



MARITIME EXCHANGE

for the Delaware River and Bay

Leading the Way to Port Progress

John T. Reynolds, Chairman
Uwe Schulz, Vice Chairman
Robert A. Herb, Treasurer
Dennis Rochford, President
Lisa B. Himber, Vice President
A. Robert Degen, Esq., Secretary/Solicitor

Submitted via www.nj.gov/dep/rules/comments

May 14, 2021

Alice A. Previte, Esq.
Attn: DEP Docket No. 02-21-01
Office of Legal Affairs
New Jersey Department of Environmental Protection
401 East State Street, 7th Floor
Mail Code 401-04L
PO Box 402
Trenton, NJ 08625-0402

Re: Proposed Rules N.J.A.C. 7:27, 7:27A (DEP Docket Number 02-21-01, Proposal No. PRN 2021-020)

Dear Ms. Previte:

Thank you for extending the comment period on the above-referenced rule until June 1, 2021. However, the Maritime Exchange for the Delaware River and Bay respectfully requests you extend the rulemaking process for an additional 90 days.

For your information, the Maritime Exchange is a nonprofit association representing nearly 300 maritime and related businesses in New Jersey and the tristate region. The Exchange and its members support 135,000 direct, indirect, and induced port jobs; many of the businesses employing these workers will be substantially affected by the proposal should it go into effect.

Exchange members rely on fumigation services as a critical part of their businesses. Fumigation, proven effective to control invasive species, is required by governmental authorities for the import/export of a number of commodities. Fumigations have been performed as an integral part of the import/export industry for decades without a single reported injury to bystanders. This perfect safety record is largely due to the fact that fumigations are already strictly regulated by the US EPA.

The fumigation mandates outlined in the proposed rule, which include requiring a permit for fumigating a single commodity container and the unnecessary requirement of an elevated stack during fumigation aerations, are completely incompatible with the import/export industry, which cannot operate on such extensive lead times and margins of cost. These business-prohibitive requirements and their inherent limitations would be so severe that Exchange members would lose the ability to utilize fumigation services as a component of their health and safety programs, and many downstream port businesses, not to mention regional consumers, would be adversely affected as well.

Exchange members request additional time to fully consider the radical implications of the proposal, which are far greater in scope and complexity than the Department may realize. We remain concerned that promulgating a new rule too quickly may result in the neglect of maritime-specific considerations and result in serious unintended consequences. In fact, given

the drastic changes the proposal contemplates, we strongly suggest you rescind it altogether at this time. Instead, you should work with members of the regulated public to craft language that resolves New Jersey's concerns and allows for continued safe application of fumigants needed to protect the environment from invasive pests, yet does not unnecessarily jeopardize the supply of goods moving in and out of the state, potentially causing severe economic peril and limiting choices for consumers.

Thank you for your consideration of our request. Should you have any questions or need further information, please feel free to contact me at dennis.rochford@maritimedelriv.com or 267-670-7945.

Sincerely,

A handwritten signature in black ink that reads "Dennis Rochford". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Dennis Rochford
President