

ADOPTIONS SECTION

HEALTH

PUBLIC HEALTH SERVICES BRANCH

DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH

CONSUMER AND ENVIRONMENTAL HEALTH SERVICE

Notice of Readoption

Standards for Indoor Environment Certification and for Licensure of Indoor

Environmental Consultants

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

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

Authorized By: Judith M. Persichilli, RN, BSN, MA, Commissioner, Department of Health.

Effective Date: June 23, 2023.

New Expiration Date: June 23, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:50, Standards for Indoor Environment Certification and for Licensure of Indoor Environmental Consultants, were scheduled to expire on August 5, 2023.

N.J.A.C. 8:50 implements the rulemaking obligations of the Department of Health (Department) pursuant to P.L. 2007, c. 1 (the Act). The Act, codified at N.J.S.A. 52:27D-130.4, requires the Department to establish safety and health standards for the interior of buildings to be used as childcare centers or educational facilities as defined by the Act. Specifically, the Act requires the Department to: (1) establish procedures for the evaluation and assessment of child care centers and schools; (2) establish standards for

maximum contaminant levels for the interior of buildings to be used as child care centers and educational facilities; and (3) upon demonstration that these procedures and standards have been met, the issuance of a certification that there are no contaminants present within the building that exceed the established maximum contaminant levels. In establishing these maximum contaminant levels, the Department must account for the differences in rate of absorption, metabolism, and excretion of compounds between adults, children, and infants.

In accordance with the Act, the Department adopted existing N.J.A.C. 8:50 in 2009, and was subsequently readopted effective August 5, 2016. Subchapter 1 sets forth general provisions, which include the purpose and scope of the chapter, establishes definitions of terms used therein, and identifies publications incorporated therein by reference. Subchapter 2 establishes procedures for licensure of indoor environmental consultants. Subchapter 3 establishes procedures and requirements for the conduct of indoor environmental health assessments of buildings and leased spaces to be used as childcare centers and/or educational facilities. Subchapter 4 establishes procedures by which the Department establishes maximum contaminant levels and issues certificates of safe building interior. Subchapter 5 establishes enforcement and compliance standards, limited to the specific sections of the Act that confer jurisdictional authority upon the Department, inasmuch as the Act confers authority on several other agencies, in addition to the Department, to enforce different parts of the Act.

As part of its rulemaking responsibilities, the Department conferred with stakeholders, including the New Jersey Department of Environmental Protection and the New Jersey Department of Children and Families, to review the existing rules and

consider amendments. The Department is developing a rulemaking in response to the recommendations of the stakeholders and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. In the meantime, to maintain the current rules in effect, the Department has determined that the rules should be readopted without change. Subject to the amendments under consideration and the finalization of the anticipated rulemaking described above, the rules remain necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which they were originally promulgated and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:50 is readopted and shall continue in effect for seven years.