

ASSEMBLY, No. 1481

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman GARY S. SCHÄER

District 36 (Bergen and Passaic)

Co-Sponsored by:

Assemblywomen Carter, Speight, Assemblyman Tully, Assemblywomen Swain and Lopez

SYNOPSIS

Directs DEP to take certain actions concerning identification and testing of microplastics in drinking water, and requires DEP and BPU to study and promote use of microplastics removal technologies.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning microplastics and supplementing Title 58 of the
2 Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. As used in this act:

8 "Board" means the Board of Public Utilities.

9 "Commissioner" means the Commissioner of Environmental
10 Protection.

11 "Department" means the Department of Environmental
12 Protection.

13 "Public water system" means the same as the term is defined in
14 section 3 of P.L.1977, c.224 (C.58:12A-3).

15 "System owner or operator" means a board, authority, local
16 government unit, or other person or entity that owns or operates a
17 public water system or a wastewater system in the State.

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19 2. No later than one year after the effective date of this act, the
20 Department of Environmental Protection, in consultation with the
21 Drinking Water Quality Institute established pursuant to section 10 of
22 P.L.1983, c.443 (C.58:12A-20), shall establish:

23 a. a definition of the term "microplastics"; and

24 b. standard methodologies to be used by public water systems in
25 the testing of drinking water for microplastics.

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27 3. No later than three years after the effective date of this act,
28 the Department of Environmental Protection shall adopt rules and
29 regulations pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing:

31 a. requirements for testing and reporting the concentration of
32 microplastics in drinking water for a four year period commencing
33 upon adoption of the rules and regulations, by public water systems,
34 including public disclosure of test results; and

35 b. criteria to accredit qualified laboratories in New Jersey to
36 analyze microplastics, which may be the same as used for the
37 program for the certification of laboratories pursuant to subsection
38 c. of section 4 of P.L.1977, c.224 (C.58:12A-4).

39

40 4. a. Within 30 days after the effective date of this act, the
41 Department of Environmental Protection and the Board of Public
42 Utilities shall commence a comprehensive, collaborative study to
43 evaluate the feasibility and benefits of the use of microplastics removal
44 technologies by system owners or operators to remove microplastics
45 from drinking water and wastewater in the State.

46 The study shall be completed no later than two years after the
47 effective date of this act, and shall include an evaluation of:

1 (1) the short-term and long-term impacts of microplastics on
2 human health and the environment, including, but not limited to, ocean
3 and riparian ecosystems, aquatic and marine organisms, drinking water
4 quality, and the food chain;

5 (2) the beneficial impacts to human health and the environment
6 that are likely to result from the increased use of microplastics removal
7 technologies in the State;

8 (3) the different types of microplastics removal technologies that
9 are available, on the market, for use in removing microplastics from
10 drinking water and wastewater, and the costs thereof;

11 (4) the performance capacity of each type of microplastics removal
12 technology available on the market, including, but not limited to, the
13 capacity of each microplastics removal technology to adequately
14 remove microplastics from drinking water and wastewater, and the
15 efficiency and efficacy of each such technology;

16 (5) whether, and the extent to which, each available microplastics
17 removal technology is currently being used in New Jersey or other
18 states, or in other countries;

19 (6) the feasibility and desirability of establishing a financial
20 incentive system, or of using other available means and methods, such
21 as public-private partnerships, financial investments, or university
22 involvement, to encourage and incentivize the development and
23 successful deployment of new and effective microplastics removal
24 technologies in the State; and

25 (7) the factors that should be considered, and determinations that
26 should be made, by the board and by the department, when soliciting
27 and approving proposals for microplastics removal projects in the
28 State.

29 b. The department and board shall authorize system owners or
30 operators in the State to engage in pilot microplastics removal projects,
31 with associated pilot project data to be included in the study conducted
32 pursuant to subsection a. of this section and in the report produced
33 pursuant to subsection d. of this section. The department shall solicit
34 and approve applications for, and take other appropriate action to
35 facilitate, the implementation of pilot projects for these purposes.

36 c. In conducting the study pursuant to subsection a. of this
37 section, the department and board shall cooperatively engage in a
38 robust stakeholder engagement process, which shall include
39 consultation with, and the solicitation of testimony and information
40 from:

41 (1) professionals, businesses, organizations, and agencies having
42 particular experience or expertise in one or more of the following
43 areas: the operation of water supply, water treatment, or wastewater
44 collection or treatment systems; the operation of water filtering
45 systems or removal technologies; the proper handling or disposal of
46 microplastics; or the study or remediation of water pollution or
47 contaminants;

1 (2) marine biologists, oceanographers, water quality specialists,
2 environmental scientists, toxicologists, public health experts, and other
3 members of appropriate scientific fields;

4 (3) representatives of the plastics manufacturing industry;

5 (4) members of the public; and

6 (5) other relevant and interested parties.

7 d. No later than three months after the study, pursuant to
8 subsection a. of this section, is concluded, the commissioner and the
9 President of the board shall cooperatively prepare and submit a written
10 report to the Governor and, pursuant to section 2 of P.L.1991, c.164
11 (C.52:14-19.1), to the Legislature, identifying the findings from the
12 study, including any findings and relevant data associated with pilot
13 projects undertaken pursuant to subsection b. of this section, and
14 providing recommendations for legislative, executive, and other
15 actions that can be taken to facilitate, encourage, and promote the
16 increased use of microplastics removal technologies in the State. At a
17 minimum, the report shall:

18 (1) include a strategic plan for the deployment and use of
19 microplastics removal technologies by system owners or operators in
20 the State;

21 (2) identify the procedures and standards that will be used in
22 soliciting and approving proposals for microplastics removal projects
23 in the State; and

24 (3) describe the financial incentives, if any, and any other
25 alternative means and methods, that should or will be used by the
26 department and the board to:

27 (a) facilitate the development and deployment of efficient and
28 effective microplastics removal technologies throughout the State, in
29 accordance with the strategic plan developed pursuant to paragraph (1)
30 of this subsection; and

31 (b) promote technological innovations in the area of microplastics
32 removal.

33 e. Following the submission of the report, pursuant to subsection
34 d. of this section, the department and the board shall:

35 (1) consistent with the findings set forth in the report, engage in an
36 ongoing, cooperative public education and awareness campaign, and
37 take other appropriate action, in order to inform system owners or
38 operators and members of the public about:

39 (a) the threats to human health and the environment that are posed
40 by microplastics;

41 (b) the importance of removing microplastics from drinking water
42 and wastewater;

43 (c) the microplastics removal technologies that are available on
44 the market and have been deemed to be effective in removing
45 microplastics from water;

46 (d) the goals and primary elements of the strategic plan established
47 pursuant to paragraph (1) of subsection d. of this section; and

1 (e) the State and federal incentives that are available, if any, to
2 facilitate the development, deployment, and use of new or existing
3 microplastics removal technologies in the State;

4 (2) authorize, and issue permits or licenses as may be necessary to
5 enable, the continuation of pilot projects commenced pursuant to
6 subsection b. of this section, and the commencement of new
7 microplastics removal projects by system owners or operators in the
8 State; and

9 (3) consistent with the recommendations contained in the report,
10 and within the limits of funds appropriated to the department or the
11 board for their purposes, establish incentive or other programs, as
12 necessary to incentivize, promote, or facilitate the increased use of
13 effective and efficient new and existing microplastics removal
14 technologies by system owners or operators in the State.

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16 5. This act shall take effect immediately.

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STATEMENT

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21 This bill would require the Department of Environmental Protection
22 (DEP), in consultation with the Drinking Water Quality Institute, to
23 establish a definition of the term “microplastics,” and a standard
24 methodology to be used by public water systems in the testing of
25 drinking water for microplastics. The DEP would be required to
26 establish requirements for the testing and reporting of the
27 concentration of microplastics in drinking water for a four year period
28 by public water systems, and the public disclosure of test results. In
29 addition, the DEP would be required to establish criteria to accredit
30 qualified laboratories in New Jersey to analyze microplastics.

31 The bill also requires the DEP and the Board of Public Utilities
32 (BPU) to commence a study to evaluate the feasibility and benefits of
33 the use of microplastics removal technologies by system owners or
34 operators to remove microplastics from drinking water and wastewater
35 in the State. In conducting the study, the DEP and BPU would
36 cooperatively engage in a stakeholder engagement process, which
37 shall include consultation with, and the solicitation of testimony and
38 information from: (1) experts in the operation of water supply, water
39 treatment, or wastewater collection or treatment systems; the operation
40 of water filtering systems or removal technologies; the proper handling
41 or disposal of microplastics; or the study or remediation of water
42 pollution or contaminants; (2) marine biologists, oceanographers,
43 water quality specialists, environmental scientists, toxicologists, public
44 health experts, and other members of appropriate scientific fields; and
45 (3) representatives of the plastics manufacturing industry; (4) members
46 of the public; and (5) other relevant and interested parties.

47 The bill would also require the DEP and BPU to authorize system
48 owners or operators in the State to engage in pilot microplastics

1 removal projects, with associated pilot project data to be included in
2 the study. The bill would require the DEP to solicit and approve
3 applications for, and take other appropriate action to facilitate, the
4 implementation of pilot projects.

5 No later than three months after completion of the study, the BPU
6 would be required to prepare and submit a written report to the
7 Governor and to the Legislature, identifying the findings from the
8 study, and providing recommendations for legislative, executive, and
9 other actions that can be taken to facilitate, encourage, and promote
10 the increased use of microplastics removal technologies in the State.
11 At a minimum, the report would include a strategic plan for the
12 deployment and use of microplastics removal technologies. Following
13 the submission of the report, the DEP and BPU would be required to
14 engage in an ongoing, cooperative public education and awareness
15 campaign in order to inform system owners or operators and members
16 of the public about the dangers posed by microplastics, the importance
17 of removing microplastics from drinking water and waste water, the
18 technologies available on the market to remove microplastics from
19 water, and the goals and primary elements of the strategic plan.

WITHDRAWN