



NEW JERSEY STATE INDUSTRIAL UNION COUNCIL

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June 11, 2007

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LEGAL AFFAIRS

NJ DEPARTMENT OF ENVIROMENTAL PROTECTION PROPOSED RULE FOR INHERENTLY SAFER TECHNOLOGY

Attn: Docket # 06-07-03/646

Dear Ms. Ledogar,

The New Jersey State Industrial Union Council is the other statewide labor organization in New Jersey. We represent over 300,000 union members statewide. Many of our affiliates have a vested interest in helping to secure the state of NJ while on the job. Our affiliated unions can be found in facilities around the state that deal with chemicals, petroleum, sewage plants, water treatment plants, ports electrical grids and other infrastructure.

Although my affiliates are unions this is not just relevant to them. It is relevant to all workers in this state that work at these facilities. Being in a union does help those workers whose internationals help them with training and education as well as federal and state rules that help them be more aware of their job and the responsibilities that companies must share with them. In the non-union facilities the workers are relying on what companies tell them. Their education and knowledge of the rules are limited or non-existent. This is relevant to the "team of qualified efforts convened by owner or operator" which is 7:31-3.6 (C). Any worker which the company relies on to run production and operations as well as the maintenance to machinery or the operation are the most important people the company can have. Why? They are the ones that run the company; they are what we consider the front line workers or the last line of defense in keeping a facility running. Their knowledge of their jobs makes them qualified experts and therefore should be included in helping their facilities to be safer and secure. In fact, the DEP's rules for the Toxic Catastrophe Prevention Act which incorporate Federal Accidental Release Prevention rules states "The owner or operator shall consult the employees and their representatives on the conduct and development of process hazards analyses with risk assessments and on the development of other elements of process safety management in this rule." Therefore, without question this language must be added requiring management to allow at least three employees who are not supervisors be allowed to participate. If this is the case in a union facility the employees should be selected by their union representatives. For

a non-union facility, we believe employees who are qualified the company must be obligated to select them.

This next issue is relevant to (right to know) I find it ironic that in this day and age the state as well as corporations that reside in communities ask their neighbors to inform them of any information that could be detrimental to the company, the facility or to the state, yet, article N.J.A.P. 731- 10 can withhold to public disclosure confidential information included in an inherently safer technology review report required to be submitted to the Dept. Let me ask you this, If your mom, dad, friends and family or even yourself lived in one of these communities or nearby a facility wouldn't you want to know if there were any accidents that could influence the water or the air as well as the security to the community? The DEP should not limit this information if it does, then we insist that the DEP reference the Federal Accidental Release Prevention Rule which will allow workers and unions access to all other information which would cover IST reviews. Therefore, the IUC strongly feels that IST reviews should be subject to independent review by the public. This will help facilitate that the companies have made attempts in good faith to secure and make safe the communities that they reside in.

Sincerely,

Ray Stever

Ray Stever
President

RS:emr

OPEIU494

Ledogar to NJDEP

cc: Rick Engler, Director WEC