture of hazardous substances and therefore trigger the pollution prevention planning requirements of the Act. For these reasons, the Department has decided not to modify the language of this subsection in the manner suggested by the commenter.

Proposed N.J.A.C. 7:1K-3.4(b)
Research and Development/Pilot Facility Exemptions

A. Summary of Issue

Under N.J.S.A. 13:1D-41(i), the owner or operator of an industrial facility is not required to include in a Pollution Prevention Plan or Pollution Prevention Plan Summary information concerning a research and development laboratory located at the industrial facility. The Department originally codified this exemption at N.J.A.C. 7:1K-3.4(b)1 (Scope of pollution prevention planning documents), and codified the statutory definition of the term "research and development laboratory" at N.J.A.C. 7:1K-1.5.

Similarly, under N.J.S.A. 13:1D-41(j), the owner or operator of an industrial facility is not required to prepare a Pollution Prevention Plan, Pollution Prevention Plan Summary or Pollution Prevention Plan Progress Report for a pilot facility. The Department originally codified this exemption at N.J.A.C. 7:1K-3.4(b)2 (Scope of pollution prevention planning documents), and codified the statutory definition of the term "pilot facility" at N.J.A.C. 7:1K-1.5. However, the statutory definition of "research and development laboratory" is the same for the Pollution Prevention Act and the New Jersey Worker and Community Right to Know Act, N.J.S.A. 34:5A.

Although the Department codified those sections of the Pollution Prevention Act pertaining to the research and development laboratory and pilot facility exemption as part of the original version of N.J.A.C. 7:1K, neither the Act nor the original rules addressed the question of

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how the Department would verify that all or part of a facility is a research and development laboratory or pilot facility as defined by the Act. To provide some guidance on these subjects, the Department (1) proposed to amend N.J.A.C. 7:1K-3.4(b)1 to cross-reference the procedure proposed on April 19, 1993 for obtaining a research and development exemption under the Worker and Community Right to Know Rules, N.J.A.C. 7:1G (see 25 N.J.R. 1638), and (2) proposed to amend N.J.A.C. 7:1K-3.4(b)2 to include a pilot facility exemption procedure.

At the time that the Department proposed these amendments to N.J.A.C. 7:1K, pilot plants, unlike research and development laboratories, were not exempt from certain requirements of the Worker and Community Right to Know Act. However, as a result of comments received in response to its March 1, 1993 proposal (see 25 N.J.R. 869), the Department of Health amended the definition of "research and development laboratory" at N.J.A.C. 8:59-1.3 to include pilot plants. See 25 N.J.R. 3543 (August 2, 1993).

As a result of the action of the Department of Health in exempting pilot facilities under the same procedure as research and development facilities, the Department has determined that it can now rely on that program's exemption p;rocedure as the basis for both research and development laboratory and pilot facility exemptions under the Act. Therefore, industrial facilities will not have to obtain a separate exemption from the Department for either a research and development facility or a pilot facility. Accordingly, upon adoption of these amendments, the Department has simplified N.J.A.C. 7:1K-3.4(b)2 to cross-reference the N.J.A.C. 7:1G-3.2(a)2 research and development laboratory exemption procedure.

B. Comments and Responses

3. COMMENT: Several commenters (2, 3, 4, 6, 8, 10) asserted that the Act's exemption for research and development laboratories and pilot facilities should be implemented by the industrial facilities, and that the Department should not adopt a procedure to review a facility's determination that part or all of its facility is a research and development laboratory or a pilot facility. Several of these commenters alleged that the Department did not have the statutory authority to include the research and development exemption procedure or the pilot facility exemption procedure in these rules.

RESPONSE: While the Department believes that the Act contains sufficient authority under which to adopt research and development laboratory and pilot plant exemption procedures, as discussed above it has decided to allow facilities to rely on exemption determinations under the Worker and Community Right-to-Know program as the basis for a research and development laboratory or pilot plant facility exemption from pollution prevention planning under the Act. Because the Right-to-Know exemption procedure is already in place and because of the overlap in facilities covered by the Act and the Worker and Community Right-to-Know Act, the Department does not believe that such an approach will be burdensome to facilities seeking these exemptions. To the contrary, the Department anticipates that reliance on the existing Right-to-Know exemption procedure will provide a level of consistency across these three State programs that should be beneficial to facilities affected by more than one of these programs. In addition, the Department believes that most facilities that qualify for the research and development exemption have already obtained approval for the exemption from the Worker and Community Right to Know Program.

4. COMMENT: Three commenters (5, 8, 10) contended that particular aspects of the proposed pilot facility exemption procedure, N.J.A.C. 7:1K-3.4(a)2i(5) and (6), are particularly burdensome and should not be adopted. One of these commenters (5) also opposed the Department requiring a calculation of "product days" in order to distinguish between R & D and production usage. He felt a more reasonable approach would be for the facility to calculate the percentage of time used for R & D activities and the percentage of time for production work.

RESPONSE: For the reasons outlined above, the Department has not adopted the pilot facility exemption procedure. The research and development laboratory exemption procedure at N.J.A.C. 7:1G-3.2(a)2, which will now serve as the basis for pilot plant facility exemptions under the Act, does not contain provisions corresponding to proposed N.J.A.C. 7:1K-3.4(a)2i(5) and (6).

Proposed N.J.A.C. 7:1K-3.4(c) and 3.9(c)
New Processes

A. Summary of Issue

The Act exempts an owner or operator of an industrial facility from including in a Pollution Prevention Plan, Pollution Prevention Plan Summary or Pollution Prevention Plan Progress Report "information pertaining to **improvements in pollution prevention** (emphasis added) for a production process established after January 1, 1992 until the first five-year revision of the pollution prevention plan and pollution prevention plan summary prepared for the industrial facility at which the production process is carried out after the establishment of the production process, or until five years after the establishment of the production process, whichever occurs later." N.J.S.A. 13:1D-40(f). As discussed at length during the original rulemaking process for N.J.A.C. 7:1K, the Department interprets the subject of this exemption, "improvements in pollution prevention," to mean the identification of pollution prevention improvements and methods required by the Act in part of Part II of a Pollution Prevention Plan.

In response to comments received on this issue, the Department proposed amendments to N.J.A.C. 7:1K-3.4(c) and 3.9(c) to further limit the formation required to be collected for new processes by exempting new processes from Part 1B and Part II pollution prevention planning, and requiring only Part IA of the Plan for new processes.

B. Comments and Responses

5. COMMENT: Three commenters (2, 4, 10) objected to proposed N.J.A.C. 7:1K-3.4(c) and 3.9(c) because facilities would still be required to compile Part IA information for new processes. These commenters believed that the Act did not intend to distinguish Part IA from Part IB or Part II of a Pollution Prevention Plan and that the exemption should apply to all parts of a Plan, not just those related to "improvements in pollution prevention." One commenter (2) also contended that exempting new processes from Part IB pollution prevention planning but not Part IA pollution prevention planning would do little to reduce facilities' data-gathering burden.

RESPONSE: As noted in the summary of issue above, the N.J.S.A. 13:1D-40(f) reporting exemption applies to information on **improvements** in pollution prevention for new processes. The Department interprets this to mean that it cannot require facilities to compile Part II information about specific pollution prevention methods before the first five-year revision of a Pollution Prevention Plan or five years after the new process is installed, whichever comes later. However, the Department does not think that this language was intended to exempt facilities from preparing the basic Part I process information for a new process, since this information should be readily available for a newly designed process.

Despite the Department's interpretation of N.J.S.A. 13:1D-40(f), in order to be responsive to comments received on this issue the Department proposed to further limit the information required to be collected for new processes by exempting new processes from Part IB and Part II pollution prevention planning and requiring the completion of only Part IA of the Plan for new processes. Part IA of a Plan contains certifications and estimates of inventory and throughput data, generation of nonproduct output data and cost data, none of which concern pollution prevention improvements.

The Department disagrees with the commenter's assertion that exempting new processes from Part IB pollution prevention planning but not Part IA pollution prevention planning will do little to reduce facilities' data-gathering burden. The Department believes that exempting new processes from Part IB pollution prevention planning requirements will, in fact, reduce the time spent on a Plan by eliminating the requirement to compile information for new processes on the reduction in use of hazardous substances and the generation of hazardous substances at a facility.

Proposed N.J.A.C. 7:1K-3.9
Modifications of Plans, Plan Summaries and Plan Progress Reports

A. Summary of Issue

When a priority industrial facility undertakes a significant change in its operations, N.J.S.A. 13:1D-42(d) requires the facility to update Part IA of its Plan and to update the information required to be reported in its Plan Summary. The information that must be updated in Part IA of the Plan includes the facility-level and process level inventory data which is used to identify potential pollution prevention opportunities.

In proposed N.J.A.C. 7:1K-3.9, the Department restated its statutory authority to require plan updates for "significant changes" in facility operations and gave examples of types of "significant changes" that would trigger the Part IA and Plan Summary update. These updates were termed "modifications" to distinguish them from the annual Part IB updates required by N.J.S.A. 13:1D-42(d).

The examples of "significant changes" proposed by the Department at N.J.A.C. 7:1K-3.9(a)1 through (a)3 were directly based on the exam-

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ples of "significant changes" listed in N.J.S.A. 13:1D-42(d). In addition, the Department proposed to interpret the "significant change" concept to include: reclassifying an existing nonproduct output as a product, intermediate product, or co-product (proposed N.J.A.C. 7:1K-3.9(a)4); modifying a grouping decision in a manner that affects a targeted process (proposed N.J.A.C. 7:1K-3.9(a)4); and modifying a targeting decision (proposed N.J.A.C. 7:1K-3.9(a)5). The Department's rationale for the proposed amendments was that in any of these limited instances, the modifications listed in proposed N.J.A.C. 7:1K-3.9(a) are likely to result in significant changes in pollution prevention reporting.

B. Comments and Responses

6. COMMENT: One commenter (10) asked the Department to draw a distinction in proposed N.J.A.C. 7:1K-3.9(a) between when modifications are made as a result of increased production in an existing process and when they are the result of changes due to new processes.

RESPONSE: N.J.A.C. 7:1K-3.9(a) applies only to existing processes that are modified due to significant changes in their operations. Since this subsection does not apply to new processes, there is no need to make the distinction requested by the commenter.

7. COMMENT: Two commenters (3, 6) requested that the Department not adopt proposed N.J.A.C. 7:1K-3.9(a)2, which requires a Pollution Prevention Plan, Plan Summary or Plan Progress Report to be updated upon the installation or removal of a new or different primary component in a targeted process. These commenters alleged that the term "primary component" is ambiguous because the installation of new equipment is also addressed by N.J.A.C. 7:1K-3.9(a)1.

RESPONSE: The term "primary component" is used in the Act in N.J.S.A. 13:1D-42(d) to describe a significant change in a process where a process component is added or removed. In this context, the term "primary component" describes process components that are necessary for the operation of the process. Rather than provide a strict definition of this term, the Department opted in proposed N.J.A.C. 7:1K-3.9(a) to allow facilities to determine whether a component is a "primary component" when they decide whether a modification to their Plan or Plan Summary is necessary. Therefore, the Department disagrees that the use of this term in N.J.A.C. 7:1K-3.9(a)2 is ambiguous, and has adopted this criterion as proposed.

8. COMMENT: One commenter (8) contended that changes to targeted processes would be complicated for large facilities, and suggested that the Department allow Plan modifications to be made through addenda, with the entire Plan being updated every five years.

RESPONSE: In anticipation of this problem, the Department has authorized facilities to make the changes to a Plan and Plan Summary by preparing substitute pages for its Plan and submitting substitute pages for its Plan Summary to the Department. See N.J.A.C. 7:1K-3.9(f).

9. COMMENT: Two commenters (3,6) recommended that N.J.A.C. 7:1K-3.9(a) be clarified to read as follows:

The owner or operator of a priority industrial facility is required to **update the information contained in the Pollution Prevention Plan, Plan Summary, or Progress Report, but is not required to re-target processes or prepare a new Pollution Prevention Plan,** if the industrial facility . . .

RESPONSE: The Department agrees that the intent of this subsection was not to require facilities to re-target their processes or prepare a new Plan solely as a result of changes triggering one or more of the modification criteria at N.J.A.C. 7:1K-3.9(a). To clarify this issue, the Department has added a new subsection, N.J.A.C. 7:1K-3.9(g), stating that facilities may, but are not required to, re-target their processes or prepare a new Plan in connection with their modification of a plan, Plan Summary, or Plan Progress Report.

10. COMMENT: One commenter (2) believed that the criteria for Plan modification at proposed N.J.A.C. 7:1K-3.9 are burdensome and penalize industry for making any changes to their processes as a result of normal business fluctuations. The commenter stated that proposed N.J.A.C. 7:1K-3.9(a)5 and (a)6 were the only fair criteria for triggering Plan revisions.

RESPONSE: As discussed above, the Department has based the criteria for "significant changes" triggering Plan modifications on the criteria described by the Legislature in N.J.S.A. 13:1D-42(d). The Department believes that there are many changes that will be made to processes that will not require any revision to a Pollution Prevention Plan or Plan Summary because they will not meet the criteria for a "significant change."

The criteria supported by the commenter, N.J.A.C. 7:1K-3.9(a)5 and (a)6, are not specifically contained in the Act, but were developed by the Department under the authority of the Act in response to concerns expressed by the regulated community during the rulemaking process. (See Summary of Issue above).

Proposed N.J.A.C. 7:1K-3.10
Plan Review Criteria

A. Summary of Issue

The Department proposed a number of amendments to N.J.A.C. 7:1K-3.10 in order to distinguish between enforceable and nonenforceable review of Pollution Prevention Plans and to consolidate the procedure for reviewing Pollution Prevention Plans, Plan Summaries and Plan Progress Reports into one section of the rules. As proposed, the enforceable review criteria are limited to two instances: whether a facility has prepared a Plan, Plan Summary and/or Plan Progress Report as required by N.J.A.C. 7:1K-3.1, 3.6 or 3.8 (N.J.A.C. 7:1K-3.10(c)1); and whether the Plan, Plan Summary and/or Plan Progress Report is administratively complete (N.J.A.C. 7:1K-3.10(c)2).

The Department also proposed several non-enforceable review criteria, which are intended to aid the Department in evaluating the success of the pollution prevention planning process, particularly whether the flexibility provided to industrial facilities in areas such as grouping and targeting is adequate. (See related discussion regarding opinion letters, below.)

B. Comments and Responses

11. COMMENT: Three commenters (4,5,8) stated that the non-enforceable Plan review criteria should be eliminated, and that the only review criterion should be administrative completeness. These commenters believed that Department review for anything beyond administrative completeness would constitute "command and control" regulation and would be unnecessary. One of these commenters (5) also stated that the Department's administrative completeness criteria are really review criteria for performance. The commenter felt that all of these criteria, which incorporate the word "how" are performance standards that the Department is attempting to enforce despite clear legislation to the contrary.

RESPONSE: The Department disagrees. As with most environmental programs, there are several ways to measure how industry is progressing and how the Department is performing. For example, a facility's progress toward meeting its pollution prevention goals can be measured in annual nonproduct output or release reductions. In addition, it seems equally reasonable to expect that the public and the Legislature will want some measure of how well the Department is performing its duties under the Act, including whether various plan requirements are effective as planning tools or in promoting pollution prevention. As a result, the Department has included "review-only" criteria at N.J.A.C. 7:1K-3.10(c)3 through 13 as a means of evaluating the program and educating facilities about key pollution prevention planning requirements.

Although the Department first addressed the issue of review criteria early in the pre-proposal process for N.J.A.C. 7:1K, it originally planned to rely on the Act's broad Plan review authority, N.J.S.A. 13:1D-43(b), and not on specific Plan review criteria. However, in response to the Department's June 1, 1992 proposal, a number of industry commenters urged the Department to adopt Plan review criteria as part of these rules. See 24 N.J.R. 3614. In particular, the commenters were concerned that any review without public notice and comment on the substance of the Department's review criteria would foster industry suspicion that the Department intended to conduct these reviews behind closed doors. As a result, the Department adopted limited review criteria at N.J.A.C. 7:1K-3.10(d), and then proposed as part of the current rulemaking to further limit the enforceability of these criteria. See 25 N.J.R. 1851-1852, 1857.

The Department believes that the resulting non-enforceable review criteria at N.J.A.C. 7:1K-3.10(c)3 through 13 reflect the experimental nature of the pollution prevention planning program and are necessary to enable the Department to learn about what motivates facilities to adopt pollution prevention practices. Therefore, the Department has not adopted the commenters' suggestion.

12. COMMENT: Two commenters (3,6) recommended that the enforceable review criteria, N.J.A.C. 7:1K-3.10(c)1 and 2, be separated from the non-enforceable review criteria, N.J.A.C. 7:1K-3.10(c)3 through 13 and placed under a separate heading of "Plan Data."

RESPONSE: The Department attempted to make the distinction in the original proposal between the two classes of review criteria, but agrees that some confusion continues to exist. Therefore, upon adoption of N.J.A.C. 7:1K-3.10, the Department has divided the criteria at

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proposed N.J.A.C. 7:1K-3.10(c) into two separate paragraphs, one for enforceable review criteria and one for nonenforceable review criteria.

13. COMMENT: One commenter (2) recommended that the Department prepare and distribute an administrative completeness checklist to priority industrial facilities to provide clear and readily available guidance for enforcement purposes, since under the proposed amendments facilities could be subject to civil administrative penalties for administrative incompleteness of their Pollution Prevention Plans, Plan Summaries or Plan Progress Reports.

RESPONSE: The Department believes that facilities would benefit by reading **Industrial Pollution Prevention Planning,** NJDEPE, July 1993, which is a guidance document prepared to assist facilities with pollution prevention planning. For reference purposes, facilities may want to refer to completeness checklists contained as Appendices E and F of that document.

14. COMMENT: Two commenters (3,6) requested that the review criterion at N.J.A.C. 7:1K-3.10(c)7 be changed from evaluating "the value of Total Cost Assessment methods to the industrial facility's financial analysis under N.J.A.C. 7:1K-4.3(b)6 and 4.5(a)5ii" to evaluating "whether financial analysis was used as a basis for decision making in implementing pollution prevention options." These commenters reasoned that since Total Cost Assessment refers to a particular method of financial analysis which is not required to be used under the Act, it would be more useful to evaluate whether financial analysis in general plays a vital role in pollution prevention decision-making.

RESPONSE: Although the commenters correctly note that the Act does not require facilities to conduct a Total Cost Assessment, the Department believes that some industrial facilities will voluntarily choose to use the Total Cost Assessment method in conducting the financial analysis for a Pollution Prevention Plan. For these facilities, the Department would like to evaluate how important Total Cost Assessment was in their decision-making on whether to implement pollution prevention measures. If a facility has not used Total Cost Assessment, this criterion would not be applicable in the Department's review of its Plan, Plan Summary or Plan Progress Report.

The Department agrees that it would also be useful to evaluate the general importance of financial analysis to a facility in deciding whether to implement pollution prevention options. However, a careful review of a facility's Pollution Prevention Plan, particularly of the information required by N.J.A.C. 7:1K-4.5(a)13, should provide this information. Therefore, the Department does not believe that an additional review criterion is necessary at this time.

N.J.A.C. 7:1K-3.10(c)10
Unit of Product

A. Summary of Issue

Under the Act's Pollution Prevention Progress Report requirements, N.J.S.A. 13:1D-41(g)1, industrial facilities must report on the facility-wide and process-level reduction or increase in the use and generation of nonproduct output per unit of production. Likewise, the Act requires all process-level reporting in a Pollution Prevention Plan Summary to be on a per unit of product or production basis. See N.J.S.A. 13:1D-41(h)2.

In order to provide guidance on the concept of a unit of production as used in the Act, the Department originally proposed to require all facilities to report on the basis of a "facility-wide unit or product," and proposed to define this term at N.J.A.C. 7:1K-1.5. However, the Department received numerous comments stating that it would be impossible to develop a "facility-wide unit of product" as a unit of measurement for an industrial facility because a facility might have different products that were quite dissimilar and not comparable. In response to these comments, the Department did not adopt a definition of "facility-wide unit of product," and removed all references to "facility-wide unit of product" on adoption of N.J.A.C. 7:1K. See 25 N.J.R. 953.

B. Comment and Response

15. COMMENT: One commenter (5) stated that the reference to "unit(s) of product" in N.J.A.C. 7:1K-3.10(c)10 should be deleted to be consistent with the Department's decision to remove all references to "facility-wide unit of product" from N.J.A.C. 7:1K.

RESPONSE: Although the Department has removed all references to "**facility-wide** unit of product," a facility must still collect facility-wide data on an aggregate basis and must still report all process-level information on a per unit of production basis. See 25 N.J.R. 953. Therefore, as part of its (non-enforceable) review of certain aspects of facility's Plan, the Department will evaluate the efficacy of the unit of product for tracking pollution prevention progress developed by the facility in accordance with N.J.A.C. 7:1K-4.3(b)3ii. Since this provision does not refer to facility-wide unit of product, but rather to the industrial facility's unit of product, which is the unit of measurement of reporting most pollution prevention progress, the Department disagrees with the commenter's suggestion.

Proposed N.J.A.C. 7:1K-3.10(e)
Opinion Letters

A. Summary of Issue

The Department proposed a number of amendments to N.J.A.C. 7:1K-3.10 in order to distinguish between enforceable and non-enforceable review of Pollution Prevention Plans and to consolidate the procedure for reviewing Pollution Prevention Plan Summaries and Pollution Prevention Plan Progress Reports. As part of these amendments, the Department proposed a new subsection, N.J.A.C. 7:1K-3.10(e), to establish a procedure for issuance of opinion letters containing suggested amendments to Pollution Prevention Plans, Plan Summaries and Plan Progress Reports once the Department has reviewed these documents under the review criteria at N.J.A.C. 7:1K-3.10(c). The Department intended this informal procedure to provide a forum for the exchange of pollution prevention information with industrial facilities.

The Department envisioned applying this procedure in instances where it has determined that it is possible for a priority industrial facility to strengthen the pollution prevention planning contained in its Pollution Prevention Plan. Consistent with proposed N.J.A.C. 7:1K-12.9, a facility's failure to implement the amendments suggested by the Department in an opinion letter issued under the subsection will not constitute noncompliance with N.J.A.C. 7:1K and will not trigger enforcement action or civil administrative penalties against the facility.

The Department did not address in the proposal the issue of whether opinion letters would be publicly available or whether they would be maintained as confidential information available only to the Department and the industrial facility. Nonetheless, this issue was raised by commenters both in verbal testimony at the public hearing on the proposal and in several written comments.

The commenters favoring publicly available opinion letters generally argued that public scrutiny of opinion letters should be used to help encourage facilities to take the opinion letters seriously. These commenters argued that publicly available opinion letters would be important vehicles to promote good pollution planning, particularly since the Department has voluntarily limited its use of statutory authorities that would otherwise allow it to require facilities to revise their Pollution Prevention Plans.

The commenters opposing publicly available opinion letters generally argued that the opinion letters would contain confidential information that should not be publicly available. These commenters also argued that opinion letters are an inappropriate mechanism for the Department to convey its views on a pollution prevention's plan, since the overall pollution prevention planning program is based on incentives and not tradition command and control regulation. These commenters also questioned whether opinion letters would be used as a basis for unfavorable publicity about the recipient facility.

In response to these concerns, and after further review of this issue, the Department has decided to adopt the opinion letter concept as proposed but also to propose, as an amendment to these rules, a policy that will keep opinion letters confidential. The Department believes that keeping opinion letters confidential will further remove possible disincentives to pollution prevention planning and would create incentives for facilities to set high goals for reductions and to conduct strong pollution prevention planning. However, by issuing a separate proposal, the Department would like to encourage further public review of and comment on this issue.

B. Comments and Responses

16. COMMENT: One commenter (3) agreed with the concept of an opinion letter, while another commenter (1) had reservations about whether the opinion letter process would result in strong pollution prevention planning by industrial facilities. This commenter recommended that opinion letters be publicly available to help encourage facilities to take the letters seriously.

RESPONSE: As discussed in the summary of issue above, the Department plans to propose that opinion letters be kept confidential. However, the Department believes that even confidential opinion letters will provide a level of accountability for the pollution prevention program and will allow the Department to demonstrate to the public and the

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Legislature whether the Department and industrial facilities are meeting their obligations under the Act. While the Department agrees with several previous commenters that on-site Plan review and verbal feedback are the best way to exchange ideas on pollution prevention planning, a system of verbal comments is not adequate to ensure that comments or directions from the Department will be clearly articulated. Therefore, the Department believes that facilities will benefit from the opinion letters as well. The goal of opinion letters is the sharing of information with facilities, and not confrontation.

17. COMMENT: Several commenters (2,4,5,6,8) recommended that the Department drop the idea of opinion letters. Objections given by commenters fell into three categories: concerns that the opinion letter process will waste resources; and comments that the opinion letter concept demonstrates a lack of trust for industry by exhibiting characteristics of "command and control" regulation; and confidentiality concerns.

RESPONSE: The Department disagrees that the opinion letter process will be a waste of resources. The commenters who object to opinion letters argue that the only proper forum for the necessary exchange of information between regulated facilities and the Department is on-site review of Plans. On-site review of Plans is far more resource-intensive for both the Department and an industrial facility than a simple letter outlining a few ideas on how to better implement pollution prevention at the facility. Verbal exchanges often result in misunderstandings that cause additional difficulties between a regulator and a regulatee, which then result in both parties expending unnecessary resources.

Likewise, the Department disagrees that the opinion letter concept demonstrates a lack of trust for industry by exhibiting characteristics of "command and control" regulation. To the contrary, the opinion letter process is intended to be precisely the type of interactive processes between industry and government that is lacking in traditional "command and control" regulation. Consistent with this approach, the Department will not assess civil administrative penalties for a facility's failure to revise its Plan in response to an opinion letter. See N.J.A.C. 7:1K-12.9. Finally, the Department anticipates that the types of improvements to a Plan outlined in opinion letters will not involve compliance costs for the facility, as they would in many regulatory programs. On the contrary, the improvements suggested by the Department are likely to have a money-saving effect at the facility in question.

The Department has addressed the confidentiality aspects of opinion letters in the next response.

18. COMMENT: Several commenters (3,6,10) recommended that opinion letters remain confidential because information contained in Pollution Prevention Plans is extremely sensitive and should not be available to competitors.

RESPONSE: Regardless of whether the Department makes opinion letters publicly available, any information contained in Plans that is confidential and meets the criteria for confidential information at N.J.A.C. 7:1K-9.3 cannot be made available to the public through the opinion letter process. However, as discussed in the summary of issue above, the Department plans to formally propose that opinion letters be kept confidential.

N.J.A.C. 7:1K-4.3 and 4.5
Total Cost Assessment

19. COMMENT: One commenter (42) alleged that the Department is requiring facilities to do total cost assessments of pollution prevention options and that the Department lacks sufficient knowledge to determine whether the total cost assessments performed by industry are correct.

RESPONSE: Under N.J.A.C. 7:1K as adopted on March 1, 1993, facilities are required to do a "comprehensive financial analysis" at two stages in the pollution prevention planning process. First, N.J.A.C. 7:1K-4.3(b)6 requires regulated facilities to conduct a comprehensive financial analysis of the costs of hazardous substances which are used, released and generated as nonproduct output. Second, N.J.A.C. 7:1K-4.5(a)5ii requires regulated facilities to conduct a comprehensive financial analysis of the costs and savings realized by investments in pollution prevention options compared to the costs of using hazardous substances, generating hazardous substances as nonproduct output, and releasing hazardous substances.

Neither of these comprehensive financial requirements is the same as what is generally referred to as a Total Cost Assessment. See *Industrial Pollution Prevention Planning,* NJDEPE, July 1993. The Pollution Prevention Act does not require facilities to do total cost assessments, and the Department has not required total cost assessments through these rules. However, facilities may voluntarily perform total cost assessments to determine the costs and benefits of implementing specific pollution prevention options.

This issue was not addressed in the current proposal, but is discussed in more detail at 25 N.J.R. 945.

N.J.A.C. 7:1K-4.4
Targeting

20. COMMENT: One commenter (1) suggested that facilities be allowed to use a targeting criterion of 90 percent of the use, release, or nonproduct output production of **each** hazardous substance at the facility. The commenter recommended this approach in place of the N.J.A.C. 7:1K-4.4(b) targeting criterion of 90 percent of the total hazardous substances used, released or generated as nonproduct output.

RESPONSE: N.J.A.C. 7:1K-4.4(b) was adopted by the Department on March 1, 1993, and no amendments to this subsection were proposed as part of this proposal. Therefore, the comment is outside the scope of this proposal.

As adopted, N.J.A.C. 7:1K-4.4(b) requires a facility to base its targeting decision on the criteria of 90 percent of facility-level use, release or nonproduct output. The rationale for these criteria is discussed in further detail at 25 N.J.R. 947.

Proposed N.J.A.C. 7:1K-4.7(b)
Plan Submittal/Out-of-Process Recycling Exemption

A. Summary of Issue

Under N.J.S.A. 13:1D-41(f) a facility may include out-of-process recycling activities in a Plan and Plan Summary **only if the Department determines that pollution prevention strategies are not reasonably available to the facility.** The Department proposed to amend the procedure for obtaining an out-of-process recycling authorization, N.J.A.C. 7:1K-4.7(b), in order to clarify that a facility seeking an out-of-process recycling authorization must not only submit a copy of its most recent Pollution Prevention Plan, but that failure to do so would constitute grounds for denial of the facility's authorization request. Since some information in a Plan is developed at a facility level and other information is developed at a production process level, the Department believes that it will be difficult to separate the information in a Plan into parts that are or are not necessary for conducting an out-of-process recycling authorization review. Therefore, the Department has sought to preserve its discretion to determine which parts of the Plan are necessary to make its finding that pollution prevention strategies are not reasonably available to the facility.

B. Comments and Responses

21. COMMENT: Two commenters (6,10) recommended that the Department require only selected information in a Plan that is pertinent to an out-of-process recycling authorization to be submitted in connection with a request for an out-of-process recycling authorization. One commenter (4) believed that Plans should never be submitted to the Department due to the confidential nature of information contained in them.

RESPONSE: The Department shares the commenters' concern regarding the need to protect confidential information. However, the Department believes that the extensive administrative mechanics in N.J.A.C. 7:1K-8 through 11 provide facilities with adequate safeguards to ensure that this information will be kept confidential.

As discussed above in the summary of issue, the Department believes that a complete Plan should be submitted because it is difficult to separate the information in a Plan into what is or is not necessary for the out-of-process authorization review. Some information is developed at a facility-level and other information is developing at a process-level. At this time, the Department does not have the experience necessary to develop criteria that could be used to determine what information would be necessary and pertinent to an out-of-process recycling authorization request. The Department will evaluate possible limits on the information to be submitted, and welcomes any suggestions on what criteria might be used for this purpose.

Proposed N.J.A.C. 7:1K-5.1(b)4iii
Using SIC Codes to Describe Products

A. Summary of Issue

The Department proposed to add a new Plan Summary reporting item at N.J.A.C. 7:1K-5.1(b)4iii in order to require facilities to identify and describe each product using a four-digit SIC code. This requirement is expected to enable the public to better understand the throughput

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information contained in Plan Summaries and Plan Progress Reports. Additionally, the Department is required by N.J.S.A. 13:1D-45 to conduct research on pollution prevention trends within each of the SIC industry groups represented by priority industrial facilities. By 1996, the Department must submit to the public and the Legislature a pollution prevention profile report for each SIC group that recommends any actions necessary to increase pollution prevention activities at these facilities. In order to conduct such an analysis, the Department needs to have some system of measuring pollution prevention progress within each SIC category represented by priority industrial facilities.

The Department considered what types of information would be necessary to develop pollution prevention profile reports under N.J.S.A. 13:1D-45, and decided that certain types of descriptors could provide information necessary for analysis. These include: four-digit SIC codes to identify products (N.J.A.C. 7:1K-5.1(b)4iii); category of production process—article or chemical (checkoff box on Section C of Plan Summary form); mode of production process—batch or continuous (checkoff box on Section C of Plan Summary form); and an identification of each production process using a unique identification number assigned by the facility (N.J.A.C. 7:1K-5.1(b)4i).

B. Comments and Responses

22. COMMENT: Two commenters (2,8) recommended that the Department drop the idea of using four-digit SIC codes to describe products, because they believed that the Department has no legitimate use for the product codes. These commenters also asserted that the four-digit SIC codes required under N.J.A.C. 7:1K-5.1(b)4iii would be redundant with the SIC Codes already reported by facilities pursuant to 42 U.S.C. §11023.

RESPONSE: The reporting of four-digit SIC codes under N.J.A.C. 7:1K-5.1(b)4iii is expected to help the Department determined whether facilities with similar types of production processes have achieved significant results and improvements in pollution prevention. If the pollution prevention approach does not result in reductions in use or nonproduct output for certain production processes or certain hazardous substances, the Act requires the Department to inform the public and the Legislature that other measures may be needed to stimulate reductions.

The Department disagrees that requiring this information under N.J.A.C. 7:1K-5.1(b)4iii will be duplicative of a facility's reporting 42 U.S.C. §11023. The four-digit SIC code that represents a facility's primary SIC code determines its reporting status pursuant to 42 U.S.C. §11023 and its designation as a priority industrial facility under N.J.A.C. 7:1K. This code is reported to the New Jersey Department of Labor by the industrial facility at the same time. Facilities may have several different four-digit SIC Codes for their various production processes and products, despite having chosen only one primary SIC code to represent the entire facility.

One of the issues that the Department intends to explore as part of its trend analysis is whether comparisons of facilities using the facility's four-digit primary SIC Codes is worthwhile. Because much pollution prevention reporting is done on a production process-level basis, using the facility's four-digit primary SIC Codes to compare pollution prevention progress in similar production processes would essentially "compare apples to oranges." Rather, the Department believes that the reporting of four-digit SIC Codes for each individual production process (or grouped process) within the facility will provide a much more appropriate basis for comparison.

23. COMMENT: One commenter (2) stated that there is such a wide array of products and processes within one four-digit SIC Code as to render the four-digit SIC code meaningless for pollution prevention reporting and comparison. The commenter asserted that in some cases, there is more similarity between processes and products with different SIC codes than with the same code.

RESPONSE: The Department acknowledges that in some cases, particularly in the pharmaceutical and chemical industries, four-digit SIC code does not provide enough detail to adequately distinguish among products and processes for pollution prevention reporting purposes. In such cases, the Department welcomes any additional information that facilities would like to supply to help make such distinctions meaningful. The Department believes that five-digit SIC codes would provide better information on production processes, but did not propose this as a mandatory reporting item because the identification of five-digit codes might be too burdensome for some facilities. Rather, the Department felt it was more appropriate to gather the minimum information needed to conduct trend analysis under N.J.S.A. 13:1D-45 and to expand this requirement in the future as necessary.

Proposed N.J.A.C. 7:1K-5.1(b)5vi
Additional Use Reporting Ranges

A. Summary of Issue

During the rulemaking process, the Department received a recommendation to expand the Act's original set of reporting ranges (see N.J.S.A. 13:1D-41(h)5) as a means of evaluating the overall quality of an industrial facility's targeting decision. In response to this recommendation, the Department proposed to amend N.J.A.C. 7:1K-5.1(b)5vi to add additional use reporting ranges as follows: 10,000 to 25,000 pounds; 25,000 to 50,000 pounds; and greater than 50,000 pounds. The Department expects that requiring hazardous substance use in quantities between 10,000 and 50,000 pounds to be reported with more specificity will provide a broader description of each production process and of how it compares to other processes at the facility. Although a comprehensive evalaution of a facility's targeting decision will require review of the complete Pollution Prevention Plan, the additional use ranges will facilitate this review.

B. Comments and responses

24. COMMENT: Two commenters (2,8) had several objections to the Department's proposal to add additional use ranges to the reporting requirements at N.J.A.C. 7:1K-5.1(b)5vi. The commenters asserted that requiring information to be reported under these additional use ranges would not yield any information on the quality of a facility's targeting decision, but might lead to the disclosure of confidential information. The commenters also argued that the Department should limit this reporting requirement to the three use ranges specified in the Act.

RESPONSE: Any comparison of industrial facilities, particularly those that may be part of the trend analysis required by N.J.S.A. 13:1D-35, should reflect the relative size and use of hazardous substances by the industrial facilities. The Department believes that the original use ranges specified in the Act were intended to reflect ranges that are descriptive of most industrial facilities. However, current TRI data show that on a facility level, fewer than 25 percent of facilities use hazardous substances in amounts less than 25,000 pounds. Even fewer facilities use hazardous substances in amounts less than 10,000 pounds. In fact, many facilities use hazardous substances in quantities well in excess of one million pounds. Therefore, use ranges with an upper limit of 10,000 pounds provide very little information on the relative size of a production process, which is important for any comparisons, including reviewing the quality of a targeting decision.

Although the best way to evaluate most items in a facility's Plan may be to review the entire Plan at the facility, the Department does not expect to have adequate resources to perform a multitude of on-site reviews. Instead, the Department hopes to have available the best Plan Summary and Progress Report data possible to evaluate many of the "experimental" policies being tested in the pollution prevention program. This evaluation will include determining whether the targeting criteria of 90 percent of use, nonproduct output or releases is sufficient to meet the public policy goals of a "significant" reduction in use and a 50 percent reduction in nonproduct output.

The additional use ranges in question are similar to information which is currently available to the general public through publications such as Chemical Marketing Reporter. Therefore, the Department does not believe that requiring this information will cause confidentiality concerns for affected industrial facilities for this reason. However, an industrial facility always has the ability to assert a confidentiality claim for any information in its Plan Summary or Progress Report pursuant to N.J.A.C. 7:1K-8 through 11.

For these reasons, the Department has chosen to expand the N.J.S.A. 13:1D-41(h)5 use ranges through rulemaking as authorized by N.J.S.A. 13:1D-41(h), and has adopted the amendment to N.J.A.C. 7:1K-5.1(b)5vi as proposed.

Proposed N.J.A.C. 7:1K-5.1(b)v
Non-management Employee Representative

A. Summary of Issue

The Department proposed to add a reporting item to N.J.A.C. 7:1K-5.1 to require a facility to report in its Pollution Prevention Plan Summary the name and business telephone number of a non-management employee representative at the industrial facility. The Act requires this information to be included in a Pollution Prevention Plan, but does not specifically require it to be reported in a Plan Summary. See N.J.S.A. 13:1D-41(a)2. The Department proposed to add this item to the Plan Summary as a means of offering workers a potential mechanism for

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involvement in the management of hazardous substances, particularly relating to minimizing worker exposure to hazardous substances at industrial facilities through pollution prevention planning.

B. Comments and Responses

25. COMMENT: Thirty-three commenters (1, 9, 11 through 41) supported making the name and business telephone number of an industrial facility's non-management employee representative publicly available as a reporting item on the Pollution Prevention Plan Summary. These commenters contended that this information should be publicly available so that workers can contact the employee representative to voice concerns about occupational exposure.

RESPONSE: The Department has broad authority to add reporting items to a Plan Summary through rulemaking pursuant to N.J.S.A. 13:1D-41(h). In this case, the Department has decided to expand the Plan Summary reporting items to include public reporting of the name and telephone number of a non-management employee representative at the industrial facility as a possible means of increasing worker involvement in the management of hazardous substances, particularly relating to minimizing worker exposure to hazardous substances at industrial facilities through pollution prevention planning.

Additionally, the Department notes that it does not seem logical that the information should be limited to appearing in the Plan, which is not publicly available. The Plan is potentially available to only two audiences: the facility itself, or the Department if it makes an on-site inspection. Obviously, the facility itself will have knowledge of who its employee representative is as well as his or her business telephone number. The Department does not envision having a need to contact the employee representative.

The Department appreciates the commenters' support of this decision.

26. COMMENT: Thirty-two commenters (9, 11 through 41) stated that the reporting of information on a non-management employee representative in a Plan Summary would be consistent with the revised EPA Form R, Part II, T04-T06, which requires employers to identify methods used to find source reduction opportunities that have been implemented at the facility, including "employee recommendations."

RESPONSE: The commenters are partially correct. The Department has tried to make its pollution prevention program consistent with the Federal TRI program whenever possible and will therefore be requesting the same list of methods of source reduction or pollution prevention opportunities on the Pollution Prevention Plan Summary that EPA uses on Form R. However, the exact nature or substance of employee recommendations on source reduction opportunities will be contained in a facility's Pollution Prevention Plan, and therefore will not be public information unless a facility chooses to disclose such information.

27. COMMENT: One commenter (6) opposed proposed N.J.A.C. 7:1K-5.1(b)1vi and questioned whether the Act authorizes such "public intrusion into the management of a corporation."

RESPONSE: The Department does not agree with the assertion that making a name and business telephone number of a non-management employee representative publicly available on a Plan Summary form is akin to "public intrusion into the management of a corporation." The details of pollution prevention planning, which in some cases affect the management of a corporation or industrial facility, are contained in the Pollution Prevention Plan, which is not publicly available.

28. COMMENT: One commenter (10) felt that the only purposes of proposed N.J.A.C. 7:1K-5.1(b)1vi were to detract from the important issues in the pollution prevention planning process and to promote union organizing.

RESPONSE: The Department disagrees. As stated in the summary of issue above, the Department believes that the original purpose of this requirement in the Act was to promote worker involvement in minimizing worker exposure to hazardous substances at industrial facilities through pollution prevention planning. The proposal to include this information as a reporting item in the Pollution Prevention Plan Summary advances this important purpose by making the information publicly available for those most likely to need it. The Department does not intend to promote union organizing through adoption of this requirement.

29. COMMENT: Two commenters (4,6) objected to the public reporting of the name and business telephone number of a non-management employee representative on the basis that this individual might not want his or her name publicly identified.

RESPONSE: The Department does not anticipate that this will be a problem. In many cases, the name and telephone number of a non-management employee representative may already be publicly available. As noted by one commenter (9), a member of the public who calls a facility and asks to speak to the union representative will be put through to that individual in a majority of cases at the current time.

In addition, the Department notes that representatives of several unions who commented in support of adding this requirement did not suggest that this requirement would be burdensome for their employee representatives.

30. COMMENT: One commenter (9) stated that due to employee job security concerns, a non-management employee representative may not want to discuss pollution prevention matters with the public. The commenter also pointed out that making the name of the employee representative publicly available would not authorize any access to other data by either the public or the employee representative.

RESPONSE: The Department wholeheartedly agrees. This provision is not intended to authorize or require employees who sign trade secret or confidentiality agreements to disclose confidential business information.

31. COMMENT: One commenter (9) recommended that proposed N.J.A.C. 7:1K-5.1(b)1vi be amended from "a non-management employee representative" to "**the** non-management employee representative" in order to clarify that the reference is intended to refer to an organization and the non-management employee representative that already officially represents the facility's employees. The commenter was concerned that in cases where no such organization exists, the facility management would interpret this reference as an obligation to designate a non-management employee representative. The commenter also suggested that the instructions for the Pollution Prevention Plan Summary form should indicate that facilities without a non-management employee representative should enter "not applicable" instead of a name and address.

RESPONSE: The Department agrees with the commenter's suggestion and has clarified N.J.A.C. 7:1K-5.1(b)1vi upon adoption. The Pollution Prevention Plan Summary form instructions will contain instructions indicating that facilities without a non-management employee representative should indicate that this item on the form is not applicable.

Proposed N.J.A.C. 7:1K-7.2(b)
Voluntary Participation in Facility-Wide Permit Program

A. Summary of Issue

Under N.J.S.A. 13:1D-48, the Department is required to establish a pilot program for facility-wide permitting. As the first step in this process, the Department is required to select between 10 and 15 priority industrial facilities to participate in the pilot program by September 1, 1994 (18 months after the adoption of N.J.A.C. 7:1K.) Then, the Act directs the Department to issue facility-wide permits to the participating priority industrial facilities by September 1, 1995 (30 months after the adoption of N.J.A.C. 7:1K.) Upon completion of the pilot program, the Department is required to report to the Governor and the Legislature on the successes and shortcomings of the program and recommend if the program should be expanded.

During the rulemaking process, several commenters expressed concern over the Department's original proposal to require an owner's or operator's commitment to volunteer for the pilot facility-wide permitting program to be irrevocable. The Department had proposed this requirement because it anticipated that without an irrevocable commitment it would not know how many additional facilities to designate under N.J.A.C. 7:1K-7.2(d) in order to have 15 facilities in the program by September 1, 1993, as required by N.J.S.A. 13:1D-48(c).

Since the Department agreed with the commenters that requiring an irrevocable commitment to the pilot facility-wide permitting program would act as a significant disincentive for any voluntary participation in the pilot program, the Department removed the reference to an irrevocable commitment upon adoption of N.J.A.C. 7:1K-7.2. However, as adopted, neither N.J.A.C. 7:1K-7.2 or 7.3 addressed the questions of when and how a facility would be allowed to withdraw from the pilot facility-wide program.

To remedy this situation, the Department proposed an amendment to N.J.A.C. 7:1K-7.2(b) providing for a volunteer facility's commitment to participate in the facility-wide permit program to remain in effect unless, as authorized by proposed N.J.A.C. 7:1K-7.3(f), the facility withdraws from the program before the 30th day following issuance of a draft facility-wide permit. The Department also proposed to allow non-volunteer facilities participating in the facility-wide permit program to withdraw from the pilot program during the 30-day period following issuance of the draft facility-wide permit.

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B. Comments and Responses

32. COMMENT: One commenter (5) recommended that facilities volunteering to participate in the facility-wide permit program should be prohibited from subsequently being designated by the Department to participate in the program.

RESPONSE: As a practical matter, there is no need to explicitly prohibit the Department from designating a priority industrial facility to participate in the facility-wide permit program following their withdrawal as a volunteer in the facility-wide permit program. By the time a facility for volunteers participates in the pilot program, and then decides to withdraw, it would be too late for the Department to designate that facility and still meet the statutory deadline for issuance of 10 to 15 facility-wide permits by September 1, 1995. Further, the Department has no intention of designating a former volunteer to participate in the pilot facility-wide permit program.

33. COMMENT: One commenter (5) felt that facilities designated by the Department to participate in the facility-wide permit pilot program should be able to withdraw from the program at various points prior to the Department's issuance of a draft facility-wide permit, and not just during the 30 day period after issuance of a draft facility-wide permit.

RESPONSE: As discussed in the proposal, the Department drew this distinction between volunteer and non-volunteer facilities for two reasons: first, to provide incentive for facilities to volunteer for the pilot program, and second, to ensure that facilities designated for participation in the pilot program under N.J.A.C. 7:1K-7.2(d) do not immediately withdraw from the pilot program to avoid participating in the program.

The Department has made every effort to use volunteer facilities to meet the statutory deadline for issuance of 10 to 15 facility-wide permits by 1995. These efforts have been successful and it is anticipated that the pilot facility-wide permitting program will be conducted entirely with volunteer facilities. If several volunteers were to drop out of the program, the Department would have no choice and would have to designate facilities to meet its statutory commitment. Because designation of facilities would be involuntary, the Department still feels that restricting the window of opportunity for withdrawal from the program is necessary for full participation of these facilities in the pilot program and will be crucial to the success of the program.

34. COMMENT: Two commenters (3,6) recommended that if the Department adopted the proposed penalty of up to $5,000 for failure to submit a complete facility-wide permit application (see proposed N.J.A.C. 7:1K-12.8(b)2), then it should also adopt a checklist of what constitutes a complete facility-wide permit application.

RESPONSE: The Department's objective in proposing a penalty for failure to submit a complete facility-wide permit application was to provide a mechanism to prevent facilities designated involuntarily to participate in the pilot program from circumventing the designation process by withholding important information from a facility-wide permit application. If the Department designates facilities for participation in the pilot program, it plans to provide them with a checklist for minimum administrative completeness at the time of designation. However, at this time, the Department does not plan to codify an administrative completeness checklist for the facility-wide permitting program as part of these rules.

The Department has been working closely with volunteer facilities to develop facility-specific permit applications which eliminate redundant single-media permit application requirements wherever possible. In doing so, the Department is trying to provide as much flexibility to facilities as possible. At this time, the Department is not sure whether it will develop facility-specific checklists for these facilities since doing so might limit facilities' flexibility.

N.J.A.C. 7:1K-12
Reservation of Enforcement Authority

A. Summary of Issue

The Act confers upon the Department a number of enforcement mechanisms for redressing violations of the Act, including the authority to bring an action for civil penalties and to levy civil administrative penalties. N.J.S.A. 13:1D-49. As a matter of policy, the Department has chosen to maximize the use of regulatory incentives and minimize the use of traditional enforcement mechanisms to provide industry with the flexibility to best utilize their pollution prevention opportunities.

B. Comments and Responses

35. COMMENT: One commenter (1) commended the Department for taking a non-"command and control" approach to enforcement in the pollution prevention program, but still had some reservations about the implementation of the Act's enforcement authority. In particular, the commenter suggested that the Department should make more explicit the fact that it is postponing use of certain enforcement authorities, with the caveat that if the Department's leniency is abused, or if this approach proves to be unworkable, the Department will reinstate its full authority under the law.

RESPONSE: In promulgating N.J.A.C. 7:1K, the Department has retained broad authorities conferred by the Act to issue administrative orders to achieve compliance, levy civil administrative penalties, and commence civil action for appropriate relief from violations of the Act. However, the Department has also repeatedly stated its intention to be as judicious as possible in applying this authority so that facilities are motivated to implement pollution prevention measures by the many incentives associated with pollution prevention and not by the threat of enforcement. In fact, the Department has described its pollution prevention enforcement policy at each stage of the rule development process, most recently in some detail at 25 N.J.R. 961 and 962. In keeping with the Department's practice of open dialogue and communication about new pollution prevention requirements, the Department plans to propose for public comment any significant changes in its pollution prevention enforcement policies.

In order to be more explicit about which of the Act's enforcement authorities are intentionally not being codified as part of these rules, the Department has decided not to adopt N.J.A.C. 7:1K-12.8(b)4, which would have established penalty amounts for a facility's failure to comply with an administrative order issued under N.J.A.C. 7:1K-12.2 on topics other than administrative completeness. By not adopting this paragraph, the Department intends to clarify that the only rule violations that are currently enforceable and which currently can be the subject of administrative orders under these rules are: (1) failure to prepare a Pollution Prevention Plan, Plan Summary or Plan Progress Report (N.J.A.C. 7:1K-12.8(b)1); (2) failure to submit a complete facility-wide permit application (N.J.A.C. 7:1K-12.8(b)2); and (3) failure to comply with an administrative order addressing administrative completeness (N.J.A.C. 7:1K-12.8(b)3). If the incentives approach does not prove successful, the Department will reinstate its full enforcement authority in these rules and will consider ideas such as raising the penalty under these rules for third offenses to the $15,000 authorized by the Act. However, as discussed above, the Department does not plan to change this enforcement policy without the opportunity for public review and comment.

36. COMMENT: One commenter (10) commended the Department on the consolidation of certain enforcement requirements, but expressed some apprehension that the Department might decide at a later date to use more of its enforcement authority.

RESPONSE: As discussed in the above response, the Department does not intend to change any pollution prevention enforcement policies without opportunity for public review and comment. The Department has no plans to change these policies for the next few years in order to allow facilities to set aggressive goals for pollution prevention.

37. COMMENT: One commenter (10) commended the Department for promulgating N.J.A.C. 7:1K-12.9, which exempts from penalties the non-achievement of use and nonproduct output goals. The commenter also supported the non-enforceability of opinion letters under N.J.A.C. 7:1K-3.10(e).

RESPONSE: The Department appreciates the commenter's support. The Department has attempted, wherever possible, to provide flexibility to facilities in their pollution prevention planning and to emphasize "carrots" rather than "sticks" as a matter of regulatory policy. Adding a subsection that reiterates that non-attainment of use or nonproduct output goals does not subject a facility to penalties or enforcement action is an example of this philosophy.

Proposed N.J.A.C. 7:1K-12.8
Civil Administrative Penalty Amounts

A. Summary of Issue

Among the most significant changes proposed in the May 3, 1993 proposal were the consolidation of original N.J.A.C. 7:1K-12.7 and 12.8 into a new section N.J.A.C. 7:1K-12.8, and the reduction of the civil administrative penalty amounts from the amounts originally adopted as part of N.J.A.C. 7:1K. See 25 N.J.R. 1849. Under new N.J.A.C. 7:1K-12.8, civil administrative penalties will affect only those facilities who blatantly disregard planning requirements by: failing to prepare a Pollution Prevention Plan; omitting portions of a Pollution Prevention Plan, Plan Summary or Plan Progress Report (administrative completeness); or submitting a Plan Summary or Plan Progress Report in an untimely manner. As a matter of enforcement policy, the Department plans to give facilities committing one of these violations at least one opportunity

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to correct the violation before any penalty will be assessed. For facilities who still fail to comply, the Department believes it is essential to the integrity of the pollution prevention planning process and in the best interests of all facilities to take some enforcement action against these types of blatant non-compliance.

B. Comments and Responses

38. COMMENT: One commenter (1) characterized the proposed N.J.A.C. 7:1K-12.8 penalties as "surprisingly low" and too low to provide a deterrent to unlawful activity. The commenter stated that if low penalties would serve to accommodate the fears of smaller companies, then at a minimum, the penalty for the third offense for failure to prepare a Plan, Plan Summary or Progress Report at N.J.A.C. 7:1K-12.8(b)1 should be increased to the $15,000 maximum allowed by the Act. In that way, only facilities who were blatant non-compliers could potentially be assessed a large fine.

RESPONSE: Unlike other regulatory programs, the pollution prevention program is based on incentives and not on penalties that act as deterrents. Consequently, there are only a few instances where the Department believes it is appropriate to assess civil administrative penalties. The Department will consider raising the penalty for the third offense for failure to prepare a Plan, Plan Summary or Progress Report to the maximum allowed under the Act, but does not believe that it is appropriate to do so at this early stage of implementation of the program. While the Department believes that in those rare instances where it will be assessing penalties, it should have the authority to assess the maximum penalty allowed by the Act, it is still preferable to do so only after the incentives approach has been tried first.

39. COMMENT: One commenter (2) recommended that the Department prepare and distribute an administrative completeness checklist to priority industrial facilities to provide clear and readily available guidance for enforcement purposes, since under the proposed amendments facilities could be subject to civil administrative penalties for administrative incompleteness of their Pollution Prevention Plans, Plan Summaries or Plan Progress Reports.

RESPONSE: The Department believes that facilities would benefit by reading Industrial Pollution Prevention Planning, NJDEPE, July 1993, which is a guidance document prepared to assist facilities with pollution prevention planning. For reference purposes, facilities may want to refer to completeness checklists contained as Appendices E and F of that document.

Proposed N.J.A.C. 7:1K-12.6
Penalty for False or Frivolous Confidentiality Claims

A. Summary of Issue

In accordance with N.J.S.A. 13:1D-47, the Department proposed a new section at N.J.A.C. 7:1K-12.6 outlining penalties for frivolous confidentialty claims. Pursuant to N.J.S.A. 13:1D-47(b), a confidentialty claim which the Department determines to be frivolous specifically constitutes a violation of the Act.

B. Comment and Response

40. COMMENT: One commenter (5) described the addition of this section as "demonstrating a confrontational approach to the soliciting of such information, which places an added, undue burden on industry to substantiate confidentiality and which will further stonewall the pollution prevention planning and reporting process." Another commenter (2) argued that information contained in a Pollution Prevention Plan is highly confidential and must remain protected for economic competitiveness purposes.

RESPONSE: The proposal of new section N.J.A.C. 7:1K-12.6 was not intended to be confrontational, but rather, was intended to codify N.J.S.A. 13:1D-47(b) which states: "Any trade claim made pursuant to this section which the Department determines is false or frivolous **shall** (emphasis added) be considered a violation of this act." In order for the Department to assess a penalty under this section, it must determine that a facility's confidentiality claim is frivolous under one or more of the specific criteria at N.J.A.C. 7:1K-9.6(c). Since these criteria generally address only the most egregious abuses of the confidentiality claim procedure, the Department disagrees that the addition of this section will place an added, undue burden on honest facilities to substantiate their confidentiality claims.

The Department added considerable flexibility to the confidentiality requirements when it decided that Plans could be kept on-site, and again when it decided that confidentiality claims did not have to be submitted to the Department until and unless a request to review confidential information was received by the Department. Therefore, the Department also disagrees that the adoption of this section will "stonewall" the pollution prevention planning and reporting process.

Summary of Agency-Initiated and Other Changes:

1. As a result of the action of the Department of Health in exempting pilot facilities under the same procedure as research and development facilities, the Department has determined that it can now rely on that program's exemption procedure as the basis for both research and development laboratory and pilot facility exemptions under the Act. Accordingly, upon adoption of these amendments, the Department has simplified N.J.A.C. 7:1K-3.4(b)2 to cross-reference the N.J.A.C. 7:1G-3.2(a)2 research and development laboratory exemption procedure instead of the proposed pilot facility exemption procedure. See Summary of Issue preceding Comment 3.

2. The Department has added language at new subsection N.J.A.C. 7:1K-3.9(g) in order to clarify that facilities are not required to re-target their processes in connection with their modification of a Plan, Plan Summary, or Plan Progress Report under the criteria at N.J.A.C. 7:1K-3.9(a). See Comment 9.

3. Upon adoption of N.J.A.C. 7:1K-3.10, the Department has divided the criteria at proposed N.J.A.C. 7:1K-3.10(c) into two separate paragraphs, one for enforceable review criteria and one for non-enforceable review criteria. Although the Department attempted to make the distinction in the original proposal between the two classes of review criteria, several commenters stated that some confusion continues to exist and suggested separating the two classes of review criteria. See Comment 12.

4. The Department has changed the reference to "a non-management employee representative at N.J.A.C. 7:1K-5.1(b)vi to "the non-management employee representative" in order to clarify that facilities should only provide this information where there already is an organization and a non-management employee representative that officially represents the facility's employees. See Comment 30.

5. In order to be more explicit about which of the Act's enforcement authorities are intentionally not being codified as part of these rules, the Department has decided not to adopt N.J.A.C. 7:1K-12.8(b)4, which would have established penalty amounts for a facility's failure to comply with an administrative order issued under N.J.A.C. 7:1K-12.2 on topics other than administrative completeness. By not adopting this paragraph, the Department intends to clarify that the only rule violations that are currently enforceable and which currently can be the subject of administrative orders under these rules are: (1) failure to prepare a Pollution Prevention Plan, Plan Summary or Plan Progress Report (N.J.A.C. 7:1K-12.8(b)1); (2) failure to submit a complete facility-wide permit application (N.J.A.C. 7:1K-12.8(b)2); and (3) failure to comply with an administrative order addressing administrative completeness (N.J.A.C. 7:1K-12.8(b)3). See Comment 34.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

7:1K-1.5 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

. . .

"Intermediate product" means one or more desired result(s) of a production process that is made into a product in a subsequent production process at the same industrial facility, without the need for pollution treatment prior to its being made into a product. An intermediate product is not considered nonproduct output.

. . .

7:1K-3.1 Preparation and submission of pollution prevention planning documents by priority industrial facilities

(a)-(c) (No change.)

(d) The owner or operator of a priority industrial facility who was not required to prepare and submit pollution prevention planning documents pursuant to (a) or (b) above, but who subsequently becomes subject to the filing of a toxic chemical release form pursuant to 42 U.S.C. §11023 shall:

1. Prepare Parts IA and II of a Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-4.3(b) and 4.5 and submit a Pollution

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Prevention Plan Summary to the Department in accordance with N.J.A.C. 7:1K-5.1 within 18 months of becoming subject to the filing of a toxic chemical release form pursuant to 42 U.S.C. §11023;

2. Prepare Part IB of a Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-4.3(c) and submit a Pollution Prevention Plan Progress Report to the Department in accordance with N.J.A.C. 7:1K-6.1 by July 1 of the year following the submittal of the industrial facility's first Pollution Prevention Plan Summary to the Department;

3. Update Part IB of the Pollution Prevention Plan in accordance with N.J.A.C. 7:1K-3.7 and submit a Pollution Prevention Plan Progress Report to the Department in accordance with N.J.A.C. 7:1K-6.1 by each July 1 thereafter; and

4. Revise or modify the industrial facility's Pollution Prevention Plan or Plan Summary as required by N.J.A.C. 7:1K-3.6 and 3.8.

(e) The owner or operator of a priority industrial facility who is no longer required to prepare and submit a toxic chemical release form pursuant to 42 U.S.C. §11023 is no longer subject to the pollution prevention planning requirements of this chapter, unless designated as a priority industrial facility pursuant to N.J.A.C. 7:1K-3.2.

7:1K-3.4 Scope of pollution prevention planning documents

(a) (No change.)

(b) The owner or operator of a priority industrial facility is not required to include in a Pollution Prevention Plan, Plan Summary or Plan Progress Report the following:

1. Information concerning a research and development laboratory, as defined at N.J.A.C. 7:1K-1.5, located at the industrial facility, for which the owner or operator has received a research and development laboratory exemption pursuant to the procedure at N.J.A.C. 7:1G-3.2(a)2;

*[2. Information concerning a pilot facility, as defined at N.J.A.C. 7:1K-1.5, for which the owner or operator has received a pilot facility exemption from the Department, which may be obtained in accordance with the following procedure:

i. The employer shall submit to the Department for evaluation and approval a completed pilot facility exemption application, on forms approved by the Department, containing the following information:

(1) The facility name, location and New Jersey Employer Identification Number;

(2) An 8½ × 11 inch map of the entire industrial facility indicating the designated area(s) of the industrial facility used for pilot-scale development of products and processes. The map shall indicate if pilot-scale development of products and processes is limited to specific locations within the facility or if the entire industrial facility is dedicated to pilot-scale development of products and processes;

(3) A brief description of the purpose of the pilot facility's activities (for example, confirming feasibility and optimizing processes, assessing processes, or providing design data for commercial-scale plants);

(4) A statement of the percentage of total work hours devoted to pilot-scale development of products and processes in the designated area(s);

(5) A statement of the number of product days per calendar year that the pilot facility or designated area(s) of the pilot facility are involved in commercial production operations. For the purposes of this calculation, a "product day" is defined as the manufacture of one product in any calendar day. For example, the manufacture of three different products in one calendar day would constitute three product days;

(6) An analysis of how the pilot facility could incorporate pollution prevention activities into its research activities; and

(7) A signed certification that the information contained in the research and development laboratory exemption application is true, accurate and complete.

ii. The Department will render a decision on a pilot facility exemption application within 45 days of receipt of a complete pilot facility exemption application.]*

2. Information concerning a pilot facility, as defined at N.J.A.C. 7:1K-1.5, for which the owner or operator has received a pilot facility exemption pursuant to the procedure at N.J.A.C. 7:1G-3.2(a)2;

3. (No change.)

(c) The owner or operator of a priority industrial facility is not required to include in Part IB or Part II of a Pollution Prevention Plan or in a Pollution Prevention Plan Progress Report information pertaining to improvements in pollution prevention for production processes established after January 1, 1992, until the first five-year revision of the Pollution Prevention Plan and Pollution Prevention Plan Summary is prepared for the industrial facility at which the production process is carrier out after the establishment of the production process, or until five years after the establishment of the production process, whichever is later. See N.J.A.C. 7:1K-3.9(c).

7:1K-3.9 Pollution Prevention Plan, Pollution Prevention Plan Summary and Pollution Prevention Plan Progress Report modifications

(a) The owner or operator of a priority industrial facility is required to modify the information required to be recorded or reported in a Pollution Prevention Plan, Plan Summary, or Plan Progress Report if the industrial facility:

1. Ceases operation of a targeted production process or significantly expands the operation of a targeted production process;

2. Installs a new and different primary component in a targeted production process or removes a primary component from a targeted production process, unless the installation or removal of the component results from the implementation of pollution prevention techniques at the industrial facility;

3. Uses a hazardous substance, or generates or releases a nonproduct output or hazardous waste, at a targeted production process, in quantities above the threshold established for the hazardous substance under N.J.A.C. 7:1K-3.4, which was not used, released or generated when the industrial facility's current Pollution Prevention Plan was completed;

4. Reclassifies an existing nonproduct output as a product, intermediate product, or co-product;

5. Modifies a grouping decision that affects a targeted process; or

6. Modifies a targeting decision pursuant to N.J.A.C. 7:1K-4.4.

(b) The owner or operator of a priority industrial facility may voluntarily modify the information required to be recorded or reported in a Pollution Prevention Plan, Plan Summary or Plan Progress Report, at any time in order to update the Pollution Prevention Plan, Plan Summary or Plan Progress Report.

(c) The owner or operator of a priority industrial facility is not required to include in Part IB or Part II of a Pollution Prevention Plan or in a Pollution Prevention Plan Progress Report information pertaining to improvements in pollution prevention for a production process established after January 1, 1992 until the first five-year revision of the Pollution Prevention Plan and Plan Summary is prepared for the industrial facility at which the production process is carried out after the establishment of the production process, or until five years after the establishment of the production process, whichever is later, subject to the following:

1.-3. (No change.)

(d) (No change.)

(e) If any of the changes described in (a) above occur at a priority industrial facility during the reporting year, the owner or operator of a priority industrial facility shall review the following sections of its current Pollution Prevention Plan and Plan Summary as they apply to targeted production processes:

1. Facility-level inventory data required in Part IA of a Pollution Prevention Plan (see N.J.A.C. 7:1K-4.3(b)2);

2. Process-level inventory data required in Part IA of a Pollution Prevention Plan (see N.J.A.C. 7:1K-4.3(b)3);

3. Facility-level and process-level pollution prevention reductions required to be recorded in Part IB of a Pollution Prevention Plan (see N.J.A.C. 7:1K-4.3(c)1) or reported in a Pollution Prevention Progress Report (see N.J.A.C. 7:1K-6.1(c)4);

4. Process-level pollution prevention reductions required to be recorded in Part IB of a Pollution Prevention Plan (see N.J.A.C. 7:1K-4.3(c)2) or reported in a Pollution Prevention Progress Report (see N.J.A.C. 7:1K-6.1(c)5);

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5. Five-year pollution prevention goals required in Part II of a Pollution Prevention Plan and in a Pollution Prevention Plan Summary (see N.J.A.C. 7:1K-4.5(a)7 through 10 and N.J.A.C. 7:1K-5.1(b)3);

6. Description of targeted production processes required in Part II of a Pollution Prevention Plan and in a Pollution Prevention Plan Summary (see N.J.A.C. 7:1K-4.5(a)1 and N.J.A.C. 7:1K-5.1(b)4i);

7. Planned pollution prevention options required in Part II of a Pollution Prevention Plan (see N.J.A.C 7:1K-4.5(a)6); and

8. Implementation schedules for pollution prevention options required in Part II of a Pollution Prevention Plan (see N.J.A.C. 7:1K-4.5(a)11).

(f) If any of the reporting items listed in (e) above change as a result of the process changes described in (a) above, the owner or operator of a priority industrial facility shall submit substitute pages containing the revised information for the Pollution Prevention Plan Summary at the same time it submits the industrial facility's annual Pollution Prevention Plan Progress Report for the year in which the changes took place. The owner or operator may also prepare substitute pages containing the revised information for inclusion in the industrial facility's Pollution Prevention Plan, and shall modify the industrial facility's pollution prevention goals as appropriate to reflect these changes as part of the Pollution Prevention Plan Progress Report for the reporting year in which the changes took place and each subsequent year.

g. The owner or operator of a priority industrial facility may, but is not required to, re-target its processes under N.J.A.C. 7:1K-4.4 or prepare a new Pollution Prevention Plan as part of the modification of its Pollution Prevention Plan, Plan Summary or Plan Progress Report pursuant to this section.

7:1K-3.10 Department review of Pollution Prevention Plans, Plan Summaries and Plan Progress Reports

(a) The owner or operator of a priority industrial facility shall maintain a copy of the Pollution Prevention Plan, Plan Summary and Plan Progress Report for the industrial facility at the industrial facility, and these documents shall be available for inspection and review by the Department.

(b) The Department may require the owner or operator of a priority industrial facility to make any revisions or modifications to a Pollution Prevention Plan, Plan Summary or Plan Progress Report necessary for compliance with the provisions of the Act or this chapter.

(c) The Department shall conduct its review of Pollution Prevention Plans, Plan Summaries and Plan Progress Reports *[for the purpose of determining and evaluating, at a minimum, the following:]* ***by applying the following review criteria:***

*[1. Whether the industrial facility has prepared a Pollution Prevention Plan, Plan Summary and/or Plan Progress Report as required by N.J.A.C. 7:1K-3.1, 3.6 or 3.8;

2. Whether the Pollution Prevention Plan is administratively complete. Administrative completeness review shall consist of a review by the Department to determine whether the items identified in N.J.A.C. 7:1K-4.3 and 4.5 have been included in the Pollution Prevention Plan, the items identified in N.J.A.C. 7:1K-5.1 have been included in the Pollution Prevention Plan Summary, and the items identified in N.J.A.C. 7:1K-6.1 have been included in the Pollution Prevention Plan Progress Report;

3. Whether the industrial facility's grouping decision includes a pollution treatment or control system or out-of-process recycling system as prohibited by N.J.A.C. 7:1K-4.2(d);

4. Whether the pollution prevention methods contained in the Pollution Prevention Plan, Plan Summary and Plan Progress Report are consistent with the definition of pollution prevention found at N.J.A.C. 7:1K-1.5. Pollution prevention methods include, but are not limited to:

i.-ii. (No change.)

iii. Pollution prevention activities that occurred prior to 1987 and which are recorded in a Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.3(b)2v;

5. How an owner or operator's grouping decisions under N.J.A.C. 7:1K-4.2 and 4.3(b)3iii impacts:

i. The number of production processes at the industrial facility listed in the industrial facility's Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.3(b)3;

ii. The number of sources at the industrial facility listed in the industrial facility's Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.5(a)6;

iii. The unit of product for each grouped process, determined in accordance with N.J.A.C. 7:1K-4.3(b)3ii and iii;

iv. The industrial facility's targeting decision pursuant to N.J.A.C. 7:1K-4.4;

v. The identification of available and viable pollution prevention options at the industrial facility under N.J.A.C. 7:1K-4.5(a)4 and 6;

vi. The development of pollution prevention goals for the industrial facility pursuant to N.J.A.C. 7:1K-4.5(a)7 through 10; and

vii. The tracking of progress towards the industrial facility's pollution prevention goals;

6. How an owner or operator's targeting decision under N.J.A.C. 7:1K-4.4 impacts:

i. The development of pollution prevention goals for the industrial facility pursuant to N.J.A.C. 7:1K-4.5(a)7 through 10; and

ii. The development of source-specific information pursuant to N.J.A.C. 7:1K-4.5(a)2;

7. The value of Total Cost Assessment methods to the industrial facility's financial analysis under N.J.A.C. 7:1K-4.3(b)6 and 4.5(a)5ii;

8. The industrial facility's methods for incorporating pollution prevention into corporate policies and decision-making;

9. The industrial facility's methods for obtaining process-level and source-level estimates of use and nonproduct output;

10. The industrial facility's unit of product for tracking pollution prevention progress, determined in accordance with N.J.A.C. 7:1K-4.3(b)3ii;

11. How the identification of products and production processes under N.J.A.C. 7:1K-4.3(b)3ii affects pollution prevention planning and reporting at the industrial facility;

12. Whether any current environmental rules or regulations are obstacles to implementing pollution prevention methods identified in the industrial facility's Pollution Prevention Plan; and

13. If applicable, whether the industrial facility has met the requirements for a Raw Material Substitution Certification set forth in N.J.A.C. 7:1K-4.6.]*

***1. For the purposes of review and/or enforcement action under N.J.A.C. 7:1K-12, the Department shall determine and evaluate the following:**

i. Whether the industrial facility has prepared a Pollution Prevention Plan, Plan Summary and/or Plan Progress Report as required by N.J.A.C. 7:1K-3.1, 3.6 or 3.8;

ii. Whether the Pollution Prevention Plan is administratively complete. Administrative completeness review shall consist of a review by the Department to determine whether the items identified in N.J.A.C. 7:1K-4.3 and 4.5 have been included in the Pollution Prevention Plan, the items identified in N.J.A.C. 7:1K-5.1 have been included in the Pollution Prevention Plan Summary, and the items identified in N.J.A.C. 7:1K-6.1 have been included in the Pollution Prevention Plan Progress Report;

2. For the purposes of review, but not for the purposes of enforcement action under N.J.A.C. 7:1K-12, the Department shall determine and evaluate the following:

i. Whether the industrial facility's grouping decision includes a pollution treatment or control system or out-of-process recycling system as prohibited by N.J.A.C. 7:1K-4.2(d);

ii. Whether the pollution prevention methods contained in the Pollution Prevention Plan, Plan Summary and Plan Progress Report are consistent with the definition of pollution prevention found at N.J.A.C. 7:1K-1.5. Pollution prevention methods include, but are not limited to:

(1) Pollution prevention methods considered by the industrial facility for targeted sources or production processes pursuant to N.J.A.C. 7:1K-4.5(a)3;

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(2) Pollution prevention methods proposed by the industrial facility to achieve its use and nonproduct output reduction goals pursuant to N.J.A.C. 7:1K-4.5(a)5; and

(3) Pollution prevention activities that occurred prior to 1987 and which are recorded in a Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.3(b)2v;

iii. How an owner or operator's grouping decisions under N.J.A.C. 7:1K-4.2 and 4.3(b)3iii impacts:

(1) The number of production processes at the industrial facility listed in the industrial facility's Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.3(b)3;

(2) The number of sources at the industrial facility listed in the industrial facility's Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.5(a)6;

(3) The unit of product for each grouped process, determined in accordance with N.J.A.C. 7:1K-4.3(b)3ii and iii;

(4) The industrial facility's targeting decision pursuant to N.J.A.C. 7:1K-4.4;

(5) The identification of available and viable pollution prevention options at the industrial facility under N.J.A.C. 7:1K-4.5(a)4 and 6;

(6) The development of pollution prevention goals for the industrial facility pursuant to N.J.A.C. 7:1K-4.5(a)7 through 10; and

(7) The tracking of progress towards the industrial facility's pollution prevention goals;

iv. How an owner or operator's targeting decision under N.J.A.C. 7:1K-4.4 impacts:

(1) The development of pollution prevention goals for the industrial facility pursuant to N.J.A.C. 7:1K-4.5(a)7 through 10; and

(2) The development of source-specific information pursuant to N.J.A.C. 7:1K-4.5(a)2;

v. The value of Total Cost Assessment methods to the industrial facility's financial analysis under N.J.A.C. 7:1K-4.3(b)6 and 4.5(a)5ii;

vi. The industrial facility's methods for incorporating pollution prevention into corporate policies and decision-making;

vii. The industrial facility's methods for obtaining process-level and source-level estimates of use and nonproduct output;

viii. The industrial facility's unit of product for tracking pollution prevention progress, determined in accordance with N.J.A.C. 7:1K-4.3(b)3ii;

ix. How the identification of products and production processes under N.J.A.C. 7:1K-4.3(b)3ii affects pollution prevention planning and reporting at the industrial facility;

x. Whether any current environmental rules or regulations are obstacles to implementing pollution prevention methods identified in the industrial facility's Pollution Prevention Plan; and

xi. If applicable, whether the industrial facility has met the requirements for a Raw Material Substitution Certification set forth in N.J.A.C. 7:1K-4.6.*

(d) If the Department determines through its review under (c) above that a priority industrial facility has not prepared a Pollution Prevention Plan, Plan Summary or Plan Progress as required by N.J.A.C. 7:1K-3.1 or that a Pollution Prevention Plan, Plan Summary or Plan Progress Report is administratively incomplete, it shall issue an administrative order in accordance with N.J.A.C. 7:1K-12.2 directing the owner or operator to prepare a Pollution Prevention Plan, Plan Summary or Plan Progress Report or modify the industrial facility's Pollution Prevention Plan, Plan Summary or Plan Progress Report.

(e) If the Department determines through its review under (c) above that it is possible for a priority industrial facility to improve its Pollution Prevention Plan, Plan Summary or Plan Progress Report, it may issue an opinion letter to the priority industrial facility in accordance with the following:

1. The Department may issue an opinion letter identifying sections of the Pollution Prevention Plan, Plan Summary or Plan Progress Report that could be amended to strengthen pollution prevention planning at the industrial facility, including improving the industrial facility's grouping or targeting decisions;

2. The Department's opinion letter shall include a description of suggested Pollution Prevention Plan, Plan Summary or Plan Progress Report amendments and a suggested time frame for implementing the amendments;

3. In lieu of implementing any of the amendments suggested by the Department in an opinion letter, the owner or operator of the industrial facility may submit a response letter supplementing or explaining information in the industrial facility's Pollution Prevention Plan, Plan Summary or Plan Progress Report;

4. After evaluating information submitted by the industrial facility in a response letter, the Department may reaffirm its original opinion letter, issue a revised opinion letter to the industrial facility, or withdraw its original opinion letter; and

5. The failure of an industrial facility to implement the amendments suggested in an opinion letter issued under this subsection shall not constitute non-compliance with this chapter and shall not be grounds for assessment of civil administrative penalties pursuant to N.J.A.C. 7:1K-12. See N.J.A.C. 7:1K-12.9.

7:1K-3.11 Submittal of Pollution Prevention Plans

(a) The Department may require the owner or operator of a priority industrial facility to submit a copy of the industrial facility's Pollution Prevention Plan to the Department for review if the industrial facility requests an out-of-process recycling exemption pursuant to N.J.A.C. 7:1K-4.7 or participates in the facility-wide permitting program pursuant to N.J.A.C. 7:1K-7.

(b) The Department shall provide the owner or operator of a priority industrial facility with at least 45 days advance notice by certified mail before requiring submission of its Pollution Prevention Plan for review under (a) above, in order to enable the industrial facility to assert a confidentiality claim pursuant to N.J.A.C. 7:1K-8.2, if applicable.

7:1K-4.3 Contents of Part I of a Pollution Prevention Plan

(a) (No change.)

(b) Part IA of a Pollution Prevention Plan shall be based on information covering the base year as defined in N.J.A.C. 7:1K-1.5 and shall contain, at a minimum, the following:

1. (No change.)

2. Facility-level information (Note: This is the same information to be reported in the Plan Progress Report pursuant to N.J.A.C. 7:1K-6.1(c)3. This information is the same as information previously submitted on the Release and Pollution Prevention Report pursuant to N.J.A.C. 7:1G.):

i. (No change.)

ii. Inventory data, in pounds, for the annual inputs, either in pure form or contained in a mixture, determined by direct measurement or by calculations and estimates using best engineering judgment, of each hazardous substance:

(1)-(2) (No change.)

(3) Manufactured as a product, co-product or nonproduct output at the facility; and

(4) (No change.)

iii.-viii. (No change.)

3.-6. (No change.)

(c) Part IB of a Pollution Prevention Plan shall contain information on the reduction or increase in use of hazardous substances and the generation of hazardous substances as nonproduct output, including, but not limited to, the following:

1. Facility-level information on pollution prevention reductions (Note: This is the same information to be reported in the Plan Progress Report pursuant to N.J.A.C. 7:1K-6.1(c)4i through vi.):

i. Calculations of the reduction or increase in use of each hazardous substance in comparison to the previous year;

ii. Calculations of the reduction or increase in the generation of each hazardous substance as nonproduct output, in comparison to the previous year;

iii. Calculations of the reduction or increase in use attributed to the sale of co-products which are not the result of pollution prevention techniques, in comparison to the previous year;

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iv. Calculations of the reduction or increase in generation of nonproduct output attributed to the sale of co-products which are not the result of pollution prevention techniques, in comparison to the previous year;

v. Calculations of the reduction or increase in multimedia releases, by medium, after recycling and treatment, in comparison to the previous year; and

vi. A numerical statement demonstrating the industrial facility's progress, if any, towards achieving each of the facility-level give-year goals reported in the industrial facility's Pollution Prevention Plan Summary pursuant to N.J.A.C. 7:1K-5.1(b)3. Quantities of co-products sold by the industrial facility which are not the result of pollution prevention techniques do not count as progress towards achieving pollution prevention goals.

2. Information on Targeted Production Processes:

i. (No change.)

ii. Process-level information on pollution prevention reductions for each hazardous substance within each targeted production process, including, but not limited to (Note: This is the same information to be reported in the Plan Progress Report pursuant to N.J.A.C. 7:1K-6.1(c)5ii(1) through (7).):

(1)-(2) (No change.)

(3) Calculations of the reduction or increase in use of each hazardous substance per unit of product, as defined by N.J.A.C. 7:1K-1.5, attributed to the sale of co-products from each production process, which are not the result of pollution prevention techniques, in comparison to the previous year;

(4) Calculations of the reduction or increase in nonproduct output generation per unit of product, as defined by N.J.A.C. 7:1K-1.5, attributed to the sale of co-products from each production process, which are not the result of pollution prevention techniques, in comparison to the previous year;

(5) (No change.)

(6) A numerical statement demonstrating the industrial facility's progress, if any, towards achieving each of the process-level five-year goals for each targeted production process reported in the industrial facility's Pollution Prevention Plan Summary pursuant to N.J.A.C. 7:1K-5.1(b)5. Quantities of co-products sold by the industrial facility which are not the result of pollution prevention techniques do not count as progress towards achieving use reduction or nonproduct output reduction goals; and

(7) (No change.)

3. (No change.)

7:1K-4.5 Part II of a Pollution Prevention Plan

(a) Part II of a Pollution Prevention Plan shall contain, at a minimum, the following information:

1. (No change.)

2. Inventory data, in pounds, for the annual quantities, either in pure form or contained in a mixture, determined by direct measurement or calculations and estimates using best engineering judgment, of each hazardous substance generated as nonproduct output at each source within each targeted production process;

3.-14. (No change.)

(b)-(c) (No change.)

7:1K-4.7 Out-of-process recycling authorization

(a) (No change.)

(b) The owner or operator of a priority industrial facility seeking an out-of-process recycling authorization pursuant to this section shall submit the following information to the Department for review:

1. A complete copy of the most recent Pollution Prevention Plan prepared by the owner or operator of the priority industrial facility, subject to the confidentiality provisions of N.J.A.C. 7:1K-8 through 7:1K-11;

2.-3. (No change.)

(c) (No change.)

(d) An industrial facility's failure to submit a complete copy of the most recent Pollution Prevention Plan prepared by the owner or operator of the priority industrial facility as part of its request for an out-of-process recycling authorization under (b) above shall constitute grounds for denial of the request.

(e) (No change in text.)

7:1K-5.1 Pollution Prevention Plan Summary reporting requirements

(a) The owner or operator of a priority industrial facility is required to:

1. Prepare and submit to the Department, on forms provided by the Department, by the deadline at N.J.A.C. 7:1K-3.1, a Pollution Prevention Plan Summary summarizing the industrial facility's Pollution Prevention Plan; and

2. Revise, update or modify the industrial facility's Pollution Prevention Plan Summary thereafter in accordance with N.J.A.C. 7:1K-3.6, 3.8 and 3.9.

(b) A Pollution Prevention Plan Summary shall consist, at a minimum, of the following:

1. Administrative Information:

i.-ii. (No change.)

iii. The location of the industrial facility, using the industrial facility's centroid coordinate in New Jersey State Plane Feet;

iv. (No change.)

v. The name and business telephone number of the owner or operator of the industrial facility, and of the highest ranking corporate official at the industrial facility; and

vi. The name and business telephone number of *[a]* ***the*** non-management employee representative at the industrial facility.

2.-3. (No change.)

4. Process-level information (Note: This is the same information contained in Part IA of the Pollution Prevention Plan pursuant to 7:1K-4.3(b)3i and ii):

i.-ii. (No change.)

iii. A description of each product using a four-digit SIC code. A list of applicable four-digit SIC codes is included in the Pollution Prevention Guidance Document, which is available from the Department; and

iv. (Reserved); and

5. Information on targeted production processes:

i.-v. (No change.)

vi. An indication, for each hazardous substance used in a targeted production process, of whether the hazardous substance is used by the facility on an annual basis in a quantity of zero to 5,000 pounds, 5,000 pounds to 10,000 pounds, 10,000 to 25,000 pounds, 25,000 to 50,000 pounds, or greater than 50,000 pounds;

vii. If applicable: A Raw Material Substitution Certification for individual hazardous substances used in specific targeted production processes at the facility, completed in accordance with N.J.A.C. 7:1K-4.6; and

viii. An indication of whether the facility's targeting decision was based on 90 percent or more of the total use of hazardous substances at the industrial facility; 90 percent or more of the total nonproduct output generated at the industrial facility; or 90 percent or more of the total multi-media environmental releases at the industrial facility (in accordance with N.J.A.C. 7:1K-4.4).

7:1K-6.1 Pollution Prevention Plan progress reporting requirements

(a) The owner or operator of a priority industrial facility is required to:

1. Prepare and submit to the Department, on forms provided by the Department, by July 1 of each year after the completion of the facility's initial Pollution Prevention Plan, a Pollution Prevention Plan Progress Report that indicates the progress made in the previous year in achieving the use reduction and NPO reduction goals set forth in the facility's current Pollution Prevent Plan; and

2. Modify the facility's Pollution Prevention Plan Progress Report thereafter as required by N.J.A.C. 7:1K-3.9.

(b) (No change.)

(c) A Pollution Prevention Plan Progress Report shall consist, at a minimum, of the following:

1.-2. (No change.)

3. Facility-level inventory and release data (Note: This information replaces information that was previously submitted on Form

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DEQ-114 and is the same information to be included in Part IA of the Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.3(b)2.):

i. (No change.)

ii. Inventory data, in pounds, for the annual inputs, either in pure form or contained in a mixture, determined by direct measurement or by calculations and estimates using best engineering judgment, of each hazardous substance:

(1)-(2) (No change.)

(3) Manufactured as a product, co-product or nonproduct output at the industrial facility; and

(4) (No change.)

iv.-vi. (No change.)

4. Facility-level information on pollution prevention reductions:

i.-ii. (No change.)

iii. Calculations of the reduction or increase in use attributed to the sale of co-products which are not the result of pollution prevention techniques, in comparison to the previous year;

iv. Calculations of the reduction or increase in generation of nonproduct output attributed to the sale of co-products which are not the result of pollution prevention techniques, in comparison to the previous year;

v. (No change.)

vi. A numerical statement demonstrating the industrial facility's progress, if any, towards achieving each of the facility-level five-year goals reported in the industrial facility's Pollution Prevention Plan Summary pursuant to N.J.A.C. 7:1K-1.5(b)3. Quantities of co-products sold by the industrial facility which are not the result of pollution prevention techniques do not count as progress towards achieving pollution prevention goals. (Note: The information to be reported in (c)4i through vi is the same information to be included in a Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.3(c)1i through vi.)

5. Information on targeted production processes:

i. (No change.)

ii. Process-level information on pollution prevention reductions for each hazardous substance within each targeted production process, including, but not limited to:

(1)-(2) (No change.)

(3) Calculations of the reduction or increase in use of each hazardous substance and use of each hazardous substance per unit of product, as defined by N.J.A.C. 7:1K-1.5, attributed to the sale of co-products from each targeted production process, which are not the result of pollution prevention techniques, in comparison to the previous year;

(4) Calculations of the reduction or increase in nonproduct output generation per unit of product, as defined by N.J.A.C. 7:1K-1.5, attributed to the sale of co-products from each targeted production process, which are not the result of pollution prevention techniques, in comparison to the previous year;

(5) (No change.)

(6) A numerical statement demonstrating the industrial facility's progress, if any, towards achieving each of the process-level five-year goals for each targeted production process reported in the industrial facility's Pollution Prevention Plan Summary pursuant to N.J.A.C. 7:1K-5.1(b)5. Quantities of co-products sold by the industrial facility which are not the result of pollution prevention techniques do not count as progress towards achieving use reduction or nonproduct output reduction goals;

(7) An identification of the pollution prevention techniques used to achieve each reduction reported under (c)5ii(1) through (5) above (Note: The information to be reported in (c)5ii(1) through (7) is the same information to be included in Part IB of a Pollution Prevention Plan pursuant to N.J.A.C. 7:1K-4.3(c)2ii(1) through (7).);

(8)-(9) (No change.)

6. Information on progress which is less than anticipated:

i. If applicable, an explanation of why the facility's annual progress was less than that anticipated in the use reduction and nonproduct output reduction goals and implementation schedule reported in the facility's current Pollution Prevention Plan Summary;

7. Release and Pollution Prevention Reporting Elements:

i. All information required by N.J.A.C. 7:1G to be reported to the Department on Form DEQ-114 (the Release and Pollution Prevention Report) that is not otherwise specifically listed at (c)1 through 6 above; and

8. Checkoff box for production process changes:

i. If applicable, a facility should indicate that a production process change that occurred at the industrial facility has triggered a modification of the industrial facility's Pollution Prevention Plan, Plan Summary or Plan Progress Report by checking off the box or boxes corresponding to the modification criterion or criteria at N.J.A.C. 7:1K-3.9(a).

7:1K-7.2 Designation of priority industrial facilities for participation in facility-wide permit program

(a) (No change.)

(b) The owner or operator of a priority industrial facility volunteering to participate in the pilot program for facility-wide permitting shall notify the Commissioner of the facility's commitment to volunteer by September 1, 1993. The facility's commitment to volunteer shall be submitted to the Commissioner in writing, shall be signed by the highest corporate officer with direct operating responsibility for the facility and shall remain in effect unless withdrawn pursuant to N.J.A.C. 7:1K-7.3(f).

(c)-(f) (No change.)

7:1K-7.3 Procedures for issuing facility-wide permits

(a) The owner or operator of a priority industrial facility designated to participate in the facility-wide permit program pursuant to N.J.A.C. 7:1K-7.2 shall submit a complete facility-wide permit application to the Department by the deadline established by the Department. The Department shall establish a deadline for submittal of facility-wide permit applications by providing each industrial facility with at least 45 days advance notice by certified mail in order to enable the industrial facility to assert a confidentiality claim pursuant to N.J.A.C. 7:1K-8.2, if applicable.

(b) A complete facility-wide permit application shall consist of the following:

1.-2. (No change.)

Recodify existing (b) through (e) as (c) through (f) (No change in text.)

(g) An industrial facility that volunteered to participate in the pilot facility-wide permit program pursuant to N.J.A.C. 7:1K-7.2(b) and (c) may withdraw from the pilot facility-wide program at any time up until the 30th day following its receipt of the draft facility-wide permit by submitting its decision to withdraw to the Commissioner in writing, signed by the highest corporate officer with direct operating responsibility for the industrial facility. An industrial facility that was designated by the Department for participation in the pilot facility-wide permitting program pursuant to N.J.A.C. 7:1K-7.2(d) and (e) may only withdraw from the pilot facility-wide permit program during the 30-day period following its receipt of the draft facility-wide permit, by submitting its decision to withdraw to the Commissioner in writing, signed by the highest corporate officer with direct operating responsibility for the industrial facility.

Recodify existing (f) through (j) as (h) through (l). (No change in text.)

7:1K-9.2 Notice to claimant of request for confidentiality determination

Upon receipt of a request to inspect or copy records containing information which is the subject of a claim pursuant to N.J.A.C. 7:1K-9.1(a)1, the Department shall notify the industrial facility in writing of its receipt of the request within 15 working days of receiving the request.

7:1K-9.3 Notice of initial confidentiality determination, and of requirement to submit substantiation of claim

(a) If the Department initially determines that any of the asserted-ly confidential information may be confidential information, the Department shall:

1. Notify each claimant who is known to have asserted a claim applicable to such information of the following:

i. (No change.)

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ii. That the claimant is required to substantiate the claim in accordance with N.J.A.C. 7:1K-9.4;

iii. (No change.)

iv. The time allowed for submission of substantiation pursuant to N.J.A.C. 7:1K-9.5(a);

v. The method for requesting a time extension under N.J.A.C. 7:1K-9.5(b); and

vi. That the claimant's failure to furnish substantiation within the time allocated in N.J.A.C. 7:1K-9.5 shall operate as a waiver of the claimant's claim.

2. (No change.)

(b) (No change.)

(c) If the Department is able to determine whether all of the assertedly confidential information is or is not confidential information, without the need for submission of substantiation under N.J.A.C. 7:1K-9.4, such determination shall have the effect of a final confidentiality determination pursuant to N.J.A.C. 7:1K-9.6. The Department shall provide such notices of the determination as are required by N.J.A.C. 7:1K-9.6.

7:1K-9.4 Substantiation of confidentiality claims

(a) If the Department has determined that any assertedly confidential information may be confidential information, and has notified the claimant pursuant to N.J.A.C. 7:1K-9.3(a) and (b), the claimant shall substantiate the confidentiality claim by submitting information to the Department in the following areas within the time allotted by N.J.A.C. 7:1K-9.5:

1.-7. (No change.)

(b) (No change.)

7:1K-9.5 Time for submission of substantiation

(a) The claimant shall submit substantiation within 45 days after the date of the claimant's receipt of the written notice provided under N.J.A.C. 7:1K-9.3(a)1.

(b)-(c) (No change.)

7:1K-9.6 Final confidentiality determination

(a) If, after review of all the information submitted pursuant to N.J.A.C. 7:1K-9.4, the Department determines that the assertedly confidential information is not confidential information, the Department shall take the following actions:

1.-2. (No change.)

(b) If, after review of the substantiation submitted pursuant to N.J.A.C. 7:1K-9.4, the Department determines that the assertedly confidential information is confidential information, the Department shall treat such information as confidential information in accordance with N.J.A.C. 7:1K-11. The Department shall send written notice of the determination to the claimant and to any requester with a pending request to inspect or copy the information which was the subject of the confidentiality claim. The notice shall state the basis for the determination and that it constitutes final agency action. The Department shall send the notice by certified mail, return receipt requested.

(c) If, after review of the substantiation submitted pursuant to N.J.A.C. 7:1K-9.3, the Department determines that the claimant has made a frivolous confidentiality claim, the Department may assess a civil administrative penalty pursuant to N.J.A.C. 7:1K-12.6. The Department shall determine that a confidentiality claim is frivolous if it meets one or more of the following criteria:

1. The confidentiality claim is without any reasonable basis in fact; or

2. The confidentiality claim is clearly and substantially inconsistent with the definition of "confidential information" at N.J.A.C. 7:1K-1.5, such that the claim can not be supported by a good faith argument for treatment of the assertedly confidential information as confidential information, regardless of whether all the criteria at N.J.A.C. 7:1K-1.5 have been satisfied; or

3. The confidentiality claim is submitted for the sole purpose of concealing non-confidential information required to be disclosed pursuant to this chapter.

Recodify existing N.J.A.C. 7:1K-9.6 as 9.7. (No change in text.)

7:1K-9.8 Availability of information to the public after determination that information is not confidential

If the Department determines that assertedly confidential information is not confidential information pursuant to N.J.A.C. 7:1K-9.6(a), the Department may disclose such information to any person on the date which is 14 days after the claimant's receipt of the written notice of the confidentiality determination.

Recodify existing N.J.A.C. 7:1K-9.8 through 9.10 as N.J.A.C. 7:1K-9.9 and 9.11. (No change in text.)

7:1K-12.6 Civil administrative penalties for frivolous confidentiality claims

(a) The Department may assess a civil administrative penalty against each violator who submits a confidentiality claim pursuant to N.J.A.C. 7:1K-9 which is determined by the Department to be frivolous.

(b) The civil administrative penalty for offenses described in this section, per act or omission, shall be in the amount of $1,000 for the first offense, $2,500 for the second offense, and $5,000 for the third and each subsequent offense.

Recodify existing N.J.A.C. 7:1K-12.6 as 12.7. (No change in text.)

7:1K-12.8 Civil administrative penalties for violations of rules adopted pursuant to the Act

(a) The Department may assess a civil administrative penalty for each violation of a rule promulgated pursuant to the Act and listed in (b) below.

(b) The violations of N.J.A.C. 7:1K, Pollution Prevention Program Requirements, and the civil administrative penalty amounts for each violation are as follows:

1. For failure to prepare a Pollution Prevention Plan, Plan Summary or Plan Progress Report as required by N.J.A.C. 7:1K-3.1, the civil administrative penalty shall be up to $1,000 for the first offense, up to $2,500 for the second offense, and up to $5,000 for the third offense and each subsequent offense;

2. For failure to submit a complete facility-wide permit application, including a complete copy of the most recent Pollution Prevention Plan prepared by the owner or operator of the priority industrial facility, for review by the deadline established by the Department under N.J.A.C. 7:1K-7.3(a), the civil administrative penalty shall be up to $5,000; ***and***

3. For failure to comply with an administrative order issued pursuant to N.J.A.C. 7:1K-12.2, addressing administrative incompleteness of a Pollution Prevention Plan, Plan Summary, or Plan Progress Report, the civil administrative penalty shall be up to $1,000 for the first offense, up to $5,000 for the second offense, and up to $10,000 for the third and each subsequent offense*[; and]**.*

[4. For failure to comply with an administrative order issued pursuant to N.J.A.C. 7:1K-12.2, except for an administrative order addressing administrative incompleteness of a Plan, Plan Summary, or Plan Progress Report, the civil administrative penalty shall be up to $5,000 for the first offense, up to $10,000 for the second offense, and up to $15,000 for the third and each subsequent offense.]

7:1K-12.9 Exemptions from civil administrative penalties

(a) The civil administrative penalty requirements of this subchapter do not apply to:

1. Failure of an industrial facility to meet the pollution prevention goals required by N.J.A.C. 7:1K-5.1(b)3 and 5 to be developed for the facility; and

2. Failure of an industrial facility to implement the improvements***, including improvements related to the non-enforceable review criteria at N.J.A.C. 7:1K-3.10(c)2,*** outlined in an opinion letter issued pursuant to N.J.A.C. 7:1K-3.10.

Recodify existing N.J.A.C. 7:1K-12.9 and 12.10 as 12.10 and 12.11. (No change in text.)

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PUBLIC NOTICES

EDUCATION

(a)

STATE BOARD OF EDUCATION

Notice of Public Testimony Session, March 16, 1994

Take notice that the following agenda items are scheduled for Notice of Proposal in the May 16, 1994 New Jersey Register and are, therefore, subject to public comment. Pursuant to the policy of the New Jersey State Board of Education, a public testimony session will be held for the purpose of receiving public comment on Wednesday, March 16, 1994 from 3:00 P.M. to 6:00 P.M. in the State Board Conference Room, Department of Education, 225 East State Street, Trenton, New Jersey.

To reserve time to speak call the State Board Office at (609) 292-0739 by 12:00 noon Friday, March 11, 1994.

Rule Proposal:

N.J.A.C. 6:39, Evaluation
N.J.A.C. 6:21, Pupil Transportation

(b)

STATE BOARD OF EDUCATION

Notice of Public Testimony Session, March 16, 1994

Take notice that the following agenda item is scheduled for Notice of Proposal in the June 6, 1994 New Jersey Register and is, therefore, subject to public comment. Pursuant to the policy of the New Jersey State Board of Education, a public testimony session will be held for the purpose of receiving public comment on Wednesday, March 16, 1994 from 3:00 P.M. to 6:00 P.M. in the State Board Conference Room, Department of Education, 225 East State Street, Trenton, New Jersey.

To reserve time to speak call the State Board Office at (609) 292-0739 by 12:00 noon Friday, March 11, 1994.

Rule Proposal:

N.J.A.C. 6:70, Library Network Services.

ENVIRONMENTAL PROTECTION AND ENERGY

(c)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Atlantic County Water Quality Management Plan

Public Notice

Take notice that on January 5, 1994, pursuant to the provisions of the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4), an amendment to the Atlantic County Water Quality Management Plan was adopted by the Department. The amendment proposal was submitted on behalf of Harbor Pines Golf Course, formerly known as the Gurwicz Tract. This amendment modifies the Egg Harbor Township Wastewater Management Plan (WMP) by expanding the sewer service area to serve Block 54E, Lots 4, 5, 12-14, 15, 16-22, 26, 27, 29-36, 38, 40, 52-59, and 61. The expansion will serve 290 single family residences and an eighteen hole golf course. The site totals 484 acres of which 122 are wetlands. There will be a clubhouse containing approximately 10,000 square feet on the premises. The wastewater flow will be conveyed to the Atlantic County Utility Authority-City Island Sewage Treatment Plant (STP). The project is located in a "Limited Growth Area" of the Coastal Zone.

Proposed developments tying into existing and proposed sewer service areas which require coastal permits must demonstrate compliance with applicable coastal policies, including, but not limited to, policies under the Rules of Coastal Zone Management (N.J.A.C. 7:7E), on Wetlands (N.J.A.C. 7:7E-3.25), Wetlands Buffers (N.J.A.C. 7:7E-3.26), Endangered or Threatened Wildlife or Vegetation Species Habitat (N.J.A.C. 7:7E-3.38), Secondary Impacts (N.J.A.C. 7:7E-6.3), Public Facility Use Policies (N.J.A.C. 7:7E-7.6), Water Quality (N.J.A.C. 7:7E-8.4), Groundwater Use (N.J.A.C. 7:7E-8.6) and policies under General Land Areas—Subchapter 5 (N.J.A.C. 7:7E-5.1 through 5.7) in order to show consistency with New Jersey's Coastal Management Program.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

(d)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Upper Raritan and Upper Delaware Water Quality Management Plans

Public Notice

Take notice that the New Jersey Department of Environmental Protection and Energy is exercising a modified process for the review and approval of Water Quality Management Plan amendments, including Wastewater Management Plans. The Department has identified a number of pending amendments for which minimal modifications at most are expected to be necessary for Department approval. For these amendments, the Department is starting the public comment period earlier than normal in the review process. Amendments noticed under this process have not been fully reviewed by the Department. Be advised that publication of this notice in no way promises that the Department will approve the affected amendments without requirements for modifications. The Department is currently revising the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15); this modified process will be examined on its benefits and may be incorporated within the rules at a later date. The Department reserves the right to require the submittal of additional or modified information in response to public comment or Department review. Where modifications to the amendment are considered minor or non-substantive, the Department will move to a final decision without a new public comment process. However, the Department does reserve the right to require a new public comment process in the case where major modifications occur to the amendment. Any interested party with questions about this process should contact the Office of Land and Water Planning at (609) 633-1179.

The Department is seeking public comment on a proposed amendment to the Upper Raritan and Upper Delaware Water Quality Management (WQM) Plans. This amendment, submitted by Mount Olive Township, would adopt a wastewater management plan (WMP) for the Township. The WMP proposes: expansion of the Clover Hill, Mount Olive Villages Sewer Company and Mount Olive Upper Elementary School wastewater treatment facilities and/or service areas; several new wastewater treatment facilities discharging to ground water; abandonment of the Mount Olive High School and Equity Plaza wastewater facilities with conveyance of flows to the Musconetcong Sewerage Authority sewage treatment plant. The WMP also identifies areas to be served by the Hackettstown Municipal Sewerage Authority, the Musconetcong Sewerage Authority, on-site ground water discharge facilities less than 20,000 gallons per day (gpd), and on-site ground water discharge facilities less than 2,000 gpd.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antidegradation; effluent limitations; water quality analysis;

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exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules.

This notice is being given to inform the public that a plan amendment has been proposed for the Upper Raritan and Upper Delaware WQM Plans. All information relating to the WQM Plan and the proposed amendment is located at the NJDEPE, Office of Land and Water Planning, CN423, 401 East State Street, Trenton, New Jersey 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Office of Land and Water Planning at (609) 633-1179.

Interested persons may submit written comments on the amendment to Dr. Daniel J. Van Abs, Office of Land and Water Planning, at the NJDEPE address cited above with a copy sent to Luciano Corea, Jr., Business Administrator, P.O. Box A Rt. 46, Budd Lake, New Jersey 07828. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by NJDEPE with respect to the amendment request.

Any interested person may request in writing that NJDEPE hold a nonadversarial public hearing on the amendment or extend the public comment period in this notice up to 30 additional days. These requests must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of the date of this public notice to Dr. Van Abs at the NJDEPE address cited above. If a public hearing is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.

(a)

OFFICE OF LAND AND WATER PLANNING

Amendment to the Northeast Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection and Energy (NJDEPE) is exercising a modified process for the review and approval of Water Quality Management Plan amendments, including Wastewater Management Plans. The Department has identified a number of pending amendments for which minimal modifications at most are expected to be necessary for Department approval. For these amendments, the Department is starting the public comment period earlier than normal in the review process. Amendments noticed under this process have not been fully reviewed by the Department. Be advised that publication of this notice in no way promises that the Department will approve the affected amendments without requirements for modifications. The Department is currently revising the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15); this modified process will be examined on its benefits and may be incorporated within the rules at a later date. The Department reserves the right to require the submittal of additional or modified information in response to public comment or Department review. Where modifications to the amendment are considered minor or non-substantive, the Department will move to a final decision without a new public comment process. However, the Department does reserve the right to require a new public comment process in the case where major modifications occur to the amendment. Any interested party with questions about this process should contact the Office of Land and Water Planning at (609) 633-1179.

The Department is seeking public comment on a proposed amendment to the Northeast Water Quality Management (WQM) Plans. This amendment proposal was submitted by Maraziti, Falcon & Gregory on behalf of the Passaic River Basin Alliance, a coalition of wastewater dischargers in the Passaic River Basin, to amend the treatment level requirements specified in Table V-15 of the Northeast WQM Plan. This proposal would affect the major municipal dischargers and a few industrial dischargers in the Northeast WQM Plan area as identified in Table V-17 and/or section V.B.5 of the WQM Plan. Table V-15 of the WQM Plan is proposed to be amended as follows: 1) Total Kejeldahl Nitrogen (TKN) would substitute for ammonia-nitrogen (NH3-N) in Table V-15, with an exception for direct dischargers to the mainstem Dead River and the mainstem Passaic River to the end of the freshwater portion at Dundee Dam which were addressed by the Department's Passaic River Water Quality Management Study, Special Report, April 1987. For the dischargers covered by this exception, the TKN parameter may be replaced with NH3-N at the same concentrations where justified. The NH3-N and TKN requirements in Table V-15 will be seasonal, applying from May 1 through October 31. For each discharger addressed by Table V-15, the permittee will be required to prove that the summer NH3-N and/or TKN limits in Table V-15 protect against the toxic effects of NH3-N. The required wintertime limitations shall be determined by an ammonia toxicity study. Plase note that for facilities with existing wintertime NH3-N and/or TKN effluent limitations, those existing limitations will not be modified until a wintertime ammonia toxicity study has been completed and approved. The existing wintertime NH3-N limitations will be modified as part of the Department's proposal to establish the appropriate site-specific wintertime ammonia toxicity-based effluent limitations; 2) 5 Day Carbonaceous Biochemical Oxygen Demand (CBOD5) requirements would substitute for 5 Day Biochemical Oxygen Demand (BOD5) requirements at the same concentrations. Seasonal CBOD5 limitations would need to be determined by a water quality study; 3) Ultimate Carbonaceous Biochemical Oxygen Demand (CBODu) and Ultimate Nitrogeneous Biochemical Oxygen Demand (NBODu) would be deleted from Table V-15; and 4) The requirements for suspended solids would be revised to indicate that the water quality based limit or secondary treatment, whichever is more stringent, would apply.

This amendment represents only one part of the permit process and other issues will be addressed prior to final permit issuance. Additional issues which were not reviewed in conjunction with this amendment but which may need to be addressed may include, but are not limited to, the following: antibacksliding; antidegradation; water quality analysis; drinking water issues; exact locations and designs of future treatment works (pump stations, interceptors, sewers, outfalls, wastewater treatment plants); and development in wetlands, flood prone areas, designated Wild and Scenic River areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules. Written comments are welcome in regard to potential impacts from the proposed amendment on downstream water supplies/suppliers. These comments should be submitted as discussed below.

This notice is being given to inform the public that a plan amendment has been proposed for the Northeast WQM Plan. All information related to the WQM Plan and the proposed amendment is located at the NJDEPE, Office of Land and Water Planning, CN423, 401 East State Street, Trenton, New Jersey 08625. It is available for inspection between 8:30 A.M. and 4:00 P.M., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Office of Land and Water Planning at (609) 633-1179.

Interested persons may submit written comments on the proposed amendment to Dr. Daniel J. Van Abs, at the NJDEPE address cited above with a copy sent to Ms. Diane Alexander-McCabe, Maraziti, Falcon & Gregory, 65 Madison Avenue, Morristown, New Jersey 07960. All comments must be submitted within 30 days of the date of this public notice. All comments submitted by interested persons in response to this notice, within the time limit, shall be considered by NJDEPE with respect to the amendment request.

Any interested persons may request in writing that NJDEPE hold a nonadversarial public hearing on the amendment or extend the public comment period in this notice up to 30 additional days. These requests must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of this public notice to Dr. Van Abs at the NJDEPE address cited above. If a public hearing for the amendment is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.

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HEALTH

(a)

DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION AND ENERGY

DIVISION OF ENVIRONMENTAL SAFETY, HEALTH AND ANALYTICAL PROGRAMS

LABOR

DIVISION OF WORKPLACE STANDARDS, AND OFFICE OF COMPTROLLER, FINANCE AND ACCOUNTING

RIGHT TO KNOW ADVISORY COUNCIL

Worker and Community Right to Know Act Notice of Public Hearing

Take notice that pursuant to the "Worker and Community Right to Know Act," N.J.S.A. 34:5A-1 et seq., the Department of Health, Department of Environmental Protection and Energy, and Department of Labor, in conjunction with the Right to Know Advisory Council, will hold a **public hearing** to receive testimony, information and recommendations from the public concerning the implementation of the Act. Specifics of the meeting are as follows:

Friday, March 25, 1994
10:00 A.M. to 4:00 P.M.
Department of Health
First Floor Auditorium
John Fitch Plaza
Trenton, New Jersey 08625

The purpose of the hearing will be to receive public comments about the implementation of the Worker and Community Right to Know Act and the Community Right to Know provisions of SARA—Title III.

The Department of Health and Environmental Protection and Energy would like to hear suggestions about substances which should be added to or deleted from the Right to Know Hazardous Substance List, the Special Health Hazard Substance List, and the Environmental Hazardous Substance List. Any suggested revisions to the lists should be based on and accompanied by documented scientific evidence.

Persons who wish to testify should call Eva McGovern at (609) 984-2202. The record will be kept open for 15 days beyond March 25, 1994 for the receipt of written comments, which should be sent to: Richard Willinger, Program Manager, Right to Know Program, New Jersey Department of Health, CN 368, Trenton, New Jersey 08625-0368.

HUMAN SERVICES

(b)

DIVISION OF YOUTH AND FAMILY SERVICES

Notice of Availability of Program Development Therapeutic Wilderness Program

Take notice that in compliance with N.J.S.A. 52:14-34.4, 34.5 and 34.6, the Department of Human Services announces the following:

Name of Program: Therapeutic Wilderness Program.

Purpose for which the program shall be developed: The purpose of this program is to establish a Therapeutic Wilderness Program to strengthen the Division's spectrum of residential services and continuum of care for adolescent youth.

Additionally, the Division is continuing its commitment to serve New Jersey's children within the state to the best extent possible. The following characteristics describe the population for whom services are being sought:

- Male and female adolescents, ages 13 through 17;
- Functioning at borderline I.Q. level or above;
- Diagnosed as conduct-disordered, emotionally disturbed, or multiple handicapped;
- Adolescents with prior psychiatric hospitalization that are stabilized and can appropriately function in a wilderness setting;
- Adolescents with Family Court involvement.

The program design shall incorporate a goal of enabling the targeted population to be reintegrated into their communities as productive, capable, functioning members, and incorporate two main components: (1) a 12 to 18 month residential program during which the adolescent will work on improving his or her self-esteem and developing pro-social behaviors; and, (2) an after-care component that will provide linkages and services to assist in the stabilization of the skills gained while in program residence as they are applied in real-life settings. This component should incorporate the development and implementation of discharge and after-care plans to ensure continuity of care in the youth's home or living arrangement, school, and community setting.

As a possible incentive to a prospective provider, the Department of Human Services would consider allowing a private provider the use of a portion of the land at New Lisbon Developmental Center, Route 72, New Lisbon, New Jersey, a facility of the Division of Developmental Disabilities (DDD). The following conditions would apply:

The responsibilities of the prospective provider would include:

- Identification of the exact parcel of land, by size and location, that would be necessary for the program;
- Formal explanation of the benefits that would accrue to the State of New Jersey, through DYFS, if a contract were to be entered into that leases this property for a minimal amount of one dollar ($1.00) per year;
- Commitment to secure the formal written approval of the New Jersey Pinelands Commission for this change/variation in use of this land;
- Explanation of plan for funding/financing the costs of any additions or hookups needed to tie into the existing sewage treatment plant, as well as the estimated costs for tying into the water and electricity sources and any necessary improvements to access roadways;
- Commitment to meet New Jersey requirements for approval or licensure of residential programs as stated in the N.J.A.C. 10:127, Manual of Requirements For Residential Child Care Facilities (manual is available upon request);
- Agreement that the on-grounds program capacity will be limited to a maximum of 60 children at any one time; and
- Agreement that the wilderness program will operate as a distinct entity and not utilize any services or areas of New Lisbon beyond the designated land.

Funding Information: Program funds for this project will be provided via the Department of Human Services fixed unit rate contracting process on a per youth/per diem rate. There will be no guarantee of services or contract ceiling. The source of these funds will be the redirection of existing residential monies as youth are returned from out-of-State programs or redirected from in-State programs. In addition, no start-up funds are available. The selected applicant will be required to provide all funds necessary for planning, program development and initial implementation.

An advance payment of one month based upon the number of youth identified for initial placement may be available upon contract execution.

Organizations which may apply: Interested providers who have expertise and experience in the operation and delivery of therapeutic services in a natural setting to adolescents who have demonstrable and documented emotional and behavioral problems of such severity that maintenance in a community setting is no longer feasible. Additionally, the Applicant must be willing to commit to serving the needs of the children of New Jersey prior to accepting children from other states into this program.

Qualifications needed by an Applicant: In all cases, applicants must demonstrate compliance with the following provisions:

1) The applicant must be able to fiscally provide for the educational component of this program through Department of Education funding;

2) The applicant must demonstrate a comprehensive understanding of the problems and needs of the target population of male and female adolescents;

3) The applicant must be willing to enter into a contract with DYFS and to comply with DYFS policies and with the contracting rules and regulations of the Department of Human Services; and

4) The applicant must not discriminate in providing services based on age, race, creed, national origin, sex, handicap or financial status.

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Application Selection Criteria: Applicants shall be evaluated and scored in accordance with the criteria listed below. The maximum score for all proposals shall equal 100 points and shall be computed based on the following:

- Demonstration by the applicant of expertise and experience in the operation and delivery of therapeutic services to youth in the milieu of a wilderness program (Max. 15 points);
- Applicant's ability to demonstrate clarity in the proposal, to describe attainability of the implementation plan and to indicate assurance of compliance with contract requirements (Max. 15 points);
- Justification of need which incorporates a description of the nature of the program, the agency's capability to provide services and relevant statistics (Max. 10 points);
- Compatability of the Applicant's goals, objectives and treatment philosophy with the goals of the program and services solicited (Max. 10 points);
- Program approach, which includes the definition of services to be provided, client eligibility requirements, description of the activities/methods used to achieve objectives, listing of number of staff, qualifications and skills needed, description of monitoring plan and evaluation of quality of services (Max. 20 points);
- Reasonableness of applicant's proposed budget plan (Max. 15 points);
- Applicant's stability, performance, and strength both programmatically and fiscally (Max. 10 points);
- Feasibility of timetable for implementation (Max. 5 points).

Procedures for eligible applicants to apply: Agencies interested in applying for this program development may obtain a copy of the request for proposals from the Division of Youth and Family Services, Office of Statewide Operations and Support, CN 717, Trenton, New Jersey 08625 or by calling Cheryle Walter at (609) 633-7596. A bidder's conference is scheduled for:

DATE: Tuesday, February 22, 1994
TIME: 10:00 A.M.
LOCATION: Capital Center
50 East State Street
Room 720
Trenton, New Jersey

Agencies and individuals interested in applying, may also obtain a copy of the Request for Proposals by attending the Bidders Conference.

Address to which applications must be submitted: Agencies interested in applying for this program development should submit one signed original and 10 copies of the Request for Proposals and all required attachments comprising the proposal application package to the Division of Youth and Family Services by 4:00 P.M. on Tuesday, March 8, 1994.

(a)

MENTAL HEALTH AND HOSPITALS

Notice Availability of Grant Funds Supported Employment Services

Take notice that in compliance with N.J.S.A. 52:14-34.4, 34.5 amd 34.6, the Department of Human Services hereby announces the availability of the following grant program funds.

A. Name of program: Supported Employment Services.

B. Purpose: Funds are being made available to develop county-wide supported employment programs in the five counties presently without a program. These counties include Hunterdon, Somerset, Atlantic, Cape May, and Salem. These programs will assist individuals diagnosed with severe mental illness to choose, secure, and keep integrated employment opportunities in business and industry.

C. Amount of available funding for the program: $140,000 annualized.

D. Organizations which may apply for funding under this program: Any non-profit agency which meets the qualifications of the Department of Human Services as specified in N.J.A.C. 10:3, the Contract Policy and Information Manual. If necessary, this manual may be obtained from the Offices of the Division of Mental Health and Hospitals at the time the application is requested.

E. Qualifications needed by an applicant to be considered for funding: Entities must have the capacity to provide supported employment services necessary to assist individuals with severe mental illness to choose, secure, and keep integrated employment opportunities. Entities must demonstrate a strong commitment to involve individuals in choosing, obtaining, and maintaining individualized integrated employment.

F. Procedure for eligible organizations to apply: Interested organizations may request an application from the Division of Mental Health and Hospitals, as indicated below.

G. Address to which applications must be submitted:
Steven M. Fishbein
Division of Mental Health and Hospitals
Capital Center, CN 727
Trenton, NJ 08625-0727

H. Deadline by which applications must be submitted: By the close of business, March 9, 1994.

I. Date the applicant is to be notified of acceptance or rejection: April 15, 1994.

(b)

OFFICE OF EDUCATION

Notice of Requests for Proposals (RFPs) Educational Related Services for Fiscal Year 1995 Title of Funding Source: State Facilities Education Act (P.L. 1979, c.207)

Take notice that in compliance with N.J.S.A. 52:14-34.4, 34.5 and 34.6, the Department of Human Services, Office of Education hereby invites Requests for Proposals (RFPs) for the following programs:

A. Name of program: Educational Related Services for Fiscal Year 1995.

B. Purpose: To provide the delivery of physical, occupational, speech/language therapy and rehabilitative engineering services in state-operated/Office of Education facilities located throughout New Jersey. These facilities provide special education programs to children with disabilities, ages 3 through 21.

C. Amount of money in the program: Approximately $5,000,000.

D. Organizations which may apply for funding under the program: Individuals, agencies, hospitals, clinics, and any other interested third-party providers.

E. Qualifications needed by an applicant to be considered for funding: Physical therapists must be licensed and school certified. Speech/language therapists must be licensed and school certified. Occupational therapists must be licensed as mandated by the New Jersey Occupational Therapy Licensing Board and school certified. All therapists must carry malpractice insurance. The rehabilitation engineer must possess a minimum of a Bachelor's degree in human factors, electrical, meechanical and/or biomedical engineering.

F. Procedure for eligible organizations to apply: All interested applicants should write to the address listed below or call 609-588-3164 for a Request for Proposal (RFP) package.

G. Address to which application must be submitted:
Dr. Patricia Holliday, Director
Department of Human Services
Office of Education
10 Quakerbridge Plaza, CN 700
Trenton, NJ 08625

H. Deadline by which applications must be submitted: April 5, 1994.

I. Date by which the applicant shall be notified of approval or disapproval: May 20, 1994.

J. Appeal: A request for an appeal must be made in writing within 15 days after notification of awards to Dr. Patricia Holliday at the above address, in accordance with N.J.A.C. 10:3.

CORRECTIONS

(c)

THE COMMISSIONER

Notice of Action on Petition for Rulemaking N.J.A.C. 10A:6-2.2(a)4 and 2.7(c)

Petitioner: Robert Sogluizzo, East Jersey State Prison.

Take notice that on December 9, 1993, the New Jersey Department of Corrections received a petition for rulemaking concerning N.J.A.C.

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10A:6-2.2(a)4 and 2.7(c), the Department's rules on Inmate Legal Services. Public notice of this petition was published in the January 18, 1994 New Jersey Register.

In accordance with N.J.A.C. 1:30-3.6 and after thorough review of the petition, the Department has determined that the matter will receive further deliberations.

Upon the conclusion of the Department's deliberations by February 28, 1994, the decision will be mailed to the petitioner and published in a future New Jersey Register.

A copy of this notice has been mailed to the petitioner, as required by N.J.A.C. 1:30-3.6.

INSURANCE

(a)

NEW JERSEY INDIVIDUAL HEALTH COVERAGE PROGRAM BOARD

Notice of Receipt of and Action Petition for Rulemaking

N.J.A.C. 11:20-1.1, Exhibit F

Petitioner: New Jersey Optometric Association.

Take notice that on December 10, 1993, the New Jersey Individual Health Coverage Program Board has received a petition for rulemaking concerning N.J.A.C. 11:20-1.1, Exhibit F, the individual health benefits HMO policy form, Section V(b), "Specialist Doctor Benefits."

The petitioner requests that the IHC Board amend the list of "Specialist Doctor Benefits" to specifically name optometry as a covered specialist benefit for reimbursement under the standard HMO policy form.

Notice of Action on Petition for Rulemaking

The petition has been considered by the IHC Board, pursuant to law, and the IHC Board has decided to refer the matter to the IHC Board's Technical Advisory Committee ("TAC") for further deliberations in accordance with N.J.A.C. 1:30-3.6. The IHC Board will take final action upon a recommendation from the TAC.

The IHC Board first considered the issue of expressly including optometry in the list of Specialist Doctor Benefits on the standard HMO policy form when it was raised in a comment to the proposed rule. Upon final adoption of the rule, the IHC Board did not believe it was necessary to list optometry because the list of Specialist Doctor Benefits is not exclusive, rather, section V(b) of the standard HMO policy form specifically states that "[s]ervices include, but are not limited to, the following" and proceeds to list 19 examples of the most common specialist services. Optometry is not listed in the exclusions in section IV of the standard HMO policy form. Furthermore, the form's definition of "covered services" lists the criteria used to determine whether a service will be covered by the carrier. It is clear from those criteria that medically necessary services performed by a licensed optometrist, upon referral by the primary care physician, would be covered. The IHC Board responded to this effect in its responses to public comments in the IHC Board's final rule promulgating the standard HMO policy form.

The IHC Board's goal is to make the standard policy forms as clear as possible. Therefore, the TAC will further consider the petition in light of all specialty services not expressly named in the standard HMO policy form, including optometry, to determine if a clarification is necessary. When the TAC's recommendation has been considered by the IHC Board and a final decision has been made, which is anticipated to occur on or before April 10, 1994, the decision will be mailed to the petitioner and published in a future New Jersey Register.

A copy of this notice has been mailed to the petitioner, as required by N.J.A.C. 1:30-3.6.

LAW AND PUBLIC SAFETY

(b)

DIVISION OF STATE POLICE
OFFICE OF EMERGENCY MANAGEMENT

Notice of Revisions to the Notice of Grant Availability to County and Municipal Local Emergency Planning Committees for Projects Implementing the USDOT Hazardous Materials Transportation Uniform Safety Act

Take notice that the New Jersey Office of Emergency Management has made revisions to the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) Pass-Through Grant Program. Notice of the Program was published in the December 20, 1993 New Jersey Register at 25 N.J.R. 6067(b). Specifically, those changes are:

1. The total grant fund for 1994 for New Jersey has been increased from $44,000 to $47,500;
2. The maximum funding limit per LEPC application has been increased from $8,800 to $9,500;
3. The filing deadline for LEPC applications has been extended from January 15, 1994 to February 15, 1994;
4. Notice of approval of LEPC applications has been changed from February 15, 1994 to March 15, 1994.

TRANSPORTATION

(c)

DIVISION OF TRANSPORTATION ASSISTANCE
BUREAU OF EMPLOYER TRIP REDUCTION

Notice to File a Registration as an Affected Employer, Pursuant to N.J.S.A. 27:26A-1 et seq. and N.J.A.C. 16:50-5.1(a)

Take notice that pursuant to N.J.S.A. 27:26A-1 et seq. and N.J.A.C. 16:50-5.1(a), employers that have 100 or more employees at any single work location in New Jersey must register with the New Jersey Department of Transportation on or before March 11, 1994. Employers in Atlantic, Cape May, and Warren Counties are not subject to this requirement because they are not located in a severe ozone non-attainment area as designated by the U.S. Environmental Protection Agency. **Requests** for registration forms or information may be obtained from the **Bureau of Employer Trip Reduction by calling 1-800-386-ETRP.**

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REGISTER INDEX OF RULE PROPOSALS AND ADOPTIONS

The research supplement to the New Jersey Administrative Code

A CUMULATIVE LISTING OF CURRENT PROPOSALS AND ADOPTIONS

The **Register Index of Rule Proposals and Adoptions** is a complete listing of all active rule proposals (with the exception of rule changes proposed in this Register) and all new rules and amendments promulgated since the most recent update to the Administrative Code. Rule proposals in this issue will be entered in the Index of the next issue of the Register. **Adoptions promulgated in this Register have already been noted in the Index by the addition of the Document Number and Adoption Notice N.J.R. Citation next to the appropriate proposal listing.**

Generally, the key to locating a particular rule change is to find, under the appropriate Administrative Code Title, the N.J.A.C. citation of the rule you are researching. If you do not know the exact citation, scan the column of rule descriptions for the subject of your research. To be sure that you have found all of the changes, either proposed or adopted, to a given rule, scan the citations above and below that rule to find any related entries.

At the bottom of the index listing for each Administrative Code Title is the Transmittal number and date of the latest looseleaf update to that Title. Updates are issued monthly and include the previous month's adoptions, which are subsequently deleted from the Index. To be certain that you have a copy of all recent promulgations not yet issued in a Code update, retain each Register beginning with the December 6, 1993 issue.

If you need to retain a copy of all currently proposed rules, you must save the last 12 months of Registers. A proposal may be adopted up to one year after its initial publication in the Register. Failure to adopt a proposed rule on a timely basis requires the proposing agency to resubmit the proposal and to comply with the notice and opportunity-to-be-heard requirements of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.), as implemented by the Rules for Agency Rulemaking (N.J.A.C. 1:30) of the Office of Administrative Law. If an agency allows a proposed rule to lapse, "Expired" will be inserted to the right of the Proposal Notice N.J.R. Citation in the next Register following expiration. Subsequently, the entire proposal entry will be deleted from the Index. See: N.J.A.C. 1:30-4.2(c).

Terms and abbreviations used in this Index:

N.J.A.C. Citation. The New Jersey Administrative Code numerical designation for each proposed or adopted rule entry.

Proposal Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of a proposed amendment or new rule.

Document Number. The Registry number for each adopted amendment or new rule on file at the Office of Administrative Law, designating the year of promulgation of the rule and its chronological ranking in the Registry. As an example, R.1993 d.1 means the first rule filed for 1993.

Adoption Notice (N.J.R. Citation). The New Jersey Register page number and item identification for the publication notice and text of an adopted amendment or new rule.

Transmittal. A series number and supplement date certifying the currency of rules found in each Title of the New Jersey Administrative Code: Rule adoptions published in the Register after the Transmittal date indicated do not yet appear in the loose-leaf volumes of the Code.

N.J.R. Citation Locator. An issue-by-issue listing of first and last pages of the previous 12 months of Registers. Use the locator to find the issue of publication of a rule proposal or adoption.

MOST RECENT UPDATE TO THE ADMINISTRATIVE CODE: SUPPLEMENT NOVEMBER 15, 1993

NEXT UPDATE: SUPPLEMENT DECEMBER 20, 1993

Note: If no changes have occurred in a Title during the previous month, no update will be issued for that Title.

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N.J.R. CITATION LOCATOR

If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register	If the N.J.R. citation is between:	Then the rule proposal or adoption appears in this issue of the Register
25 N.J.R. 389 and 616	February 1, 1993	25 N.J.R. 3583 and 3884	August 16, 1993
25 N.J.R. 619 and 736	February 16, 1993	25 N.J.R. 3885 and 4360	September 7, 1993
25 N.J.R. 737 and 1030	March 1, 1993	25 N.J.R. 4361 and 4540	September 20, 1993
25 N.J.R. 1031 and 1308	March 15, 1993	25 N.J.R. 4541 and 4694	October 4, 1993
25 N.J.R. 1309 and 1620	April 5, 1993	25 N.J.R. 4695 and 4812	October 18, 1993
25 N.J.R. 1621 and 1796	April 19, 1993	25 N.J.R. 4813 and 4980	November 1, 1993
25 N.J.R. 1797 and 1912	May 3, 1993	25 N.J.R. 4981 and 5382	November 15, 1993
25 N.J.R. 1913 and 2150	May 17, 1993	25 N.J.R. 5383 and 5728	December 6, 1993
25 N.J.R. 2151 and 2620	June 7, 1993	25 N.J.R. 5729 and 6084	December 20, 1993
25 N.J.R. 2621 and 2794	June 21, 1993	26 N.J.R. 1 and 280	January 3, 1994
25 N.J.R. 2795 and 3050	July 6, 1993	26 N.J.R. 281 and 520	January 18, 1994
25 N.J.R. 3051 and 3276	July 19, 1993	26 N.J.R. 521 and 878	February 7, 1994
25 N.J.R. 3277 and 3582	August 2, 1993		

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1:1-9.4	Accelerated proceedings	26 N.J.R. 284(a)		
1:10-1.1, 9.1, 9.2, 14.1, 14.2, 14.3, 18.1	Family Development hearings	25 N.J.R. 3888(a)		
1:13A	Lemon law hearings	25 N.J.R. 5387(a)		
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2:6	Animal health: biologics for diagnostic or therapeutic purposes	25 N.J.R. 4985(a)		
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2:76-6.11	Farmland Preservation Program: correction to proposal and extension of comment period regarding acquisition of development easements	25 N.J.R. 4697(a)		
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3:11-7.11	Disqualification of bank directors	25 N.J.R. 3586(b)		
3:14	Bank service corporations	26 N.J.R. 3(b)		
3:38-1.1, 1.10, 5.1	Mortgage banker non-servicing	25 N.J.R. 1035(a)		
3:38-5.3	Mortgage referrals by real estate agents	26 N.J.R. 6(a)		
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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
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4A:1-5.3, 5.4	Coordinator address: administrative change	———	———	26 N.J.R. 197(b)
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4A:2-3.1	Department use of Social Security numbers	26 N.J.R. 287(a)		
4A:3-3.1	Department use of Social Security numbers	26 N.J.R. 287(a)		
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5:23-2.6, 2.14, 2.23, 3.2, 3.4, 3.8A, 3.11A, 3.14–3.18, 3.20, 3.20A, 3.21, 4.3A, 4A.8, 4A.11, 12.2	Uniform Construction Code: subcodes	25 N.J.R. 3891(a)	R.1993 d.662	25 N.J.R. 5918(a)
5:23-2.17A	Uniform Construction Code: reroofing work	25 N.J.R. 4546(a)	R.1993 d.663	25 N.J.R. 5927(a)
5:23-2.18A, 3.11, 4.20	UCC: utility load management device permits; mausoleum plan review; Department fees	25 N.J.R. 4546(b)	R.1994 d.28	26 N.J.R. 352(a)
5:23-2.22, 4.18, 4.20, 4.22, 4.26, 4.29, 4.31, 4.39, 4A.1-4A.5, 4A.7-4A.2, 4B, 4C	Uniform Construction Code: industrialized/modular buildings	25 N.J.R. 5388(a)		
5:23-4.4, 4.5, 4.5A, 4.12, 4.14, 4.18, 4.20	Uniform Construction Code: private on-site inspection agencies	25 N.J.R. 2162(a)		
5:23-4.18	UCC: subcode training registration fee	25 N.J.R. 4548(a)	R.1993 d.665	25 N.J.R. 5928(a)
5:23-4.20	Uniform Construction Code: administrative correction regarding Departmental fees	———	———	26 N.J.R. 796(a)
5:25-5.5	New home warranties and builder registration: claims procedure	25 N.J.R. 4986(a)	R.1994 d.50	26 N.J.R. 796(b)
5:27-1.3, 1.4, 1.6, 2.1, 12.2	Rooming and boarding houses: administrative corrections	———	———	25 N.J.R. 5928(b)
5:28	Foreword State Housing Code: administrative correction	———	———	25 N.J.R. 5928(b)
5:80-8	Housing and Mortgage Finance Agency: occupancy income requirements	26 N.J.R. 8(a)		
5:80-23.7, 23.9	Housing Incentive Note Purchase Program: fees; subordinate financing	26 N.J.R. 9(a)		
5:80-23.9	Housing and Mortgage Finance Agency: Housing Incentive Note Purchase Program fees	25 N.J.R. 3053(a)		
5:80-24	Housing and Mortgage Finance Agency: Lease-Purchase Program	25 N.J.R. 4826(a)		
5:80-26.19	Housing and Mortgage Finance Agency: affordable housing controls	25 N.J.R. 4369(a)	R.1993 d.640	25 N.J.R. 5471(a)

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5:80-29	Housing and Mortgage Finance Agency: investment of housing project funds	25 N.J.R. 4830(a)		
5:80-32	Housing and Mortgage Finance Agency: housing investment sales	25 NJ.R. 4828(a)		
5:91-1.3	Counseling on Affordable Housing: substantive rules	25 N.J.R. 5763(a)		
5:92-1.1, 13.1	Council on Affordable Housing: substantive rules	25 N.J.R. 5763(a)		
5:93	Council on Affordable Housing: substantive rules	25 N.J.R. 5763(a)		

Most recent update to Title 5: TRANSMITTAL 1993-11 (supplement November 15, 1993)

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5A:7-1	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1317(a)	R.1993 d.615	25 N.J.R. 5472(a)

Most recent update to Title 5A: TRANSMITTAL 1992-2 (supplement September 21, 1992)

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6:1 et seq.	Title 6, New Jersey Administrative Code: opportunity for public comment	25 N.J.R. 4369(b)		
6:2	Appeals to State Board of Education	25 N.J.R. 4548(b)	R.1994 d.17	26 N.J.R. 198(b)
6:28	Special education	25 N.J.R. 5734(a)		

Most recent update to Title 6: TRANSMITTAL 1993-8 (supplement November 15, 1993)

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7:0	Green glass marketing and recycling: request for public input on feasibility study	25 N.J.R. 1654(a)		
7:0	Regulated Medical Waste Management Plan: public hearing and opportunity for comment	25 N.J.R. 1654(b)		
7:0	Site Remediation Program: analysis of strict, joint and several liability under the New Jersey Spill Compensation Act	25 N.J.R. 3694(a)		
7:1E	Discharges of petroleum and other hazardous substances: request for public comment on draft amendments	25 N.J.R. 2636(a)		
7:1G	Worker and Community Right to Know	26 N.J.R. 123(a)		
7:1G-1–5, 7	Worker and Community Right to Know	25 N.J.R. 1631(a)	R.1994 d.3	26 N.J.R. 200(a)
7:1I	Sanitary Landfill Facility Closure and Contingency Fund: processing of damage claims	25 N.J.R. 5116(a)		
7:1K-1.5, 3.1, 3.4, 3.9-3.11, 4.3, 4.5, 4.7, 5.1, 5.2, 6.1, 6.2, 7.2, 7.3, 9.2-9.5, 9.7, 12.6-12.9	Pollution Prevention Program requirements	25 N.J.R. 1849(a)	R.1994 d.51	26 N.J.R. 842(a)
7:2-2.20, 3.6, 6.4, 8.4, 8.6, 10.2, 16.5, 17.1, 17.3, 17.4, 17.5	State Park Service Code	25 N.J.R. 2799(b)	R.1993 d.657	25 N.J.R. 5953(a)
7:4B	Historic Preservation Revolving Loan Program	25 N.J.R. 748(a)	R.1993 d.637	25 N.J.R. 5694(a)
7:7A-1.4, 2.7	Freshwater Wetlands Protection Act rules: definition of project	25 N.J.R. 1642(a)	R.1993 d.646	25 N.J.R. 5954(a)
7:9-1.1	Treatment works approval, sewer bans and sewer ban exemptions	25 N.J.R. 3282(a)		
7:9-4 (7:9B)	Surface water quality standards; draft Practical Quantitation Levels; total phosphorus limitations and criteria: extension of comment periods and notice of roundtable discussion	25 N.J.R. 404(a)		
7:9-4 (7:9B-1), 6.3	Surface water quality standards	24 N.J.R. 3983(a)	R.1993 d.610	25 N.J.R. 5569(a)
7:9-4.14, 4.15 (7:9B-1.14, 1.15)	Surface water quality standards: administrative corrections to proposal	24 N.J.R. 4471(a)		
7:9-4.15	Water surface quality standards: Wallkill River	25 N.J.R. 3755(a)		
7:11-2.1-2.4, 2.9, 2.10, 2.13	Delaware and Raritan Canal—Spruce Run/Round Valley Reservoirs System: sale of water	25 N.J.R. 5742(a)		
7:11-4.3, 4.4	Sale of water from Manasquan Reservoir Water Supply System: administrative corrections	———	———	25 N.J.R. 5956(a)
7:11-4.3, 4.4, 4.9	Manasquan Reservoir Water Supply System: sale of water	25 N.J.R. 5744(a)		
7:13-7.1	Delaware River, Pohatcong Township: flood plain redelineation	25 N.J.R. 4370(a)	R.1994 d.10	26 N.J.R. 212(a)
7:13-7.1	Overpeck Creek, Englewood: flood plain redelineation	25 N.J.R. 4371(a)	R.1994 d.11	26 N.J.R. 212(b)
7:13-7.1	Poplar Brook, Deal: flood plain redelineation	25 N.J.R. 4372(a)	R.1994 d.9	26 N.J.R. 211(a)
7:14-8.3	Clean Water Enforcement Act: financial assurance for penalty payment schedules	25 N.J.R. 5395(a)		
7:14A	NJPDES Program: opportunity for interested party review of permitting system	25 N.J.R. 411(a)		

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7:14A	NJPDES Program: extension of comment period for interested party review of permitting system	25 N.J.R. 1863(a)		
7:14A-1.9, 3.14	Surface water quality standards	24 N.J.R. 3983(a)	R.1993 d.610	25 N.J.R. 5569(a)
7:14A-1.9, 12, 22, 23	Treatment works approval, sewer bans and exemptions	25 N.J.R. 3282(a)		
7:14A-2.15, 6.14, 6.17, 12.4	Contaminated site remediation: NJPDES permit program	26 N.J.R. 158(a)		
7:14B-1.6, 2.2, 2.6, 2.7, 2.8, 3.1–3.8	Underground Storage Tanks Program fees	25 N.J.R. 1363(a)		
7:15-5.18	Treatment works approval, sewer bans and exemptions	25 N.J.R. 3282(a)		
7:20A	Water usage certifications for agricultural or horticultural purposes	25 N.J.R. 3956(a)	R.1994 d.12	26 N.J.R. 212(c)
7:25-7.13, 14.1, 14.2, 14.4–14.8, 14.10–14.13	Crab management	25 N.J.R. 4831(a)		
7:25-18.1, 18.2	Marine fisheries: size and possession limits; pound nets	26 N.J.R. 291(a)		
7:25-18.1, 18.14	Summer flounder permit conditions	25 N.J.R. 2167(a)	R.1994 d.44	26 N.J.R. 353(a)
7:25-18.5, 18.6, 18.12	Delaware Bay gill net permits	25 N.J.R. 5397(a)		
7:25A-1.2, 1.4, 1.9, 4.3	Oyster management	25 N.J.R. 754(a)		
7:26-1.4	Hazardous waste transportation: informal meeting on draft "10-day in-transit holding rule"	26 N.J.R. 294(a)		
7:26-1.4, 9.3	Hazardous waste management: satellite accumulation areas	25 N.J.R. 1864(a)		
7:26-6.6	Procedure for modification of waste flows	25 N.J.R. 991(a)		
7:26-8.8, 8.12, 8.19	Handling of substances displaying the Toxicity Characteristic	25 N.J.R. 753(a)		
7:26-12.3	Hazardous waste management: interim status facilities	24 N.J.R. 4253(a)	R.1993 d.638	25 N.J.R. 5664(a)
7:26B-1.3, 1.10, 1.11, 1.12	Environmental Cleanup Responsibility Act Program fees	25 N.J.R. 1375(a)		
7:26C	Site Remediation Program: opportunity for comment on draft remedial priority system	25 N.J.R. 4551(c)		
7:27-1, 8, 18, 22	Air pollution control: facility operating permits	25 N.J.R. 3963(a)		
7:27-1, 8, 18, 21, 22	Air pollution control: extension of comment period regarding facility operating permits, emission statements, and penalties	25 N.J.R. 4836(a)		
7:27-1.4, 2.1, 8.1, 8.2, 16, 17.1, 17.3, 17.4, 23.1-23.7, 25.1, 25.7	Air pollution by volatile organic compounds: control and prohibition	25 N.J.R. 3339(a)	R.1993 d.666	25 N.J.R. 6002(a)
7:27-1.4, 2.1, 8.1, 8.2, 16, 17.1, 17.3, 17.4, 23.1–23.7, 25.1, 25.7	Air pollution control: extension of comment period	25 N.J.R. 4551(a)		
7:27-15.1, 15.2, 15.4-15.10	Air quality management: enhanced inspection and maintenance program	25 N.J.R. 3322(a)		
7:27-15.1, 15.4	Enhanced Inspection and Maintenance (I/M) program	25 N.J.R. 5400(a)		
7:27-15.4	Air quality management: enhanced Inspection and Maintenance program	25 N.J.R. 5130(a)		
7:27-19	Control and prohibition of air pollution from oxides of nitrogen	25 N.J.R. 631(a)	R.1993 d.682	25 N.J.R. 5957(a)
7:27-21.1–21.5, 21.8, 21.9, 21.10	Air pollution control: facility emission statements	25 N.J.R. 4033(a)		
7:27-25.1, 25.3, 25.4, 25.9, 25.10, 25.11, 25.12	Oxygenated fuels program	25 N.J.R. 4039(a)		
7:27-26	Low Emissions Vehicle Program	25 N.J.R. 1381(a)		
7:27A-3.2, 3.5, 3.10	Air pollution control: administrative penalties and requests for adjudicatory hearings	25 N.J.R. 4045(a)		
7:27A-3.2, 3.10	Air pollution civil administrative penalties	25 N.J.R. 3339(a)	R.1993 d.666	25 N.J.R. 6002(a)
7:27A-3.2, 3.10	Air pollution civil administrative penalties: extension of comment period	25 N.J.R. 4551(a)		
7:27A-3.5, 3.10	Control and prohibition of air pollution from oxides of nitrogen: civil administrative penalties	25 N.J.R. 631(a)	R.1993 d.682	25 N.J.R. 5957(a)
7:27A-3.10	Air pollution control: facility emission statement penalties	25 N.J.R. 4033(a)		
7:27A-3.10	Oxygenated fuels program penalties	25 N.J.R. 4039(a)		
7:27A-3.10	Air quality management: enhanced Inspection and Maintenance program	25 N.J.R. 5130(a)		
7:27A-3.10	Enhanced I/M program	25 N.J.R. 5400(a)		
7:27B-3.1, 3.10	Air pollution sampling and analytical procedures	25 N.J.R. 3339(a)	R.1993 d.666	25 N.J.R. 6002(a)
7:27B-3.1, 3.10	Air pollution sampling and analytical procedures: extension of comment period	25 N.J.R. 4551(a)		
7:27B-4.1, 4.5–4.10	Air quality management: enhanced inspection and maintenance program	25 N.J.R. 3322(a)		

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7:28-1.4	Radiation protection: administrative corrections	_____	_____	25 N.J.R. 5665(a)
7:28-48	Non-ionizing radiation producing sources: registration fees	25 N.J.R. 5422(a)		
7:36	Green Acres Program: opportunity to review draft rule revisions	25 N.J.R. 1473(a)		
7:36	Green Acres Grant Program	25 N.J.R. 3405(a)	R.1993 d.609	25 N.J.R. 5666(a)
7:45	Delaware and Raritan Canal State Park Review Zone	25 N.J.R. 4836(b)		
7:50-2, 3, 4, 5, 6, 7	Pinelands Comprehensive Management Plan	26 N.J.R. 165(a)		

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8:2A-1	Access to death records	25 N.J.R. 3115(a)	R.1993 d.667	25 N.J.R. 6012(a)
8:21-10.1, 10.2, 10.4, 10.6, 10.12	Milk and fluid milk products	25 N.J.R. 4373(a)	R.1993 d.689	25 N.J.R. 6013(a)
8:24	Packing of refrigerated foods in reduced oxygen packages by retail establishments: preproposal	25 N.J.R. 660(b)		
8:31B-2.1, 2.3, 2.4, 2.5	Hospital reporting of uniform bill—patient summaries (inpatient)	26 N.J.R. 10(a)		
8:31B-3.3, 3.70	Health care financing: monitoring and reporting	26 N.J.R. 12(a)		
8:31B-3.41, 4.38, 4.39, 4.40, 7	Hospital reimbursement: uncompensated care	25 N.J.R. 3125(a)	R.1993 d.668	25 N.J.R. 6016(a)
8:31B-4.37	Charity care audit functions	26 N.J.R. 13(a)		
8:33A-1.2, 1.16	Hospital Policy Manual: applicant preference; equity requirement	24 N.J.R. 4476(a)	R.1993 d.669	25 N.J.R. 6019(a)
8:33E	Cardiac diagnostic facilities and surgery centers: certificate of need	25 N.J.R. 3712(a)	R.1993 d.670	25 N.J.R. 6019(b)
8:33H	Long-term care services: certificate of need policy	25 N.J.R. 3719(a)	R.1993 d.671	25 N.J.R. 6031(a)
8:36	Assisted living residences and comprehensive personal care homes: standards for licensure	25 N.J.R. 3734(a)	R.1993 d.672	25 N.J.R. 6037(a)
8:41-4.1, 10.5-10.13, 11	Mobile intensive care programs: standing orders; paramedic clinical training objectives	25 N.J.R. 2665(a)	R.1994 d.35	26 N.J.R. 355(a)
8:44-2.1, 2.14	Clinical laboratory licensure: HIV testing	25 N.J.R. 2184(a)		
8:44-2.11	Clinical laboratories: reporting by supervisors	25 N.J.R. 3751(a)	R.1994 d.36	26 N.J.R. 362(a)
8:44-2.11	Clinical laboratories: reporting of blood lead levels	26 N.J.R. 294(b)		
8:59-5.6	Worker and Community Right to Know: exclusions from labeling requirements	25 N.J.R. 3441(a)	R.1994 d.21	26 N.J.R. 217(a)
8:59-App. A, B	Worker and Community Right to Know Act: preproposal concerning Hazardous Substance List and Special Health Hazard Substance List	25 N.J.R. 792(a)		
8:71	Interchangeable drug products (see 24 N.J.R. 2557(b), 3173(a), 4260(b); 25 N.J.R. 582(a))	24 N.J.R. 1674(a)	R.1993 d.226	25 N.J.R. 1970(b)
8:71	Interchangeable drug products (see 24 N.J.R. 3174(c), 3728(a), 4262(a); 25 N.J.R. 583(a))	24 N.J.R. 2414(b)	R.1993 d.338	25 N.J.R. 2882(b)
8:71	Interchangeable drug products (see 24 N.J.R. 4261(a); 25 N.J.R. 582(b))	24 N.J.R. 2997(a)	R.1993 d.225	25 N.J.R. 1970(a)
8:71	Interchangeable drug products (see 25 N.J.R. 580(b), 2883(a))	24 N.J.R. 4009(a)	R.1993 d.468	25 N.J.R. 4497(a)
8:71	Interchangeable drug products (see 25 N.J.R. 1221(a), 1969(c), 2882(a), 4496(b), 6061(b))	25 N.J.R. 55(a)	R.1994 d.38	26 N.J.R. 363(a)
8:71	Interchangeable drug products (see 25 N.J.R. 1970(c), 2881(b), 4497(b))	25 N.J.R. 875(a)	R.1993 d.673	25 N.J.R. 6060(b)
8:71	Interchangeable drug products (see 25 N.J.R. 2881(a), 4496(a))	25 N.J.R. 1814(b)	R.1993 d.676	25 N.J.R. 6061(a)
8:71	Interchangeable drug products	25 N.J.R. 1815(a)	R.1993 d.334	25 N.J.R. 2879(c)
8:71	Interchangeable drug products (see 25 N.J.R. 4495(b), 6062(a))	25 N.J.R. 2802(b)	R.1994 d.40	26 N.J.R. 364(b)
8:71	Interchangeable drug products (see 25 N.J.R. 6060(c))	25 N.J.R. 3906(a)	R.1994 d.39	26 N.J.R. 364(a)
8:71	List of Interchangeable Drug Products	25 N.J.R. 4377(a)	R.1993 d.674	25 N.J.R. 6060(a)
8:71	Interchangeable drug products	25 N.J.R. 4844(a)	R.1994 d.37	26 N.J.R. 362(b)
8:71	List of Interchangeable Drug Products	26 N.J.R. 13(b)		
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8:71	List of Interchangeable Drug Products	26 N.J.R. 69(a)		

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9:2-2	Minority Undergraduate Fellowship Program	26 N.J.R. 80(a)		
9:2-11	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1323(a)		
9:5-2.1, 2.2, 2.3, 2.5, 2.7	Job training program: unemployed persons tuition waiver	25 N.J.R. 3593(a)		

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9:7-9	Paul Douglas Teacher Scholarship Program	25 N.J.R. 3594(a)	R.1994 d.13	26 N.J.R. 219(a)
9:11-1.4	Educational Opportunity Fund Program: financial eligibility for undergraduate grants	25 N.J.R. 4886(a)	R.1994 d.23	26 N.J.R. 221(a)
9:17	Implementing the Higher Education Equipment Leasing Fund	25 N.J.R. 5747(a)		

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10:4	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1323(b)	R.1993 d.616	25 N.J.R. 5526(a)
10:8	Patient advance directives; DNR orders; declaration of death	25 N.J.R. 2669(a)	R.1994 d.14	26 N.J.R. 221(a)
10:15A-1.2	Child care payment rates and co-payment fees in Family Development service programs	26 N.J.R. 296(a)		
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10:31-1.4, 2.1, 2.2, 2.3, 8.1, 9.1	Screening and Screening Outreach Programs: mental health services	25 N.J.R. 1324(a)	R.1993 d.607	25 N.J.R. 5945(b)
10:37-5.37–5.43	Repeal (see 10:37A)	25 N.J.R. 2672(a)		
10:37A	Community residences for mentally ill adults	25 N.J.R. 2672(a)		
10:37B	Psychiatric community residences for youth	25 N.J.R. 2197(a)		
10:37C	Community mental health clinical case management	25 N.J.R. 4845(a)		
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10:39	Repeal (see 10:37A)	25 N.J.R. 2672(a)		
10:41	Division of Developmental Disabilities: administration	26 N.J.R. 81(a)		
10:44A	Licensed community residences to developmentally disabled	25 N.J.R. 4378(a)	R.1993 d.633	25 N.J.R. 5528(a)
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10:51-5.6	Pharmaceutical services: income eligibility limits	25 N.J.R. 3407(a)	R.1993 d.608	25 N.J.R. 5528(b)
10:52-1.9, 1.13	Reimbursement methodology for distinct units in acute care hospitals and for private psychiatric hospitals	24 N.J.R. 4477(a)	R.1993 d.647	25 N.J.R. 5947(a)
10:52-1.23	Inpatient hospital services: adjustments to Medicaid payer factors	24 N.J.R. 4478(a)		
10:53-1.1	Reimbursement methodology for special hospitals	24 N.J.R. 4477(a)		
10:60-1.1–1.17, 2.2, 2.4, 2.5, 2.8, 2.9, 2.10, 2.12, 2.14, 2.15, 2.16, 3.2, 3.3, 3.6, 4.2, 6, App. A, H	Home Care Services Manual	25 N.J.R. 5167(a)	R.1994 d.41	26 N.J.R. 364(c)
10:62	Vision care services	25 N.J.R. 3907(a)	R.1994 d.6	26 N.J.R. 225(a)
10:66	Independent clinic services: Medicaid program services	25 N.J.R. 4379(a)	R.1993 d.641	25 N.J.R. 5528(c)
10:66-6.1, 6.4	Independent Clinic Services: administrative corrections regarding HCPCS	———	———	26 N.J.R. 797(a)
10:66-6.5	Independent clinic services; HealthStart; administrative correction	———	26 N.J.R. 235(a)	
10:69-5.1	HAAAD income eligibility limits	25 N.J.R. 3407(a)	R.1993 d.608	25 N.J.R. 5528(b)
10:69A-1.2, 6.2	PAAD income eligibility limits	25 N.J.R. 3407(a)	R.1993 d.608	25 N.J.R. 5528(b)
10:69A-1.2, 6.2	PAAD eligibility: exclusion of reparation payments as countable income	25 N.J.R. 5750(a)		
10:69B-4.2	Lifeline programs: income eligibility limits	25 N.J.R. 3407(a)	R.1993 d.608	25 N.J.R. 5528(b)
10:73-2.1, 2.4, 2.7	Medical Assistance and Health Services: administrative changes regarding Case Management Services Manual	———	———	26 N.J.R. 797(b)
10:81-2.2, 2.3, 5.1, 7.40-7.47, 15	Fraudulent receipt of AFDC assistance; disqualification penalties	25 N.J.R. 3408(a)		
10:81-2.6, 3.4, 11.2, 11.3	Public Assistance Manual: client Social Security numbers	26 N.J.R. 324(a)		
10:81-10.7, 10.8	Refugee Resettlement Program: eligibility limitations	25 N.J.R. 3919(a)	R.1993 d.648	25 N.J.R. 5948(a)
10:81-11.4, 11.16A, 11.20	Public Assistance Manual: closing criteria for IV-D cases; application fee for non-AFDC applicants	25 N.J.R. 881(a)	R.1993 d.634	25 N.J.R. 5951(a)
10:81-11.7, 11.9	Non-AFDC child support orders	25 N.J.R. 2816(a)	R.1993 d.649	25 N.J.R. 5949(a)
10:81-11.7, 11.9	Automated Child Support Enforcement System	26 N.J.R. 84(a)		
10:81-11.9	CWA/CSP Unit paternity services: administrative corrections	———	———	25 N.J.R. 5950(a)
10:81-11.21	Review and adjustment of child support orders in AFDC, foster care, and Medicaid Only cases	25 N.J.R. 2818(a)	R.1993 d.627	25 N.J.R. 5567(a)
10:81-14.18A	Child care payment rates and co-payment fees in Family Development service programs	26 N.J.R. 296(a)		

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10:82-5.3	Child care payment rates and co-payment fees in Family Development service programs	26 N.J.R. 296(a)		
10:83-1.11	New Jersey Supplemental Security Income payment levels: administrative change	_____	_____	26 N.J.R. 235(b)
10:84	Administration of public assistance programs: agency action on public hearing	24 N.J.R. 4480(a)		
10:84-1	Administration of public assistance programs	24 N.J.R. 4480(b)	R.1993 d.611	26 N.J.R. 374(a)
10:86-10.2, 10.6	Child care payment rates and co-payment fees in Family Development service programs	26 N.J.R. 296(a)		
10:87	Food Stamp Program	25 N.J.R. 4697(b)	R.1994 d.42	26 N.J.R. 377(a)
10:89-2.3, 3.1, 3.2, 3.3	Home Energy Assistance: income eligibility guidelines	Emergency (expires 2-7-94)	R.1994 d.20	26 N.J.R. 256(a)
10:97-1.3, 3.1	Commission for the Blind and Visually Impaired: licensing procedure for Business Enterprise Program	25 N.J.R. 4551(d)	R.1994 d.27	26 N.J.R. 378(a)
10:122	Manual of Requirements for Child Care Centers	25 N.J.R. 4987(a)		
10:127-6.5	Residential child care facilities: money and allowance	25 N.J.R. 5751(a)		
10:133H-3	Review of children in out-of-home placement	25 N.J.R. 5752(a)		
10:140	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1326(a)		
10A:33	Manual of Standards for Juvenile Detention Commitment Programs	25 N.J.R. 5749(a)		

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10A:1-1.3, 1.4	Public information requests; reimbursement for copying costs	25 N.J.R. 4552(a)	R.1993 d.635	25 N.J.R. 5475(a)
10A:1-3	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1326(b)	R.1993 d.617	25 N.J.R. 5474(a)
10A:2-2.2	Inmate accounts: transaction fees	25 N.J.R. 4849(a)	R.1994 d.8	26 N.J.R. 235(a)
10A:3-1.4, 2.3	Inmate keep separate status	25 N.J.R. 4702(a)	R.1993 d.679	25 N.J.R. 5929(a)
10A:9-5.5	Restoration to inmates of forfeited commutation credits	25 N.J.R. 4553(a)	R.1993 d.636	25 N.J.R. 5476(a)
10A:16-8.1, 8.2, 8.3	Medical clemency	26 N.J.R. 326(a)		
10A:22	Inmate and parolee records	25 N.J.R. 5754(a)		
10A:31-6.13	Reimbursement for copying costs	25 N.J.R. 4552(a)	R.1993 d.635	25 N.J.R. 5475(a)
10A:33	Manual of Standards for Juvenile Detention Commitment Programs	25 N.J.R. 5749(a)		
10A:71-3.21	State Parole Board: future parole eligibility terms	25 N.J.R. 4703(a)		
10A:71-3.47	State Parole Board: victim input	25 N.J.R. 4705(a)		
10A:71-7.16	State Parole Board: general conditions of parole and future eligibility upon revocation	25 N.J.R. 3597(a)	R.1994 d.18	26 N.J.R. 236(a)

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11:1-3	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1327(a)	R.1993 d.618	25 N.J.R. 5666(b)
11:1-7	New Jersey Property-Liability Insurance Guaranty Association: plan of operation	25 N.J.R. 1045(a)		
11:1-31	Surplus lines insurer eligibility	25 N.J.R. 1819(a)		
11:1-34	Surplus lines: exportable list procedures	24 N.J.R. 4331(a)	R.1994 d.7	26 N.J.R. 236(b)
11:1-37	Public adjusters' licensing	25 N.J.R. 5432(a)		
11:1-37	Public adjusters' licensing: public hearing and extension of comment period	26 N.J.R. 327(a)		
11:2-17.11	Payment of third-party claims: written notice by insurer to claimant	25 N.J.R. 3921(a)	R.1993 d.681	25 N.J.R. 5929(b)
11:3-3	Limited assignment distribution servicing carriers	25 N.J.R. 1327(b)		
11:3-15.7	Automobile insurance Coverage Selection Form	26 N.J.R. 85(a)		
11:3-16.10	Private passenger automobile insurance: rate filing requirements	25 N.J.R. 4436(a)	R.1994 d.46	26 N.J.R. 378(b)
11:3-20.5, 20A.1	Automobile insurers: reporting apportioned share of MTF losses in excess profits reports; ratio limiting the effect of negative excess investment income	25 N.J.R. 1829(a)	R.1994 d.24	26 N.J.R. 241(a)
11:3-29.2, 37.10	Automobile insurance PIP coverage: application of medical fee schedules to acute care hospitals and other facilities	25 N.J.R. 4706(a)		
11:3-29.6	Personal auto injury fee schedule: physician's services	25 N.J.R. 4554(a)		
11:3-36.6	Automobile physical damage insurance inspection procedures	25 N.J.R. 5756(a)		
11:3-42.2, 42.9	Producer Assignment Program: request for exemption	25 N.J.R. 2215(a)		
11:3-42.12, 42.17	Producer assignment program: administrative corrections	_____	_____	25 N.J.R. 5930(a)
11:4-37	Selective contracting arrangements of insurers	25 N.J.R. 4554(b)	R.1994 d.45	26 N.J.R. 381(a)

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N.J.A.C. CITATION		PROPOSAL NOTICE (N.J.R. CITATION)	DOCUMENT NUMBER	ADOPTION NOTICE (N.J.R. CITATION)
11:5-1.3	Real Estate Commission: broker pre-licensure requirements	25 N.J.R. 4849(b)	R.1994 d.56	26 N.J.R. 798(a)
11:5-1.3, 1.10, 1.27, 1.28, 1.31	Real Estate Commission: extension of comment periods on various licensure and prelicensure proposals	25 N.J.R. 5099(a)		
11:5-1.10	Real Estate Commission: compensation and licensure requirement	25 N.J.R. 4851(a)	R.1994 d.57	26 N.J.R. 799(a)
11:5-1.27	Real Estate Commission: educational requirements for broker and salesperson licensure	25 N.J.R. 4852(a)	R.1994 d.58	26 N.J.R. 799(b)
11:5-1.28	Real Estate Commission: licensure requirements for schools and instructors	25 N.J.R. 4855(a)	R.1994 d.59	26 N.J.R. 801(a)
11:5-1.31	Real Estate Commission: license transfer procedure	25 N.J.R. 4858(a)	R.1994 d.60	26 N.J.R. 803(a)
11:5-1.43	Real Estate Commission: licensee provision of Agency Information Statement	25 N.J.R. 1948(a)		
11:5-1.43	Real Estate Commission: extension of comment period regarding licensee provision of Agency Information Statement	25 N.J.R. 2645(a)		
11:13-7.4, 7.5	Commercial lines: exclusions from coverage; refiling policy forms	25 N.J.R. 1053(a)		
11:17C-2.6	Insurance producers: record maintenance	26 N.J.R. 328(a)		
11:19-2.2, 2.3, 2.5, App. B	Data submission requirements for all domestic insurers	25 N.J.R. 2820(b)		
11:20-1.2, 12	Eligibility for standard health benefits plans	26 N.J.R. 87(a)	R.1994 d.54	26 N.J.R. 804(a)
11:20-11	Individual Health Insurance Reform Act: relief from obligations	25 N.J.R. 4559(a)	R.1993 d.654	25 N.J.R. 5930(b)
11:20-17, App. Exh. L	Standard health benefits plan: enrollment status reports	26 N.J.R. 90(a)	R.1994 d.53	26 N.J.R. 806(a)
11:21-1.2, 4.1, App. Exhibits	Small Employer Health Benefits Program	25 N.J.R. 5017(a)	R.1994 d.47	26 N.J.R. 400(a)
11:21-1.3, 1.4, 1.5, 6, 7, 7A, 17, 18, App. Exh. N–T	Small Employer Health Benefits Program	25 N.J.R. 4437(a)	R.1993 d.644	25 N.J.R. 5668(a)
11:21-2	Small Employer Health Benefits Program: Plan of Operation	25 N.J.R. 4563(a)	R.1994 d.48	26 N.J.R. 391(a)
11:21-2	Small Employer Health Benefits Program: public hearing on Plan of Operation	25 N.J.R. 4678(a)		
11:21-9	Small Employer Health Benefits Program: informational rate filings	25 N.J.R. 5757(a)	R.1994 d.25	26 N.J.R. 245(a)
11:21-14.4, 14.5, App. Exh. U	Small Employer Health Benefits Program: carrier status	26 N.J.R. 328(b)	R.1994 d.55	26 N.J.R. 809(a)
11:21-15	Small Employer Health Benefits Program: relief from obligations	25 N.J.R. 4577(a)	R.1993 d.629	25 N.J.R. 5692(a)
11:21-16	Small Employer Health Benefits Program: withdrawal of carriers from plans market	25 N.J.R. 4859(a)	R.1994 d.26	26 N.J.R. 247(a)
11:21–App. Exh. E	Small Employer Health Benefits Program: correction to proposed Appendix Exhibit E and extension of comment period	25 N.J.R. 4458(a)		

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12:3-1	Debarment from contracting with Department	25 N.J.R. 4716(a)	R.1993 d.680	25 N.J.R. 5933(a)
12:7	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1334(a)	R.1993 d.619	25 N.J.R. 5476(b)
12:7	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA): extension of comment period	25 N.J.R. 2216(a)		
12:18-1.1, 2.4, 2.27, 2.40, 2.43, 2.48, 3.1, 3.2, 3.3	Temporary Disability Benefits Program	25 N.J.R. 1515(c)		
12:23	Workforce Development Partnership Program: application and review process for customized training services	25 N.J.R. 449(a)		
12:23-3	Workforce Development Partnership Program: application and review process for individual training grants	25 N.J.R. 884(a)		
12:23-4	Workforce Development Partnership Program: application and review process for approved training	25 N.J.R. 886(a)		
12:23-5	Workforce Development Partnership Program: application and review process for additional unemployment benefits during training	25 N.J.R. 887(a)		
12:23-6	Workforce Development Partnership Program: application and review process for employment and training grants for services to disadvantaged workers	25 N.J.R. 1054(a)		
12:41	Job Training Partnership Act: grievance, hearing, and review procedures	25 N.J.R. 5456(a)	R.1994 d.78	26 N.J.R. 810(a)

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12:45	Vocational Rehabilitation Services: waiver of sunset provision of Executive Order No. 66(1978)	25 N.J.R. 2216(b)		
12:45	Division of Vocational Rehabilitation Services	25 N.J.R. 5130(b)	R.1994 d.52	26 N.J.R. 813(a)
12:56-6.1, 7.5, 7.6	Wage and Hour compliance: limousine operators	26 N.J.R. 94(a)		
12:175	Ski lift safety	25 N.J.R. 4581(a)	R.1993 d.639	25 N.J.R. 5478(a)
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12A:1	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1335(b)	R.1993 d.620	25 N.J.R. 5478(a)
12A:10-1	Goods and services contracts for small businesses, minority businesses, and female businesses	25 N.J.R. 4889(a)		
12A:10-2	Minority and female contractor and subcontractor participation in State construction contracts	25 N..R. 4461(b)		
12A:11-1.2, 1.3, 1.4, 1.7	Certification of women-owned and minority-owned businesses: extension of comment period	25 N.J.R. 2216(c)		
12A:11-1.2, 1.3, 1.4, 1.7	Certification of women-owned and minority-owned businesses	25 N.J.R. 2484(a)		
12A:31-1.4	Development Authority for Small Businesses, Minorities' and Women's Enterprises: allocation of direct loan assistance	25 N.J.R. 5759(a)		
12A:121	Urban Enterprise Zone Authority: policies	25 N.J.R. 4582(a)	R.1993 d.645	25 N.J.R. 5933(b)
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13:1C	Disability discrimination grievance procedure regarding compliance with Americans with Disabilities Act (ADA)	25 N.J.R. 1338(a)	R.1993 d.612	25 N.J.R. 5480(a)
13:1D	Attorney General: petitions for rules	26 N.J.R. 330(a)		
13:18-6.1, 6.2	Division of Motor Vehicles: insurance verification	25 N.J.R. 3925(b)		
13:20-39.1, 39.2, 39.3, 39.5, 39.9	Special automobile registration plates for non-profit organizations	26 N.J.R. 331(a)		
13:20-43	Enhanced motor vehicle inspection and maintenance program: pre-proposal	25 N.J.R. 3418(a)		
13:27-3	Board of Architects: scope of architectural services	25 N.J.R. 5439(a)		
13:27-5.8	Board of Architects: examination fees	25 N.J.R. 3704(a)	R.1993 d.602	25 N.J.R. 5484(a)
13:27-8.13	Landscape architects: advertisements and listings	25 N.J.R. 5440(a)		
13:30-1.1	Board of Dentistry: qualifications of applicants for licensure to practice	25 N.J.R. 2216(d)		
13:30-8.6	Board of Dentistry: professional advertising	25 N.J.R. 2823(a)	R.1993 d.651	25 N.J.R. 5934(a)
13:30-8.7	Board of Dentistry: patient records	25 N.J.R. 1833(a)	R.1993 d.650	25 N.J.R. 5935(a)
13:33-1.35, 1.36	Ophthalmic dispensers and technicians: referrals; space rental agreements	24 N.J.R. 4010(a)	R.1993 d.603	25 N.J.R. 5484(b)
13:34	Board of Marriage Counselor Examiners rules	25 N.J.R. 3060(a)	R.1993 d.599	25 N.J.R. 5485(a)
13:35-2A.9, 2A.11, 6.13	Certified midwife practice: prescriptive authority	25 N.J.R. 4583(a)		
13:35-2B, 6.14	Board of Medical Examiners: physician assistants	25 N.J.R. 5099(b)		
13:35-6.5	Board of Medical Examiners: permissible charges for copies of patient records	25 N.J.R. 4862(a)		
13:35-6.10	Board of Medical Examiners: request for comment regarding advertising of specialty certification	25 N.J.R. 2824(a)		
13:35-6.17	Board of Medical Examiners: professional fees and investments	25 N.J.R. 5441(a)		
13:35-6.18	Board of Medical Examiners: control of anabolic steroids	24 N.J.R. 4012(a)	R.1993 d.604	25 N.J.R. 5487(a)
13:35-6.21	Board of Medical Examiners: hair replacement techniques	25 N.J.R. 5444(a)		
13:35-10	Athletic trainers: administrative correction to adoption notice	_____	_____	26 N.J.R. 483(a)
13:35-10.8, 10.9	Athletic trainer registration fees: administrative correction	_____	_____	25 N.J.R. 5936(a)
13:35-11	Board of Medical Examiners: Alternative Resolution Program	25 N.J.R. 2824(b)		
13:37	Board of Nursing rules	25 N.J.R. 455(b)		
13:37-7	Certification of nurse practitioners/clinical nurse specialists	25 N.J.R. 2829(a)		
13:37-12.1	Board of Nursing: fee schedule	25 N.J.R. 3928(a)	R.1993 d.690	25 N.J.R. 5936(b)
13:37-12.1, 14	Board of Nursing: certification of homemaker-home health aides	25 N.J.R. 1950(a)		
13:37-14	Homemaker-home health aide competency evaluation: public hearing	25 N.J.R. 3704(b)		
13:39-5.2	Board of Pharmacy: information on prescription labels	25 N.J.R. 1667(a)		
13:39A-1.4	Board of Physical Therapy: fees and charges	25 N.J.R. 5446(a)		

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13:39A-2.5	Board of Physical Therapy: referral of patients from chiropractors	25 N.J.R. 3938(a)	R.1993 d.642	25 N.J.R. 5488(a)
13:39A-5.2, 5.4, 5.6	Board of Physical Therapy: examination standards for therapists and assistants	25 N.J.R. 5447(a)		
13:40-5.1	Board of Professional Engineers and Land Surveyors: subdivision plats	25 N.J.R. 5447(b)	R.1994 d.77	26 N.J.R. 822(a)
13:40A-3.5, 6.1	Board of Real Estate Appraisers: fees; temporary licenses	25 N.J.R. 4863(a)		
13:42-1.2	Board of Psychological Examiners: written examination fee	25 N.J.R. 3929(a)	R.1994 d.22	26 N.J.R. 249(a)
13:42-1.2, 1.3	Board of Psychological Examiners rules	25 N.J.R. 4937(a)		
13:44-1.2, 1.3, 1.4, 2.9	Board of Veterinary Medical Examiners: examinations	25 N.J.R. 3930(a)	R.1993 d.683	25 N.J.R. 5938(a)
13:44C-2.2	Audiology and Speech-Language Pathology Advisory Committee: fees and charges	25 N.J.R. 5448(a)		
13:44D-2.4	Advisory Board of Public Movers and Warehousemen: late renewal and reinstatement fee timeframes	25 N.J.R. 3931(a)	R.1993 d.643	25 N.J.R. 5489(a)
13:44D-4.1, 4.2	Advisory Board of Public Movers and Warehousemen: bill of lading and insurance legal liability	25 N.J.R. 5449(a)		
13:44E-1.1	Board of Chiropractic Examiners: scope of chiropractic practice	25 N.J.R. 3931(b)		
13:44E-2.1	Board of Chiropractic Examiners: licensee advertising	25 N.J.R. 3932(a)		
13:44E-2.6	Board of Chiropractic Examiners: practice identification educational requirements	25 N.J.R. 3934(a)		
13:44E-2.8	Board of Chiropractic Examiners: duties of unlicensed assistants	25 N.J.R. 3935(a)		
13:44E-2.9	Board of Chiropractic Examiners: notification of change of address; service of process	25 N.J.R. 3936(a)		
13:44E-2.10, 2.11	Board of Chiropractic Examiners: display of license; right to licensure hearing	25 N.J.R. 3936(b)		
13:44E-2.13	Board of Chiropractic Examiners: overutilization of services; excessive fees	25 N.J.R. 3937(a)		
13:44E-2.14	Board of Chiropractic Examiners: referral of patients to physical therapists	25 N.J.R. 3938(a)	R.1993 d.642	25 N.J.R. 5488(a)
13:44G-1–5, 7, 8	Board of Social Work Examiners rules	25 N.J.R. 3081(a)		
13:45A-21, 22	Kosher Enforcement Bureau: sale of food represented as kosher	25 N.J.R. 3086(a)		
13:45A-26	Automotive dispute resolution	25 N.J.R. 3939(a)		
13:46-2	Athletic Control Board: participant health and safety in boxing and combative sports events	25 N.J.R. 4717(a)		
13:47B	Weights and measures	25 N.J.R. 5102(a)		
13:49	State Medical Examiner: standards for procedures and investigations	25 N.J.R. 5104(a)	R.1994 d.30	26 N.J.R. 484(a)
13:70-1.31	Thoroughbred racing: prohibited services by Racing Commission employees and appointees	25 N.J.R. 4458(b)	R.1993 d.684	25 N.J.R. 5938(b)
13:70-12.4	Thoroughbred racing: claimed horse	25 N.J.R. 1059(a)		
13:70-14A.1	Thoroughbred racing: intent of medication rules	25 N.J.R. 3099(a)		
13:70-14A.9	Thoroughbred racing: administering medication to respiratory bleeders	25 N.J.R. 3100(a)		
13:70-19.44	Thoroughbred racing: conflicts of interest involving veterinary practitioner and spouse	25 N.J.R. 5107(a)		
13:70-20.11	Thoroughbred racing: limitations on entering or starting	25 N.J.R. 3101(a)		
13:70-20.13	Thoroughbred racing: trainer fees	25 N.J.R. 5107(b)		
13:70-21.4	Thoroughbred racing: medication	25 N.J.R. 3102(a)		
13:70-29.52	Thoroughbred racing: Pick(N)	25 N.J.R. 4585(b)	R.1993 d.685	25 N.J.R. 5938(c)
13:70-29.61	Thoroughbred racing: Superfecta	25 N.J.R. 5450(a)		
13:71-1.26	Harness racing: prohibited services by Racing Commission employees and appointees	25 N.J.R. 4459(a)	R.1993 d.686	25 N.J.R. 5939(a)
13:71-9.5	Harness racing: conflicts of interest involving veterinary practitioner and spouse	25 N.J.R. 5108(a)		
13:71-23.1	Harness racing: intent of medication rules	25 N.J.R. 3104(a)		
13:71-23.8	Harness racing: administering medication to respiratory bleeders	25 N.J.R. 3105(a)		
13:71-27.54	Harness racing: Daily Triple	25 N.J.R. 5109(a)		
13:71-27.59	Harness racing: Superfecta	25 N.J.R. 5451(a)		
13:71-29	Harness racing: sulky	26 N.J.R. 95(a)		
13:72-1.1, 2.9, 4.3, 4.10, 6.2, 7.1, 8.1	Casino simulcasting of horse races	25 N.J.R. 5110(a)		
13:78	Administration of Victim and Witness Advocacy Fund	25 N.J.R. 4721(a)	R.1993 d.687	25 N.J.R. 5939(b)

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PUBLIC UTILITIES (BOARD OF REGULATORY COMMISSIONERS)—TITLE 14

14:0	IntraLATA competition for telecommunications services: preproposal	25 N.J.R. 3682(b)		

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14:0	Intrastate dial-around compensation: preproposal	25 N.J.R. 4586(a)		
14:3-3.6	Discontinuance of service to multi-family dwellings	25 N.J.R. 1346(a)		
14:12-2.1	Filing of Demand Side Management Resource Plans	25 N.J.R. 5111(a)		
14:17	Office of Cable Television: practice and procedure	26 N.J.R. 96(a)		
14:18-3.24	Cable television: late fees and charges	26 N.J.R. 105(a)		
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- **Proposals ..... February 18**
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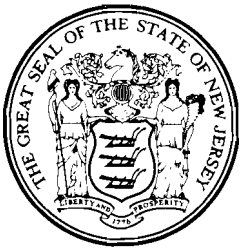

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