

NJBIA: Keep the Waiver Rule to Keep NJ's Business Climate on the Right Track

The New Jersey Business & Industry Association today urged legislators not to backslide on regulatory reforms that have improved New Jersey's business climate and vote no on a resolution to repeal the so-called "waiver rule" by the NJ Department of Environmental Protection (DEP).

The Senate Environment Committee is scheduled Monday to consider a resolution to force DEP to amend or withdraw the rule.

"No regulation can anticipate every possible situation that will arise," NJBIA President Philip Kirschner said. "The waiver rule recognizes this fact and will allow the DEP to say: 'In this particular situation, this regulation as applied makes no sense.'"

"To again force government agencies to quote regulations chapter and verse in every case, regardless of the circumstances or unintended impact, would be a serious setback to our business climate," Kirschner said.

NJBIA Vice President Sara Bluhm pointed out that the rule is narrowly drawn to ensure that waivers are considered only on a case-by-case basis, in response to specific conflicts, and only if the criteria for granting a waiver was based on sound science.

"Critics have used scare tactics to paint the waiver rule as an anti-environmental policy," Bluhm said. "This is nonsense. The rule can only be used on a case-by-case basis, and only in certain circumstances, such as emergencies like cleaning up after Hurricane Irene."

"Rigidly enforcing DEP regulations will stifle innovation in environmental protection initiatives and stall economic growth and job creation," Bluhm said. "The Legislature has made great strides in regulatory reform. Legislators should resist calls to backslide on this important issue."

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