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## **ENVIRONMENTAL PROTECTION**

## **ENVIRONMENTAL MANAGEMENT**

### **Worker and Community Right to Know Regulations**

#### **Notice of Administrative Change**

**Take notice** that the Department of Environmental Protection is making an administrative change to the table of North American Industry Classification System Codes (NAICS) published in the definition of “employer,” N.J.A.C. 7:1G-1.2, in the Worker and Community Right to Know Regulations.

The Worker and Community Right to Know Regulations at N.J.A.C. 7:1G-1.7 provide a mechanism for revision to the NAICS codes in the definition of “employer” in the event that the Executive Office of the President, Office of Management and Budget, publishes new or revised NAICS codes modifying the 2002 list on which the definition of “employer” is based. N.J.A.C. 7:1G-1.7 provides that the Department shall publish notice of the new or revised NAICS codes and a corresponding notice of administrative change.

On August 17, 2011, the Office of Management and Budget published notice in the Federal Register combining NAICS codes 454311, Heating Oil Dealers, and 454312, Liquid Petroleum Gas (Bottled Gas) Dealers, under new NAICS Code 454310, Fuel Dealers. The existing exceptions and limitations are similarly merged. Accordingly, the Department is making a corresponding administrative change to the table of NAICS codes in the definition of “employer” at N.J.A.C. 7:1G-1.2.

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

#### 7:1G-1.2 Definitions

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

...

"Employer" means any person or corporation, regardless of whether he pays employees, in the State, engaged in business operations having the following United States North American Industry Classification System (NAICS) codes, dated and published in 2002 by the Executive Office of the President, Office of Management and Budget, ISBN 0-934213-87-9 (NTIS PB2002-502024), subject to the specified exceptions and limitations:

#### Subsector Code

or Industry Code

Description

Exceptions and/or Limitations

...

[454311	Heating Oil Dealers	Limited to petroleum bulk stations and terminals engaged in the distribution of heating oil sold to final consumer
454312	Liquid Petroleum Gas (Bottled Gas) Dealers	Limited to petroleum bulk stations and terminals engaged in the distribution of liquid petroleum gas sold to final consumer]
<b>454310</b>	<b>Fuel Dealers</b>	<b>Limited to petroleum bulk stations and</b>

**terminals engaged in the distribution of heating  
oil or liquid petroleum gas sold to final  
consumer**

...

...